



THE LAW ENFORCEMENT IN HELLAS ON LOCAL LEVEL. THE CASE OF MUNICIPALITY POLICE

Korontzis Tryfon¹

ABSTRACT

Municipality Police is an important institution for the operation of local government in Hellas, since essentially constitutes a basic tool for the implementation of the local authorities programme and thus can contribute, if works smoothly to an effective promotion of local affairs. It is an institution with great social utility, which can be found in the majority of European countries, with specific and clearly defined competences, within a given geographic space, without dependence of the Central Administration and with the possibility to exercise control for regulations implementation concerning issues of local interest.

It's an integral part of local government, serving the subsidiarity principle to the extent that is located on citizens' side and on local communities, contributing to the resolution of local problems, in the consolidation of security and of confidence in local communities but also to the satisfaction of local needs. For the fulfilment of its mission has been staffed by personnel who have received special training in order to be effective and friendly to the citizen, have the appropriate equipment and is governed by special rules and discipline.

Key Words: Municipality police, Law enforcement agency (LEA), Hellas, Administrative police, judicial police, Police competence, Local government, Hellenic police, Hellenic coast guard

INTRODUCTION

Relatively recently in Hellas in 1980 and in particular with the Law 1035/1980 (A' 168) [article 24 paragraph 2] after passing about a century of its abolition, was reestablished the institution of Municipality Police (MP) (Note 1). An institution which due to institutional weaknesses presented in its establishment, organization and operation, led after twenty-eight (28) years of its reestablishment to the formation of Law 3731/2008 (A' 263). With this law attempted the

¹ Professor in the Hellenic National School of Local Government (ESTA) 228 P.Ralli street, Nikaia, Piraeus, PC 18454,

Hellas E-mail: tmkoront@otenet.gr

redefinition of the institutional framework that governs MP, in particular with regard to the competences, the way of their enforcement as also its internal organization. Also through this legislative initiative was trying to adapt to the needs of the contemporary reality, especially after the enlargement of the local government competences (article 102 of the Constitution) and its upgrading role via the new code of Municipalities and Communities [Law 3697/2006 (A' 114)].

Exercise policing by MP does not implies crack in the Hellenic policing system (Note 2), since the MP does not assume the exercise of all the policing competences in its administrative limits, but acts complementary and in absolute consistency with the local affairs administration (Note 3).

The increase of the local government competences, the need for decentralisation of criminal policy and the consequent promotion of the subsidiarity concept or the compementarity of the competences between national police and municipality policies, contributed to a dialogue development concerning the role which is called to be played by the MP in the modern European societies.

To this speculation has contributed and the fact, that in other European countries the police is administratively organized on a local level and works essentially as a MP eg in UK, while in others the role of the MP is traditionally, auxiliary in relation to the national police e.g. in Belgium. In other countries the MP after had been in the begging the only body for criminal suppression and was replaced then by the national police (Note 4) reestablished in the recent years with initiative of local communities, claiming a distinct role in guaranteeing of security community as was done in Spain, Italy and France (Note 5).

So concerning the role of the MP in the context of criminal policy decentralization were gradually two currents in the Europe. The first is the one of the «autonomous community policing», according to which must be imposed the armor of the local communities with highly organized bodies of MP, in order to be protected effectively the local communities and to be replenished the security deficit caused by the weakness of the national police to deal with the spread of middleclass criminality. The second current is that of «services subsidiarity» of the MP, according to which the phenomenon of insecurity must be faced within the frame of a single anti criminal policy, involving the Central Government and local authorities with distinct roles and coordinated interventions (Note 6).

As a result the increased decentralization of institutions and services in the security field, does not necessarily entails the empowerment of community policing, the creation of parallel bodies and the establishment of a specific polyarchy on prevention and security police services (Note 7), especially in countries with little tradition on MP, but highlights the usefulness of the MP and the auxiliary role which is called to play in relation to the national police, in the context of criminal policy decentralization (Note 8).

In this brief study will be developed modules which will be reported in the history of this institution, in the legal and regulatory framework governing its operation, its competences, rights and obligations of its staff, the relations with other security bodies and finally this study will close by quoting the conclusions reached by this.

History of Municipality Police Institution

One of the first cares of the Hellenic rebellious on 1821 was to organize their police. Indeed in the Epidaurus Constitution (1822), one of the five Ministries which were established was that of the police.

So in every province of rebellious Hellas, next to the District Officer was a «General Police», appointed by the Central Government, with a similar number of soldiers. In the position of Minister of Police were appointed individuals such as Andreas Metaxas and Grigorios Papaflessas.

After Othonas arrival in Nauplion (1833), the Bavarians staged a dual police system. Local police was assigned to the municipalities, under the direct or indirect responsibility of mayors, while the country's police was assigned to gendarmerie.

The MP carried out local police duties until 1893. In the small municipalities police ushers (otherwise pieceguards or kickbacks) were under the direct command of mayors. In larger municipalities with royal decrees were appointed one or two Policemen (one for agricultural security).

In 1849, was established in the beginning as political and according to British standards, the Body of «administrative police» for Athens and Piraeus. Its Director, with the rank of the prefect, was subjected directly to the Ministry of Police, Head of four (4) Police Officers in Athens and of one (1) in Piraeus. Heads were called Police Lieutenant, while the lower officers brought the rank of police ushers.

The serious order problems that were arisen in the quick urbanized capital, led the Prime Minister Charilaos Trikoupis to the reorganization of the administrative police (1893). The Body was militarized.

Directors were officers of the Army or of the Gendarmerie (the first known was the major of infantry Dimitrios Bairaktaris), Police Lieutenants became Police Captains, and those officers, while lower executives were called Policemen. It was the first time that this title was introduced in the Hellenic Police (HP).

The above reform was accompanied by the abolition of the MP and the militarization of the local police. This institution was abolished in 1906 under the pressure of order and security necessities in the country. Specifically in 1906 was assigned to the Gendarmerie in addition to other duties and the exercise of local police.

At the same time in the Ionian Islands (1815-1864) functioned the dual system of the Administrative Police and the Executive Police. The same functioned and in Samos Hegemony (1830-1912) with the Police and the Hegemonic Gendarmerie.

The revival of MP institution as a separate special service of municipalities and communities in the modern era carried out with the Law 1035/1980 and in particular with the article 24 paragraph 2,

with which was given to the Local Government Organizations (LGA-OTA) the opportunity to set up a special service in order to control the keeping of the provisions, which were referred in the enforcement of competences defined explicitly. Followingly with other provisions, were expanded the competences which were exercised by this particular service while had started the procedure of recruiting personnel for its staff by big Hellenic municipalities without any strategy and program. The above statutes repealed with the entry into force of Presidential Decree (PD) 23/2002 (A' 19), which attempted to enumerate the MP competences but also to determine its constitution, personnel training and its organizational structure. This legislative act failed because the aforementioned PD contained provisions which were creating confusion instead of contributing to the sustainable operation of the institution. As a result of these reforms, MP could not acquire a specific role and to function as a service of the municipality in which had been assigned mainly controlled competences.

Then with the Law 3274/2004 (A' 195) article 35, paragraph 12 in order to be ensure a smooth transition to the new regime, limited the mandatory competences of the MP and were given to the Local Government Organizations (LGO-OTA) that had municipal officers, the possibility for optional competences exercise, but without the desired results because of local authorities limited mobilization (Note 9). After these followed the adoption of PD 135/2006 (A' 135) with which was regulated the system of personnel recruitment and training who staff the MP.

With the new Code of Municipalities and Communities [Law 3697/2006 (A' 114)], among the others was systematized and was grouped the breadth of municipalities and communities competences, with result to be upgraded the role of local government, to be more substance in order to mark the adaptation to the new reality. This fact had as a consequence the institutional upgrading of MP because leding to the expansion of local affairs brought the extending of its powers. It was created a presumption in favour of the MP for the control of regulatory acts keeping concerning local affairs (Note 10).

Followed the Law 3731/2008 (A' 263) with title "Reorganization of the municipality police and arrangements of other issues within Ministry of Interior competences" which tried taken under consideration all the above to put in a new framework the institution of MP. This institutional framework will be analyzed below.

Municipality Police Institutional Framework

Important role on restoring the institution of MP in Hellas a few years ago, played including the others and the revised article 102 of the Constitution (Note 11).

Specifically in the above mentioned article, is referred that the administration of local affairs belongs to the Local Government Organizations (LGO-OTA) of first and second degree, while in favor of Local Government Organizations (LGO-OTA) is a presumption of jurisdiction for the administration of local affairs. With law may be determined the range and the categories of local

affairs, as well as their allocation to specific degrees. With law can also be delegated to Local Government Organizations (LGO-OTA) the exercise of competences which constitute State mission.

Important role in the performance of MP duties, as has been mentioned before carried the publication of Law 3463/2006 (A' 114), "Ratification of Municipalities and Communities Code" as amended and being in force and in particular with regard to this present study articles 75, 76, 79 and 80.

More specifically in article 75 are described the competences of Municipalities and Communities, while in article 76 how are exercised these competences. Specifically in article 76 is defined that:

«3. a. For ensuring the unhindered social living of municipalities and communities residents and for the proper functioning of cities and settlements may be formed, by the Internal Service Organizations, Municipality Police which operates as a independent Service.

b. With presidential decree, issued after proposal of the Ministers of Interior, for the Environment, Planning and Public Works, Health and Social Welfare, after opinion of the Central Union of Hellenic Municipalities and Communities (KEDKE) are defined the conditions for municipality police establishment, its competences and the starting time of exercising them.....».

Then with the Law 3731/2008 and in particular with the First Chapter was redefined the institutional framework of the MP, in particular concerning its competences, the way of their enforcement and the internal organisation of the service.

More specifically among the others are specified and are redefined the competences of the MP by adding new, such as the participation in the implementation of civil protection plans (Note 12), the control of the provisions relating the outdoor advertising, the control of measures keeping which are imposed for the prevention of fires in public outdoor spaces etc. It is also provided that certain functions of the MP, such as provisions keeping relating to the movement of pedestrians and vehicles parking, the imposition of administrative measures and penalties referred in article 103 of the High Way Code (Traffic Offences) [Law 2696/1999 (A' 57)] etc., are also enforced by the HP and the Hellenic Coast Guard (HCG), assigned to these corps the coordination of the relevant actions in these cases.

It was established an obligation of the HP to provide assistance to the MP staff during the conducting of scheduled controls or in emergency situations. It is foreseen that the MP in case that is staffed with personnel less than fifty (50) persons, enforces specific mandatory competences which are defined expressly, while the other competences are still exercised by the HP. However is provided the possibility to be exercised and these competences by the MP after decision issued by the municipal or community council and the General Secretary of the intimate Region.

Also is predicted that Municipalities and Communities that have not set up MP services, can conclude inter-municipal cooperation agreements with neighbouring municipalities or communities that dispose such service for the exercise of MP competences in their region. It is also provided the authorization for the establishment with a decision issued by the Minister of Interior, the way of the

MP competences enforcement, the process of control and offences attestation and any other necessary detail (article 1). It is determined that the MP is a special independent service, which is consisted by Internal Service Organization of the intimate municipality or community and is staffed only by uniformed personnel (Note 13), who receives special trainee, has a specific hierarchy and is governed by discipline rules.

MP personnel provides services on twenty four hours basis inside and outside of the office, ought to be in constant readiness, is supported scientifically and administratively by staff from other services of the municipality with exclusive or parallel functions and for issues that are related to the competences exercise is under the authority of special Disciplinary Council and is being governed by a special disciplinary law. It is also predicted that for criminal offences which are within the MP competences, the staff enforce the duties of special preliminary examination officer according to article 34 of the Hellenic Penal Procedure Code (HPPC) and in case of controls is established citizens' obligation to provide the requested information or the due assistance. In case of refusal to provide such assistance is being committed the crime of disobedience contempt according to the provisions of article 169 of the Hellenic Penal Code (HPC)(article 2).

Further are regulated issues of MP services structure and classification of its staff in categories, branches and degrees (articles 3 and 4), issues related to the system and the process of employees promotions (article 6) and the structure of the staff hierarchy (article 7), items relating to the conditions and the procedure for selecting the heads of organizational units, through the establishment of selection system on the basis of specific criteria (articles 8,9 and 10) as well as their replacement in case of absent or impeded in the performance of their duties (article 12).

Also are regulated postings and transfer issues of the MP staff (articles 13 and 14). It is established an obligation of the Local Government Organizations (LGO-OTA) for legal support to the MP staff in case in which executives have been referred to the judicial authorities for reason that dates back to the exercise of their duties during ordered service. There is provided authorization for determining with decisions issued by the Minister of the Interior issues concerning uniform, distinctive features and the specific identity card of MP staff, as well as the necessary means and equipment which are provided to the staff in order to carry out its tasks which in any case had not sedative nature (article 15). Finally with the article 16 of the law introduced a series of transitional provisions.

Municipality Police Competences

More specifically MP according to article 1 of the Law 3731/2008 exercise in the frame of articles 75 and 79 provisions of the Municipalities and Communities Code, which was ratified by the Law 3463/2006 (A' 114) the following competences:

(1) Control the keeping of the provisions which concern the water supply, irrigation and drainage, such as those are included in the relevant legislation, in the local regulatory acts which are issued

by the municipality and community authorities and in the decisions which are issued by the administrative councils of municipality water supply and sewerage enterprises.

(2) Control the keeping of the conditions which are predicted in the legislation and in the local regulatory acts which are issued by the municipality and community authorities, for the use of landscaping and gardens, squares, playgrounds and other public spaces.

(3) Control the keeping of the provisions which are predicted in the legislation and in the local regulatory acts which are issued by the municipality and community authorities, for the use and operation of municipal and common markets, trade festivals, animals' festival, Christmas markets and general of outdoor activities.

(4) Control the keeping of the provisions relating to outdoor storage and at farmers' markets.

(5) Control the keeping of the provisions relating to outdoor advertising, as well as the control of the keeping of specific construction standards and conditions of billboards installation, which may have been raised by local regulatory acts issued by municipality and community authorities.

(6) Control the keeping of the cleanliness in public outdoor spaces of the territorial municipal region or community and in general the keeping of the rules which are predicted in the legislation and in the local regulatory acts which are issued by the municipality and community authorities for upgrading cities and settlements aesthetic.

(7) Control the keeping of the measures which are imposed in order to prevent fires in public outdoor spaces.

(8) Control the keeping of the provisions relating to the movement of pedestrians, the stopping and parking of vehicles, to the imposition of administrative measures referred in article 103 of Law 2696/1999, as is being in force, for the unlawful vehicles parking, as well as the implementation of the provisions relating to the movement of trucks in the streets, squares, sidewalks and in general in places which are not intended for such use and to noise emission from them. These competences are exercised, in parallel and simultaneously and by the HP and the HCG. When its enforcement is taking place at the same time by the HP, HCG and the MP, the coordination is undertaken depending the case by the HP or the HCG.

(9) Control the keeping of the provisions relating to the traffic regulation with signs and instructions by traffic police officers on the municipal roads and on sections of national and provincial network passing through residential areas. This competence is still practiced, in parallel and on a case by case basis, by the HP and HCG. When its enforcement is taking place at the same time by the HP, HCG and the MP, the coordination is undertaken depending the case by the HP or the HCG.

(10) Control the keeping of the provisions relating to abandoned vehicles.

(11) Control the keeping of the provisions relating to the sign of the work marking on the roads and to the obligations of those who are engaged in the projects and put materials and tools at the municipal and community roads and controlling measures of safety and hygiene in the work performed.

(12) Control the keeping of the provisions relating to playgrounds.

- (13) Control the keeping of the provisions relating to the operation of shops, businesses, theaters, cinemas, entertainment and other activities, for which responsible for granting, withdrawal and removal of permission for establishment, installation, operation and their exercise is the intimate Municipality or Community, except for those cases that have been defined other authorities competent for the associated control.
- (14) Control the keeping of the provisions relating to noise pollution, common piece and the function of the music in stores and public venues.
- (15) Perform the administrative penalties concerning the operation of shops and businesses of which the permission of the establishment and operation has been issued by the municipality or community authorities.
- (16) Control the keeping of the provisions relating to the organized by the municipalities and communities places for temporary residence of relocatable groups.
- (17) Control the keeping of the provisions taken by the municipality and community authorities for activities and situations that pose risks to residents life and property and in particular from the dangerous buildings, as well as the implementation of regulatory acts posed by them in order to be protected the health of the inhabitants from activities referred in them.
- (18) Control the keeping of the provisions relating to the general building regulation.
- (19) Remove the building permission for outstanding insurance contributions to the Social Insurance Foundation (SIF-IKA).
- (20) Control the keeping of the measures for the protection of museums, monuments, caves, archaeological and historical sites in the area of the municipality or community and the installation of them, which are taken by the relevant municipal authorities.
- (21) Participates in the implementation of civil protection plans.
- (22) Control the companies of tourist interest, relating to the implementation of the tourism law (infringements certification, implementation of administrative sanctions, authentication of pricelist of hotel and accommodation rooms) in cases that they operate in provinces or islands where do not base services of the National Tourism Organisation (EOT).
- (23) Control the keeping of the provisions relating to the working hours of entertainment centers and related stores, as well as of the commercial shops and food stores.
- (24) Control the keeping of the provisions relating to pets.
- (25) Control the keeping of the provisions relating to each type of regulatory decisions which are issued by the municipality authorities, as well as the imposition of any kind of administrative measures provided by them.
- (26) Protects the public and community property.
- (27) Conducting an autopsy in order to identify the preconditions required for the issuance of administrative acts by the organs of the municipality or of the community and in particular carries out an autopsy and prepares a report for the issuance of an administrative elimination protocol and for permanent residence granting.
- (28) Delivers all kind of documents served by the intimate Municipality or other Municipality Authority within the administrative limits of the intimate Municipality.

2. HP provides assistance to the MP staff during the performance of its work and in particular in scheduled inspections of MP or in emergency situations, where this is predicted.
3. a) In those Municipalities or Communities where has been established according to the Internal Service Organization MP, which is staffed with personnel exceeding to fifty (50) persons are exercised all the competences referred in paragraph 1.
- b) If the MP is staffed with personnel less than fifty (50) persons are exercised obligatory the competences of cases 1-8, 10, 11, 15, 16, 19, 21, 22 and 24-28 referred in paragraph 1 of this article. The other competences are still exercised by the HP.
- (c) For the exercise of the competences of this paragraph is required the issuance of a declaratory act by the General Secretary of the region, which is published in the Gazette.
4. The competences of paragraph 1 that are not included in the case of paragraph 3 (b) can be exercised individually or in total and by MP which is staffed with fewer than fifty (50) municipal police officers.
For their enforcement after a decision of the municipality or community council, is issued a decision by the General Secretary of the Region which is published in the Gazette. Until the adoption of the above decision, these powers are exercised by the HP.
5. Municipalities or Communities that do not have established a MP Service can conclude inter-municipal cooperation agreements with neighbouring municipalities or communities that dispose such service, according to the provisions of article 222 of Law 3463/2006, by which are assigned to them the exercise of MP competences in their region. With these contracts are specified in particular the competences which will be exercised.
6. With a decision of the Minister of the Interior, after opinion of the Central Union of Municipalities and Communities (KEDKE), is determined the way of competences exercise by the MP, the procedure of control and offences certification and any other necessary detail.

A critical approach of Municipality Police institution - Conclusions

With regard to the functioning of MP institution and in accordance with the institutional framework which has been developed are observed the following:

The executives of the MP as have been described before do not carry arms or weapons. It causes impression on what kind of police we refer when executives, while they are engaging in proeliminary tasks can not carry arms or weapons. How can, for example, a member of the MP to react when is threatened his/her life during a control that he/she will carry out? In addition, while they form files of proceedings as special preliminary investigation officers according to article 34 of the HPPC and have the competence to arrest in accordance with its provisions, will they carry out proportionate preliminary investigation acts without the appropriate equipment?

Many of the offences for which the MP has the competence to control and to certify violations are faults. It has not been taken care of a prediction as can be ascertained by the wording of the PD 23/2002 nor by the Law 3731/2008 to enforce magistrate's duties in a local court. Consequently the relative cases are referred to the organs of the judiciary or of the HP or of the HCG executives who will enforce the relative duties.

In order to be characterized a corps as police should be existed a series of events which can be declared as exercised of police service. More specifically, these are the right of compulsory invitation, right to identification, police custody, compliance in police measures, magistrates duties in a local court, compulsory enforcement of police order, the right of carrying weapons or arms, the right of issuing police provisions as also the right to conduct proeliminary or preliminary investigating actions. It is obvious that some of the above are not in force for the MP as to other LEAs. Thus the use of the word police in order to be defined this body is inappropriate.

After the initial establishment of the MP in 1980 and after passing four (4) years, namely in 1984, attempted a big incision in Hellas and particularly in the police area. This was the merger of the Gendarmerie with the City Police as was expressed by the provisions of the Law 1481/1984 (A' 152), "Organization of the Ministry of Public Order". In the explanatory report of the above mentioned law is realized a description concerning the situation which was prevailing in the Security Corpses. More specifically is reported that the proportion of policing in Hellas is 1 less than 200, one of the highest in the world (1 in 300 in Japan, 1 in 650 in Sweden, 1 to 500 in the West Germany in that time). Although this was a very good analogy, in the Hellenic area was not exercised sufficient policing. Among the reasons for that which were described and that are still observed today are: fragmentation of police work in many Corpses, anisomeric allocation of police forces, fragmentation of police administration, a large number of officers and petty officers in relation to their subordinates, swelling of staff units, many levels of vertical organization etc.

While is stressing that the MP acts supplementary and subsidiary and in absolute consistency with the administration of local affairs, what changed in four years while are remarked the above mentioning characteristics according to the explanatory report and was created an additional policing body? The mentioning institution before 110 years was abolished as inadequate. Now that the conditions are more difficult and the policing needs more intense, what convinces that will contribute to the policing of local affairs effectively and will not be characterized and this with the well-known problems those dominate in the Hellenic local government?

If there was a desire for improvement in the effectiveness of policing why was not enhanced in executives the HP and the HCG the main control mechanisms in Hellas in order to be carried out positive results? And how can Hellas a country with little tradition in MP to highlight its usefulness and subsidiary role which can be played in relation to the national police in the context of decentralization of criminal policy? The fragmentation of the police as a competence in total does not help in any case in the general protection of citizens and in the enurement of the public interest in particular.

It should be noted here that a police institution was established (MP) which will exercise police functions on the local level, to the executives of which State has assigned special proeliminary and preliminary investigation duties in which the HP is obliged when is requested to provide assistance

pursuant to articles 159-169 of PD 141/1991 (A' 58) in scheduled inspections or in emergency situations when is predicted. Namely the main national police body should help when is called for something like that to help another police body in the exercise of its duties.

Reflection creates concerning the enforcement of HCG competences the competences of the new police institution of MP as reflected in the provisions of law 3775/2008 (A' 263).

In the provisions of article 1 and more specifically in paragraphs 3 and 4 is reported case by case the competences that are enforced by the MP and according to which preconditions by the HP. At these cases there is not taken any prediction for HCG which according to its institutional role enforce police competences in areas of its jurisdiction.

The fact that there is not any report to the HCG except the cases that are described in paragraphs 8 and 9 of the same article, leads to the conclusion that minor of the specific competences reported in those paragraphs relating to the High Way Code (Traffic Offenses), the rest of the competences and in case by case that are issued or not the regulatory acts predicted in this article, can not be exercisable by the MP in areas where HCG has competence.

This is confirmed and by the wording of article 2 paragraph 1 of law 3771/2008, where is reported to the contribution of the HP to the staff of the MP in the performance of its work, without any mention to the HCG. It is clear that the HP competence based on law 2800/2000 is enforced in specific areas in which according to the provisions in force HCG has no competence.

Consequently the issuing of the decision predictive in paragraph 6, article 1 must be initiated within this framework.

The strengthening of the two main and large Security Corpses in Hellas, the HP and the HCG with personnel and means instead of setting up the MP institution would solve a lot of problems in the policing of Hellas. The experience and the know-how which these two large administrative formations have guarantee the providing (despite whatever problems they face) of a very good policing.

REFERENCES

Hellenic Parliament (2008) Explanatory Report on the draft law "Reorganization of the municipality police and arrangements of other issues within Ministry of Interior competences" Athens pp.1-2. Retrieved September 12, 2012 from <http://www.hellenicparliament.gr/UserFiles/2f026f42-950c-4efc-b950-340c4fb76a24/A-DIMOTIKI-EIS.pdf> and <http://www.hellenicparliament.gr/UserFiles/2f026f42-950c-4efc-b950-340c4fb76a24/A-DIMOTIKI-KOL-EIS.pdf> (in Hellenic).

Hellenic Parliament A' Division of Scientific Studies, Department of Drafts and Law proposals Legislative Elaboration (2008) Report on the law draft "Reorganization of the municipality police and arrangements of other issues within Ministry of Interior competences" Athens, pp.1-3. Retrieved September 19, 2012 from

<http://www.hellenicparliament.gr/UserFiles/7b24652e-78eb-4807-9d68-e9a5d4576eff/A-DIMOTIKI-EPIS.pdf> (in Hellenic).

Hellenic Constitution (2009) pp.166-115. Retrieved September 29, 2012 from <http://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156%20aggliko.pdf> (in Hellenic).

Korontzis, Tr. (2012) «a» "Civil emergency administration systems in Hellas" *Dioikitiki Enimerosi* (quarterly journal of administrative inspection) issue 61, pp.85-105 (in Hellenic).

Korontzis, Tr. (2012) «b» "The prosecution of economic crime in Hellas" *International Journal of Humanities and Social Science* Vol. 2, No. 5, pp. 221-227.

Korontzis, Tr. (2011) PhD dissertation: "The stationary role of Hellenic Coast Guard" [Public Administration Department, Law Sector], library of Panteion University of Social and Political Sciences, Athens, pp.71-72 (in Hellenic).

Korontzis, Tr. (2008) "Municipality Police" Hellenic National School of Local Government (ESTA), B' Training Course, Special Studies Stage, Department of Administration, & Organization, Athens (in Hellenic).

Korontzis, Tr. (2005) "Municipality Police Competences. New legal framework - critical approach" *Dimosios Tomeas* issue 215, pp.35-36 (in Hellenic)

Korontzis Tr. (2004) «a» "Municipality Police Competences, a shortly critical approach" *Dimosios Tomeas* issue 213, pp.36-37 (in Hellenic).

Korontzis, Tr. (2004) «a» "Municipality Police Competences" *Auvrian*, 21th October 2004, p.26 (in Hellenic).

Korontzis, Tr. (2004) «b» "Municipality Police" *Limenika Chronika* issue 59, 2004, pp.15-18 (in Hellenic).

Kyriakopoulos, I. (1962) "Administrative Law" Volume C' 4th Edition, p.483 (in Hellenic).

Ntintioumi, F. (2007) "Municipality Police" Hellenic National School of Local Government (ESTA), A' Training Course, Special Studies Studies, Department of Administration & Organization, Athens, pp.2-3 (in Hellenic).

Papatheodorou, Th (2005) "Public Security and Criminal Policy" 2nd Edition, Nomiki Vivliothiki: Athens, pp.399-411 (in Hellenic).

Papaioannou, Z. (2006) "Police Law, the Functional Competence of the Hellenic Police personnel, Meaning, Content, Limits" B' Edition, Sakkoulas: Athens – Thessaloniki, pp.4-7 (in Hellenic).

Tachos, A. (1990) "Law of Public Order" Sakkoulas: Thessaloniki, pp.58 and next (in Hellenic).

Notes

Note 1. For the history of Police Corpses in Hellas, see **Korontzis, Tr. (2011)** PhD dissertation: "The stationary role of Hellenic Coast Guard" [Public Administration Department, Law Sector], library of Panteion University of Social and Political Sciences, Athens, pp.71-72 (in Hellenic).

Note 2. For LEAs in Hellas, see **Korontzis, Tr. (2012) «b»** "The prosecution of economic crime in Hellas" *International Journal of Humanities and Social Science* vol. 2, No. 5, pp. 221-227.

Note 3. **Hellenic Parliament (2008)** Explanatory Report on the draft law "Reorganization of the municipality police and arrangements of other issues within Ministry of Interior competences", Athens, pp. 1-2. Retrieved September 12, 2012 from <http://www.hellenicparliament.gr/UserFiles/2f026f42-950c-4efc-b950-340c4fb76a24/A-DIMOTIKI-EIS.pdf> and <http://www.hellenicparliament.gr/UserFiles/2f026f42-950c-4efc-b950-340c4fb76a24/A-DIMOTIKI-KOL-EIS.pdf> (in Hellenic).

Note 4. For the meaning of police see **Korontzis, Tr. (2011)** PhD dissertation op.cit. pp.68-71 (in Hellenic).

Note 5. For the Police Authorities in France and in Germany see **Ntintioumi, F. (2007)** "Municipality Police" Hellenic National School of Local Government (ESTA), A' Training Course, Special Studies Studies, Department of Administration & Organization, Athens, pp.2-3 (in Hellenic).

Note 6. **Hellenic Parliament A' Division of Scientific Sstudies, Department of Drafts and Law proposals Legislative Elaboration (2008)** Report on the law draft "Reorganization of the municipal police and arrangements of other issues within Ministry of Interior competences", Athens, pp.1-3. Retrieved September 19, 2012 from <http://www.hellenicparliament.gr/UserFiles/7b24652e-78eb-4807-9d68-e9a5d4576eff/A-DIMOTIKI-EPIS.pdf> (in Hellenic).

Note 7. The police as a service is divided into administrative and judicial police. The judicial police is exercised by one category of Police executives, whose mission is the assistance to the judicial executives for criminal justice awarding (detection, arrest and delivery of guilty individuals for unlawful acts). The action is specified in the provisions of the Hellenic Penal Procedure Code (indicatively are articles 33,34, 35, 243, 251 etc.) and activates under the supervision of the Public Prosecutor's orders.

Administrative police is activated outside of the State criminal justice sphere. Basically enforces preventive work and aims to ensure public order and crime prevention, often through police operations and restrictions on civil rights. Administrative police is different from the security police which is carried out aiming at the protection of the legal order and the protection of society from unlawful acts. This distinction is important because defines the control of criminal and administrative courts. This distinction in Hellas is not entirely clear. That's because often intersect the gudicial and administrative competences. Many times can be met executives who enforce police competence to perform work of judicial police and in other cases work of administrative police or police order [e.g. state employees, customs officials, etc., carry out judicial police duties as special proeliminary officers (articles 27 paragraphs 2 and 3, 34 of the Hellenic Penal Procedure Code). See **Kyriakopoulos, I. (1962)** "Administrative Law" Volume C', 4th Edition, p.483 (in Hellenic), **Papaioannou, Z. (2006)** "Police Law, the Functional Competence of the Hellenic Police personnel, Meaning, Content, Limits" B' Edition, Sakkoulas: Athens – Thessaloniki, pp.4-7 (in Hellenic) and **Tachos, A. (1990)** "Law of Public Order" Sakkoulas: Thessaloniki,pp.58 and next (in Hellenic).

Note 8. See **Papatheodorou, Th (2005)** ‘Public Security and Criminal Policy’ 2nd Edition, Nomiki Vivliothiki: Athens, pp.399-411 (in Hellenic).

Note 9. See **Korontzis, Tr. (2008)** ‘Municipality Police’ Hellenic National School of Local Government (ESTA), B’ Training Course, Special Studies Stage, Department of Administration, & Organization, Athens (in Hellenic), **Korontzis, Tr. (2005)** ‘Municipality Police Competences. New legal framework - critical approach’ Dimosios Tomeas issue 215, pp.35-36 (in Hellenic), **Korontzis Tr. (2004) «a»** ‘Municipality Police Competences, a shortly critical approach’ Dimosios Tomeas issue 213, pp.36-37 (in Hellenic), **Korontzis, Tr. (2004) «a»** ‘Municipality Police Competences’ Auvrian, 21th October 2004, p.26 (in Hellenic), **Korontzis, Tr. (2004) «b»** ‘Municipality Police’ Limenika Chronika issue 59, 2004, pp.15-18 (in Hellenic).

Note 10. Op. cit. note 3.

Note 11. **Hellenic Constitution (2009)** pp.166-115. September 29, 2012 from <http://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156%20agliko.pdf> (in Hellenic).

Note 12. See **Korontzis, Tr. (2012) «a»** ‘Civil emergency administration systems in Hellas’ Dioikitiki Enimerosi (quarterly journal of administrative inspection) issue 61, pp.85-105 (in Hellenic).

Note 13. It should be noted that in the explanatory report of Law 3731/2008 and more specifically in article 2 is provided that the personnel who staff the MP is uniformed but can not carry weapons or arms. However the last one namely that the staff can not carry weapons or arms is not written in the corresponding provision of article 2 paragraph 2 of this law.