

# POLISH POLICE IN THE COMMON PUBLIC SAFETY AND ORDER ASSURANCES SYSTEM

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## Abstract

This dissertation presents the issues of police's functioning in the public safety assurance system. Police, as a militarized formation, serves the society and assures its protection, mainly in scope of maintenance of public safety and order, as well as in situation of threat with natural disasters, catastrophes and other events which cause crises.

Fulfillment of these tasks in a most professional manner can only be achieved based on safety management process performed according to plan and in an efficient manner by the Police bodies on each level of command, with defined priorities, because only then the assumed goals can be reached.

**Key words:** safety, Police, Police bodies, safety management, crisis management, crime fighting.

## Introduction

Police is a uniformed and armed formation serving the society and with its personal potential (intellectual), technical potential and infrastructure it is – besides the Polish Armed Forces – a significant element of our country's safety system, especially in the scope of protection of people's safety and maintenance of public safety and order<sup>1</sup>. It is also one of the most important entities in the system of protecting the public against the dangers caused by natural disasters, catastrophes and other events causing crises, which are included in the meaning scope of the word „*bezpieczeństwo*” (en. safety)<sup>2</sup>.

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<sup>1</sup> Art. 1 of the act of 6.04.1990 on the Police (i.e. Journal of Laws of 2011, No. 287, it. 1687 as amended).

<sup>2</sup> The term „*bezpieczeństwo*” (en. „safety”) from the etymological perspective means, that it comes from the connection of the words „*bez*” (lack of something – a characteristic, a thing or a person) and „*piecza*” (protecting something, someone, caring about someone, something, carefulness) which has to be understood as a state, where the aforementioned care or protection is not necessary or needed (Gąsiorowski, 2013a: 96).

The scope of the Police's activities resulting from the statutory definition is based on a general competence clause (tasks in scope of public safety and order). Such scope of activities is, however, not enough for proper fulfillment of the tasks, which is why the legislator obliged the Police to undertake action on the basis of other acts, agreements and international treaties with the purpose of protecting and maintaining public safety and order.

Fulfillment by the Police of its statutory tasks in the most professional manner could solely be the effect of planned and effective safety management process, with defined priorities hierarchy, because only such actions will enable assurance of measurable, long-term success in this scope.

## 1. State safety system

One of the fundamental tasks of each of the European Union member states, among many fields with significant meaning, is to provide its citizens with safety (in military and non-military aspect) understood as the *“state of surety, calmness, protection and feeling of being protected which means the lack of dangers and protection from dangers”* (Cieślarczyk, 2011: 29). Therefore safety, and especially internal safety shall require *„constant readiness and activities of certain institutions and state authorities, as well as private entities, which shall affect maintenance of stability and integrity of the state”* (Serafin, Parszowski, 2012: 34), because including the legal and administrative class, it is the main task of the internal resorts (the Police, services, guards, inspections) of the EU member states, the obligation of which is, among others, providing of public safety and order, including protection or restoring of the violated order and peace, including, in particular, protection of life, health and property of the citizens (Grochalski, 2013: 101--112, Gąsiorowski, *Standaryzacja...*, 2013: 73-98).

These tasks are being fulfilled by the European Union as well as Poland with two correlated forms of legislative actions, i.e. through “political” actions, such as establishment and maintenance of certain formations aimed at protection of public safety and order in the common system, as well as on local level, first of all owing to the cooperation of:

- police, customs authorities and other competent authorities in the member states, performed directly and by the mediation of the European Police Office (*„Europol”*),
- court authorities and other competent authorities in the member states, including cooperation by the mediation of the European Union's Judicial Cooperation (*„Eurojust”*),
- approximating, if needed, penal law standards in the member states.

State safety system, as “*purposefully created system of legal standards, legislative and executive authorities, as well as resources, methods of activity oriented on assurance of infallible safety system*” (Głukowski, 2007: 35) regards the state in its entirety. In the Polish conditions, with consideration of administrative subordination, structures and tasks of safety entities, it includes Tyree subsystems:

- 1) government, which includes all public safety institutions subordinate to government administration (police etc.),
- 2) local government, which comprises all public safety institutions subordinate to a local authority, such as commune (town) guards,
- 3) private, i.e. commercial entities protecting persons and properties (Misiuk, 2008: 9-11).

Such system, including the activity of specified institutions, state authorities and private entities (in order to maintain stability and integrity of the state) shall, in an optimal manner, assure the widely understood common and internal safety of the state on each level of command, i.e. local (powiat, commune), which is also subject to the statutory obligation of providing safety on its subject territory<sup>3</sup>. Fulfillment of this task in its legal, organizational and institutional aspect is possible, because the state, partially privatizing the safety, “*handed over*” to commercial entities performance of a series of tasks laid upon them by „*lex specialis*” acts in the scope of protection of persons and property<sup>4</sup>, and enabled the local authorities to appoint – depending on needs and possibilities of a given commune – entities of military character, such as commune (town) guards<sup>5</sup>, who contribute to fulfillment of these tasks in an equally professional manner<sup>6</sup>.

Proper performance of tasks in this scope is necessary, because the threat of crime – after the system and economic transformation – increased, and moreover a series of different negative phenomena emerged, which set out the pace and directions of ongoing transformations, which were specified by criminal properties of the market economy on four fields simultaneously: 1) genetic (emergence of crime-inducing factors different from former ones); 2) quantitative (sudden increase in number of these crimes); 3) struc-

<sup>3</sup> Act of 5.06.1998 on powiat local government (i.e. Journal of Laws of 2013, it. 595 as amended); act of 8.03.1990 on commune government (i.e. Journal of Laws of 2013 item 594, as amended).

<sup>4</sup> Act of 22.08.1997 on protection of persons and properties (Journal of Laws of 1997 No. 114, it. 740 as amended) and the act of 20.03.2009 on mass events safety (Journal of Laws No. 62, it. 504 as amended), which relates to security employees acting as order services during mass events.

<sup>5</sup> Act of 29.08.1997 on commune guards (Journal of Laws No. 123, it. 779 as amended).

<sup>6</sup> The commune government carries out the above-mentioned task on their own behalf and at their own responsibility, and one of the institutions providing order is the commune guards, who thus became a significant element in protection of public order and safety as well as in preventive actions (for more, see: Leszczyński, 2007).

tural (emergence of formerly unrecorded pathological behaviors) and phenomenological (emergence of formerly unknown manners of committing crime) (Ratajczak, 1998: 8). The effect of this were changes in the structure of traditional crime stemming from pathology characteristic to the political and economic system of a socialist country into the contemporary common, economic and organized crime, which caused a high level of threat to life, health, property and economic interests of the society and country.

Taking into consideration the above, the Polish Police faced a significant problem which required a quick and definite counteraction. Therefore, a series of necessary steps was undertaken, which allowed for choice of optimum legal, penal and preventive resources, which were largely dependent on possibly full recognition of rules governing this phenomenon, its causes and functioning mechanisms of their symptoms, because it was them that showed the imperfection of the binding legal regulations (including the EU regulations), which largely allowed and still allows today the criminals to act unpunished in Poland and in the EU, often in a sophisticated, specific way, but sometimes in a simple manner, which does not require a lot of their effort, but causes considerable amounts of losses. This results from the fact that the contemporary crime is a multiform crime, characterized with numerous and highly varied and sublime forms of acting (Gąsiorowski, 2011: 47-81).

## 2. Safety management

One of the safety systems included in the field of national safety is the common safety, defined as “*state of civilization surrounding and natural environment in which citizens and societies do not feel threats to their existence and to their basic life interests because of provision by the state of formal, institutional and practical guarantees of protection resulting in a socially acceptable level of risk*”<sup>7</sup>. Safety understood in such manner should be provided by the state in the field of life, health, goods and environmental protection through proper actions including “*a series of interdisciplinary undertakings, which are aimed at protection of people, properties and environment against natural disasters and threats caused by man*” (Śnierzyński, 2009: 60), i.e. among other against natural disasters, technical failures or – in a broad sense – crime, which is a set of socially dangerous behaviors, repeated more or less frequently in a system placed in time and space, and is a pathology which disintegrates this system and a phenomenon present in every society. Therefore the state must undertake all actions which assure safety, including: lack of threats to citizens (including protection of their

<sup>7</sup> Government draft of the act on citizen safety of 21.08.2003 (draft was not discussed by the Sejm).

lives, health and property), undisturbed functioning of state organization and carrying out of its interests and observing by the citizens of rules of social coexistence and legal standards specified by the state (observance of public order).

By fulfilling the above assumptions, the state obliged a series of institutions with these tasks, among which Police has a significant meaning, because it is a *“uniformed and armed formation serving the society and the purpose of protection of people’s safety and maintenance of public safety and order”*<sup>8</sup>. The formation, in order to fulfill these tasks, must act within the limits specified by the legal regulations, and in order to properly fulfill, from the practical point of view, these tasks; it also needs to be managed in a professional manner<sup>9</sup>.

It must, however, be remembered, that the Police is not a profit organization, and its priorities are actions aimed at assurance of people’s safety protection and maintenance of public safety and order, regardless of costs of these actions (but with consideration of rationality of expenditures). Therefore, the institution is financed from the state budget, which does not mean that it is less effective than commercial entities aiming at generating profit. As practice shows, Police carries out its tasks in a professional manner, therefore it applies all principles which are the basis of achievement of success in various aspects, the effect of which is a significant level of success in counteracting crime (proved by statistical data regarding crime detection), but also in their financial scope (rational expenditure of available funds), large trust and prestige in the society (Mazur, 2010: 90) or perspective to development (in the context of fulfillment of main tasks, scientific research and education for society) (Gąsiorowski, 2014: 311-337) etc.

These factors cause the Police to be managed in a modern way, which means in practice, that all possible actions are undertaken which allow for proper management of resources and processes of this institution in order to bind them optimally and use for achievement of possibly the best effect under the present conditions. The process, on the one hand, is supported by the statutory regulations which allow to undertake rational decisions in an optimum manner, and on the other hand these regulations significantly limit the *“optimum management”* of the formation, because, quite rightly, the basic constitutional rules and rules of penal process aimed at the good of people (in the aspect of observing basic civil rights and freedoms) are prioritized.

<sup>8</sup> Art. 1 of the act of 6.04.1990 on the Police (...), op. cit.

<sup>9</sup> Management is *„a complete set of methods and function allowing for specification of aims and disposing of available material, financial and human resources for rational and effective achievement of these aims”* (Bielski, 1998: 84).

### 3. Police in the state safety system

Police, as formation whose obligations include protection of public safety and order, has a series of tasks, which include, among others, protection of life and health of people and property against unlawful attempts at violation of these goods, as well as providing order in public spaces and in means of public transport and communication, in road traffic and on public waters.

#### 3.1. Organizational structure of the Police

Police, in order to be able to perform its statutory tasks in a most professional manner, has a proper organizational structure which includes: the General Police Headquarters, voivodeship headquarters (Capital) of Police together with their subject poviat (town) headquarters and police stations, as well as proper legal instruments (statutory and internal normative acts), necessary tools in the management process and management infrastructure (computers, multimedia IT and communication systems).

The head of the Police is the Police Commander in Chief, who, in order to fulfill the tasks entrusted to the formation, has the following services at his disposal: forensic, preventive and supporting the Police's activities in organizational, logistic and technical scope, as well as court police<sup>10</sup>, individual prevention squad and anti-terrorist squads, research institutes (Central Forensic Laboratory – Research Institute) and training institutions, such as: Police Academy, police schools and training centers, the task of which is training and educating the police personnel<sup>11</sup>. In justified cases, the Police Commander in Chief, at the consent of the Ministry of Internal Affairs, may also appoint other kinds of services, specifying their territory, organization and scope of activity<sup>12</sup>, whilst the voivodeship Police commander, in agreement with the Police Commander in Chief, may establish, if need arises, railway, water, aviation or other specialist police stations.

#### 3.2. Police governing authorities

The head of the police is the Police Commander in Chief reporting to the Minister of Internal Affairs, appointed and discharged by the Prime Minis-

<sup>10</sup> Regulation of the Minister of Internal Affairs and Administration of 16.08.2007 on detailed scope of tasks and principles of organization of court police (Journal of Laws no. 155, it. 1093).

<sup>11</sup> The system of police education consists of: Police Academy in Szczytno, Police Training Center in Legionowo, Police School in Słupsk, Police School in Piła, Police School in Katowice and International Center of Specialist Police Trainings established in 1998 as part of Police Training Center in Legionowo, as well as Central European Police Academy (established in 1993) with its seat in Vienna, which supports trans-border and international police cooperation by organizing trainings and courses for policemen from member countries (the official language of the Academy is German).

<sup>12</sup> For Example: Police Commander in Chief on 15.04.2000 established the Central Bureau of Investigation (Centralne Biuro Śledcze – CBS) – organizational unit of Central Police Headquarters, which is aimed at fighting organized, trans-border, drug, economic and terrorist criminal activities, as well as recognizing and surveillance of especially dangerous criminal groups.

ter (at the request of Ministry of Internal Affairs). He is the central authority of the state administration, competent for people's safety protection and maintenance of public safety and order. In order to properly perform the statutory obligations, he has at his disposal, apart from necessary organizational structure, properly prepared personnel, i.e. deputies and subordinate police officers of different levels, to whom he is superior.

In accordance with art. 7 it. 1 of the act on the Police, the Commander in Chief has a set of statutory competences allowing him to manage the Police in a proper and professional manner. Among these prerogatives are the rights to specify detailed principles of organization and scope of activity of headquarters, police stations and other organizational units of the Police<sup>13</sup>, methods and forms of fulfillment of tasks by individual Police services and – last but not least – professional trainings for policemen, detailed safety and hygiene conditions and professional ethics for the Police personnel<sup>14</sup>.

In order to manage organizational units of the Police in the field, the Police Commander in Chief has poviats (town) commanders subordinate to him at his disposal. In such organizational structure the Police Commander in Chief may optimally manage the organizational units subject to him because, taking into consideration the legal means at his disposals (constantly amended in order to adjust them to current needs), as well as personnel, organizational means and the management infrastructure; they form the complete set of methods, means and functions which allow for setting aims and use of available material, financial and human resources for rational and effective achievement of these aims. Therefore, in conclusion, the Police Commander in Chief conducts an activity which consists of: administration, decision and supervision in matters related to basic tasks of the organization as well as all issues occurring therein.

Voivodeship Police commander is an authority acting in matters of people's safety protection and maintenance of public safety and order (art. 6, it. 1) on the territory of a voivodeship in a double role: as the authority acting on behalf of the voivode, as well as managing on his own behalf the Police units subordinate to him in matters of performance of operational and reconnaissance, investigation and inquiry activities, as well as activities in scope of fighting crime and issuing of individual administrative acts.

<sup>13</sup> Regulation no. 1041 of the Police Commander in Chief of 28.09.2007 on detailed principles of organization and scope of activity of police stations and other organizational units of the Police (Journal of Laws of Central Police Headquarter no. 18, it. 135) along with the amendment in Regulation no. 361 of the Police Commander in Chief of 26.03.2009 (Journal of Laws of Central Police Headquarter no. 5, it. 23) and Regulation no. 372 of the Police Commander in Chief of 14.04.2008 on the rules of the Central Police Headquarters (Journal of Laws of Central Police Headquarters, No. 8, it. 47 as amended).

<sup>14</sup> Regulation no. 805 of the Police Commander in Chief of 31.12.2003 r. „*Principles of professional ethics of policemen*” (Journal of Laws of Central Police Headquarters of 2004, No. 1, it. 3).

Government administration authority on the territory of a powiat is the powiat Police commander, and in case of a neighborhood or town which is the seat of town authorities with powiat rights, and powiat with authorities' seat in this town – town Police commander. Territory of activity of these authorities is equal to general administrative division of the state, whilst the voivodeship Police commander shall specify the territorial competences of Police stations on his territory.

In management of the local safety which is the closest to a single citizen, a significant role is played by the powiat (town) Police commander, who holds a series of competences allowing him for proper fulfillment of statutory tasks on his territory. He plans, organizes and coordinates performance of tasks by all organizational units of the station and supervises over them directly; he also executes his rights and obligations of a superior in relation to his subordinate policemen and employees. In order to efficiently manage his subordinate unit, the commander might, within his competences, specify a detailed organizational structure of the station<sup>15</sup>, approve elaborations on detailed tasks of organizational units of the station and issue decisions or authorize his subordinate officers to issue decisions or perform activities in specified matters<sup>16</sup>. He may also appoint fixed or temporary problem-tackling teams, which are not organizational units, and simultaneously appoint policemen responsible for directing of these teams. His obligations also include obtainment of complaints and applications of the citizens regarding the police station's activity and actions of policemen and employees thereof, which could significantly affect the quality of activities performance.

Taking into consideration that functioning of the Police in the field was subordinated to the idea of providing local societies with the possibility to influence the state of their own public safety and order (Moczuk, 2003), the local government (commune and powiat) was provided with different competences regarding the Police authorities. In each territorial division unit an administration authority is specified which is responsible for the results of actions undertaken in order to provide public safety and order. These are: voivode, starost (powiat administrator), wójt (commune administrator). For this reason, these authorities have guaranteed legal possibilities to influence the activities of the Police<sup>17</sup>, which means that the Police authorities act

<sup>15</sup> Powiat (town) commander of the Police may, for example, open the territories of community support officers and police stations according to rules specified by the Police Commander in Chief.

<sup>16</sup> Art. 268a of the code of administrative procedure (i.e. Journal of Laws of 2013, it. 267 as amended) and art. 6 it. 1 pt 2 of the act on the Police (...), op. cit.

<sup>17</sup> These authorities may order a competent Police commander to restore the state conforming to the legal order or to undertake actions preventing the violation of law, as well as aimed at removing of the threat to public safety and order.

in the system of double subordination, i.e. apart from the rule of hierarchic subordination within the Police structure (lower level authorities report to higher level authorities) there is simultaneously a model of subordination of field authorities to voivodes and local government units. Therefore, in order to provide the correlation of these activities with the local government authorities, the commanders of field units are obliged to report to the local governments, poviat councils and commune councils annually on their activities and to notify them on the state of public safety and order. These reports are significant, because these authorities, based on those reports, can specify threats to public safety and order significant for the community and, which is important to the Police, undertake activities which support the motivational process of the police officers, like handing over of financial means for the Police to be used as compensation for overtime work or as rewards for achievements of the policemen acting in the territory of poviat (town) stations and headquarters that carry out tasks in scope of crime prevention<sup>18</sup>.

Moreover, in order to improve the safety in the territory of a poviat, in accordance with the act on poviat government (art. 38a), safety and order commissions may be established in poviats (which consist of delegated police representatives), the tasks of which include, among others: assessment of threats to public order and safety of the citizens in the territory of the poviat, giving opinions on the work of the Police and other poviat services, inspections and guards, as well as organizational units which carry out tasks in the territory of the poviat in scope of public safety and order. A significant element of the commission's works is preparation of plans for poviat program of crime prevention, public order and safety, as well as giving opinions regarding other programs for cooperation of the Police with poviat services, inspections and guards, as well as organizational units who carry out public safety and order tasks in the territory of the poviat. These commissions shall also give opinions on draft local legal acts and other documents regarding issues connected with carrying out of tasks connected with assessment of threats to public safety and order on the territory of the poviat and draft of budget for the poviat in the subjective scope.

### **3.3. Statutory tasks of the Police**

Police, in order to protect safety of the people and to maintain public safety and order, has a statutory right to undertake a series of actions concentrated on protection of life and health of people and their properties against unlaw-

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<sup>18</sup> Catalog of tasks the performance of which might result in granting of awards for achievements in the service is contained in the agreement of poviat council or commune council with the Police.

ful attacks, as well as provision of order and safety in public places, means of public transport and communication, in road traffic and on public waters. With scope of activities established in such manner, the Police initiates and organizes undertakings aimed at prevention of crime and violations as well as criminal (and pathological) phenomena, and shall cooperate with state authorities, local governments and social organizations to these means. The Police shall also perform tasks (process and out-of-process) connected with detection of crimes and violations, prosecution of their perpetrators and control of complying with order and administrative regulations connected with public activity or binding in public spaces. Moreover, the tasks of this formation include supervision over town guards and commercial chartered specialist (and armed) entities who are occupied with protection of persons and property (Gąsiorowski, 2002; Gąsiorowski, 2013: 166-188) and granting permits for carrying arms. Competence of the Police is statutorily excluded in relation to the Polish Armed Forces and in relation to soldiers, because tasks of the Police in this scope are carried out by Military Gendarmerie as military law enforcement authority<sup>19</sup>.

Among significant tasks of the Police which affect proper management of safety within the Schengen zone (Balawajder, 2013: 49-71) is the functioning, i.e. operation and maintenance, of the Schengen Information System (SIS) and Access to data collected in this system<sup>20</sup>, which allow the authorities of government administration and judicial authorities in Poland as well as EU member states to use all the gathered data in order to fight crime. Moreover, on international ground, the Police cooperate with Police forces of other states, international organizations and authorities and institutions of the European Union on the basis of international agreements and treaties, as well as individual regulations on the cooperation.

By carrying out the above tasks, the Polish Police, as well as Police in other EU member states, use all legally admissible means in order to fight crime. They use methods and means allowed by the provisions of the act on Police, penal procedure code<sup>21</sup> and many other regulations of statutory importance, as well as executive acts.

Within the limits of their tasks (art. 14 it. 1) the Police, in order to identify, prevent and detect crimes and violations, perform operational and re-

<sup>19</sup> Act of 24.08.2001 on Military Gendarmerie and military law enforcement authorities (i.e. Journal of Laws of 2013 item 568).

<sup>20</sup> SIS II functions on the basis of provisions of Council Decision 2007/533/JHA of 12.12.2007 *on the establishment, operation and use of the second generation Schengen Information System* and Decision (EC) 1987/2006 of the European Parliament and Council of 20.12.2006 *on the establishment, operation and use of the second generation Schengen Information System*.

<sup>21</sup> Act of 6.06.1997 – Penal procedure code (Journal of Laws No. 89, it. 555 as amended).

connaissance, investigation and inquiry, administration and order activities, whilst policemen, in order to perform them in a duly manner, might use a series of rights specified in art. 15 it. 1 of the act. Moreover, the Police perform actions ordered by the courts, public prosecutor's office, state administration authorities and local governments, however, in carrying out of these orders the policemen are obliged to respect human dignity and to observe and protect human rights.

Within these activities the Police may use data of a person, which were gathered by other state authorities, services and institutions as result of performance of operational and reconnaissance activities and to process them in the understanding of the act of 29.08.1997 on protection of personal data<sup>22</sup> (without the knowledge and consent of the person to whom this data pertains), as well as criminal data gathered in the National Center of Criminal Information.

The Police, in carrying out of the above-mentioned tasks – if they have a justified suspicion that crime or violation were committed in scope of common or economic crime (with consideration of collective entity crime)<sup>23</sup>, including crime of organized nature, or occurrence of crisis, are obliged to undertake all actions of law enforcement proceedings with use of the most effective ways, methods and procedures of recognizing the truth about the event (Herbowski, 2009: 49-69, Gąsiorowski 2009: 39-48), which, on the one hand will cause catching and prosecution of the perpetrator and on the other hand will minimize threats to safety as much as possible.

In carrying out of these tasks the Police shall be entitled and obliged to cooperate with state and local government authorities established to maintain public safety and order, such as: public prosecutor's office<sup>24</sup>, Central Anti-Corruption Bureau<sup>25</sup>, Fiscal Control<sup>26</sup>, Internal Security Office and Intelligence Agency<sup>27</sup>, Military Counterintelligence Service<sup>28</sup> and Mili-

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<sup>22</sup> Act of 29.08.1997 on personal data protection (i.e. Journal of Laws of 2002 No. 101, item 926, as amended.).

<sup>23</sup> Act of 28.10.2002 on collective responsibility for offenses under penalty (Journal of Laws No. 197, it. 1661 as amended) (for more, see: Gąsiorowski, Górnik 2010: 117-127).

<sup>24</sup> Act of 20.06.1985 on public prosecutor's office (i.e.: Journal of Laws of 2002 No. 21, item 206, as amended.).

<sup>25</sup> Act of 9.06.2006 on Central Anti-Corruption Bureau (i.e. Journal of Laws of 2012 item 621, as amended.).

<sup>26</sup> Act of 28.09.1991 on fiscal control (i.e. Journal of Laws of 2011 No. 41, item 214, as amended.).

<sup>27</sup> Act of 24.05.2002 on Internal Security Office and Intelligence Agency (i.e. Journal of Laws of 2010 No. 29, item 154, as amended.).

<sup>28</sup> Act of 9.06.2006 on Military Counterintelligence Service and Military Intelligence Service (Journal of Laws No. 104, it. 709).

tary Gendarmerie, Government Security Bureau<sup>29</sup>, Border Guards<sup>30</sup>, Customs Guards<sup>31</sup>, Prison Service<sup>32</sup>, Road Transport Inspectorate<sup>33</sup>, Railroad Guards<sup>34</sup>, Forest Guards<sup>35</sup>, Hunting Guards<sup>36</sup>, Park Guards<sup>37</sup>, National Fishing Guards<sup>38</sup> or institutions functioning in the area of crisis management, acting under their statutory competences. Moreover, the Police can cooperate with commune (town) guards and non-institution chartered entities who are commercially involved in protecting persons and properties<sup>39</sup> or private detectives (performing series of tasks for the community)<sup>40</sup>, which were provided – in a limited scope – with the right to employ the means affecting the area of citizen rights and freedoms with use of statutory rights, and frequently obligations resulting from common legal regulations.

This cooperation is not only a statutory obligation, but also a necessity. This results from the fact that the Police, as well as the above-mentioned subjects, is obliged to interfere in any case of violation of public safety and order and in situation of occurrence of any kind of threats, i.e.: „*phenomena and processes dangerous for the existence, health and property of people, environment and economic and cultural infrastructure, threatening the life interests and basic values of the citizens in a given areas*” (S. Kwiatkowski, 2011: 16). Within these activities, the police perform procedural acts resulting from the provisions of penal procedure code and uses – In widely understood fight against crime – a variety of operational and reconnaissance activities<sup>41</sup>, which need to be given special value because of their significant detection and evidence possibilities. Wide spectrum of these activities allows the Police to manage safety more effectively, as they fulfill a set of functions, including: 1) informative, including gathering of information of

<sup>29</sup> Act of 16.03.2001 on Government Security Bureau (i.e. Journal of Laws of 2004, No. 163, item 1712).

<sup>30</sup> Act of 12.10.1990 on Border Guards (i.e. Journal of Laws of 2011 No. 116, item 675, as amended.).

<sup>31</sup> Act of 27.08.2009 on Customs Services (Journal of Laws No. 168, it. 1323 as amended).

<sup>32</sup> Act of 9.04.2010 on Prison Services (Journal of Laws No. 79, it. 523 as amended).

<sup>33</sup> Act of 6.09.2001 on road transport (i.e. Journal of Laws of 2012 item 1265, as amended).

<sup>34</sup> Act of 27.06.1997 on rail transport (i.e. Journal of Laws of 2007 No. 16, item 94, as amended.).

<sup>35</sup> Act of 28.09.1991 on forests (i.e. Journal of Laws of 2011 No. 12, item 59, as amended.).

<sup>36</sup> Act of 13.10.1995 – Hunting Law Act (i.e. Journal of Laws of 2005 No. 127, item 1066, as amended.).

<sup>37</sup> Act of 16.04.2004 on environmental protection (i.e. Journal of Laws of 2009 No. 151, item 1220, as amended.).

<sup>38</sup> Act of 18.04.1985 on inland fishing (i.e. Journal of Laws of 2009 No. 189, item 1471, as amended.).

<sup>39</sup> Act of 22.08.1997 on protection of persons and property (i.e. Journal of Laws of 2005 No. 145, item 1221, as amended.) (also: Gąsiorowski 2002; also: Gąsiorowska 2013: 144-165).

<sup>40</sup> Act of 6.07.2001 on detective services (Journal of Laws No. 12, it. 110 as amended).

<sup>41</sup> Operational and reconnaissance actions, in the broad sense are usually „*secret activities of law enforcement bodies, performed for informative, preventive, detective or evidence reasons (and in case of intelligence services, also having political, military or economic meanings)*” (Konieczny 2008: 125).

interest to the law enforcement, which are then verified, 2) detection, connected with detecting an event, its perpetrators, mechanism of occurrence or changes in some phenomena, 3) preventive, which should be constant and should play the biggest role in the system of methods and means aimed at protection of public safety and order, 4) evidence, the aim of which is to gather material of evidence nature, which will allow for making of procedural conclusions.

Taking into consideration that operational and reconnaissance actions are a set of structurally complex classified and unclassified undertakings consisting of gathering information on events, environments and persons, as well as evidence of crime, which are the subject of legally justified interest on the side of law enforcement authorities, detective and preventive actions are performed with the help of a series of operational forms and methods. More or less complex methods may be listed here, such as: interrogation, observation, correspondence control, police provocation („*controlled purchase*”), „*undercover*” action or legalization and cooperation with private informants (secret informants, agents), as well as methods with high complexity, such as special operations (combinations and operational games) with use of operational technology<sup>42</sup>.

Operational and reconnaissance activities have one more significant advantage affecting safety management – they may be performed long term, i.e. before the commencement of preparation proceedings, in their duration and after their completion.

In the structure of all legally permissible possibilities in fighting crime, there are also methods and resources developed by forensics, which have a special value consisting of allowing them to obtain a series of forensic clues and evidence, usually of material nature, but also non-material (i.e. so-called memory clues)<sup>43</sup>. One of such possibilities is given by the scene of the event, which – as practice shows – is the richest source of information on the crime and its perpetrator. Therefore, the procedural and forensic actions at the crime scene, especially in case of crimes of serious nature, are carried out by individual units of the Police in its institutional, formal and legal<sup>44</sup> aspect and activity aspect, which is the condition for accepting the results of these acts by the law enforcement and judicial authorities of Euro-

<sup>42</sup> Usually devices are applied for tapping telephones, bugs and observing rooms and persons, bugs in cable and radio communication devices, electronic supervision over persons, places and objects, and means of transport, as well as cable and radio communication devices.

<sup>43</sup> This relates to knowledge held by the victim or witness, owing to which the course of event may be determined and the perpetrator identified, as well as his/her victims (for more, see: Gąsiorowski 2012: 9-47).

<sup>44</sup> Activities performed as part of forensic examination of the scene of the event are in conformity with the requirements of the regulations – as well as the act of 6.06.1997 – Penal procedure code (Journal of Laws No. 89, it. 555 as amended): *Police procedures during organizing and performing of inspection*

pean Union member states<sup>45</sup>. The optimum solution is to engage a constant or temporary operational and procedural group in a given Police unit, which consists of the most professionally (in terms of knowledge and skills) specialized officers of the services: criminal, preventive and support, who cooperate with the public prosecutor at the scene of the event (who supervises over those activities) and – depending on the needs – with experts, because the legal regulations only allow these entities to examine the scene of the event<sup>46</sup>. The purpose of this group, with active participation of orderly officer of the Police field unit<sup>47</sup>, is to organize, perform and document all activities aimed at determining and explaining the circumstances of the event, and in case of a crime – detection and arrest of the perpetrator and to find, gather, secure and preserve personal, material evidence and documents.

The Police, in performance of these activities, usually operates during inspection of a „classic” scene of an event, but also of one of specific character (e.g. scene of arson, road accident and rail accident), examination of a living person and inspection of a body of deceased in the location where they were found<sup>48</sup>, as well as inspection of places where catastrophes, also

con. <sup>44</sup> *at the crime scene* of 7.08.2001 (Ref. No. Ad-1078/2001), Guidelines no. 3 of the Central Police Headquarters of 15.02.2012 *on performing of detective and interrogation activities by the policemen* (Official Journal of the Central Police Headquarters of 16.02.2012, it. 7), regarding works on the scene of event and Regulation no. 109 of the Police Commander in Chief of 15.02.2012 *on certain forms of organizing and recording the detective and interrogation actions of the Police and storing by the Police of material evidence obtained in the course of penal proceedings* (Official Journal of the Central Police Headquarters of 16.02.2012, it. 6) regulating the proceedings with material evidence stored in site units of the Police.

<sup>45</sup> This relates to unified standards of conduct during inspection of a scene of the event in the member states of EU, to which the provisions of ISO/IEC 17020 standard apply. Standardization of the work of specialists of forensic services and forensic researchers at the scene of event is made according to the recommendation of the *European Network of Forensic Science Institutes* (ENFSI) with active support from *Quality and Competence Committee* – QCC and the expert Working Group „*Scene of event*”. The standardization also relates to the work of forensic laboratories (accredited in accordance with ISO/IEC 17025) in legal sense (development of proper procedures guaranteeing the highest quality) as well as technical, i.e. with use of technical (research) equipment of the highest class (according to quality rules required in EU), which allows for proper fulfillment of qualitative requirements in this scope by the law enforcement and judicial authorities of the member states of the European Union (Gąsiorowski 2013: 73-98; Gąsiorowski, 2013: 143-163).

<sup>46</sup> Forensic examination of a scene of event is: *a set of procedural and non-procedural activities, tactical and technical, performed as part of penal process, whose aim is to obtain at the scene of event maximum quantities of information about the event and participants, and to record and secure evidence* (Gąsiorowski, 2005: 20).

<sup>47</sup> Regulation no. 1173 of the Police Commander in Chief of 10.11.2004 *on organization of orderly service in organizational units of the Police* (Official Journal of the Central Police Headquarter no. 21 it. 132) with attachment no. 2 of the regulation no. 1173 of the Police Commander in Chief... (*Rules of conduct of orderly services in connection with obtainment of a report on an event*) (for more, see: Gąsiorowski, 2008: 4-6).

<sup>48</sup> Regulation of the Minister of Health of 7.12.2001 *on handling human remains* (Journal of Laws No. 153, it. 1783 as amended) and Regulation no. 124 of the Police Commander in Chief of 4.06.2012

international, took place with progressively accentuated terrorist factor<sup>49</sup>. Their proper performance is the condition of effectively executed penal procedure and assures obtainment of possibly the largest quantity of evidence, and thus – most accurate explanation of the event's circumstances (often with active participation of specialists from forensic laboratories in identification research). It is only possible with full coordination of all activities on the scene of event and with use of all methods and techniques available at that time.

### 3.4. Tasks of the Police in crisis management structure

The scope of statutory tasks of the Police also includes special tasks aimed at assurance of public safety and order in case of occurrence of a crisis, i.e. *„one that negatively affects the level of safety of the people, their property in large quantities and the natural environment, and causing significant limitations in activity of competent public administration bodies because of inadequacy of available forces and resources”*<sup>50</sup>. The Police are obliged to undertake actions aimed at effective use of human and material resources available to them in order to prevent such situations, and in case of their occurrence – to undertake actions limiting and leveling dangerous events that pose a threat to the society. Therefore, actions of the Police in this scope include a wide range of crisis situations<sup>51</sup>.

con. 48 *on Police procedure in case of searching for lost persons and procedure in case of finding of persons with indeterminable identity or finding of unknown corpse or human remains* (Official Journal of the Central Police Headquarters of 5.06.2012, it. 29) (for more, see: Gąsiorowski, 2013b).

<sup>49</sup> This aspect is very important in Silesia, where over the last few years few serious catastrophes took place: collapse in 2006 of fair hall in Chorzów (65 victims), explosion of methane in coal mine „Halemba” in 2006 (23 victims) and coal mine „Wujek” (2009 – 20 victims) or train accident near Szczekociny (2012 – 16 victims). Therefore the areas of cooperation (joint development of opinions by multi-specialist teams) include a series of issues connected, among others, with reconstruction of events, examination of traces, identification of tools or examination of medical records. In connection with lack of detailed regulations unifying Polish procedures with the Union procedures in this scope, it could be helpful to apply the (*European Council of Legal Medicine* inspired) Recommendation of the Committee of Ministers no. R (99) 3 of 2.02.1999 *on harmonization of autopsy principles*, which does not have a binding character, but is a point of reference for national regulation, as well as practices of individual countries (for more, see : Gąsiorowski, 2013d: 73-98).

<sup>50</sup> Art. 3 it. 1 of the act of 26.04.2007 on crisis management (Journal of Laws No. 89, it. 590 as amended).

<sup>51</sup> Catalog of crisis situations is wide and in accordance with the provisions of the Regulation no. 213 of Police Commander in Chief of 28.02.2007 on methods and forms of preparation and fulfillment of Police tasks in cases of threat to life and health of people or their property, or to public safety and order (Official Journal No. 5, it. 49) includes: mass events with heightened risk, gatherings and public celebrations of high risks, road blocks and object occupations, organized chases, acts of terror, collective violation of public safety and order, in particular for social, economic, political and religious reasons, natural disasters, whose results might cause unrest, other situations that might cause threat to life and health of people and property, and to public safety and order, characterized by possibility of losing control over the course of events or escalation of danger, to counteract or liquidate, where a larger number of policemen is necessary, including armed squads. The idea of crisis situation is defined more widely than in case of act on crisis management.

A special role in the system of crisis management, in accordance with art. 8 of the act of 26.04.2007 on crisis management<sup>52</sup>, was given to the Police Commander in Chief by entrusting to him a role significant from the practical point of view of a member (depending on the needs) of the Government Crisis Management Team – opinion-forming and advisory authority for crisis management, competent for the initiating and coordinating of actions undertaken in scope of crisis management. Similar tasks were given: on voivodeship level – to voivodeship Police commanders, on poviats level – to poviats Police commanders. These commanders are usually simultaneously the members of working groups of temporary character in crisis management teams – operation group and tasks organizing group. Moreover, representatives of the Police are included in working groups of permanent character in the above-mentioned teams – civil planning group and monitoring, forecasts and analyses group (Niedziółka, 2011: 168-169).

Organizational units of the Police reporting to the above-mentioned commanders are part of the crisis management structure in scope of gathering information and transmitting them, reacting to events and cooperation with other entities in special threat situations<sup>53</sup>. Therefore, in order to make the crisis management more efficient, safety status is constantly analyzed and threats are analyzed in relation to Police tasks. To this means, in the Central Police Headquarters and voivodeship headquarters groups were formed – organizational units supporting management of the police forces within crisis management, and on the level of poviats (town) stations, where no separate staff structures were appointed, these functions are fulfilled by Prevention Divisions<sup>54</sup>. Such organizational system causes the Police to actively manage the crisis (special) situations, which threaten the people with occurrence of natural disasters, catastrophes or other events causing crisis situations.

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<sup>52</sup> Act of 26.04.2007 on crisis management (Journal of Laws No. 89, it. 590 as amended).

<sup>53</sup> Legal acts specifying the principles of organization and task of the organizational units in scope of, among others, management in crisis situations, are: Regulation no. 1041 of the Police Commander in Chief of 28.09.2007 on detailed principles of organization and scope of activity of police stations and other organizational units of the Police (Journal of Laws of Central Police Headquarter no. 18, it. 135) along with the amendment in Regulation no. 361 of the Police Commander in Chief of 26.03.2009 (Journal of Laws of Central Police Headquarter no. 5, it. 23) and Regulation no. 372 of the Police Commander in Chief of 14.04.2008 on the rules of the Central Police Headquarters (Journal of Laws of Central Police Headquarters, No. 8, it. 47 as amended).

<sup>54</sup> In staff structures, separate organizational units were identified that handle the problem of crisis situation and defense: on the level of Central Police Headquarters in the structure of Central Police Staff, there is Crisis Management Department and Defense Issues, in voivodeship headquarters there are Crisis Management Teams in the structure of Police Staff and on the level of poviats/town Police stations, in Prevention Departments there are individual positions or teams for crisis management.

In conclusion, in such organized legal and organizational structure, Police tasks in crisis situations may be divided into ones which are performed in the moment of occurrence of crisis situations, as well as in situations which are classic for the formation, i.e. in case of violation of order and occurrence of criminal events connected with the crisis situation.

With relation to the Police tasks fulfilled in crisis situations it must be indicated that the police crisis management system is constructed on the basis of four basic rules (Fehler, 2009: 93): 1) reaction to an event comes from the lowest competent level unit; 2) setting of aims of actions and coordination is centralized, and reaction to threats is decentralized; 3) in actions there is uniform management and liability and 4) basis for action of Police units are formerly prepared reaction plans (Wojtaszek, 2003: 122). And in case of occurrence of a situation threatening to public safety or violating public order or in case of occurrence of a possibility of such an event – with consideration of practical aspect of such actions – directly in the area of such event the Police are obliged to intervene with use of resources and forces that are currently at the disposal of the orderly officer at the territorially competent police unit (Gąsiorowski, 2008). To manage the intervention the following are entitled, in order: policeman who came to the scene of the event as the first and the commander of the patrol, or the policeman appointed by the orderly officer or the manager of the Police unit competent territorially for the scene of the event, and in justified cases, the poviats commander of Police undertakes action. The commanding officer, using his knowledge and experience, should assess the occurring threat by determining its type and foreseen development, determine forces and resources necessary to remove the threat, organize stationary or movable command post, organize communication for the needs of commanding, cooperation and alarming, appoint tasks for policemen responsible for performance of individual elements of actions and coordinate and control the course of action, appoint a policeman entitled to contact the mass media in the course of action, cooperation with special forces and institutions competent for the type of event and for territorially competent public administration authorities and prepare, and hand over to a competent superior a report on the situation and undertaken actions. Poviats commander managing the action can decide on establishment of a group, using proper regulations specifying organization of a group of operation commander and his tasks<sup>55</sup>. However, in case of occurrence of criminal events, apart from the above-mentioned actions, also actions are undertaken which include actions performed in scope of forensic examination of the scene of events.

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<sup>55</sup> Regulation no. 213 of the Police Commander in Chief of 28.02.2007 (...), op. cit.

### 3.5. Prophylactic and preventive actions and strategies of safety protection

One of the strategic elements included in the safety management process by the Police is the widely understood prophylaxis, i.e. prevention of different kinds of pathology. Management process includes actions in scope of development and execution of prevention programs and projects<sup>56</sup> aimed at different social groups, the contents and scope covering all levels of prophylaxis. Within this prophylactic strategy, the following programs can be indicated (Urban, 2009: 67, Cielecki, 2004: 38-40): information, education, alternative, intervention and program of environmental changes and regulation changes. Also prophylactic programs are carried out that are aimed at children and youth, such as „*Consequences of disobeying the law*”, „*Safe vacations, safe breaks*”, national program „*Safe and friendly school*”, or programs aimed at the entire society, such as the national program „*Together is safer*”, program of „*Responsible Sale STOP 18!*”, social campaign „*Not reacting means accepting!*”.

### 3.6. Cooperation of the Police with Polish Armed Forces, Military Gendarmerie and Border Guard

Significant element of Police's functioning in the safety system is its cooperation with the Polish Armed Forces, Military Gendarmerie and Border Guards. This results from the fact that in case of occurrence and intensification of crisis situations (*vide* Ukraine-Russia), various type of undesirable events might occur, such as, for example: lowering of tolerance threshold for illegal actions (which can affect observing of administrative and order regulations), population migration, the effect of which will be decrease in effectiveness of law enforcement authorities and illegal crossing of borders by citizens from neighboring countries, part of which will join criminal groups active in Poland. In case of occurrence of such type of threats, in counteracting their escalation, also Police must participate, and the effec-

<sup>56</sup> The need of supporting the institution coordinating prevention on the local level is also indicated by the recommendations of the European Council, such as Recommendation No. R 87/19 on organization of crime prevention, in which the Ministerial Commission of the European Council „*recommends the governments of member states to propagate and support departments occupied with prevention on national or/and regional levels, which have the following functions (for example): 1) gathering of information on crimes and crime trends, on high crime risk groups and preventive experiments and their effects, 2) planning and realization of preventive programs, their assessment, 3) coordinating of police activity and of other crime prevention departments, 4) assurance of active participation in preventive activity by informing on the need and manners of acting, 5) seeking support and cooperation of mass media in preventive activity, 6) initiating or propagating research on occurrence of certain types of crime and other issues significant for preventive actions, 7) cooperation with decision making bodies in development of rational and effective anti-crime policy, 8) realization of training programs in the field of prevention*”.

tiveness of the reaction depends from, among others, cooperation of the above-mentioned specialist formations.

The cooperation includes preparations for action under conditions specified in the constitution as state of exception, training undertakings (and others connected with ongoing functioning of both entities), issues connected with common undertakings of the Military Gendarmerie and the Police and logistic issues, i.e. question of using the military equipment and feeding and accommodating the policemen in military buildings during performance of police operations.

An individual, specific element of the cooperation is joint action in scope of operational reconnaissance of terrorist threats. It is carried out by constant contact and exchange of information between the Central Bureau of Investigation of the Central Police Headquarters and the Military Counterintelligence Services and Military Intelligence Services<sup>57</sup>, and the Military Gendarmerie Headquarters.

Based on the recent experience it must be stated that joint action of the Police and the Polish Armed Forces is an important factor affecting the readiness of the state defense and is a significant element of maintenance of internal public safety and order. Therefore, both formations, depending on the needs, widen the scope of cooperation and approve of the rules of its performance, as in Agreement of 20.04.2005 on cooperation of the Polish Armed Forces with the Police in scope of counteracting crises<sup>58</sup>, the contents of which do not exceed the frames specified in legal acts, this does not change the rules of use of armed military divisions in case of threat to public safety. Their use can occur after introduction of state of emergency or with use of normal constitutional means, but only if „*use of armed divisions and subdivisions of the Police is insufficient*” or when „*subdivisions of the Police are not able to counteract effectively*”<sup>59</sup>. Delegating the soldiers of Military Gendarmerie or officers of the Border Guards<sup>60</sup> to act for public safety depends on similar conditions. Decisions in these cases are given by the President of the Republic of Poland or the Prime Minister – in relation

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<sup>57</sup> Act of 9.06.2006 on Military Counterintelligence Service and Military Intelligence Service (Journal of Laws No. 104, it. 709 as amended) (for more, see: Sławiński, 2008: 5-9).

<sup>58</sup> Agreement of 20.04.2005 on cooperation of the Polish Armed Forces with the Police in scope of counteracting crisis situations (Official Journal of the Ministry of National Defense of 2005, No. 10, it. 89).

<sup>59</sup> Art. 18 it. 3 and it. 4 of the act of 6.04.1990 on the Police (...), op. cit. Regulation of the Council of Ministers of 19.07.2005 on detailed conditions and mode of using Police units and subunits and Armed Forces of the Republic of Poland in case of threat to public safety or public order disruption (Journal of Laws no. 135, it. 1134).

<sup>60</sup> The soldiers of Military Gendarmerie and officers of the Border Guard delegated to perform tasks consisting of helping the Police are entitled, in scope necessary to perform their tasks, to hold the rights of the policemen, while the Border Guard officers can also help by performing tasks autonomously.

to the Military Gendarmerie, and the Minister of Internal Affairs – in case of the Border Guards.

In conclusion, the Police, in case of occurrence of special situations threatening the internal safety of the state should expect – from cooperation with the Polish Armed Forces – their participation in actions for the public safety and order during execution of rescue actions of large and great scale, caused by natural disasters or technical malfunctions, the effects of which are a threat to health or life of a considerable number of people, threats to the constitutional system and threats aimed at common public safety or order. Armed Forces should also actively participate in protection of obligatorily protected objects included in critical infrastructure, i.e. important for the functioning of administration authorities and entities of the national economy<sup>61</sup>, including the objects especially important for the safety and defense of the state<sup>62</sup>.

#### **4. European cooperation of the Police in scope of the law enforcement and internal affairs**

As was previously pointed out, the task of internal affairs resorts (police, services, guards, inspections) of EU member states is, among others, providing its citizens with widely understood safety, and this aim the Union intends to obtain owing to a closer cooperation of the police and other competent bodies of the internal affairs resorts and the law enforcement in the member states, managed directly as well as by the mediation of the European Police Office (“Europol”) and judiciary authorities and other competent authorities in the member states, including cooperation with the mediation of the European Union’s Judicial Cooperation (“Eurojust”)<sup>63</sup>. Cooperation with International Criminal Police Organization (“Interpol”), acting in 190 countries, helping the law enforcement authorities in their fight against all forms of crime, is no less important.

The cooperation is realized also in scope of exchange of information and in recovery of properties with European Union member states<sup>64</sup>. Ex-

<sup>61</sup> Solutions based on similar assumptions were already employed in other European countries, such as Great Britain, where in the situation of potential threat with terrorist attacks, the external security of airports (including Heathrow in London) military forces were delegated in immediate mode together with heavy combat equipment.

<sup>62</sup> Regulation of the Council of Ministers of 24.06.2003 on objects especially important for the safety and defense and their special defense (Journal of Laws No. 116, it. 1090).

<sup>63</sup> Within the cooperation, EU law is being created and legal solutions are recognized, as well as regulations binding in other countries. Apart from that, personal and professional contacts are established, owing to which the trust between cooperating parties rises, barriers, prejudice and harmful stereotypes are eliminated.

<sup>64</sup> Act of 16.09.2011 on exchange of information with law enforcement authorities of the European Union member states (Journal of Laws No. 230, it. 1371).

change of this information is made with mediation of national information exchange contact points with EU states and through the national bureau of property recovery of the Central Police Headquarters<sup>65</sup>. These activities were forced by eliminating of limits in free circulation of products, persons and services, which caused the necessity to create international legal frames for such issues, such as possibilities of uniform interpretation and practical understanding of the basic catalog of citizen freedoms or execution of court orders, which relate to citizens or joint entities of different countries, and in particular preventing and fighting crime on the level of police cooperation, including the police services, customs services and other law enforcement authorities specialized in preventing crime or their detection and prosecution (G. Balawajder, 2013: 49-71).

In cooperation understood in such way, the basis for activity of the law enforcement and judicial authorities is the rule of their mutual trust and respecting decisions made in given cases without the necessity of reexamining them (i.e. verification of, for example, handed over evidence and forensic data) in the state appointed to perform actions, indicated by the appointing state (e.g. giving a proper warrant<sup>66</sup> or application for securing of property or evidence<sup>67</sup> or handing over of proper forensic data). The Polish Police, applying the universal standards resulting from the international law acts, maintains the top quality procedures in performance of tasks connected with proceedings and forensic activities in penal proceedings.

Moreover, Polish Police officers – as long as the international cooperation is concerned – are legally authorized (article 145h) to perform professional duties on the territory of the other Member States of European Union in order to accomplish tasks in a form of<sup>68</sup>: 1) joint patrols or other

<sup>65</sup> The national Bureau for recovery of properties functions on the basis of art. 1 it. 1 of the decision of the council 2007/845/JHA of 6.12.2007 relating to cooperation between the bureau for recovery of properties in member states in the field of detection and identification of income from crime or other property connected with crime (Official Journal of EU L 332 of 18.12.2007) (see also: Gąsiorowski, P. *Górniki* 2010a: 85-93; J. Gąsiorowski, P. *Górniki*, 2010b: 97-112).

<sup>66</sup> This relates to the European Arrest Warrant – general rules of its used are shaped by the framework decision of 13.06.2002 on European Arrest Warrant and procedure of handing over of persons between the Member States (Official Journal of CE 2002 L 190/1).

<sup>67</sup> Rules of securing of property and evidence are regulated in the framework decision 2003/577/JHA of 22.07.2003 on execution in the European Union of decisions on securing of properties and evidence (Official Journal of CE 2003 L 196/45).

<sup>68</sup> Decision on performing duties by Police officers or Police employees on the territory of another EU Member State as well as on specifying conditions under which they should be performed is taken by 1) Police Commander in Chief – in the form of administrative decision, in case of joint patrols or other types of cooperation for the purpose of protection of public order and security and prevention of crime; 2) Minister of Internal Affairs in the form of order, in case of assistance during assemblies, mass events or similar, natural disasters or serious accidents for the purpose of protection of public order and security and prevention of crime and when providing help through the special intervention unit.

type operations aimed at protection of public security<sup>69</sup>, 2) giving support in case of assemblies, mass events or similar occurrences, natural disasters or serious accidents – for the purpose of public order protection and security and crime prevention<sup>70</sup>, 3) in case of providing help through the special intervention unit<sup>71</sup>.

In addition to the abovementioned cooperation of the departments of internal affairs and jurisdiction of the EU Member States with Polices of other countries and their international organizations, as well as with EU agencies and institutions on the grounds of international agreements and under separate regulations, together with duties following the EU regulations and international agreements, according to rules set forth thereto, Police is also entitled (on the grounds of 145a) to carry out number of duties outside the Republic of Poland by means of police contingents delegated to take part in peacekeeping missions, operations to prevent acts of terrorism or their consequences, rescue, exploratory and humanitarian missions, police trainings and representative operations<sup>72</sup>.

## Conclusions

Police, in its entirety as an organization, is a significant part of public administration, the tasks of which include reaction to every destructive action violating the established legal and social order, from the side of people and forces of nature.

In the internal safety system, this institution has a key role to play; therefore it is important to properly manage this formation on every level. In order to perform tasks in a proper manner in performance of preventive, repressive and service actions, theoretical knowledge has to be required from the officers, supported by professional skills, as well as high level of activity in the professional field, because only then can they professionally execute the obligations required by the legal regulations in scope of basic tasks, i.e. preventing and fighting crime, as well as crisis reaction, which are executed simultaneously in many situations, which causes them to be very complex.

<sup>69</sup> Art. 17 of the Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ 2008 L 210 of 2008-08-06, p. 1-11).

<sup>70</sup> Art. 18 of the Council Decision 2008/615/JHA.

<sup>71</sup> Council Decision 2008/617/JHA of 23 June 2008 on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations (OJ 2008 L210 of 2008-08-06 p. 73).

<sup>72</sup> Decision on assembling and dismissing Police contingent is taken by: 1) Council of Ministers – in the form of resolution, in case of peacekeeping mission; 2) Minister of Internal Affairs – in the form of order, in case of preventing acts of terrorism or their consequences, rescue, exploratory and humanitarian missions; 3) Police Commander in Chief – in the form of decision, in case of lice trainings and representative operations.

In order to achieve the best possible organizational efficiency in order to carry out these tasks, the known management functions are employed: planning, organizing, directing and controlling, which are directly interconnected and put in a specific order as phases of consecutive tasks. In conclusion, safety management system organized in this manner allows the Police to properly perform its statutory tasks on the highest level of professionalism. Increasing of level of innovation and elasticity allows for increasing of ability to keep up with changes in the surrounding world, fast reaction to the society's expectations and development in organizational aspect, as well as obtainment of theoretical knowledge, which will be a support for management of such a complex institution.

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