

Organization of Police Activities

Rafał Kočańczyk

Police School in Katowice, Poland

Abstract. *Police tasks have not changed for years and mainly consist in ensuring order and security for citizens. However, the police function as an organization in a certain legal order, it is subject to certain rules that determine its effective operation. Since 1989, that is from the political and social transformation in the functioning of the Polish Police has started in our country, two periods could be distinguished in which it was forced to make organizational changes. The first such moment came with the political transformation when Poland was entering the path of the democratic system. It was not an easy period because the mere change in legislation was not enough. It is worth mentioning that young Polish democracy was struggling with many negative factors, mainly inherited from the previous political system, e.g. the state of the economy, and inflation. From the perspective of the police 30 years of operation, based on statistical data, it can be concluded that the period directly related to political transformation was conducive to negative social phenomena such as crime, social pathologies or the lack of appropriate legal regulations in the new economic conditions. In 1990, the Polish Police leadership faced a lot of work to be done to ensure that the newly formed formation was not identified with the previous system as well as the role it played in the communist system. The second such event forcing a change in the organization of the police activities was January 1, 1999, when the administrative reform of the country entered into force. A difficult task was set up before the formation. After less than 9 years of functioning in the new reality, the then management was faced with adapting the organization to the situation related to, among other things, the new administrative division, transfer of many tasks and competences previously reserved for the central level to the level of local governments, or intensification of efforts to build civic self-governance at all levels of government. The following article presents issues related to police tasks, powers of the Police Commander-in-Chief, and police structures operating in the period in question.*

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Main part

During the last 30 years, that is from the moment of political transformation, the Polish Police had to adjust their structures in a comprehensive manner to the changing external conditions. The first time was in 1990 when on April 6, the Sejm (Parliament of the Republic of Poland) adopted the so-called package of police laws, crucial for functioning in new democratic conditions of services subordinate to the Minister of Internal Affairs. On the basis of the introduced legal acts, the tasks of the Minister of the Interior were defined, and the Security Service and the Security Militia were dissolved by appointing the State Protection Office and the Police in their place.

Obviously, the transformation of these institutions in the mental, organizational and technical areas did not happen overnight. On the contrary, this process took many years. It should be noted, leaving aside all political considerations, that the tasks set up for the newly appointed Police as a uniformed and armed formation serving the public and intended to protect public security and to maintain public safety and order have been implemented and have provided a solid basis for the continue operating of this organization.

The authors of the act, certainly remembering the functioning of law enforcement formations in the pre-1989 period, set new, specific tasks to be carried out by the police. The basic tasks of the Police included among others:

- protecting the life and health of citizens and property against unlawful attacks violating these goods;
- protection of public safety and order, including ensuring peace in public places, public transport and road safety;
- initiating and organizing activities aimed at preventing crimes and offences as well as criminogenic phenomena and cooperating in this regard with the interested state and local authorities and social organizations;
- detection of crimes and offenses and prosecution of perpetrators;
- supervision of municipal guards appointed by local self-government bodies, as well as supervision over other specialized armed protective formations, to the extent specified in separate regulations;
- control of compliance with ordinal and administrative provisions related to public activity or applicable in public places;
- cooperation with police of other countries and their international organizations on the basis of international agreements and arrangements as well as separate regulations¹.

The catalogue of tasks shows that the legislature put a lot of emphasis on the relationship between the Police and the society in a partnership system, and not the dominant role of either side. In addition, it can be noted that besides the activities of protecting life, health and property, ensuring security and order in public transport and road traffic, the legislator clearly indicated the role that the Police should play in implementation of preventive measures aimed at preventing any behaviour contributing to the commission of crimes and offenses and criminogenic phenomena.

To assure the proper implementation of the tasks, the following types of police were distinguished in the newly formed formation:

- criminal, including: investigative service, surveillance service, forensic techniques, and operational techniques;
- road traffic and prevention;
- riot units and anti-terrorist sub-units;
- special units, including rail, water and air police;
- local police².

It is worth pointing out however that the catalog was not closed, because the Minister of Interior with the consent of the Council of Ministers could, in justified cases, appoint other types of police.

Despite the democratic changes, the subordination of the Police Commander-in-Chief has not changed, as the central state administrative body to protect the security of citizens and to maintain security and public order directly reported to the Minister of the Interior.

According to the then legislation the Police Commander-in-Chief, was appointed and dismissed by the Prime Minister at the request of the Minister of the Interior

¹ Article 1 par. 2 of the Act of 6 April 1990 on the Police, Dz. U. of 1990, No. 30 item 179.

² *Ibid.*, art. 4 par. 1.

after consulting the Political Advisory Committee at the Minister of the Interior³. Provincial, district and police station commanders were included in the regional police authority structures.

Confirmation of the thesis of “anchoring” the Police in the local community as well as acting for its purpose was receiving by the local self-government authority powers in the form of opinions on candidates in the case of provincial and district commanders by the voivode, and in the case of police stations commanders by competent local self-government bodies. In addition, the competent local self-government authorities could apply to the district police commander for the creation or liquidation of a local police station.

It was the duty of police commanders to submit periodically to the relevant organs of general administration and local government, reports on activities of the units they managed, as well as information on the state of order and public security. In matters related to internal organization and performance of the Police tasks, the organs of general administration and local self-government could request explanations from the police authorities as well as restore the status consistent with the legal order.

In order to prevent access to information from prosecuted cases, clauses were introduced that only the courts and prosecutors were given explanations regarding the scope of detecting crimes and prosecuting offenders.

Significant legal regulations can be found in Chapter 3 of the Act, in which there are provisions regarding the scope of police powers, including, among others, a clear indication that this formation within the scope of its tasks to identify, prevent and detect crimes and offenses was entitled to perform undercover, investigative and administrative police activities. The tasks carried out by the local police were limited only to administrative and order activities and others, but only and exclusively in cases of urgency related to the notification of crime and securing places of incidents.

In order to properly perform the tasks imposed on the police, officers had the right to check identities, detain persons under the provisions of the Code of Criminal Procedure and other laws, search persons and premises, carry out a personal inspection, and examine baggage and check cargo in ports and stations as well as means of land, air and water transport, demanding necessary assistance from state institutions, as well as asking for such help to business units, social organizations, and also asking in emergencies ad hoc assistance from an each citizen⁴.

It is obvious that a police formation for law enforcement need to have tools in place. The legislator has designated a catalogue of the possible means of direct coercion with the proviso that they can be used only when the needs arising from the existing situation are met and they are necessary to achieve compliance with given orders. Among the measures of direct coercion allowed for use by police officers were physical, technical and chemical means used for incapacitating or escorting people and for stopping vehicles, batons, water incapacitating means, service dogs, and projectiles.

A detailed regulation was applied to the use of weapons by police officers, specifying eight cases along with the clause that the use of firearms should take place in a way that causes the least possible damage to the person against whom

³ *Ibid.*, art. 5 par. 2.

⁴ *Ibid.*, art. 15.

the weapon was used, and that could not lead to deprivation of life, and could not risk losing life or health of others.

It is also worth mentioning the rights that the legislator gave to the Commander-in-Chief of the Police, which included among others:

- appointment and dismissal of district commanders at the request of the voivodship commander, subject of an opinion by the voivode;
- determining the organization of headquarters and police stations, and with regard to district headquarters also their territorial jurisdiction;
- creating, if necessary, specialist railway, water, air and other police stations, which were subordinate to the competent provincial or district commanders;
- appointing police officers for their post, transferring and dismissing from these posts;
- determining service time schedule of police officers;
- defining conditions of education and professional qualifications which should be met by a police officer on a particular post;
- defining the rules for periodic performance review of police officers and the procedure for submitting and considering appeals from the reviews;
- moving or delegating police officers throughout the whole country;
- extending police officers' posting period in exceptional cases to 12 months;
- promotion to a higher degree of police officers serving in riot police and anti-terrorism units and sub-units, as well as to a degree of a police ensign;
- determination of cases in which police officers were not obliged to wear uniforms while on duties.

At the end of the period in question, it is worth presenting the structure in the General Police Headquarters, during the times of the first Police Commander-in-Chief col. Leszek Lamparski, which included the following offices:

- presidential;
- surveillance;
- investigative;
- forensic techniques;
- surveillance technique;
- prevention;
- road traffic;
- information technology;
- human resources and training;
- communications;
- supply;
- finance⁵.

Looking back and many amendments to the Police Act, it can be noticed that the majority of the then powers of the Police Commander-in-Chief are currently authorized in the separate regulation of the rank of the Act. Today it is understandable and obvious but it shows what path not only the police have gone through but also the legislative power to function properly on the principles and rules of a democratic state of law.

⁵ Misiuk A, Majer P (Eds), 15 lat polskiej Policji. Szczytno, 2005, p. 19.

The second significant change in the organization of the Police took place in connection with the administrative reform of the country, which came into force on January 1, 1999. This systemic evolution introduced a new three-tier division of government administration bodies and local government. In addition to the already existing municipal level, the poviats self-government was introduced and the regional self-government operated in parallel to the government administration bodies.

The situation also brought significant changes to the Police, including, inter alia, its inclusion in the system of complex administration at the voivodeship and poviats level. The rank of provincial and poviats commanders increased, as they became not only executors of orders and tasks in accordance with the principle of hierarchy, but also to a greater extent managers and active participants in a single, coordinated system of protection of public safety and order in the local dimension.

Out of 49 then existing provinces, 16 new, stronger regions have been created. Thus, the organizational structures of the Police had to undergo some transformation. 16 provincial headquarters and the Warsaw Metropolitan Police Headquarters, 329 district headquarters and 2072 police stations were created⁶. The voivodeship headquarters were located in voivodeship cities (apart from the Warsaw Metropolitan Police Headquarters, which has its headquarters in Warsaw). It is important to realize that the effects of this reform differed between the 16 cities in which provincial headquarters were created and 33 centres in which such headquarters have been abolished. It caused many difficulties and problems of organizational, infrastructural as well as personnel nature (e.g. establishing or resolving police service relations as well as employment relations with civilian employees).

To the new conditions, the legislator also adjusted the existing law on the Police, introducing, among others, the following regulations referring to the competence of the Police Commander-in-Chief who⁷:

- at the request of the provincial police commander, appointed and dismissed the first and second deputy of the provincial police commander;
- announced a competition for the post of a provincial police commander;
- no longer formed railway, water, air or other specialist police stations, as this competence was transferred to the level of provincial commander who was only required to agree such an initiative with the Police Commander-in-Chief;
- set out rules for creating districts of community police officers;
- set out the rules for full-time calculation in the Police;
- approved agreements concluded between a poviats or municipality authority, and the competent voivode in the field of increasing the number of police posts in districts of community police officers;
- set out the rules for keeping records by superiors in matters related to the police officers' service relationship and way of keeping their personal files;
- obtained the authority previously belonging to the Minister of Internal Affairs in depriving and restoring the officer's rank, and accepting to the

⁶ *Gazeta Policyjna*, No. 16, 23–30 IV 2000, p. 35.

⁷ Developed on the basis of Art. 62 of the Act of July 24, 1998 r. o zmianie niektórych ustaw określających kompetencje organów administracji publicznej — w związku z reformą ustrojową państwa (Dz. U. of 1998, No. 106, item 668).

service persons with military ranks of a second lieutenant for the corresponding first officer's rank;

- issued permits to affiliation to a foreign or international organizations or associations;
- was deprived of a power to promote officers to the rank of police ensign in favour of voivodship police commanders.

As seen above, there was a significant transfer of tasks previously reserved for the Minister of Internal Affairs to the Police Commander-in-Chief and those which were his prerogatives for the voivodship commanders.

Bearing in mind the fact that the Police Commander-in-Chief performed his tasks with the help of the general headquarters, it is worth presenting the then organizational structure, which included the following departments:

- coordination of criminal service;
- to fight organized crime;
- to fight drugs;
- international cooperation of the Police;
- central forensic laboratory;
- coordination of the preventive service;
- the central staff of the Police;
- human resources and training;
- presidential;
- legal;
- financial;
- Police logistics;
- communication and information technology;
- management for internal affairs;
- Inspectorate of the Police Commander-in-Chief
- police information department⁸.

Taking into account the number of departments compared to the structure of 1990, it can be seen that there was an increase in the units subordinate to the chief commander. This necessity was the result of an existing threat⁹ as well as the coordination function which was necessary during the administrative reform.

The police organization in the new administrative division at the level of poviats and voivodship self-government received among others:

- the provincial and poviats structures of the Police were not subject exclusively to the Police Commander-in-Chief;
- become part of the services, inspections and guards included in the provincial combined government administration — at the level of the voivodship headquarters — and self-government administration — at the poviats level;
- in addition to the headship of the Police Commander-in-Chief, it was possible to distinguish supremacy at the level of the voivodship — the voivode, and in the district of the poviats governor;

⁸ Misiuk A, Majer P (Eds), *op.cit.*, p.18.

⁹ See more e.g.: *electronic source*: <http://statystyka.policja.pl/st/raporty/roczne-raporty-statyst>.

- the authority of self-government authorities referred to the powers listed in the regulations in the scope of tasks performed by the Police as well as giving opinions in the process of appointing or dismissing provincial and poviast commanders.

Conclusions

For many years, the Polish Police have built their brand based on social trust as well as professionalization in the area of human resources, equipment and legal regulations. The above considerations to a certain extent presented two events that fundamentally influenced the organization of the Police activities.

Democratic changes that took place at the turn of 1989 and 1990 provided the foundations for the establishment and organization of modern organizational structures arising in the new democratic conditions of the Police. It should be noted that the process of adaptation covering the organizational, formal and legal spheres of awareness was not easy due to at least two elements. First of all, in the new legal reality, it was impossible to take advantage of ready-made solutions, because such solutions did not exist.

The proof of this thesis is, *inter alia*, presenting in these considerations elements of the Police legislation, i.e. the Act of April 6, 1990, which was not comprehensive and did not meet the emerging threats. However, it should be remembered that this legal act was one of the first in the period of political transformation, adopted by the then legislative authorities.

Secondly, it is worth noting that this changeover was carried out, using the medical term, on a “living organism”, which means that the Police had to function and respond to threats that were not known in the previous political system, including criminal terrorism, human trafficking or organized crime. These events manifested entirely new methods of action of the perpetrators in the form of bomb attacks, gunfire shootings in public places or contract killings.

The administrative reform of the country in 1999 introduced a number of changes that directly affected the police. They consisted, among other things, in incorporating this formation into a combined administration, the independence of poviast commanders in terms of the implementation of tasks, competencies, and also finance. In addition, the transformation of 49 provincial headquarters into 16 units had to take into account the adaptation of structures, competences, and preparation of tasks to be carried out in the new legal reality. And all this had to be carried out in parallel with the current duties and expectations regarding the police, related to ensuring the security of citizens.

The implementation of this reform entailed many doubts, questions, uncertainties, and also consequences of legal, organizational, human and infrastructure nature. Each modern police formation is not able to perform the imposed tasks, whether in the legal, organizational or any other area if it does not have a professional staff with appropriate skills to manage and direct entrusted units, which in turn results in the functioning of the institution as a whole.

Of course later years also had a big impact on the functioning of the police, nevertheless, the individual actions were not comprehensive and did not concern the whole organization of the Police activities.

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About the author

Rafał Kochańczyk, *insp. PhD, Commandant Police School in Katowice*. Correspondence: Police School in Katowice, ul. gen. Jankego 276, 40–684 Katowice-Piotrowice, Poland. E-mail: rafal.kochanczyk@spkatowice.policja.gov.pl

Abstract. Zadania Policji nie zmieniają się od lat i głównie polegają na zapewnieniu porządku i bezpieczeństwa obywatelom. Jednak Policja jako organizacja funkcjonuje w pewnym obowiązującym porządku prawnym, podlega pewnym regulom, które determinują jej efektywne działania. Od 1989 roku czyli od zapoczątkowania w naszym kraju przemian polityczno- społecznych w funkcjonowaniu polskiej Policji można wyróżnić dwa okresy w których zmuszona była do dokonania zmian organizacyjnych. Pierwszy taki momentem nastąpił wraz z transformacją ustrojową, gdy Polska wchodziła na drogę systemu demokratycznego. Nie był to łatwy okres gdyż sama zmiana prawodawstwa nie wystarczyła. Warto wspomnieć, że młoda polska demokracja borykała się z wieloma negatywnymi czynnikami, głównie odziedziczonymi po poprzednim systemie politycznym np. stan gospodarki, inflacja. Z perspektywy 30 lat funkcjonowania Policji opierając się na danych statystycznych można stwierdzić, że okres bezpośrednio związany z transformacją ustrojową sprzyjał negatywnym zjawiskom społecznym takim jak przestępczość, zjawiska patologii społecznej czy też brak odpowiednich regulacji prawnych w nowych warunkach gospodarczych. W 1990 roku przed kierownictwem polskiej Policji było wiele pracy, aby nowo powołana formacja nie była utożsamiana z poprzednim systemem jak i też rolę jaką odgrywała w ustroju komunistycznym. Drugim takim wydarzeniem wymuszającym zmianę w organizacji działań Policji był dzień 1 stycznia 1999 roku, gdy w życie weszła reforma administracyjna kraju. Przed formacją postawiono niełatwe zadanie. Po niespełna 9 latach funkcjonowania w nowych realiach, przyszło zmierzyć się ówczesnemu kierownictwu z dostosowaniem organizacji do sytuacji związanej między innymi z nowym podziałem administracyjnym, przeniesieniu wielu zadań i kompetencji dotychczas zastrzeżonych dla szczebla centralnego na poziom samorządów lokalnych, czy też intensyfikację działań na rzecz budowanie samorządności obywatelskiej na wszystkich szczeblach władzy. W poniższym artykule przedstawiono zagadnienia związane z zadaniami stawianymi Policji, uprawnieniami Komendanta Głównego Policji, struktur Policji funkcjonujących w omawianych okresach.

Резюме. Задачи полиции не менялись годами и в основном они заключаются в обеспечении порядка и безопасности граждан. Однако, как организация, полиция действует в рамках определенной правовой системы и подчиняется определенным правилам, которые влияют на ее эффективную деятельность. С 1989 года, т.е. с начала политических и социальных изменений деятельности польской полиции, можно выделить два периода, во время которых формирование было вынуждено провести организационные изменения. Первый период, связанный с политической трансформацией и переходом Польши к демократической системе. В это непростое время недостаточным оказалось изменение только законодательства. Стоит отметить, что молодая польская демократия столкнулась со многими негативными факторами, в основном унаследованными от прежней политической системы состоянием экономики и инфляцией. Исходя из статистических данных за 30 лет работы полиции, можно сделать вывод, что период, непосредственно связанный с политическими преобразованиями способствовал возникновению таких негативных социальных явлений как преступность, социальная патология или отсутствие соответствующих законов в новых экономических условиях. В 1990 году перед руководством польской полиции стояла большая задача:

новое формирование не должно отождествляться с прежней системой и той ролью, которую оно играло в коммунистической системе. Очередные изменения организации деятельности полиции оказались необходимыми 1 января 1999 года, когда вступила в силу административная реформа в стране. После почти 9 лет работы в новых условиях руководство столкнулось с проблемой приспособления организации к ситуации, связанной в частности, с новым административным делением, передачей многих задач и полномочий ранее закрепленных за центральным уровнем на уровень местных органов власти или активизации деятельности в сфере формирования гражданского самоуправления на всех уровнях власти. В статье рассматриваются вопросы, связанные с задачами полиции, полномочиями главного коменданта полиции, полицейскими структурами этого периода.

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