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LOCAL GOVERNMENT AND SECURITY – NATIONAL SOLUTIONS BASED ON A DECENTRALIZED UNITARY STATE

SAMORZĄD TERYTORIALNY A BEZPIECZEŃSTWO – ROZWIĄZANIA KRAJOWE NA GRUNCIE ZDECENTRALIZOWANEGO PAŃSTWA UNITARNEGO

Summary: The article describes the relationship between the organisation of local government in Poland and its competences and responsibilities in the field of ensuring public safety and order to the residents of local communities - municipality, district and province. On the example of selected statutory solutions, it can be stated that at the lowest local government level, the local authority is obliged to a large extent - using or in cooperation with the Police and other institutions independent of the authority - to ensure the safety of residents. It also has basic legal instruments for this. At the provincial and national level, these responsibilities were primarily taken over by the State.

Keywords: local government, safety, public order, state political system

Streszczenie: Artykuł opisuje związek pomiędzy organizacją samorządu terytorialnego w Polsce a jego kompetencjami i obowiązkami w dziedzinie zapewnienia bezpieczeństwa i porządku publicznego mieszkańcom wspólnot lokalnych – gminy, powiatu i województwa. Na przykładzie wybranych rozwiązań ustawowych można stwierdzić, że na najniższym szczeblu samorządowym władza lokalna zobowiązana jest w dużym stopniu – przy wykorzystaniu lub we współpracy z Policją i innymi instytucjami od władzy niezależnymi – do dbania o zapewnienie mieszkańcom bezpieczeństwa. Ma też ku temu podstawowe instrumenty prawne. Na poziomie wojewódzkim i krajowym obowiązki te przejęło zaś na siebie przede wszystkim Państwo.

Słowa kluczowe: samorząd terytorialny, bezpieczeństwo, porządek publiczny, ustrój państwa

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INTRODUCTION

Regardless of the division into unitary (uniform) and federal states most frequently appearing in the systematic classification¹, at the local level, it implies similar solutions, usually imposing on the local government the responsibility for ensuring the safety of residents of the community. The occurring differences are most often associated with the degree of „independence” of the self-government body and the „dependence” of security services and institutions on the state („central”) authority. However, more significant differences can be observed only at a higher (than municipal) level of the organization of the local government administration, which is related to the adopted principle of centralization or decentralization of power. In unitary states, the local government usually depends relatively strongly (e.g. through the system of supervision over its decisions and the scope of tasks imposed on it) on the central government, while in federal states this relationship is sometimes very loose, and often even entirely limited to the implementation of tasks designated not by federal authority, but by law enacted in the constituent part of such a state (province, state etc.)

When it comes to the very notion of security as a task of local government, it can theoretically take different variations and have many meanings². However, it is most often understood as performing tasks of the police nature – ensuring the safety of people and public order in a given area. In other cases, this wording is sometimes developed and clarified. In this basic sense, it may consist in doing so by the local government alone or through the implementation of such a task by police formations (services) operating in each area. Finally, it can be a combination of both solutions and then the local government has its own forces and resources, has a specific impact or controls (assesses) the way the external police formations operate.

Obviously, such tasks are mainly carried out by police services. They must be carried out by officers authorized to use means of direct coercion (including firearms), and organizationally it must be associated with the existence of the necessary technical infrastructure³. In the theoretical dimension, unitary states should be characterized by relatively significant centrality of the organization of law enforcement and security services, while in a federal state by the greater autonomy of its constituent parts. As a result, the latter usually have more local police services and formations, with a relatively broad spectrum of authority to act and not subordinated directly to federal authorities, but national services⁴ are only responsible for a fragment of the matter of public order and security (related to,

¹ Confederation, which is actually just a historical model, will remain outside the discourse.

² National, external, ecological, energy, etc.

³ Means of communication, command system, means of transport, places of detention of persons, competence to carry out investigative activities, etc.

⁴ Eg. FBI (Federal Bureau of Investigation) in the United States, *Bundeskriminalamt* in Germany, Royal Canadian Mounted Police, *Bundesamt für Polizei*, *Office fédéral de la police* in Switzerland or *Polícia Federal* in Brazil. By the way - these formations are not always subordinate to the federal ministries of internal affairs, but e.g. to ministries of justice or several authorities at the same time.

for example, crime of a more serious nature or resulting from the adopted rules of division of powers between the federal and local authorities⁵). In practice, however, the solution in some countries does not have direct reference to the political systemic differences outlined in this way.

While in federal states a relatively strong relationship between the existence of local authority and the associated police formation (formations) is a principle, in unitary states the differences in this respect are very large, depending on whether they are more or less decentralized, as well as depending on historical conditions. As a result, the latter observe very different ways of organizing the local government itself as well as police competences of individual organs and institutions.

For example, referring to the matter of organization and competences of local government structures in unitary states, we can mention, for example, France (where the local government is organized assuming strong centralization of the state)⁶, the Netherlands (highly decentralized)⁷, Italy and Spain⁸ (which, due to their highly developed regionalism, are sometimes treated as a separate political systemic form), or the Czech Republic⁹ or Slovakia¹⁰ (where the local government has not been delegated many functions entrusted to it elsewhere). Also, in the sphere of organization of police services there are very significant differences - both referring to structure and competence. In one country, there is one nationwide police formation¹¹, in others there are more¹². In some at the local level,

⁵ Eg. in the United States, a bank robbery is a federal offence (the dollar as a currency is "protected" by the state, while banks accumulate and distribute funds). Thus, even when it comes to a small bank and there are no casualties, such an act will be investigated by the FBI, and - for example - a shop robbery, even related to a homicide, will be a state crime and the state police (counties, etc.) - depending on local conditions.

⁶ The local government structure in France has been shaped from the very beginning by a strong dependence on central government (Paris). This was not significantly changed by the 1982 reform or subsequent changes, mainly at the regional level. See, for example, K. Orzeszyna, *Samorząd terytorialny w Republice Francuskiej*, [in:] M. Czuryk, M. Karpiuk, J. Kostrubiec (ed.), *Samorząd terytorialny w państwach Unii Europejskiej*, Warszawa 2015, p. 217-246; J. Wojnicki, *Samorząd terytorialny we Francji*, [in:] L. Rajca (ed.), *Samorząd terytorialny w Europie Zachodniej*, Warszawa 2010, pp. 27-48.

⁷ As for the Kingdom of the Netherlands, the original division of the country into provinces, which enjoy relatively high independence, has a significant impact on the development and nature of local government. See, V. Gul-Rechlewicz, *Samorząd terytorialny Królestwa Niderlandów*, [in:] L. Rajca (ed.), *Samorząd*, pp. 158-179.

⁸ In Italy over the past few decades there have been quite significant changes, consisting in the development of the so-called regionalism and granting regions broader powers at the expense of central administration. In turn, the Autonomous Communities in Spain, which are an essential element of the territorial division, by the competences conferred on them sometimes incline to recognize this country as quasi-federal, or at least escaping from the classic definitions of a unitary state; see. P. Machelski, *Europa samorządna. Samorząd terytorialny w wybranych państwach Unii Europejskiej*, Toruń 2018, pp. 122-152.

⁹ See K. Stanik-Filipowska, *Samorząd terytorialny w Republice Czeskiej*, [in:] M. Czuryk, M. Karpiuk, J. Kostrubiec (ed.), *Samorząd...*, pp. 156-170.

¹⁰ Zob. K. Walczuk, *Samorząd terytorialny w Republice Słowackiej* [in:] M. Czuryk, M. Karpiuk, J. Kostrubiec (ed.), *Samorząd...*, pp. 346-353.

¹¹ Police in Poland, Police (Rendőrség) in Hungary, or Policie České republiky in the Czech Republic.

¹² For example: in France two - National Police (Police nationale) and National Gendarmerie (Gendarmerie nationale), in Italy, as many as four - Polizia di Stato, Guardia di Finanza, Carabinieri (Arma dei Carabinieri) and Environmental Protection Police (Corpo Forestaledello Stato).

nationwide formations are strongly supported (and sometimes even replaced)¹³ by local formations, in others such police (e.g. city or municipal) have only the character of administrative and order service¹⁴. Thus, in the latter, the „state police” is a pillar of the security system, also at the local level. This, in turn, requires the establishment of rules of priority or coordination of command and responsibility before local authorities that are to care for the generally understood safety of the inhabitants of the community.

Already such a general outline of the problems shows that it is impossible to point to one, dominant model of local government organization and the implementation of the task in the form of the obligation to take care of universal security and public order.

POLISH SOLUTIONS

Art. 15 of the Constitution¹⁵ points out that the territorial system of the Republic of Poland ensures decentralization of the public power, while the fundamental territorial division of the state should take into account social, economic or cultural ties and ensure the ability of territorial units to perform public tasks. At the same time, the details of solutions in this respect are to be determined by law¹⁶. In turn, art. 16 of the Constitution lays down the principle that the general population of units of basic territorial division constitutes a local self-governing community by virtue of law. The local government itself participates in the exercise of public authority, and it performs a significant part of public tasks under the legislation on its own behalf and on its own responsibility. However, it cannot be forgotten that the above regulations find their basis and source in the systemic principle expressed in art. 3 of the Constitution that Poland is a uniform state.

In the context of the above, the Constitution in Chapter VII establishes another framework for assessing the position and competence of the local government. In the context of the issue that interests us, first of all its art. 163¹⁷, art. 166 section 1 and 2¹⁸ and art. 169 section 1¹⁹, which allow us to state that municipality²⁰, as well

¹³ For example, in Spain, two nationwide formations: Police (Cuerpo Nacional de Policia) and Civil Guard (Guardia Civil) in several Autonomous Communities (but not in each) are replaced in part by: Catalonia – Mossos d’Esquadra, Basque Country - Ertzaintz, Navarra – Policia Foral and the Canary Islands - Cuerpo Nacional de PoliciaCanaria.

¹⁴ Like the Polish municipal (city) guard.

¹⁵ The Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws No. 78, item 483, as amended).

¹⁶ It should only be mentioned that decentralization of power is connected with the principle of subsidiarity; compare M. Safjan, L. Bosek (ed.), *Konstytucja RP*, tom I, Warszawa 2016, Nb.30 p. 405-406 (commentary to art. 15).

¹⁷ Art. 163. *Territorial self-government performs public tasks not reserved by the Constitution or statutes for bodies of other public authorities.*

¹⁸ Art. 166. 1. *Public tasks aimed at satisfying the needs of the local government community are performed by the local government unit as its own tasks.* 2. *If it results from the justified needs of the state, the act may order local government units to perform other public tasks. The Act defines the mode of transfer and the manner of performing commissioned tasks.*

¹⁹ Art. 169. *Local government units perform their tasks through constitutive and executive bodies.*

²⁰ During the adoption of the Constitution, only this level of local government organization was decided.

as the district (powiat) and province must be recognized as competent and obligated in the sphere of ensuring security, if it is assumed as an elementary need of each community. In turn, the state and executive bodies are responsible for the status of such an action. However, a direct reference to the issue of security in connection with the competences of the local government cannot be found in the text of the Basic Law. However, this concept appears in other constitutional norms²¹.

The above causes that detailed solutions should be sought in legislation. The basic meaning in this regard, although it is not a closed catalogue, is owned by:

- 1) Act of 8 March 1990 *on municipal government*²²,
- 2) Act of 5 June 1998 *on district (powiat) government*²³,
- 3) Act of 5 June 1998 *on provincial government*²⁴,
- 4) Act of 23 January 2009 *on the voivode and government administration in the province*²⁵,

as well as:

- 5) Act of 29 August 1997 *on municipal guards*²⁶,
- 6) Act of 26 April 2007 *on crisis management*²⁷ and
- 7) Act of 6 April 1990 *on the Police*²⁸.

As already mentioned, this is not a complete list²⁹, nevertheless, it fundamentally defines the competence framework, tasks, organization and responsibility of local government bodies in the field of security.

In the first two acts (UoGm and UoPow), the normative structure is largely similar.

In accordance with art. 7 point 14 UoGm, the municipality's own tasks include matters of public order and security of citizens as well as fire and flood protection, including equipment and maintenance of the municipality flood control warehouse. In turn, art. 9a authorizes the use of technical measures for this purpose enabling image recording (monitoring) in public space (subject to the consent of the manager of the area), municipal facilities or its organizational units, as well as around such real estate. In addition, pursuant to art. 31b UoGm the head of the municipality (mayor, city president) may order evacuation from areas directly threatening people's lives or property, if such

²¹ E.g. art. 5 (task of the State), art. 31 section 3 (as a criterion for limiting rights and freedoms), art. 74 (ecological safety as a task of public authorities), or art. 146 section 4 points 7 and 8 (order directed to the Council of Ministers).

²² Journal of Laws of 2019, item 506 – hereinafter UoGm.

²³ Journal of Laws of 2019, item 511 – hereinafter UoPow.

²⁴ Journal of Laws of 2019, item 512 – UoSamWoj.

²⁵ Journal of Laws of 2019, item 1464 – hereinafter UoWoj.

²⁶ Journal of Laws of 2019, item 1795 – hereinafter UoStGm.

²⁷ Journal of Laws of 2019, item 1398 – hereinafter UoZarzKryz.

²⁸ Journal of Laws of 2019, item 161 – hereinafter UoPol.

²⁹ An example would be the Act of 18 April 2002 on the state of natural disaster (Journal of Laws of 2017, item 1897), determining the tasks and competences of the municipality, district and province in the event of such an emergency, or the Act of 10 June 2016 on anti-terrorist activities (Journal of Laws of 2019, item 796), imposing obligations on the starost (starosta) regarding temporary radiocommunication installations.

danger cannot be removed in another way. Finally, art. 40 section 3 and 4 UoGm is the basis for the municipal council to issue order regulations if it is necessary to protect the life or health of citizens and to ensure order, peace and public security³⁰.

The municipality also has the right to appoint the municipal guard³¹. In accordance with art. 1 UoStGm is created to protect public order in the municipality and is a uniformed formation. At the same time, its basic tasks, as stated in art. 11 UoStGm, include in particular:

- 1) protection of peace and order in public places;
- 2) ensuring order and traffic control – to the extent specified in the provisions on road traffic;
- 3) control of public collective transport;
- 4) cooperation with relevant entities in the field of saving the life and health of citizens, assistance in removing technical failures and the effects of natural disasters and other local threats;
- 5) securing the place of crime, catastrophe or other similar events or places threatened by such an event against the access of bystanders or destruction of traces and evidence until the arrival of the relevant services, as well as establishing, if possible, witnesses of the event;
- 6) protection of municipal objects and public utilities;
- 7) cooperation with organizers and other services in order to protect order during assemblies and public events;
- 8) bringing intoxicated persons to a sobering-up centre or their places of residence, if these persons give cause for scandal in a public place, are in circumstances threatening their life or health or threaten the life and health of other people;
- 9) informing the local community about the state and types of threats, as well as initiating and participating in activities aimed at preventing committing crimes and offences as well as criminogenic phenomena and cooperating in this respect with state organs, local government and social organizations.

Pursuant to the discussed law and regardless of the powers of the municipal government,

in connection with the tasks carried out, the guard also has the right to observe and record, using technical means, the recording of events in public places, if these activities are necessary to perform the tasks and to:

- 1) recording evidence of a crime or offence;
- 2) counteracting violations of peace and order in public places;
- 3) protection of municipal facilities and public utilities.

³⁰ In this case, the head of the municipality (mayor, city president) must submit a resolution to the voivode within 2 days, who may question it. Ultimately, however, this matter may be resolved by an administrative court (Articles 90-94 UoGm).

³¹ Where the municipality is managed by the mayor or city president, it is called the municipal guard.

Art. 4 point 15 of UoPow, in turn, mentions the public order and security of citizens as an independent task of a district (powiat) of supra-municipal nature, also binding it in art. 4b UoPow with the right to register the image. At the same time, UoPow indicates (Article 7) that statutory standards may specify other cases in which competent government administration bodies impose on the district the obligation to perform specific activities related to the removal of direct threats to the public security and order. At the same time, the district council was obliged to adopt a district crime prevention program and to protect the security of citizens and public order (art. 12 point 9b UoPow).

In the case of the district government, the matter of issuing (in this case by the district council) order regulations (art. 41 UoPow) and issues of supervision over their content, exercised by the voivode and administrative court, was regulated (art. 76-82 UoPow) in the same way as in the case of municipal solutions.

However, only at the district level³² a rule was introduced that, apart from the district council and board, the tasks appropriate for this level of local government are also carried out by managers (commanders) of services, inspections and guards operating within its territory (art. 33a), creating the so-called combined district administration (art. 33b). At the same time, the general competences of the starost vis-à-vis the commanders of the services are carried out by the security and order committee, consisting of both representatives of the district authorities (with the starost as the chairman), but also persons distinguished by professional knowledge, police officers and representatives of other inspections and guards (Article 38a).

The basic tasks of the commission include:

- 1) assessment of threats to the public order and the security of citizens in the district;
- 2) providing opinions on the work of the Police and other district services, inspections and guards, as well as organizational units performing public order and public security tasks in the district;
- 3) preparing a draft district programme for crime prevention and maintenance of the public order and public security,
- 4) providing opinions on projects for other programs of cooperation between the Police and other district services, inspections and guards, as well as organizational units performing public order and citizen security tasks in the district.

Moreover, the chairman of the commission may demand from the Police and other district services, inspections and guards, as well as from district and municipal organizational units performing tasks in the field of public order and security of citizens, documents and information about their work, with the exception of personnel records of employees and officers, operational and investigative materials, or investigation and files in individual administrative cases (Article 38b (1) UoPow).

³² Let's remind that pursuant to art. 91 and art. 92 UoPow also applies to cities with district (powiat) rights.

However, the issue of security was raised in UoSąmWoj relatively the least, because only in one provision. Namely art. 14 point 14 stipulates that within the statutory boundaries, the provincial government performs provincial tasks related to public safety issues. However, it cannot be forgotten that UoSąmWoj shaped the competences of the municipal parliament (art. 18) or the province board (art. 41) quite widely, which also includes norms referring directly to, for example, financial or management aspects, in which after all, there is the duty to carry out all the tasks of the municipal government. It should be reminded that at the provincial level there are actually two administrations: local government and government, headed by a voivode. UoWoj devotes much more space to the issues of security and order. First of all, according to art. 3 UoWoj, the voivode is, among others: a representative of the Council of Ministers in the province;

- 1) the head of the combined government administration in the province a body of the combined government administration in the province;
- 2) supervisory authority over the activities of local government units and their associations in terms of legality; a government administration authority in the province whose jurisdiction covers all matters related to government administration in the province not reserved in separate laws to the competence of other organs of that administration.

In addition to the voivode, the tasks of the government administration in the province are also performed by:

- 1) organs of the government administration combined in a province, including managers of combined services, inspections and guards;
- 2) organs of uncombined government administration;
- 3) local government units and their associations, if their performance of government administration tasks results from separate laws or from a concluded agreement;
- 4) district starost, if his performance of government administration tasks results from separate laws;
- 5) other entities, if their performance of government administration tasks results from separate laws³³.

Pursuant to art. 22 UoWoj, the voivode is also responsible for implementing the government's policy in the province, including:

- 1) adapts the policy objectives of the Council of Ministers to the local conditions and, to the extent and on the principles set out in separate laws, coordinates and controls the implementation of tasks arising from it;
- 2) ensures the cooperation of all government and local government administration bodies operating in the province and manages their activities in the area of preventing threats to life, health or property and threats to the environment, state

³³ Art. 2 UoWoj.

security and maintaining public order, protection of civil rights, as well as prevention of natural disasters and other extraordinary threats and combating and removing their effects, on the terms set out in separate laws;

3) performs and coordinates tasks in the field of national defence and security as well as crisis management resulting from separate laws.

In the scope referred to in item 2 above, he may also, in accordance with art. 25 UoWoj, issue orders binding on all government administration bodies operating in the province as well as the local government bodies. At the same time, the instructions of the voivode may not relate to the decisions on the nature of the matter settled by means of an administrative decision, nor may they relate to operational and investigative, criminal investigation activities. In addition, in accordance with art. 60 of UoWoj, within the scope not regulated by generally applicable provisions, a voivode may issue ordinances, if it is necessary to protect life, health or property, and to ensure order, peace and public safety. Such regulations are immediately forwarded by the voivode to the President of the Council of Ministers (who may repeal them), province marshal, starosts, city presidents, mayors and commune heads in which the ordinance is to be applied.

At the end of the review of national solutions in the field of local government tasks in the area of security and public order, two regulations should be mentioned, covering both the national (central) and local level. UoZarzKryz, which aims to prepare central and local government administration to prevent or eliminate crisis situations (however less intense than that which would constitute the basis for introducing an extraordinary state), has since 2007 become one of the basic acts also regulating the principles of local government. What is new is that it also emphasizes the aspect of planning and preparing for the possible occurrence of this type of event. Thus, the Law enforces the creation of mechanisms for continuous monitoring of threats and the creation of reaction schemes based on risk assessment. Finally, it introduces the categorization of technical infrastructure, recognizing some of it as critical, i.e. one without which proper operation of people is disturbed.

Art. 4 and 5 of UoZarzKryz forces the creation of crisis management plans, while art. 6 lists tasks in the field of critical infrastructure protection³⁴. In the scope covered by the subject of the analysis, art. 14 paragraph 1 UoZarzKryz determines that the province is the competent authority in matters of crisis management in the province, but art. 17 clearly indicated that at the district (poviat) level³⁵ the competent authority in matters of crisis management is the starost, as the chairman of the board of the district whose tasks include:

³⁴ 1) collecting and processing of information concerning the threats to the critical infrastructure;
2) developing and implementation of procedures in case of the treats to the critical infrastructure;
3) recovery of critical infrastructure;
4) cooperation between public administration and owners as well as independent and dependent holders of critical infrastructure objects, installations or equipment in the field of its protection.

³⁵ So when the crisis situation covers "only" the whole or a part of the area of one district (poviat).

- 1) managing monitoring, planning, responding and removing the effects of threats in the district;
- 2) implementation of civil planning tasks, including:
 - a) developing and submitting to the voivode for approval the district crisis management plan,
 - b) implementation of recommendations for district crisis management plans,
 - c) giving the municipality authorities some recommendations to the municipal crisis management plan,
 - d) approval of the municipal crisis management plan;
- 3) managing, organizing and conducting teaching sessions, exercises and trainings in the field of crisis management;
- 4) implementation of projects resulting from the operational plan for the operation of districts and cities with district rights;
- 5) preventing, counteracting and removing of the effects of terrorist events;
- 6) cooperation with the Head of the Internal Security Agency in the field of counteracting, preventing and removing the effects of terrorist events;
- 7) organization and implementation of tasks in the field of critical infrastructure protection.

These tasks are carried out by the starost with the help of the district combined administration and district organizational units, with the help being provided by the district crisis management team, whose work is managed by and composed of persons appointed from among:

- 1) persons employed in the district starost (district authority), district organizational units or organizational units constituting an auxiliary apparatus for managers of combined services, inspections and district guards;
- 2) representatives of social rescue organizations, as well as
- 3) other persons invited by the starost.

For the purposes of the aforementioned threat monitoring and proper flow of information, pursuant to Art. 18 UoZarzKryz, district crisis management centres operate, whose organization, seat and mode of work as well as the way of ensuring round-the-clock circulation of information in crisis situations is determined by the starost.

Similarly, a mechanism to respond to crisis situations in the municipality was organized. There, as stated in art. 19 UoZarzKryz, tasks similar to those of a district were imposed on a starost by the head of a municipality (mayor, president of the city), with the help of an organizational unit of the municipal (city) office competent in matters of crisis management, and its auxiliary body in ensuring the implementation of the crisis management tasks is the municipal team for crisis management. In contrast to the district, there is no obligation in the municipality to create a crisis management centre, although the head of the municipality (mayor, city president) must ensure in this case an efficient system of cooperation and collaboration with existing centres and establish an alarm system (Article 20).

Undoubtedly, however, one of the main roles in ensuring security in local government communities is played by the Police. Already mentioned above in combination with various standards contained in the discussed laws, they work primarily on the basis of UoPol. In Poland, a strongly centralist model was adopted, which boils down to managing this formation from the level of the National Police Headquarters in Warsaw³⁶, although the Act of 6 April 1990, also attempts to emphasize the local dimension of its operation, assuming, for example (Article 3), that the voivode and commune head (mayor, city president) or starost exercising power of general administration as well as municipality, district and province authorities also carry out tasks in the field of security or public order. The specificity of our country is the reservation of the name Police only for one formation (Article 1 (1) and (2) UoPol), defined as a uniformed and armed formation serving the society and intended to protect people's security and to maintain public safety and order. At the same time, it is a formation with a very broad competence spectrum, because (Article 1 (3) UoPol) its basic tasks include, among others:

- 1) protecting the life and health of people and property against unlawful attacks affecting these goods;
- 2) protection of public safety and order, including ensuring peace in public places and in means of public transport and public transport, in road traffic and in waters intended for common use;
- 3) initiating and organizing activities aimed at preventing committing crimes and offences as well as criminogenic phenomena and cooperating in this respect with state organs, local government bodies and social organisations;
- 4) detecting crimes and offences and prosecuting the perpetrators;
- 5) supervision of specialist armed protective formations within the scope specified in separate regulations;
- 6) control of compliance with order and administrative provisions related to public activity or effective in public places;
- 7) processing of criminal information, including personal data.

In Art. 6 - 6d of UoPol, rules of police operation were established in the provinces and districts, deciding that the government administration bodies in the province's area in matters of protecting people's safety as well as maintaining public safety and order are: a voivode with the help of the provincial police commander acting on his behalf or a provincial police commander acting on his own behalf in matters:

- a) performing operational and reconnaissance, investigative and prosecution activities,
- b) issue of individual administrative acts, if it is stipulated so by laws;
 - 1) district (municipal) police commander;
 - 2) commander of the police station.

³⁶ It is headed by the Chief Police Commander, who is the central government administration body (Article 5 (1) UoPol).

At the same time, it was decided in the discussed regulations that the territorial scope of operations of these bodies corresponds to the basic administrative division of the State, excluding the capital city of Warsaw and the following districts: Grodzisk, Legionowo, Minsk, Nowodworski, Otwock, Piaseczno, Pruszków, Warsaw West and Wołomin, where the Capital Police Headquarters operate. The second exception is the possibility that in cities that are the seat of city authorities with the rights of a district and a district having the seat of authorities in that city, only create a municipal police station that performs tasks within that city and district.

In addition, in Art. 10 UoPol provides for the obligation for police commanders to submit annual reports on their activities, as well as information on the state of public order and security to the competent voivodes, starosts, heads of communes (mayors or city presidents), as well as district and municipality councils. Moreover, in the event of a threat to public security or public order, reports and information shall be submitted to those authorities without delay at their request. However, in detecting crimes and prosecuting their perpetrators, these reports and information can only be passed on to courts and prosecutors (and at their request).

On the basis of these reports and information, the district (city) council and the municipal council may determine, by way of resolution, threats to public security and public order that are significant to the local government. Such a resolution may not, however, concern the performance of a specific official activity or specify the way the Police perform tasks. On the other hand, district (city) police commanders are obliged to provide the security and order committee (at the request of its chairman) with documents and information regarding the work of the Police in the district, with the exception of personnel records of employees and officers, operational and reconnaissance or investigative materials and acts in individual administrative cases.

Finally, in accordance with art. 11 UoPol, the head of the municipality (mayor, city president) or starost may request the competent police commander to restore the state compliant with the legal order or to take measures to prevent violation of the law, as well as to eliminate the threat to security and public order. It should be remembered, however, that such a request cannot relate to operational and investigative, criminal prosecution activities. This request also may not relate to the performance of a specific official activity or specify the way the task is to be carried out by the Police. At the same time, the head of the municipality (mayor, city president) or starost are solely responsible for the content of their request, and when it is given orally, it must be confirmed in writing. In a situation where the competent police commander is not able to carry it out, he immediately submits the case to a senior police commander. In a situation where it would involve a violation of law, the request is invalid, which requires however confirmation of such unlawfulness by the voivode.

Finally, local government bodies also have the possibility to influence to some extent the number and equipment of police officers serving in their area. Pursuant

to art. 13 section 3, 4 and 4a UoPol, among others, local government units may participate in covering investment, modernization or renovation expenses as well as the costs of maintaining and operating of the Police organizational units, as well as the purchase of goods and services necessary for their needs. At the request of the district council or municipality council, the number of Police posts in district quarters and police stations within the district or municipality may be increased to exceed the number set on general principles³⁷, if these authorities provide coverage of the cost of maintaining Police posts for a period of at least 5 years, on the conditions set out in the agreement concluded between the district or municipality authority and the competent province commander of the Police and approved by the Chief Police Commander. In addition, the district or municipality council may transfer, under the conditions set out in the agreement concluded between the district or municipality executive body and the appropriate district (municipal) police chief, financial resources constituting the district's or municipality's own income, intended for:

- 1) financial compensation for police officers for duty exceeding the basic duty time;
- 2) awards for achievements in service, for police officers of local district (city) headquarters and police stations who carry out tasks in the field of prevention.

CONCLUSION

The basic scope of competences of the Polish local government authorities and other institutions, services and order formations operating in the area of local communities in the field of responsibility for security, which has been outlined, confirms that the adopted model indicates their relatively significant dependence on state authorities (central institutions). Even where these competences are relatively clearly indicated, the head of the commune, mayor, city president or starost depend to some extent on other entities that are not subordinate to them. Of course, they have the competence to act, as well as the ability to create certain institutional solutions³⁸, nevertheless, they are bound by both the voivode's supervision and the adopted model of the Police organisation, whose work effects have a great impact on the sense of security. It confirms, however, that Poland is a unitary country with a high level of decentralization of power. In the case of security, however, it is additionally limited, which does not allow the district and municipal local government to be considered as only or mainly responsible for the level of security.

A particularly disputable issue is the issue of responsibility of local authorities for ensuring public safety and order at the provincial level³⁹. It should be assumed

³⁷ Thus resulting from the central budget of the formation.

³⁸ Like the establishment of a municipal guard or the powers of the poviats security commission.

³⁹ Thus, events (crime, dangerous trends, etc.) exceeding the poviats competence scale.

that contrary to municipalities and districts⁴⁰, the voivode and provincial commander of the Police play a leading role here, not the regional council or the board, i.e. local government institutions. This is undoubtedly the result of the conscious legislative activity of state organs.

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⁴⁰ Although the province consists entirely of them.