

THE OFFICERS OF GOVERNMENT PROTECTION BUREAU COMPETENCES AND ABILITIES IN TERMS OF PROTECTING PEOPLE, FACILITIES AND EQUIPMENT

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ABSTRACT

Government Protection Bureau as unitary, uniformed and armed formation was appointed to perform under the Act of 16 March 2001 about the Government Protection Bureau (BOR). BOR Formation performs tasks included in the field of competences of public administration. It carries out statutory tasks such as providing safety and public order and state security. Government Protection Bureau as specialized formation performs tasks in the field of protection of people, facilities and equipment that are of particular importance for the state. Tasks of the formation were indicated in the Art. 2 of the Act of 16 March 2001 about the Government Protection Bureau. Performing statutory tasks imposed by legislator concerning protection of people, facilities and equipment, requires specialist preparation and powers.

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Government Protection Bureau (GPB) as a single, uniformed and armed formation presently operates on the basis of The Act on Government Protection Bureau of 16 March 2001. Previously, on the 12th of June 1924, the Minister of Interior Zygmunt Hübner – brought into existence a protection brigade, according to the instructions on executing protective services .

The current shape of the structure of the Government Protection Bureau was introduced by Order No. Pf-2 released by the Minister of Internal Affairs and Administration on 25 of May 2007 on the introduction of a detailed organizational structure of the Government Protection Bureau. The above mentioned act is confidential.

GPB performs tasks within the area of competence of public administration. It carries out statutory tasks included in the directory of government projects that include provision of security and public order. Government Protection Bureau operates within the department of internal affairs that deals, among other things, with the protection of public safety and order .

In the context of the ongoing considerations concerning the abilities and competences of Government Protection Bureau for realizing statutory tasks, the list of these tasks imposed on the formation should be mentioned here. Government Protection Bureau, as a specialized formation fulfilling tasks for the protection of people, facilities and equipment, has particular importance to national security.

The above mentioned tasks are defined in the Article 2 of the Act of 16 March 2001 on the Government Protection Bureau.

These tasks include protecting of the President of the Republic of Poland, the Marshal of Sejm and Senate, the Prime Minister and the Deputy Prime Minister, as well as ministers competent for internal affairs, the ministers responsible for foreign affairs and other persons designated by appropriate regulations of the Minister of Internal Affairs.

Furthermore – the protection of the former Presidents of the Republic of Poland, according to the Act on the salary of former Polish President of 30 May 1996. According to the above mentioned act, the former President retains the authorization to be protected exclusively on Polish territory. The terms of use of this law are determined by the Minister of Interior.

The tasks associated with the protection of persons designated by decision of the Minister of Internal Affairs have been imposed on the formation. These persons are protected for the sake of the state. Decisions relating to these actions bear kept secret.

According to the binding law, Government Protection Bureau ensures protection of the delegations of foreign countries visiting Poland – as well during official visits as in case of working visits.

GPB carries out tasks for the protection of Polish diplomatic representations, consular offices, delegations to international organizations situated outside the borders of the Republic of Poland. These actions are undertaken in accordance with the regulation of the Minister of Internal Affairs and Administration of 20 March 2003 on the terms, conditions and procedures for the Government Protection Bureau's officers concerning protection of the Polish diplomatic missions, consular offices and delegations to international organizations beyond the borders of the Republic of Poland. It is however worth mentioning that GPB's officers do not provide

protection to all Polish diplomatic missions but only to the ones located in countries with high threat of terrorist attacks, and the risk of social unrest and crime.

As far as the tasks imposed on GPB are concerned, there are also the ones linked with the protection of the following installations: facilities used by the President of Poland and the Prime Minister as well as the Ministries of Internal Affairs and Administration and the Ministry of Foreign Affairs.

Government Protection Bureau completes also the tasks associated with the protection of objects and devices of particular importance. Information on the range of activities bears the secrecy clause - "top secret". The tasks of the area are defined in decision No. 00-10 of the Minister of Internal Affairs and Administration of 26 June 2003 on the provision by the Government Protection Bureau the protection of objects and devices of particular importance.

The formation provides also radiological and pyrotechnic recognition within the Chancellery of the Sejm and the Senate. The scope of these activities has been defined in Decision No. 0 -28 of the Minister of Internal Affairs and Administration of 18 October 2001 on the conduct of pyrotechnic and radiological recognition in the facilities of the Chancellery of the Polish Sejm and Senate. It should be emphasized that for the physical protection of both chambers the Downing Guard (Straż Marszałkowska) – uniformed formation subjected to the Marshal of the Sejm - is responsible.

Such a wide range of tasks imposed on the Government Protection Bureau requires adequate preparation. Therefore, taking into the account the specificity and complexity of the tasks performed by the formation, an obligation to permanently improve working methods has been introduced according to the Article 11.7 of the Act of 16 March 2001 on the Government Protection Bureau. This improvement is conducted on the basis of a

multi-faceted training of the officers. The training process is implemented by the department responsible for the proper training, that conducts physical training in defense as well as in shooting. The document that regulates the principles of conducting training in the Government Protection Bureau is Ordinance No. 42/10 dated 31.12.2010 released by the Chief of the Government Protection Bureau on specific conditions and improvement of skills of the officers of the Government Protection Bureau. The aim of the process of training and professional development is theoretical and practical preparation of officers for carrying out duties related to the activities described in the Article 2 of the act on GPB.

Trainings and courses are organized as lectures, tutorials and practical classes containing the necessary knowledge and skills for proper performance of duties by the officers of the Government Protection Bureau. In the process of training and professional development the following trainings may be distinguished:

Basic course – preparing for the duty in the Government Protection Bureau. This is the introductory training for officers to carry out their duties. Every candidate is obliged to complete the basic course, regardless of their education, years of service or time spent outside of the Government Protection Bureau. In case of soldiers released from service or officers released from the Police, Border Guard, State Fire Service, Prison Service, Central Anti – Corruption Bureau, Internal Security Agency, Foreign Intelligence Agency, Military Intelligence Service there is a possibility of sending the officers to the course in different term. This may be the result of the need to use an officer to the task because of their special abilities and skills or due to the time of the planned course. The scope of the program and the matters of the course allow the participants to prepare for an examination

at the first stage of NCO Government Protection Bureau.

Officer training (course) – equals specialized training that broadens professional skills in terms of theory and practice as necessary elements for the proper execution of tasks within the officer corps. This course is addressed to the officers holding university degrees. Before the course starts, the officer delegated to the course needs to have a position provided. The course is dedicated only to the officers that required the highest opinions in recent professional evaluation.

The participation of the officer in the course is preceded by the recruitment procedure that consists of the following elements: candidate's education and completed courses, the average evaluation from the last two exams in physical, defense and shooting, as well as the length of service, the average scores from the last two annual opinions. The above mentioned opinion assesses the ratio of an officer to the service and the level of their involvement in the implementation of tasks. Also the rank of the candidate is taken into consideration.

Also the tasks carried out by the candidate are significant as they concern the protection of diplomatic missions in the war zone or during the threat of terrorism, as components pointing to the experience gained. An important criterion for a candidate to qualify for the course is the opinion issued by the direct supervisor for the period of stay in the diplomatic missions abroad, especially in the diplomatic missions located in the war zones or on the territories where the threat of terrorism appears. The training is conducted either as a regimented training or as a stationary training.

Specialized course that prepares to serve the organizational unit responsible for special protection. That is a specialist training preparing officers for the tasks on special security field. Special protection should be understood as ensuring the protection of

persons, objects and devices in case of high degree of security threats. These tasks include the implementation of safeguards to the Polish delegation during visits to areas of Polish diplomatic missions, consular offices located in zones of military actions and terrorist threat zones.

The above mentioned course is dedicated to the officers who completed the basic course and has at least three years of professional service in the Government Protection Bureau. Moreover, to the ones who received at least a good score from recent professional evaluation.

This specialized training is preceded by the qualification proceedings. As a part of the qualification procedure, the candidate is obliged to succeed in the tests in defense and in shooting. Standards specifying the criteria of physical exams in defense and shooting are contained in separate regulations. The preparatory course for the implementation of special security is conducted as a stationary or regimented training.

Specialized training for the GPB officers on the protection of diplomatic missions, consular offices and delegations acting by the international organizations outside Poland - the general part. This training prepares the officer to perform the tasks on the protection of objects outside the country and people at the site of diplomatic missions. For this training an officer is sent by the Chief of the department responsible for the security and protection of the Polish diplomatic missions, consular offices and delegations acting by the international organizations.

Specialized training for the GPB officers on the protection of diplomatic missions, consular offices and delegations acting by the international organizations outside Poland – the specialist part. This part of the training prepares the officer to carry out the tasks within the protection of Polish diplomatic establishments belonging to B category. These are Polish diplomatic missions,

consular offices and representations by the international organizations located in the areas where military operations are conducted, or facilities located in the areas jeopardized by the terrorism. The scope of the training also covers the direct defense issues. Similarly, as in case of general part of the training, the decision about delegating an officer to participate in the training is made by the Chief of the department responsible for the security and protection of the Polish diplomatic missions, consular offices and delegations acting by the international organizations.

Professional improvement is conducted in accordance with a plan developed by a chief of the department responsible for training, approved by the chiefs of the organizational departments of GPB and accepted by the Chief of the Government Protection Bureau. It is divided into the central trainings for groups G1, G2, G3, G4 concerning general issues on protection. Among these: central directive, local directive and external.

This wide range of tasks carried out by the Government Protection Bureau on securing the protection of persons, objects and devices important for the sake of the state requires specific powers to enable effective implementation of the tasks. Thus, the officers of GPB are provided with the authorization that may be used in the conditions threatening proper fulfilment of the protective measures. Due to the wide range of authorization of the GPB officers, in this publication only some of them are mentioned, concerning administration, order, use of coercive measures and firearms.

As far as the activities concerning administration and order are concerned (Article 13 of the Act on GPB), the catalogue includes the powers that an officer may use while performing tasks. During the completion of the tasks described in the Article 2.1 of the above mentioned act, an officer may give orders to people whose behavior may cause

threat to the safety of people, facilities and equipment protected by GPB . If it turns out to be necessary, an officer is empowered to check the identity of a person in their IDs .

The list of activities concerning administration and order includes also the power to limit liberties and freedom of a person against whom an action was taken . This concerns arresting people who clearly cause threat to human's life and health as well as to the property and those who flagrantly violate public order. Arresting is to be found as a form of coercion involving deprivation of liberty for a short time of a person that leads to stopping this person from moving and communicating freely, making their submit the orders of the officer, including also their placement in a desolate place .

Officers of the Government Protection Bureau within their competences may conduct personal control, investigate the contents of luggage, check loads and facilities in situations where it is necessary to ensure the safety of the protected persons, objects, and devices. These activities are included in the list of activities and are of preventive dimension .

In addition, officers may request the necessary assistance from the state institutions, administrative bodies and local governments, as well as from business entities operating in the field of public utilities. These institutions and bodies are obliged to provide assistance within their activities. The issue of the assistance of business entities is defined in the regulation of the government dated 9 April 2002 on the detailed steps of the exercise by the Government Protection Bureau officers and their use of the assistance of other entities.

By law, the GPB officers are provided with powers to request the necessary assistance from other entities and social organizations, as well as to refer in emergency cases to any person in order to provide necessary assistance. However, taking into consideration

the fact that the above mentioned activities influence citizens' rights and freedoms, the GPB officers are obliged to act in a way that has the least impact on the infringement of personal goods .

The catalogue of coercive measures available to the officers of the Government Protection Bureau is defined in the Act of 24 May 2013 on measures of direct coercion and firearms. On the basis of these rules the Government Protection Bureau officers are authorized to use coercive measures and firearms.

Article 11 of the Act indicates the range of activities for which one may need to use or is authorized to use coercive measures . These actions have been defined by the legislature as the power to enforce behavior compliant with the command given by the authorized person (Article 11 point 1). In addition, the catalogue includes also measures undertaken in order to repel an unlawful attack against the life, health and freedom of its holder or other person (Article 11 point 2) and actions against assassination attempts towards life, health or freedom of a person (Article 11 point 3).

The Act on coercion and firearms points also to the effect of using coercive measures against the infringement of public order and public security (Article 11 point 4). This concerns preventing direct attacks on areas, facilities and equipment, protected by the authorized bodies (Article 11 point 5). In addition, officers are authorized to use coercive measures in order to ensure the protection of public order and safety in areas and buildings protected by them (Article 11 point 6) and preventing damage to property (Article 11 point 8).

In the Article 11 point 7, the legislature established the right to the use of coercive measures for actions in the field of counter-attack on the integrity of the state border within the meaning of Article 1 of the Act of 12 October 1990 on the protection of the state border.

The Article 11 point 9 indicates the necessity to ensure safety of the convoy.

Other powers apply to actions in the field of recognition of a person, to thwart their escape or pursuit of the person (Article 11 point 10) and the detention of a person in order to thwart their escape or pursuit of the person (Article 11 point 11). GPB officers are enabled to use coercive measures in case of actions on overcoming passive and active resistance, as well as to prevent actions leading to self-harm (Article 11 points 12-14).

Under the Act of 24 May 2013 on measures of direct coercion and weapons, there are defined coercive measures that may be applied by the Government Protection Bureau officers. It contains the description of the forms of their use and points persons responsible for the decision of their use (Article 35 paragraph 1 and Article 4 paragraph 3).

Leading protective measures in relation to the people, facilities and equipment, the Government Protection Bureau implements them on the basis of the form of action, as defined by the legislature. In a wide catalog of forms of activities are: planning, among other things, the protection of persons and objects, identification and analysis of risks as well as preventing them from occurring.

Planning security of people, facilities and equipment is the first stage in the implementation of the measures carried out by the Government Protection Bureau within the security issues. It is based on determining the size of the forces and resources necessary for optimal protection of the protected person, object or device. During the security planning process, particular attention is paid to the security elements indicating its specificity. Thus, in case of persons under protection into consideration are taken: the position a person holds (president, prime minister, minister, other office) and place of protection (protected object or object not covered by protection, open area). Furthermore, the character of the

protection (the official, working or private visit) and the severity of threat. The last one is also specified for the protected facility or object. In addition, the planning stage is indicated for the task at security category, which is determined by the commander of security, considering its complexity. The issues concerning security category are confidential that is why this matter cannot be further discussed.

As next form of the activities legislator pointed recognition, analysis and risk prevention. These activities are realized on the basis of legal delegation contained in the Article 12 of the Act of 16 March 2001 on the Government Protection Bureau. This delegation authorizes the formation to perform administrative and preventive activities. The term "prevention" should be understood as the use of different preventive measures in order to stop accidents, damage and disaster. Government Protection Bureau under the current regulations has the right to conduct prevention activities only to the extent of the protected subject (protection of people, facilities and equipment) and these actions consist on widely understood prevention.

Preventive actions are carried out in relation to all persons, facilities and equipment protected by the Government Protection Bureau. Forms of preventive measures are set out in the Article 16 of the Act of 16 March 2001 on the Government Protection Bureau. These regulations concern prevention of the occurrence of offenses, in the meaning of criminal law, in which a protected person could be harmed. They also refer to the identification and determination of all threats in order to fulfil the tasks described in the Article 2 paragraph 1 of the act.

Article 17 paragraph 1 of the act specifies the methods of prevention activities. These are related to the collection, processing and use of information and they refer to scrutiny of the facilities and devices protected by Government Protection Bureau in order to

reveal threats to their safety . Preventive actions undertaken by GPB are also used to carry out risk analyzes prepared in order to determine the degree of risk for the protected persons, facilities and equipment. The above mentioned analysis is also prepared in accordance with information provided by the operators interacting within the Counterterrorism Center of Internal Security Agency. The cooperation between subjects is based on the legal delegation to cooperate with other entities in the use of aid and obtaining information from other entities to the extent necessary to ensure the safety of people, facilities and equipment that are protected. The exchange of information between entities has been standardized by the regulation released by Prime Ministers on 4 March 2008 on the terms, conditions and modalities of the transfer by the Government Protection Bureau information obtained by the Police, the Internal Security Agency, Intelligence Agencies, Coast Guard, Military Counterintelligence Service, Military Intelligence Service and Military Police.

Another form of protection indicated by the legislature is coordination of the activities carried and execution of direct protection of persons, buildings and equipment. These information are under the confidentiality clause and therefore cannot be further described.

The specificity of the tasks realized by Government Protection Bureau requires active cooperation beyond state's borders. Therefore, the Government Protection Bureau cooperates widely with bodies responsible for the security of persons and entities of public safety systems in other countries.

After joining European Union by the Republic of Poland, Government Protection Bureau became an active participant in the working groups and organizations whose registered activity is focused on providing security for the public. Government Protection Bureau is a member of ENPPF (European Network for the

Protection of Public Figures), APPS (Association of Personal Protection Services), Twinning Project PL. Taking into consideration the subject of the article, brief characteristics of the activity of the organizations mentioned is necessary.

European Network for the Protection of Public Figures (ENPPF) was set up by the European Council Decision of 28 November 2002. It consists of the national police services and other services responsible for the protection of the public figures. The network's objectives are the following: the exchange of information while planning the protection of the public figures during their visits in EU, developing common views on methods of common action to prevent assaults and attacks in order to create maximum safety to protected figures.

Association of Personal Protection Services brings together public institutions from the whole world responsible for the security of the most important people. The main objective of the organization is to exchange ideas, knowledge, experience, information and promotion of close cooperation between the security services during the implementation of common tasks.

In addition, the Government Protection Bureau is working closely with the protective services from around the world such as: Israel Security Agency, Bundeskriminalamt, Secret Service.

Ensuring the protection of persons, objects and devices of particular importance for the sake of the state are the basic tasks of the Government Protection Bureau. Apart from that, protection of government representatives, representatives of the delegations of foreign countries residing in Poland and their facilities. Within the tasks one may also distinguish protection of Polish diplomatic missions located in the territories of the countries covered by the war and the Polish units located in the zones of the terrorist threat.

Taking into account the dynamics of today's threats, the implementation of such complex tasks requires appropriate powers and specialist training based on the collaboration with the security system, government and local government. The international dimension requires the cooperation with foreign entities responsible for the preparation and implementation of common security as well.

The scale of hazards in the modern world, their complexity and their volatility leave no doubts about the need to modify and improve the process of training of the officers of Government Protection Bureau as a formation equipped with the legal instruments for the effective implementation of tasks under the applicable national and international law. Equipped with modern tools that provide direct access to information used to conduct analyzes in the area of hazard identification and forecasting the directions of their evaluation. Tools which enable modifying the forms and methods of protective measures in respect of persons, objects and devices of particular importance for the state in such a way that they are capable of effectively counter the potential threats.

Taking into account the specificity and complexity of the tasks, the importance of the process of training of the officers conducted within the Government Protection Bureau has to be emphasized. Training conducted at each level - the level of intervention, tactical and strategic level with the use of experience gained by the Government Protection Bureau and other services, with particular emphasis on the experience in the implementation of tasks outside the country during the protection of diplomatic zones prone to terrorist threat.

An important part of the training process is obtaining a high level of cooperation between the bodies of the state security system, as well as these of public and local administration. For this purpose coordination and guidance of the activity is necessary, which – in the light of the applicable statutory

provisions in accordance with Article 11 of the Act of 16 March 2001 on Government Protection Bureau is conducted by the Government Protection Bureau. It must be based on precise legal acts defining the roles of the different entities and bodies within their competence. Therefore, formal assignment of specific tasks in the framework of implemented safeguards with respect to the protected persons, objects, and devices, seems important.

It is necessary to permanently develop IT tools supporting process of planning, preparing, execution and analysis of implemented means of security. As for the tasks associated with planning and coordination of logistics activities, it is necessary to modernize tools supporting planning and management of materials regarding to the current needs resulting from the formation of dynamically allocated tasks.

In addition, it is appropriate to also build awareness of both – the protected persons, persons working in the structures of central and local government on today's threats as well as the present course of action as a result of their existence.

The essence of the activities carried out by the Government Protection Bureau is to take action before the threats appear. The essence of the above is greatly described by the words of H. Kissinger, U.S. politician, diplomat, Nobel Peace Prize winner: "Security is the foundation of everything we do" .

Government Protection Bureau is at the forefront of avant-garde institutions responsible for security and at the forefront of the bodies preparing to carry out their tasks effectively. This results from the specifics of the carried tasks as well as from the nature of the threats of the modern world.

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