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THE ROLE OF THE POLICE IN ENSURING THE SECURITY OF PUBLIC ORDER PUBLIC SAFETY

Abstract

Security is a fundamental concept in everyday life, society, and science, and constitutes a key responsibility of a democratic state. Numerous administrative authorities are responsible for ensuring it, including public safety and order, with the Police playing the most important role among them. The Polish Police operates on the basis of the Police Act of 1990, which defines it as a uniformed and armed formation serving the public, intended to protect human security and maintain public order. Its overriding task is to ensure the safety of citizens, and any interference with people's freedoms and rights is only permitted in situations defined by statute. Security is defined as an 'existential need' and 'a state that provides a sense of certainty'. Public order is a set of norms enabling normal coexistence in the state, and the role of the police in its protection is to detect phenomena that violate this state.

The purpose of this article is to present the role of the police in ensuring public order, analysing the concepts of public safety and public order, the status of the police as a public administration body operating on the basis of statutes, its statutory tasks and the division of legal forms of action.

Keywords

security, state administration, police, public order

Introduction

Security is one of the most frequently used concepts in everyday life, in the functioning of society, the state and also in science. In a democratic state under the rule of law, the main task that defines its existence as a structure is to ensure public safety and order for all citizens¹. In terms of public security and order, the scope of powers has been entrusted to numerous administrative bodies in the state, while the most important role to ensure public security and order has been delegated to a specialised one, which is the police².

The Polish Police performs its tasks on the basis of the Police Act of 06 April 1990. The Act in question specifies that it is a “uniformed and armed formation serving the public, intended to protect the safety of people and to maintain public safety and order”³. The most important task of the Police is to ensure the safety of all citizens. The police are a formation that can affect human freedoms and rights, but only in situations specified in the Acts⁴.

Security is defined as ‘an existential need of individuals, social groups and states’ and as ‘a state that provides a sense of certainty and guarantees for its preservation’. In defining the meaning of the concept of security, it is necessary to carry out an interpretation of the legal norms set out in the Acts and other legislation. In a general sense, security is defined as “a complex system with a system of subsystems, which are designed to ensure the safe development of the individual, the collective and the nation using the means legally available”⁵.

W. Kawka defines security and public order as “certain positive states prevailing in a social organisation, the preservation of which guarantees the avoidance of certain damage, both by the organisation as a whole and by its individual members”. By public order, Kawka sees “the totality of forms enabling the normal development of life in a state organisation, a set of norms whose observance conditions the normal coexistence of human individuals”. Does this also apply to Kawka? “The protection of public order is the maintenance of a state where the tasks of the police are reduced to the evaluation of a situation actually occurring with the situation envisaged by the legal norm, where the role of the police is to detect the occurrence of a certain phenomenon in the community, caused by the action of nature or by human behaviour”⁶.

The article aims to present the role of the police in ensuring public order including the concept of security, public order. Police as a public administration body

1 M. Zdyb, J. Stelmasiak, K. Sikora: *System bezpieczeństwa i porządku publicznego, organy i inne podmioty organizacji*, ed. Wolters Kluwer SA, Warsaw 2015, p. 13.

2 M. Czuryk, M. Karpiuk, J. Kostrubec, K. Orzeszyny: *Police Law*, Difin Publishing House, Warsaw 2014, p. 11.

3 Article 1, section 1 of the Act of 6 April 1990 on the Police, Chapter 1, General Provisions (Journal of Laws 1990 No. 30, item 179)

4 M. Czuryk, M. Karpiuk, J. Kostrubec, K. Orzeszyny: *Police Law*, Difin Publishing House, Warsaw 2014, p. 11.

5 J. Gierszyński: *Bezpieczeństwo społeczne. a study in the theory of national security*, Difin Publishers, Warsaw 2013, pp. 49-50.

6 A. Misiak: *Administracja porządku i bezpieczeństwa publicznego. Zagadnienia prawno-ustrojowe*, Wydawnictwa Akademickie i Profesjonalne, Warszawa 2008, p. 13.

acting on the basis of statutes, the police sentences imposed by the Police Act, and an indication of the role and division of the legal forms of the Police.

Concept of security, public order

Security is defined as ‘an existential need of individuals, social groups and states’. The concept of security is also interpreted as “a state that provides a sense of certainty and guarantees for its preservation”. Ensuring security is one of the most important tasks of public administrations. In defining the meaning of the concept of security, it is necessary to carry out an interpretation of the legal norms set out in the Acts and other legal regulations. The justification of the above definition means that security is considered as “a complex system with a system of subsystems, which aim to ensure the safe development of the individual, collective and the nation using the means legally available”⁷. Security is understood both as “the aim of the state bodies to ensure adequate conditions for the development of the homeland and its protection from threats”⁸.

According to p. Sienkiewicz, security is a certain “state of continuity of a system, a process ensuring its development and survival and a peculiar situation of no threat to the system”⁹.

Public order is a certain pattern of social relations that has been defined by a number of generally applicable laws, ensuring the proper and undisturbed functioning of society in the state. Public order takes into account all society-wide relations that are normalized by law. An essential element of public order is the conduct of society in accordance with legal regulations, which ensure proper public order within the state. It plays a key role in reinforcing socially accepted bonds associated with public order and in shaping conditions based on the absence of contradictions and conflicts¹⁰.

The purpose of public order is to ensure public peace and order and the proper functioning of citizens’ life in the state. The definitions of “public security” and “public order” sometimes appear together in numerous studies or source materials, but they should not be compared. Interpretations of the terms “public security” and “public order” are similar, due to the fact that the provision of public security and public order is an effect to guarantee the security of society as a whole, when the provision of public order is linked to the decision of an individual¹¹.

Public security consists of the legal-administrative sector, referring to the routine tasks performed by public administration bodies in the state. Public security plays a key function of internal affairs in the state, concerning, among other things, the

7 J. Gierszyński: *Bezpieczeństwo społeczne, Studium z zakresu teorii bezpieczeństwa narodowego*, wyd. Difin, Warsaw 2013, pp. 49-50.

8 Ibidem, p. 51.

9 Ibidem, p. 51.

10 A. Misiak: *Administracja porządku i bezpieczeństwa publicznego. Zagadnienia prawno-ustrojowe*, Wydawnictwa Akademickie i Profesjonalne, Warsaw 2008, p. 18.

11 Ibidem, pp. 18-19.

police and other law enforcement services, which aim to provide security and protect the proper functioning of public order. In order to precisely define the concept, J. Widacki interpreted public security as “a state in which crimes are not committed and public order is a state in which offences are not committed”¹².

Views on the importance of security and public order by W. Czapiński, W. Kawka and s. Bolesta

W. Czapiński saw public order as “an external condition consisting in the observance by the population in their conduct of certain rules, forms and orders, the non-observance of which in the conditions of collective coexistence of people would expose them to dangers and nuisances despite the absence of evil intentions on the part of those who would disobey these rules, forms and orders”¹³.

According to W. Kawka, security and public order are “certain positive states prevailing in a social organisation, the preservation of which guarantees the avoidance of certain damage both by the organisation as a whole and by its individual members”. Kawka defines public order as “the totality of forms enabling the normal development of life in a state organisation and a set of norms whose observance conditions the normal coexistence of human individuals”. “The protection of public order is the maintenance of a state where the tasks of the Police are reduced to the assessment of the situation actually occurring with the situation envisaged by the legal norm, where the role of the Police is to detect the community regarding a certain phenomenon, caused by the action of nature or human behaviour”¹⁴.

On the other hand, s. Bolesta describes public order as “a system of legal-public devices and social relations, arising or developing in public places, and social relations, arising or developing in non-public places, and ensuring, in particular, the protection of life, health and property of citizens and social property”¹⁵.

The Police as a public/governmental administrative authority operating on the basis of statutory provisions

The police, as a government administration body acting on behalf of the state, plays a special role for the benefit of the whole society¹⁶. The statutory empowerment of the formation is provided by the Act of 6 April 1990 on the Police, which assigns to it the tasks of protecting public security and order (Articles 1-2). On this basis, police officers may issue binding orders, use means of direct coercion, carry out administrative

12 J. Gierszyński: *Bezpieczeństwo społeczne, Studium z zakresu teorii bezpieczeństwa narodowego*, wyd. Difin, Warsaw 2013, p. 55.

13 A. Misiak: *Administracja porządku i bezpieczeństwa publicznego, Zagadnienia prawno-ustrojowe*, Wydawnictwa Akademickie i Profesjonalne, Warsaw 2008, p. 13.

14 Ibidem p. 13.

15 Ibidem, p.14.

16 S. Pieprzny: *Police, organisation and functioning*, LEX a Wolters Kluwer business, 3rd edition, Warsaw 2011, p. 28.

activities (legitimising, escorting), operational and exploratory activities as well as investigative activities.

The Police Act is not the only legal instrument in which tasks have been assigned to the police. a large number of powers have been assigned to the formation in the Acts shown in the table below.

Table No. 1 Laws governing the tasks of the police

L.p.	Laws governing the tasks of the police
1.	Act of 22 August 1997 on protection of persons and property. unified text: Journal of Laws of 2005. No. 145, item 1221 as amended).
2.	Act of 20 March 2009 on safety of mass events (consolidated text: Journal of Laws of 2009 No. 62, item 504 as amended).
3.	Act of 20 June 1997. – Traffic Law (consolidated text: Journal of Laws of 2005 No. 108, item 908 as amended).
4.	Act of 18 April 2002 on the state of natural disaster (Journal of Laws No. 62, item 558 as amended).
5.	Act of 21 June 2002 on the state of emergency (Dz. U. No. 113, item 985 as amended).

Source: own elaboration based on: M. Kondrusik, s. Stańczykiewicz, *Police. Zarys procedury prawnej*, Kraków 2019, pp. 45-50.

The police is a formation that is designed to protect people's safety. Nowadays, the tasks of the Police are in some way adapted to the needs of society. The interpretation of Article 1(1) of the Police Act specifies that the role of the Police in relation to society does not end with the protection of the safety of the population, but is primarily intended to ensure security and public order for the community as a whole. It should be noted that the state authorities are responsible for building the position of the formation in the state. The Police Act clearly indicates that it is a uniformed and armed formation, with a protective structure as well as a military scope of activities performed, and that its function is mainly to ensure security and public order for the entire society¹⁷.

The police act "on behalf of the state" performing public tasks from Article 5 of the Constitution of the Republic of Poland and are subject to the standards of legality and proportionality (Articles 7 and 31(3) of the Constitution). In addition, it is subject to public supervision, controlled by public authorities (the Minister of Internal Affairs and Administration, the prosecutor's office, administrative courts, the NIK and the Sejm).

¹⁷ S. Pieprzny: *Police, organisation and functioning*, LEX a Wolters Kluwer business, 3rd edition, Warsaw 2011, pp. 28-29.

The tasks of the police in the light of the provisions of the Police Act

The police play a key role to ensure public safety and order. It performs its tasks on the basis of the Police Act of 6 April 1990¹⁸. Based on the cited Act, its most important tasks are outlined:

1. the protection of human life, health and property against unlawful attacks on these goods;
2. The protection of public safety and order, including ensuring peace and quiet in public places and on public transport, in traffic and on waters intended for public use;
3. initiating and organising activities aimed at preventing the commission of crimes and offences and criminogenic phenomena and cooperating in this respect with state and local government bodies and social organisations;
4. the detection and prosecution of offences;
5. supervision over specialised armed protection formations within the scope defined in separate regulations;
6. control of compliance with order and administrative regulations related to public activities or in force in public places;
7. cooperation with police forces of other countries and their international organisations, as well as with bodies and institutions of the European Union on the basis of international agreements and accords and separate regulations.

As a result of police activities performed on behalf of the state, i.e. in accordance with the legislation in force, the main role of police units is to strive to eliminate and prevent emerging threats to public life, which is directed at countering threats to public safety and order and strengthening the sense of security among all citizens¹⁹.

The police have an important role in the structure of government administration bodies, according to the Police Act, the formation has been allowed to use legal forms of action in the course of performing its activities, in order to ensure public safety and order. The activities undertaken by the Police concerning the scope of security allow the use of measures that encroach on the area of public rights and freedoms. The actions of some citizens in a manner incompatible with the current legal order and the emerging threats to public safety and order, give consent to the use of appropriate preventive measures by the Police in order to avoid undesirable events. It should be noted that action may be taken only in situations specified by the Act²⁰.

18 T. Serafin, s. Parszowski: *Bezpieczeństwo społeczności lokalnych, programy prewencyjne w systemie bezpieczeństwa. Safety Management*, Difin Publishing House, Warsaw 2011, p. 134.

19 T. Serafin, s. Parszowski: *Bezpieczeństwo społeczności lokalnych, programy prewencyjne w systemie bezpieczeństwa. Safety Management*, Difin Publishing House, Warsaw 2011, p. 135.

20 A. Misiak: *Administracja porządku i bezpieczeństwa publicznego, Zagadnienia prawno-ustrojowe*, Wydawnictwa Akademickie i Profesjonalne, Warsaw 2008, p. 114.

Preventive measures that are used to ensure security and public order should be called special powers of the police²¹ or special actions of the police²². The extraordinary properties of the formation state that the measures used by police units cannot be used by other administrative bodies to carry out specific tasks. Thus, it should be noted that the extraordinary powers of the Police are special legal forms of action, as a formation carrying out sentences aimed at ensuring security and public order for all citizens²³.

The elements of action used by the Police constitute the resources available to the police unit aimed at ensuring security and public order for all citizens of a country. By the public, the forms of action used by the Police, are perceived as the powers of uniformed bodies to influence their area of daily life²⁴. Accordingly, according to Article 14(3) of the Police Act, it is stipulated that “police officers, in the course of their official activities, have a duty to respect human dignity and to respect and protect human rights”²⁵.

Interpreting the definitions of security and public order in the context to the activities of the Police, it is important to state that security is “a real state in which the whole society is not threatened by any danger”. The scope encompassing security has been based on a number of legal acts and implies that anything that violates areas of sound law and order creates a danger, therefore referring to threats to life, health and property²⁶.

Organisation and actions of the Police to ensure the safety of citizens during public assemblies

The police, as a public administration body, have a fundamental role to ensure public safety and order for all citizens. The scopes of action set out in the Acts are relevant both to the actual state of affairs, where the state performs its tasks and acts accordingly with its intended objectives, and when it performs standard activities to ensure public safety and order²⁷.

According to Article 7(1) of the Police Act, the Chief of Police shall determine²⁸:

1. detailed principles of organisation and scope of activities of police stations and other organisational units of the Police;

21 A. Misiak: *Administracja porządku i bezpieczeństwa publicznego, Zagadnienia prawno-ustrojowe*, Wydawnictwa Akademickie i Profesjonalne, Warsaw 2008, p. 114.

22 S. Płowuch: *Zagadnienia prawne organizacji i funkcjonowania Policji*, Szczytno 1995, p. 40 et seq.; K. Rajchel, *Porządek i bezpieczeństwo w ruchu drogowym*, Rzeszów 1979, p. 114 et seq.; J. Zaborowski, *Prawne środki zapewnienia bezpieczeństwa i porządku publicznego*, Warsaw 1977, p. 44 et seq.

23 A. Misiak: *Administracja porządku i bezpieczeństwa publicznego, Zagadnienia prawno-ustrojowe*, Wydawnictwa Akademickie i Profesjonalne, Warsaw 2008, p. 114.

24 S. Pieprzny: *Police, organisation and functioning*, LEX a Wolters Kluwer business, 3rd edition, Warsaw 2011, p. 116.

25 Article 14, paragraph 3, of the *Act of 6 April 1990 on the Police*, Chapter 3, Scope of powers of the Police, (Journal of Laws 1990 No. 30, item 179)

26 S. Pieprzny: *Police, organisation and functioning*, LEX a Wolters Kluwer business, 3rd edition, Warsaw 2011, p. 30.

27 M. Czuryk, M. Karpiuk, J. Kostrubec, K. Orzeszyny: *Police Law*, Difin Publishing House, Warsaw 2014, p. 96.

28 Art. 7 (1) of the *Act of 6 April 1990 on the Police*, Chapter 1, General Provisions, (Journal of Laws 1990 No. 30 item 179)

2. methods and forms of performance of tasks by individual police services, to the extent not covered by other regulations issued under the Act;
3. professional training programmes for police officers;
4. the scope and detailed conditions, procedure for carrying out and rules for assessing the physical fitness test of police officers;
5. detailed rules for the training of animals used in the execution of police tasks, as well as the standards for their boarding;
6. principles of professional ethics for police officers, after consultation with the police union;
7. the organisation, material and local scope of activities and principles of cooperation of the Central Bureau of Investigation of the Police (CBŚP) with other organisational units of the Police;
8. in consultation with the minister responsible for internal affairs, the organisation, material and local scope of activities, as well as the principles of cooperation of the Bureau of Police Internal Affairs (BSWP) with other organisational units of the Police.

The police, play a key role in order to ensure public safety and order in the Republic of Poland. The police unit is designed to carry out a number of activities aimed at ensuring public safety and order for all people, e.g. in situations where the proper legal order is disturbed. Any type of circumstance which disturbs the proper functioning of security creates some kind of obstacle to the life of every person, and brings the possibility of danger as a result of a breach of public order²⁹.

As stated in Article 18(1) of the Police Act on the subject of disruption of security, it follows that “in the event of a threat to public safety or disruption of public order, especially by bringing in”, the police shall take action in the situation³⁰:

1. a general danger to the life, health or liberty of citizens;
2. an imminent threat to property of significant size;
3. a direct threat to facilities or equipment important for the security or defense of the state, seats of central state bodies or the judiciary, facilities of the national economy or culture and representations of diplomatic and consular offices of foreign countries or international organizations, as well as facilities supervised by an armed security formation established on the basis of separate regulations;
4. the threat of a terrorist offence that could result in danger to the life or health of participants in cultural, sporting or religious events, including assemblies.

Police actions when securing a public assembly

The police, functioning within the framework of the tasks entrusted to them, i.e. on behalf of the state, are fully responsible for carrying out a number of activities aimed

29 M. Czuryk, M. Karpiuk, J. Kostrubec, K. Orzeszyny: *Police Law*, Difin Publishing House, Warsaw 2014, p. 97

30 Article 18, section 1 of the *Act of 6 April 1990 on the Police*, Chapter 3, Scope of powers of the Police (Journal of Laws 1990 No. 30, item 179)

at ensuring safety and public order for all assembled persons, during the event taking place. The main objective of the Police's activities in ensuring the safety of all assembled persons is to ensure that the event takes place in accordance with the law. The police unit performs preventive activities during the securing of the public gathering, in particular it protects the course of the route by means of numerous police patrols – on foot and mechanized, and monitors and counteracts any unforeseen circumstances at the venue. During a threat to the security of citizens, the police initiates specific preventive measures³¹.

Organization of police command

Official Journals, of the Police Headquarters, of 21 March 2007. No. 5, item 49 of Ordinance No. 213 of the Commander-in-Chief of the Police of 28 February 2007 on methods and forms of preparing and carrying out police tasks in cases of threat to human life and health or their property or to public safety and order defines command organizations as “general principles of operation and the way in which the command is organized, relations between commands, their powers and responsibilities, as well as the division and functional structure at command posts”³².

The command system for police action in cases of danger to the life and health of people or their property or to public safety and order according to the above Ordinance is set out in paragraph 1(1):³³

1. organizational forms of policing used in the implementation of security;
2. competence of police officers in charge of police operations;
3. the modalities for setting up headquarters for police operations and their tasks;
4. principles for the development of police action commander plans.

Role and distribution of legal forms of police action

The subject of the legal forms of action of the Police plays a key role in the structure of public administration bodies, due to the activities they perform, which moreover influences the public's reaction to the actions of the Police aimed at ensuring public safety and order. The authority in a state under the rule of law, has delegated to the Police a number of competences in the field of security and public order, important for the proper functioning of the life of citizens in the state, as well as established the forms of action and preventive measures that the formation can use. Due to the activity and type of purpose of the Police, the units of the formation have structures

31 M. Czuryk, M. Karpiuk, J. Kostrubec, K. Orzeszyny: *Police Law*, Difin Publishing House, Warsaw 2014, pp. 100-101.

32 ORDINANCE No. 213 OF THE MAIN POLICE COMMANDER, Warsaw, 21 March 2007 No. 5, item 49, ORDER No. 213 of the POLICE MAIN COMMANDANT of 28 February 2007 on methods and forms of preparing and carrying out police tasks in cases of threat to life and health of people or their property or to public safety and order, p. 207. downloaded: 07.12.2018, 12.20 a.m.

33 Ibidem, pp. 193-194. retrieved: 07.12.2018, 12.25 pm

of action characterized by a specific form of action, aimed at ensuring security and public order for all citizens³⁴.

Due to the role of the police formation, which is to ensure public safety and order, legal forms of action have been defined and are presented in various laws and source materials. We distinguish three groups of legal forms of police action: general legal forms of action, special legal forms of action and forms used in emergency situations³⁵.

Whereas, s. Pieprzny divided the legal forms of police action, taking into account the scope of activities of the police formation. According to the division, the legal forms of police activity are divided, among others, into³⁶:

1. forms concerning activities in the sphere of public administration;
2. forms related to the identification and prevention of crimes and offences;
3. forms related to legal prosecution in accordance with the procedures and principles set out in the Criminal Code and the Code of Criminal Procedure;
4. forms carried out by order of the court, prosecutor, public administration authorities;
5. forms that are an expression of the preventive and socio-organizational activities undertaken.

As a result of the division of the legal forms of police action presented above, it should be stated that the divisions into forms are not the final actions that the police formation undertakes. For an accurate description, the legal forms of police action have been divided into further groups³⁷:

1. general, typical administrative and police-specific forms of authority;
2. operational and exploratory activities;
3. administrative and peacekeeping activities;
4. social and organisational activities.

Proprietary measures used by the police

A police unit, provided with special equipment, to perform tasks in the field of security and public order, can perform specific, for the police, forms of action. Due to the fact that many unpredictable incidents may occur at any time, which require the use of special legal measures that guarantee the elimination of the danger that has occurred, threatening public safety and order. The unique range of powers available to the police is manifold, including the possibility of using a measure of last resort, such as firearms. The possibility to apply the chosen legal measure, can be used depending on the type of occurrence of the given danger³⁸.

34 M. Róg, A. Sęk: *Materiałno-administracyjne aspekty pracy Policji*, Aleksander Gieysztor Humanist Academy, Póltusk-Warszawa 2015, p. 11.

35 M. Czuryk, M. Karpiuk, J. Kostrubec, K. Orzeszyny: *Police Law*, Difin Publishing House, Warsaw 2014, p. 71.

36 Ibidem, pp. 71-72.

37 M. Czuryk, M. Karpiuk, J. Kostrubec, K. Orzeszyny: *Police Law*, Difin Publishing House, Warsaw 2014, p. 72.

38 S. Pieprzny: *Police, organization and functioning*, LEX a Wolters Kluwer business, 3rd edition, Warsaw 2011, p. 91.

Service activities of the police

The Police, within the limits of their tasks in the field of protection of public safety and order, referred to in Article 14 (1) of the Police Act, performs the following activities: operational and exploratory, investigative, administrative and orderly in order to³⁹:

1. identify, prevent and detect crime and offences;
2. search for persons fleeing from law enforcement or the judiciary, hereinafter referred to as 'wanted persons';
3. search for persons who, as a result of an occurrence that makes it impossible to determine their whereabouts, need to be found in order to ensure the protection of their life, health or freedom, hereinafter referred to as 'missing persons'.

The above activities have to do with interference of the Police in the area of human rights and freedom⁴⁰. According to the content of Article 14(3) of the Police Act, it follows that "Police officers, in the course of their official activities, have the duty to respect human dignity and to respect and protect human rights"⁴¹. The police unit, within the framework of the tasks entrusted with the protection of public safety and order, uses legal means of action, in accordance with the principles set out in the Act of 6 April 1990 on the Police, which gives the possibility to prevent and detect crimes and to recognize threats⁴².

Article 19(1) of the Police Act, stipulates that "in the performance of operational and exploratory activities undertaken by the Police in order to prevent, detect, establish perpetrators, as well as to obtain and record evidence, prosecuted by public indictment, of intentional crimes: *inter alia*, against life and against crimes defined in Articles 148-150 of the Penal Code"⁴³.

According to Article 19a (1) of the Police Act, in cases of offences specified in Article 19 (1), "operational and exploratory activities aimed at verifying previously obtained reliable information on an offence and identifying the perpetrators and obtaining evidence of an offence may consist in carrying out, in an undisclosed manner, the acquisition, disposal or takeover of objects originating from an offence, subject to forfeiture, or the manufacture, possession, transportation or trafficking in which is prohibited, as well as in accepting or giving a financial benefit". In Article 19a, paragraph 2, "the operational and exploratory activities referred to in paragraph 1 may also consist in an offer to acquire, dispose of or seize objects originating from crime, subject to forfeiture, or the manufacture, possession,

39 Article 14, paragraph 1 of the *Act of 6 April 1990 on the Police*, Chapter 3, Scope of powers of the Police, (Journal of Laws 1990 No. 30 item 179)

40 S. Pieprzny: *Police, organization and functioning*, LEX a Wolters Kluwer business, 3rd edition, Warsaw 2011, p. 101.

41 Article 14, paragraph 3 of the *Act of 6 April 1990 on the Police*, Chapter 3, Scope of powers of the Police, (Journal of Laws 1990 No. 30 item 179)

42 S. Pieprzny: *Police, organization and functioning*, LEX a Wolters Kluwer business, 3rd edition, Warsaw 2011, p. 101.

43 Art. 19. par. 1, *Act of 6 April 1990 on the Police*, Chapter 3, Scope of powers of the Police, (Journal of Laws 1990 No. 30 item 179)

transportation or trafficking in which is prohibited, as well as accepting or giving a financial benefit⁴⁴.

The administrative and order maintenance activities of the police include “the control of the observance of order and administrative regulations in connection with public activities or in force in public places”⁴⁵.

Public authorities, as part of their tasks of protecting public safety and order, also undertake social-organizational activities. This activity is one of the legal forms of action that the Police perform in a given area, where in the scope of its activity it does not apply legal forms of action and does not use means of direct coercion⁴⁶. Socio-organizational activities undertaken by the Police consist in providing the public with information on threats to security and public order and in organizing meetings with the inhabitants in the field of preventive activities⁴⁷.

S. Pieprzny for an accurate breakdown of community-organizing activities carried out by the Police presents:⁴⁸

1. organising meetings with the public;
2. talks and training sessions with schoolchildren;
3. organising patrols with student youth;
4. press and radio and television appearances on the subject of risks;
5. issuing leaflets and materials on how to prevent breaches of human security;
6. organizing competitions, contests and conferences.

Police powers

On the basis of Article 14(1) of the Police Act, police officers performing operational and exploratory, investigative, administrative and law enforcement activities, according to Article 15(1), police officers have the right to⁴⁹:

1. legitimize people in order to establish their identity;
2. detain persons in the procedures and cases specified in the provisions of the Code of Criminal Procedure and other laws;
3. apprehend persons posing an obvious imminent threat to human life or health, as well as to property;
4. search persons and premises in the mode and cases specified in the provisions of the Code of Criminal Procedure and other Acts;
5. carry out personal checks, as well as inspecting the contents of luggage and checking cargo in ports and stations and on means of land, air and water transport;

44 Art. 19a, par. 1,2 of the Act of 6 April 1990 on the Police, Chapter 3, Scope of powers of the Police, (Journal of Laws 1990 No. 30 item 179)

45 S. Pieprzny: *Police, organization and functioning*, LEX a Wolters Kluwer business, 3rd edition, Warsaw 2011, p. 106.

46 M. Czuryk, M. Karpiuk, J. Kostrubec, K. Orzeszyny: *Police Law*, Difin Publishing House, Warsaw 2014, p. 79.

47 S. Pieprzny: *Police, organization and functioning*, LEX a Wolters Kluwer business, 3rd edition, Warsaw 2011, p. 107.

48 M. Czuryk, M. Karpiuk, J. Kostrubec, K. Orzeszyny: *Police Law*, Difin Publishing House, Warsaw 2014, p. 79.

49 Article 15, section 1 of the Act of 6 April 1990 on the Police, Chapter 3, Scope of powers of the Police (Journal of Laws 1990 No. 30, item 179)

6. request the necessary assistance from state institutions, to request such assistance from economic entities, social organizations, as well as to request emergency assistance from any citizen in an emergency;
7. seek the necessary assistance from other businesses and social organizations, as well as requesting emergency assistance from any person in an emergency, within the framework of the applicable legislation;
8. (repealed);
9. carry out preventive checks in order to protect against unlawful attacks on the life or health of persons or property or to protect against unauthorized acts resulting in danger to life or health or to public safety and order;
10. give instructions to persons to behave in a certain manner within the limits necessary to perform the activities specified in points 1-5 or 9 or to perform other official activities undertaken within the scope and for the purpose of carrying out the statutory tasks of the Police or within the limits necessary to protect against the obliteration of traces when securing the scene of an incident or to avoid an immediate threat to the safety of persons or property, when this is necessary for the efficient performance of the tasks of the Police or to avoid the obliteration of traces of an offence.

Conclusions

According to A. Skrabacz, security is “the primary, existential and supreme value and need of every human being, conditioning the survival and development of individuals and social groups. In order to strengthen the sense of security, people unite and establish the state as the most important organisational form that guarantees security”⁵⁰. The decisive role of the state, defining its presence as an entity, is to ensure security and public order for all citizens⁵¹.

The police as an armed and uniformed formation have the main role within the framework of security protection. As a specialised service, police units have a fundamental function in the state as a security authority performing tasks to ensure security and public order for the whole of society. The police are of crucial importance to the population as they ensure the proper functioning of public order in a given urban area. On the other hand, the other civilian public administration bodies, which are defined in the generally applicable Acts, are only auxiliary units to the main uniformed service, which is the Police⁵².

The police is a “uniformed and armed formation serving the public and designed to protect the safety of the people and to maintain public safety and

50 M. Leszczyński, A. Gumieniak, L. Owczarek, R. Mochocki: *Security in the local dimension, Selected areas*, Difin SA Publishers, Warsaw 2013, p. 13.

51 M. Zdyb, J. Stelmasiak, K. Sikora: *System bezpieczeństwa i porządku publicznego, organy i inne podmioty organizacji*, ed. Wolters Kluwer SA, Warsaw 2015, p. 13.

52 S. Pieprzny: *Police, organisation and functioning*, 3rd edition, Warsaw 2011, p. 9.

order”⁵³. With the increased effectiveness of the activities undertaken by the Police in ensuring public safety and order, the overall state of safety among the population increases. The effectiveness of the activities undertaken by the Police, is significantly influenced by proper preparation, planning and execution of specific tasks. The above-mentioned police activities cannot be carried out correctly, without proper training and without appropriate application of methods and forms of action in the event of a threat to public safety and order, and in particular to human life⁵⁴.

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⁵³ Art. 1 (1) of the Act of 6 April 1990 on the Police, Chapter 1, General Provisions, (Journal of Laws 1990 No. 30 item 179)

⁵⁴ M. Czuryk, M. Karpiuk, J. Kostrubec, K. Orzeszyny: *Police Law*, Difin Publishing House, Warsaw 2014, p. 95.

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