

Police in the System of Public Safety — Polish Experience

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Abstract. *As a uniformed and armed force, whose mission it is to serve and protect both people's safety and public order, the police have been established on the basis of the 6 April 1990 Police Act. The basic police responsibilities cover protection of health, life and property against unlawful attacks, protection of public order and safety — including assurance of peace in public places and on public transport, investigation of crime, prosecution of offenders, and finally counter-terrorist activity. In addition, police are obliged to initiate and organize activities designed to prevent crime, minor offences and criminogenic phenomena. The list of police tasks is steadily getting longer and longer and it seems that this upward trend will continue in the years to come. This makes it necessary to implement legal and organizational solutions with a view to enhancing the effectiveness of policing — on the one hand measured by a systematic search for increasingly rational procedures, and on the other one by a decreasing number of illegal activities undertaken by the criminal underworld due to their awareness of the risk of being detected and the certainty of punishment. A good way of improving police performance is to precisely determine the tasks carried out as part of preventive action as well as decisive action aimed at elimination of identified threats or their consequences.*

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Introduction

Ensuring broadly-understood safety is a responsibility of both government administration authorities and local government bodies. Moreover, the above task falls within the competence of public institutions and local government organisations. To some extent, the responsibility is also placed on the public — on local community members.

Every state should perform seven functions: an internal, external, social, adaptive, regulatory, innovative and economic-organisational one. From the viewpoint of the discussed subject matter, the most important of the functions is the internal one, which comes down to the assurance of order and safety within a country, which is achieved through the activity of relevant authorities, including the police. For the purpose of this article, it has been assumed that 'internal security of a country is a state achieved as a result of the country's internal function having been implemented as part of the national security strategic policy, which is manifested through the protection of:

- in the strict sense — constitutional order, public safety and order;
- in the broad sense — constitutional order, health and life, and national property against unlawful attacks and effects of natural and technical disasters'.¹

¹ Wiśniewski B, Zalewski S (Eds), *Bezpieczeństwo wewnętrzne RP w ujęciu systemowym i zadań administracji publicznej*. Bielsko-Biala, 2006, pp. 22–23.

Assurance of public order and public safety is a public responsibility. In the legislative process, in the process of applying the law and in legal literature it has become customary to use the two terms simultaneously, usually juxtaposed with each other as the collocation *public order and safety*. The Polish scientific thought has witnessed numerous attempts to explain the concepts of *public order* and *public safety*. Having analysed the definitions, one can formulate a thesis that those who investigate this problem consider the above terms to be vague — and therefore difficult to define.² Nevertheless, it is possible to distinguish the following elements, typical of the term 'public safety':

- threats to public safety are first of all targeted at the state, its objectives, interests, socio-political system and the economic one;
- threats are *public* in nature, which entails their potential for having a negative impact on conditions of collective life, irrespective of whether or not a given threat carries a direct danger to a bigger group or only to individuals.³

Thus, it can be concluded that 'public safety is a state which is manifested through protection of legal system, health, life and national property against unlawful attacks and activity.'⁴ Similarly to public safety, public order is also a specific situation within a country since no organised community allows its members to pursue their goals without any constraints. Rules of conduct and principles of social coexistence are defined by relevant regulations, e.g. customs, moral principles, religious rules and legal norms.

Public Order and Safety

Deliberations on public order and safety should begin with a discussion of how to prevent situations which pose a threat to the above values. Here, it must be emphasised that police are not capable of ensuring such safety by themselves. What is necessary is involvement of other institutions and commitment of local communities, the reason being a very complex nature of the phenomenon connected with several key factors, which need to be taken into account in preventive actions. The perpetrator, victim and an opportunity for a crime to be committed — 'when mapping out a peculiar crime triangle which forms the basis for solving problems relevant to public order and safety, the three above factors must be taken into account in preventive actions as follows⁵:

- reducing causes of crime in the course of the socialisation process (through triggering of active involvement of local communities, e.g. neighbourhood action group);
- identifying threats, making forecasts, preventing crimes and exerting influence on possible offenders and criminogenic situations (through mass

² Ura E, Prawo administracyjne. Część druga. Rzeszów, 1997, p. 97.

³ Bezpieczeństwo wewnętrzne RP w ujęciu..., *op. cit.*, pp. 27–28.

⁴ *Ibid.*, p. 28.

⁵ Fiebig J, Miejsce policji w zapobieganiu przestępczości. Paper presented at the conference: Bezpieczeństwo człowieka w środowisku lokalnym — diagnozy i rozwiązania, (Security of persons within the local environment — diagnoses and solutions). Wyższa Szkoła Pedagogiczna, Olsztyn, 24–25 May 1999.

- media, architectural solutions, the use of security systems and video surveillance);
- if a crime has been committed, preventing apprehended/ identified offenders from reoffending.⁶

A Few Reflections on the Police

From the viewpoint of the organisation of the state, safety can be discussed in terms of an institutional dimension because the state establishes different institutions responsible for identification of threats, their prevention and response to such threats when they have actually occurred. Law enforcement agencies are therefore set up on the basis of already existing or newly created legal norms of law.⁷ As a uniformed and armed force, whose mission it is to serve and protect both people's safety and public order, the police have been established on the basis of the 6 April 1990 Police Act⁸.

The police understood as a unified and uniformed organisation with a hierarchical structure, established to enforce the law and maintain public order and safety as well as performing tasks defined in relevant legal acts, have been in existence only since the 20th century⁹. Here, it is worth focusing on the meaning of the term 'police' in the contemporary doctrine of Polish administrative law. Z. Leoński — who propagates the material understanding of police — defines police as '(...) agencies/ authorities in charge of public order and safety protection, public disorder prevention, protection of health, life and property, etc., as well as responding to various emergencies (e.g. natural disasters) regardless of how the legislator chooses to call the agencies established to protect the above mentioned values¹⁰. However, S. Fundowicz is of the opinion that 'the material understanding of the police refers to all activities of the state involving protection against threats and it does not matter which authorities the tasks in question are performed by'¹¹. B. Dolnicki perceives the essence of the term 'police' in the functional dimension, i.e. as the goal aimed at protecting the interests of the state from being violated or at restoring the state which existed before those interests were violated, as well as the possibility to use force with a view to achieving this aim¹². M. Matan has distinguished three elements which together form the essence of policing: the aim, which comes down to public order maintenance, means of operation in the form of force continuum

⁶ Bezpieczeństwo wewnętrzne RP w ujęciu..., *op. cit.*, pp. 56–57.

⁷ *Ibid.*, p. 10.

⁸ The Act on Police of 6 April 1990, OJ of 2016 item 1782.

⁹ *Compare*: Wiśniewski B, Prońko J, Ogniwa ochrony państwa. Warsaw: AON, 2003, p. 61.

¹⁰ Leoński Z, Istota i rodzaje policji administracyjnych, [in:] Administracja publiczna u progu XXI wieku. Praca dedykowana prof. J. Szreniawskiemu z okazji jubileuszu 45 lecia pracy naukowej. Przemysł, 2000, p. 243, *quoted from*: Sokólska T, Policja administracyjna. Doctoral thesis. Katowice: University of Silesia, 2006, p. 33.

¹¹ Fundowicz S, Policja i prawo policyjne, [in:] Nauka administracji wobec wyzwań współczesnego państwa prawa. Joint publication edited by J. Łukasiewicz, Rzeszów–Cisna 2002, p. 184.

¹² Sokólska T, Policja administracyjna..., *op. cit.*, p. 34.

and the method of accomplishing the aim which consists in preventing threats from occurring or in fighting violations of law after they were committed¹³.

Evolution which the concept of police has undergone over the centuries is the result of the changing views on the tasks and objectives of the state, the fight for human rights, and the increasing awareness — on the part of those who exercise or aspire to authority — of the role of police as an organisation authorised to use force with a view to ensuring safety and public order and maintaining power. Given the Polish legislation, and in particular the 6 April 1990 Police Act, the present name of police is used exclusively to refer to the force specified in the act and in this context it must be distinguished from 'administrative police'. The latter term applies to authorities such as sanitary police, customs police, revenue police or construction inspection service which perform controlling and regulatory functions, involving the issuing of injunctions, bans, licences, etc.¹⁴. It should be noted that changes taking place in the modern world, first of all those connected with the nature of threats, generate new challenges to each area of human activity, including the one relevant to providing safety and maintaining public order, which may affect further evolution of the concept of 'police'.

The Key Responsibilities and Functioning of the Polish Police

The main obligations of the police include protection of life and health of people as well as protection of property against unlawful attacks, providing security and order in public places as well as in means of public transport. Among other key responsibilities of the police are crime and offence detection and prosecution as well as carrying out antiterrorist actions due to the Act of counter-terrorist operations of 10th June 2016. Moreover, the police are obliged to initiate and organize extensive operations in order to prevent crimes, offences and other criminogenic phenomena. To fulfil the tasks and responsibilities the police cooperate with the state, regional or local authorities, bodies governed by public law, community organizations and associations. The police gather, analyse and transfer criminal information, maintain database of people's fingerprints, not-identified fingerprints coming from crime scenes as well as deoxyribonucleic acid (DNA) analysis results. The police also supervise specialised armoured protection forces, control enforcement of order and administrative regulations connected with public operations or applicable in public places. The Polish police cooperate with law enforcers from other countries, their international organizations as well as European Union bodies and institutions pursuant to international agreements, contracts or other regulations.

¹³ See more: Matan A, *Policja administracyjna jako funkcja administracji publicznej*, [in:] *Nauka administracji...*, *op. cit.*, p. 354.

¹⁴ Sagan S, *Prawo konstytucyjne Rzeczypospolitej Polskiej*. *LexisNexis*, Warsaw, 2003, p. 570.

The Police consist of the following services: criminal, investigative, preventive and supporting the police's activities in organizational, logistic and technical scope. It should be stated that the organizational unit of investigative police which executes tasks within recognition, prevention and combatting organized crime across the country is the Police Central Bureau of Investigation (CBŚP). Within the police structure there are also court police, riot police squads and anti-terrorist squads, police training centres and police schools as well as the Police Academy and research institutes. However, the organizational structure of the Police Academy in Szczytno, the scope of its activity as well as the procedures of appointing and dismissing both the Commandant — Rector and Prorectors is determined by the Act on Higher Education of 27 July 2005. As far as research institutes are concerned, their organizational structure, the scope of their activities as well as the ways of appointing and dismissing their directors and deputies defines the Act on Research Institutes of 30 April 2010.

The head of the police is the Police Commander-in-Chief as a central authority of the state administration, competent for people's safety protection and maintenance of public safety and order. The Police Commander-in-Chief reports directly to the Minister of Internal Affairs and is appointed or dismissed by the Prime Minister at the request the Minister of Internal Affairs. The government administration authorities acting in the matter of people's safety protection and maintenance of public safety and order within a region are the provincial governor and the regional police chief who acts in a double role: as an authority acting on behalf of the provincial governor, as well as managing on his own behalf matters related to covert policing and criminal investigation, prosecution of criminal offences, as well as issuing individual administrative acts, provided the law constitutes so. The county (city) police chief and a police station chief are the representatives of government administration authorities in the region as far as protection of people's safety and maintenance of public order are concerned.

In general the territorial range of activities of the aforementioned authorities is equal to the general administrative division of Poland, however, the legislator introduced some restrictions. The territorial operational range of Mazowieckie region police commander has excluded the area of the city of Warsaw and the following counties (poviats): Grodzisk, Legionowo, Minsk, Nowy Dwor, Otwock, Piaseczno, Pruszkow, western Warsaw and Wolomin where tasks and competences equal to the ones of regional police commander are delegated to the Warsaw Metropolitan police commander. Moreover, in Warsaw the tasks and competences equal to the ones of the county (city) police commander are performed by a territorially competent district police commander. It should be also stated that in towns with the administrative rights of a county, which are seats of town authorities and counties with authorities' seats in these towns, it is possible to create city police headquarters to perform tasks in the area of both a city and a county. The regional police commander after consulting the Police Commander-in-Chief, may establish, if necessary, railway, water, aviation or other specialist police stations. The county/city police commander may, in turn, establish community police officers' departments and police stations according to the rules defined by the Police Commander-in-Chief.

Police chiefs are obliged to submit annual reports on their work and the state of public order and safety to the competent provincial governors, starosts, borough leaders (mayors or presidents of cities and towns) and county and district councils. The Metropolitan police chief, however, reports to the Mazowieckie province governor, but with relation to police activity in Warsaw he reports to the President and the council of Warsaw. In case of public disorder or any threats posed to the public security, the information and reports are to be submitted to these bodies immediately at their every request. The reports and information on crimes and criminals detection are to be submitted exclusively to courts and prosecutors at their request. County (city) police chiefs are also obliged to make documents and information on police work available to the commission of security and order at its chairman's request, except for personal files of employees and police officers, covert policing and criminal investigation data as well as files of individual administrative proceedings.

The cost of police activity is covered from the national budget, however, local authorities, state organizational units, associations, foundations, banks and insurance companies may contribute to the expenses incurred on investments, modernization or renovation and to the costs of police organizational units operation and maintenance including the purchase of goods and services necessary for their operation. Moreover, a county council or district council may transfer money that constitutes their own income to the police in accordance with the agreement concluded between an executive body of the county (powiat) or district and a competent county (city) police chief. The money may financially compensate for extra shifts of police officers or be a reward for work achievements of police officers from local county (city) police headquarters and police stations that carry out tasks of crime prevention.

Carrying out their statutory tasks, and in order to identify, prevent and detect crimes and offences and to search for people hiding out from law enforcement agencies and escaping justice, or people whose place of stay cannot be determined due to an incident that makes it impossible and whose life, health or freedom need to be protected and secured, the police perform surveillance, investigation, and administrative and public order tasks. They also perform tasks by order of the court, prosecution, public administration and local authorities. The tasks are defined in separate acts.

Police Tasks Carried Out at a Local Level

In order to provide community of a particular region with security and safety, the police at the regional police headquarters level perform tasks which include: planning, organizing and coordinating activities connected with police operations conducted in the region to maintain safety and public security; organizing, coordinating and supervising the work of dispatch in police units; coordinating and controlling people's safety, security and public order. Moreover, the police at a regional level carry out tasks of planning, organizing and coordinating actions during natural disasters and technical failures, tasks of preparing police units that report to the regional police chief to perform their duties in emergency situations,

namely a threat posed to security and public order, states of emergency defined in the Constitution and continuous cooperation with other entities of the national security system.

At the next lower level of management in the police, the level of county/city police headquarters, the following tasks are carried out: organizing, coordinating and supervising the work of dispatch in subordinate units, protecting people's safety and maintaining public order on public transport and waterways, performing activities aimed at providing security and safety on public roads by directing and controlling the traffic, performing tasks connected with the road safety after car accidents and securing the evidence and traces. At the level of county police headquarters there is also planning and organization of their own activity and coordination of subordinate units work during natural disasters and technical failures; moreover, there is also preparation to carry out tasks in states of emergency defined in the Constitution and continuous cooperation with other entities of the national security system. There is also continuous improvement of an organizational structure of the county police headquarters and other supervised units through control and evaluation of applied organizational solutions as well as analysis and assessment of proposals on structural changes. The responsibilities performed at the lowest level of management in the police, namely at the level of police station and specialist police station, include the performance of uniformed police tasks, and administrative and public order tasks.

An important place among police organizational units which implement tasks for security and public order is occupied by riot squad and independent subunit of police riot squad. It is the police officers serving in these structures who implement the key part of prevention tasks for security of local communities, including security of the residents of Silesian province. Their tasks include, in particular: carrying out tasks related to conducting police operations in situations of a threat to security and public order; participation in police chases and road blocks with dangerous suspects, as well as protection of public order during described in the constitution states of emergency, natural disasters and technical breakdowns. Among tasks particularly important from the perspective of local security, one must mention protection of security and public order during legal public gatherings and during mass events and social protests; restoring public order in cases of collective violation of law and supporting police units in patrol and intervention activities.

A Few Remarks on the Arrangement of Police Tasks

By analyzing the issues of police activities, keeping in mind the three-level way of managing police activities, one might distinguish groups of tasks implemented in the scope of preventing threats included in the police competencies and reacting to threats and their effects.¹⁵

By conducting analysis and assessment of the scope of police competencies one might identify catalogues of tasks implemented in the abovementioned conditions.

¹⁵ *More: Ścibiorek Z, Wiśniewski B, Kuc R.B, Dawidczyk A, Bezpieczeństwo wewnętrzne. Podręcznik akademicki. Torun: Adam Marszałek Publishing House, 2015, p. 179.*

When it comes to threat prevention, the tasks of the police include, in particular¹⁶:

- activities which are aimed at eliminating and reducing the probability of occurrence of threats or limit their effects in the area of public security or public order;
- participation in developing, by the appropriate authorities, legal acts which limit the possibility of threat occurrence;
- cooperation with public administration and the appropriate institutions possessing competencies in the area of problems directly and indirectly related to public security and public order;
- monitoring and forecasting threats to public security;
- enforcement of compliance with regulations issued by public administration authorities in the area of public security;
- planning response to threats and actions aimed at gathering sources and resources necessary to effectively respond to threats of public security and public order;
- collecting data on sources and resources necessary to effectively conduct tasks, as well as data on the equipment of the subordinate forces.

In the scope of responding to threats¹⁷:

- actions aimed at providing help for the injured;
- alarming, warning and providing functional informational flow;
- investigating the case.

Conclusions

Public security concerns all conditions and states of functioning of a country. Participation of police forces described also as the elements of the public security system in providing the accepted by the society level of security is significant.

The tasks of the Police remain in close relation with security and public order. The Police, currently the biggest in numbers force of the Republic of Poland dealing with the problems of abovementioned security, are searching for more and more effective solutions to their actions. It is represented particularly by providing information assistance to the entities cooperating with the Police, but also by cultivating strategies of counteracting emergency situations which fall within the competence of this force, as well as eliminating (reducing) the results of their occurrence.

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¹⁶ Fehler W, *Udział Policji w sytuacjach kryzysowych*, [in:] *Współczesny wymiar funkcjonowania Policji*, scientific eds. Wiśniewski B, Piątek Z. Warsaw: AON, 2009, p. 75.

¹⁷ *Ibid.*

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Streszczenie. Policja, jako umundurowana i uzbrojona formacja służąca społeczeństwu i przeznaczona do ochrony bezpieczeństwa ludzi oraz właśnie do utrzymywania bezpieczeństwa i porządku publicznego, została powołana na podstawie ustawy z dnia 6 kwietnia 1990 r. o Policji. Do podstawowych zadań Policji należy ochrona życia i zdrowia ludzi oraz mienia przed bezprawnymi zamachami naruszającymi te dobra, ochrona bezpieczeństwa i porządku publicznego, w tym zapewnienie spokoju w miejscach publicznych oraz w środkach publicznego transportu i komunikacji publicznej, wykrywanie przestępstw i wykroczeń oraz ściganie ich sprawców, jak również prowadzenie działań kontrterrorystycznych. Ponadto Policja zobowiązana jest do inicjowania i organizowania działań mających na celu zapobieganie popełnianiu przestępstw i wykroczeń oraz zjawiskom kryminogennym. Katalog zadań stawianych przed Policją systematycznie wzrasta. Wydaje się, że tendencja ta będzie się nadal utrzymywać, co zmusza do podejmowania działań prawnych oraz organizacyjnych, które będą zwiększać efektywność działania Policji. Efektywność mierzoną z jednej strony systematycznym poszukiwaniem coraz bardziej racjonalnych rozwiązań a z drugiej zmniejszającą się liczbą podejmowanych działań niezgodnych z prawem przez środowiska przestępcze spowodowaną świadomością wykrycia zabronionych działań oraz nieuniknionością kary. Skutecznym sposobem podnoszenia poziomu efektywności działań Policji jest precyzyjne określenie zadań realizowanych w ramach działań prewencyjnych oraz zdecydowane działania mieszczące się w podejmowaniu działań likwidujących stwierdzone zagrożenia bądź ich skutki.

Резюме. Полиция, как форменная и вооруженная служба, служащая обществу и предназначена для защиты граждан, а также обеспечения безопасности и общественного порядка была создана на основании Закона «О полиции» от 6 апреля 1990 г. Основные задачи полиции включают защиту жизни и здоровья граждан, их имущества от незаконных посятательств, нарушающих эти блага, защиту безопасности и общественного порядка, в том обеспечение порядка

в общественных местах, средствах общественного транспорта, выявление и раскрытие преступлений и административных правонарушений, преследование виновников, а также контртеррористическую деятельность. Кроме того, полиция обязана выступать с инициативой и заниматься деятельностью, направленной на предупреждение преступности, а также нейтрализацию криминогенных явлений. Список задач, которые должна реализовать полиция постоянно пополняется. Кажется, что такая тенденция будет продолжаться, что и заставляет предпринимать юридическо-правовые и организационные меры, которые окажут влияние на рост эффективности деятельности полиции. Данную эффективность с одной стороны измеряют постоянным поиском более рациональных решений, с другой — снижающимся количеством совершаемых преступлений, что связано с осознанием преступной средой возможности раскрытия противоправных действий и неизбежностью наказания. Успешный способ повышения эффективности деятельности полиции, это точное определение задач в рамках действий по предупреждению, а также направленных на принятие решений в сфере борьбы с существующими угрозами или возникающими в их результате последствиями.

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