

Course: **Management of Internal Security Systems**

Field of Study: Internal Security

Form of classes and number of hours: lecture 15 h, classes 15 h

Number of ECTS points: 2

Learning outcomes:

Student:

- Has knowledge of the functioning of the basic internal security systems in Poland.
- Has basic knowledge of the functioning of modern security systems.
- Knows and understands the principles of functioning of public administration in Poland.
- Knows and understands the nature and specificity of individual types of security in terms of the subject and object.
- Can correctly assess the functioning of individual elements of the internal security system in Poland.
- Can appear in public, present the results of the work of the team and manages or take part in discussions.
- Can work in a group and correctly identify challenges, opportunities and threats.
- Can expand and deepen their knowledge of security on the basis of observations of the contemporary security environment.

Evaluation methods of learning outcomes:

an open test

List of course topics:

1. System management:
 - a) Concept,
 - b) Internal security in terms of systems,
 - c) Security management systems in the national and territorial dimension.
2. Strategic management as an instrument for managing the state's internal security system:
 - a) Concepts and features of strategic management,
 - b) Internal and external factors in strategic management,
 - c) The process of strategic management.
3. Management of internal security systems in situations of state threat:
 - a) Evolution of quality management systems,
 - b) Quality management in the internal security system,
 - c) Change management.
4. Organizational classes and presentation of the thematic scope of the subject.
5. Assessment of existing threats at the commune, district and voivodeship level.
6. Preparation of hazard maps, risk maps and their use for management purposes.
7. Management of systems operating at the commune, district and voivodeship level.
8. Interaction of security systems in actions to eliminate various emerging catastrophes or crisis situations.

9. The use of communication systems for the needs of system management at various levels.
10. Working in groups on the development of tasks for individual services, institutions and entities involved in the removal of threats.

Sources

Internal security encyclopedia, ed. Misiuk A., Itrich-Drabarek J., Dobrowolska-Opala M. Warsaw 2021.

Internal Security Strategy | Migration and Home Affairs (europa.eu).

Management of internal security systems

According to the Constitution, the Council of Ministers, as one of the major state authorities of executive power in the state, deals with internal policy of the Republic of Poland. In this respect, the principle of presumption of government competences was adopted. 'It consists in entrusting the government with all matters of the state's policy except those that have been reserved for other state authorities and local self-government'. The competence of other state authorities of executive power exists, therefore, on the basis of a certain exception, it should result unambiguously from legal provisions, and in the event of any doubts as to the entity entitled to take 'matters of state policy, they should be resolved by recognizing the jurisdiction of the government. However, the discussed presumption of competence is, of course, a solution located within the executive branch and it does not serve to distinguish the powers between this authority and the other two major authorities of the State.' This does not mean a monopoly of the government, as both the President and the parliament have tasks to fulfil in terms of this policy, but conducting it, setting the directions of its development and monitoring its current implementation is the responsibility of the Council of Ministers. The Constitution is not limited to this general statement, but Article 146 (4) defines specific tasks in this regard.

'The content of Article 146 leads to the following functions of the Council of Ministers. The most important is the executive function consisting in the implementation of acts as legal acts of the parliament. Next, the function of state administration should be mentioned, with which the management function is associated, understood broadly, as it also includes managing the entire government administration. The Council of Ministers before the Sejm is responsible for its own actions, but also for the actions of the entire administration, which includes a broadly developed apparatus. Hence the managerial and coordination function, the aim of which is to ensure the uniformity of the state's internal policy, and the efficiency of this apparatus. The next one is the function of governing, which most fully emphasizes the political role, independence, but also the responsibility of the Council of Ministers. This function consists in setting out the directional principles of the state's internal and external policy in making decisions of strategic importance. The role of the Council of Ministers in ensuring the external and internal security of the state deserves a separate emphasis. In this section, the competences of the President, the Council of Ministers and the relevant ministers meet, and they act in accordance with the policy set out by the government.' Among the powers of the government, listed in the Constitution in Article 146 is 'ensuring the internal security of the state and public order'. The adopted construction raises some reservations, as the objective scope of the concept of internal security has been limited to state institutions and the area of public order has been distinguished by using the conjunction 'and'. To some extent, it explains to the authors of the Constitution of 1997 that at that time there was no legislative and doctrine legacy in this field.

It can be assumed that the Council of Ministers is the main constitutional entity responsible for the state of internal security in the state. The Council of Ministers has the authority to prevent the effects of natural disasters or technical failures having the means of introducing a state of emergency due to natural disaster on the territory of the entire country or its part.

The Council of Ministers plays an important role in the management of public institutions and is competent to take specific actions in emergency situations. In the event of the introduction of martial law and a state of emergency due to natural disaster, the Council of Ministers submits a written request to the President of the Republic of Poland, which, as we already know, is the competent authority to introduce these two states of emergency. In this request, the Council of Ministers specifies the reasons and area in which martial law or a state of emergency is to be introduced, as well as the types of restrictions on human and civil freedoms and rights, appropriate

to the degree and nature of the threat, to the extent permitted by law. According to Article 11 of the Act¹, the Council of Ministers during martial law has the following powers:

- orders the launch of the state defense management system;
- orders the transition to war rules of operation of public authorities, as defined in separate regulations;
- determines, at the request of the Commander in Chief of the Armed Forces, the rules of operation of public authorities in the zone of direct hostilities;
- may suspend the functioning of public authorities in the zone of direct hostilities;
- may delegate certain competences of public authorities in the zone of direct hostilities to military authorities.

If, during martial law, the Council of Ministers cannot meet, the constitutional powers of the Council of Ministers are exercised by the Prime Minister.

In the event of a state of emergency, the Council of Ministers, by way of a regulation, specifies detailed rules for the use of units and subunits of the Armed Forces of the Republic of Poland during the state of emergency, taking into account the degree and type of threats constituting the reasons for the introduction and duration of the state of emergency. It also takes into account the detailed procedure and methods, along with the area, subjective and objective scope of the introduction and application of restrictions on human and civil freedoms and rights established by the President of the Republic of Poland in regulations throughout the country, giving consideration, to the possible extent, to the minimization of individual and social burdens resulting from the application of these restrictions. The Act on the state of emergency gives the Prime Minister certain powers. In the event of the introduction of a state of emergency throughout the country, the Prime Minister takes steps to restore the constitutional system of the state, the security of citizens or public order, and in particular is responsible for the coordination and control of the functioning of government and local self-government administration. If the authorities of the commune, district or voivodeship self-government do not show sufficient effectiveness in performing public tasks or in implementing activities resulting from the provisions on the introduction of a state of emergency, the Prime Minister, at the request of the competent voivode, may suspend these authorities until the state of emergency is lifted or for a specified period of time, and in their place set up a receivership exercised by a government commissioner. His or her duties include informing the President of the Republic of Poland on an ongoing basis about the effects of the introduction of a state of emergency and about the type and results of actions taken to restore the normal functioning of the state. Moreover, upon his or her request, the President of the Republic of Poland may decide to use units and subunits of the Armed Forces of the Republic of Poland to restore the normal functioning of the state, if the forces and resources used so far have been exhausted.

The Act on the Council of Ministers of 8th August 1996 provides for the formation of its internal state authorities. The Prime Minister, on his or her own initiative or at the request of a member of the Council of Ministers, may, by way of a regulation, establish subsidiary bodies of the Council of Ministers or the Prime Minister. One of such entities is the Collegium for Secret Services, which operates at the Council of Ministers as a consultative and advisory body in matters of programming, supervising and coordinating the activities of the Internal Security Agency, the Foreign Intelligence Agency, the Military Intelligence Service, the Military Counterintelligence Service and the Central Anticorruption Bureau, known as 'secret services', and take actions to protect state security, including the Police, Border Guard, Military Police, Prison Service, State Protection Service, and Customer Service. Thus, the subject of the Collegium's activity includes the issues of secret services

¹ The Act on the Council of Ministers of 8th August 8, 1.

related to external and internal security, extended by tasks in the field of state security carried out by other specialized state services.

The Prime Minister, who has his or her own powers, plays an important role in the implementation of the function of ensuring the internal and external security of the state by the government. Equipping the Prime Minister with separate, broadly defined competences allows him or her to be treated as an independent, supreme administrative body. According to Article 148 of the Polish Constitution:

- represents the Council of Ministers;
- manages the work of the Council of Ministers;
- issues regulations;
- ensures the implementation of the policy of the Council of Ministers and defines the methods of its implementation;
- coordinates and controls the work of members of the Council of Ministers;
- supervises local self-government within the limits and forms specified in the Constitution and statutes;
- is the official superior of government administration employees.

The high political rank of the Prime Minister is also a consequence of the fact that, according to the Constitution, he or she is the official superior of all government administration employees. The prime minister represents the Council of Ministers externally, and at the request of the ministers, appoints and dismisses secretaries of state and under secretaries of state in ministries.

The Prime Minister appoints and dismisses all heads of central offices operating in the area of internal state security. Moreover, the heads of secret services report directly to the Prime Minister. In order to coordinate activities in the area of protection of state security and defense, the Prime Minister issues binding guidelines and requests information and opinions from:

- the minister competent for internal affairs – in relation to the activities of the Police, Border Guard, State Protection Service;
- the Minister of Justice – in relation to the activities of the Prison Service;
- the Minister of National Defense – in relation to the activities of the Military Counter-intelligence Service, the Military Intelligence Service and the Military Police;
- the Heads of the Internal Security Agency and the Foreign Intelligence Agency;
- the Head of the Central Anticorruption Bureau;
- the minister responsible for public finance – with regard to the activities of the National Revenue Administration.

The key role in the internal security system in Poland is played by the Minister of the Interior. The department of internal affairs belongs to the core of modern administration, which was created at the end of the 18th century. In addition, the issue of internal security has always been an integral part of the scope of activities of this ministry. The position of this ministry in the system of state power corresponded very closely to the level of democracy. In authoritarian countries, and even more so in totalitarian countries, the heads of the ministry of internal affairs (under other names, e.g. state security) play a leading role in managing the state structures.

Social and political changes in Poland started in 1989 with talks of the solidarity opposition with the authorities of the People's Republic of Poland as part of the 'round table' largely concerned the problems of democratization of various areas of public, social and economic life. Without going into the intentions of both parties who joined the talks, it can be said that the position in the country of the Ministry of the Interior could not have been the subject of discussion, especially since the initiator of these talks was the head of the Ministry of the Interior, Czesław Kiszczak. A surprising phenomenon was the initiation of attempts to reach an agreement with the opposition not by the

reform wing of the party but by the leadership of the so-called power departments. A similar mechanism took place in the GDR, where the head of the intelligence service of the Ministry of Public Security, Marcus Wolf, took similar actions. Participants in the 'round table' talks were aware that any political arrangements would become pointless if they were not approved by the leadership of the Ministry of the Interior. This probably resulted in the opposition representatives agreeing to the role of Minister Kiszczak in the talks in Magdalenka and during the 'round table' meeting. Even after the surprising results of the elections to the parliament on 4th June 1989, neither the opposition nor the circles associated with the government attempted to shake the ministry's position. Confirmation of this atmosphere was the mission to create a government cabinet led by Cz. Kiszczak. Even after the government of Tadeusz Mazowiecki was formed on 24th August 1989, the status quo was maintained in the power departments. Cz. Kiszczak remained the Minister of the Interior. Only the events in other countries of the Eastern bloc described as the Revolutions of 1989 in the central and eastern Europe and the signs of the Soviet Union's passivity in the face of the collapse of the communist system in this part of Europe accelerated the changes in Poland. The activity of the Ministry of Interior, treated as a guarantor of the Polish United Workers' Party's position in the state and responsible for breaking the rule of law aroused the greatest emotions. Organizational and legal solutions introduced by legal acts in 1990 tried to break with the hitherto character of the Ministry of the Interior. A kind of political guarantor of these reforms was to be the Political Advisory Committee to the Minister of the Interior, appointed by the Council of Ministers, in which all major political parties were represented.

It must be admitted that there has been a fundamental change in the nature of the activities of the Ministry of the Interior, but the scope of activities has not changed significantly. The following central authorities of state administration were subordinate to the Minister of the Interior:

- 1/ Commander in Chief of the Police,
- 2/ Head of the State Protection Office (a civil entity of secret services reporting to the Ministry of the Interior until 1997),
- 3/ Commander in Chief of the Border Guard,
- 4/ Commander in Chief of the State Fire Service.

Moreover, the Minister supervised the operation of the following organizational units:

- Social Security Institution,
- Central Management Board of the Health Service of the Ministry of the Interior,
- Command of the Vistula Military Units of the Minister of the Interior,
- Government Protection Bureau,
- the Refugee Centre in Nadarzyn.

The military formations in the form of the Vistula Military Units, which continued the traditions of the Internal Security Corps and Internal Forces, were still under the Minister of the Interior and were already decommissioned in 1998, in connection with the process of Poland applying for joining the NATO structures.

Only by the Act of 21st July 1995 the process of changing the nature of the Ministry of the Interior and its place in the public administration began. The Minister of the Interior obtained the right of the supreme body of state administration in relations to the relevant local authorities of general government administration in the area of social and administrative matters specified in separate acts, and in relation to local self-government bodies – in the scope of tasks assigned to them in this area.

In 1996, a major reform of the state's central administration was carried out. As a result, the issues of the Ministry of the Interior fell within the scope of activities of the Minister of the Interior and Administration established under the Act of 21st June 1996. Another two legal acts: the Act of 8th

August 1996 on the organization and operation of the Council of Ministers and the scope of ministers' activities and the Act of 4th September 1997 on government administration departments systematized the functioning of the government center in terms of content and organization. On the one hand, the entire government administration area was divided into twenty-eight divisions. The Minister of the Interior and Administration was entrusted with the management of three departments:

- public administration
- internal affairs
- religious denominations

According to Article 29 of the aforementioned act, the internal affairs department covered the following matters:

- 1) protection of public safety and order;
- 2) protection of the state border, border traffic control and foreigners;
- 3) citizenship;
- 4) civil defense;
- 5) fire protection;
- 6) counteracting the effects of natural disasters and other similar events threatening public safety;
- 7) supervision over mountain and water rescue.

Some of the above-mentioned issues were carried out independently by central officers reporting to the minister competent for internal affairs:

- Commander in Chief of the Police – protection of public safety and order,
- Commander in Chief of the Border Guard – protection of the state border, control of border traffic and foreigners,
- Commander in Chief of the State Fire Service – fire protection,
- Head of the National Civil Defense – civil defense,
- President of the Office for Repatriation and Foreigners,
- Head of the National Criminal Information Centre,
- Head of the Government Protection Bureau.

As a result of these changes, the minister's supervision over central offices subordinate to the Ministry of the Interior and Administration was strengthened. The Department of Public Order carried out this task towards the Police, the Department of Common Security – the State Fire Service and National Civil Defense, and the Department of Border and Refugee Protection – the Border Guard and the Office for Repatriation and Foreigners. The supervision was supposed to be substantive and consists in developing new, tailored to the needs of individual service formulas. In practice, they implemented the political interests of the government camp in law enforcement institutions. That year, the Minister of the Interior and Administration ceased to be the head of a purely military formation. The Vistula Military Units, after unsuccessful attempts to transform into the National Guard, were finally decommissioned, and the remaining military units were transferred to the Ministry of National Defense, including the elite anti-terrorist unit GROM.

Another change was made on the basis of the regulation of the Council of Ministers of 20th November 2015. As a result, departments of public administration and religious denominations as well as national and ethnic minorities were re-incorporated into the Ministry of the Interior, creating the Ministry of the Interior and Administration. Organizational units carrying out tasks in the area of internal security occupied a prominent place in the new structure:

- Department of Public Order,
- Department of Security,
- Department of Civil Protection and Crisis Management.

Traditionally, the supervision and control of services subordinate to the Ministry of the Interior and Administration were still performed by the Department of Public Order. The newly created Department of Security dealt with the protection of classified information, running a secret office as well as dealing with ICT security and defense matters.

However, pursuant to the Act of 9th November 2017 on the amendment of the act on certain rights of the employees of the office servicing the minister responsible for internal affairs as well as officers and employees of offices supervised by the minister, the Prime Minister by the way of the regulation of 22nd January 2018 created the Office for Internal Oversight at the Ministry of the Interior and Administration. So far, in the services subordinate to the Minister, there was the so-called internal policy in the form of internal affairs offices, which dealt with the detection of crimes committed by officers, especially those of a corrupt nature, participation in organized crime groups or activities inconsistent with police ethics or border guard ethics. In these cases, they could perform operational and reconnaissance activities with the use of all methods of operational work. After the changes, the function of the special ministerial internal service for the operational control of the Police, Border Guard, State Fire Service and the State Protection Service was to be performed by the Office for Internal Oversight of the Ministry of the Interior. Responsibility for managing this organizational unit of the ministry was given to the Bureau Inspector as an internal body reporting to the minister.

His or her tasks included:

1. supporting the minister competent for internal affairs in activities related to the enforcement of activities in accordance with the law and the principles of ethics in the Police, Border Guard, the Government Protection Bureau and the State Fire Service, in connection with the need to ensure the observance of human and citizen rights and freedoms and revealing irregularities in this regard;
2. verifying information, on the basis of information, including information marked with a classification clause, held by services and entities subordinate to or supervised by the Prime Minister, the minister responsible for internal affairs, the minister responsible for public finance, the Minister of National Defense and the Minister of Justice, and data contained in the files, registers, records and databases kept by them, including those marked as top secret, regarding:
 - a) candidates for the positions of commanders, heads and their deputies, directors and deputy directors of organizational units in the supervised entities and heads, as well as persons holding these positions;
 - b) officers of the Police, Border Guard and the Government Protection Bureau as well as firefighters of the State Fire Service in connection with the planned secondment or extension of the secondment to perform service or tasks outside the country;
 - c) candidates for appointment to the ranks of the Police Inspector General, Police Superintendent, Commander in Chief of the Border Guard (Deputy Commander in Chief of the Border Guard), Commander of the Border Guard Division (Deputy Commander of the Border Guard Division), Brigadier General and Major General in the Government Protection Bureau, and candidates for appointment to the ranks of the Commander in Chief of the State Fire Service,
 - d) candidates in the case of early appointment in the corps of junior officers of the Police and the corps of senior Police officers, the corps of Border Guard officers and the corps of officers of the Government Protection Bureau and early appointment in the corps of officers of the State Fire Service,
 - e) candidates for distinction, orders and decorations at the request of the minister competent for internal affairs,
 - f) candidates for secondment to perform tasks in the Office for Internal Oversight, as well as officers of the Police, Border Guard and Government Protection Bureau, and also firefighters of the State Fire Service during such secondment – in the scope of the course of service or giving a guarantee of proper performance of tasks;

3. disclosing and monitoring of behavior violating the principles of professional ethics of officers of the Police, Border Guard and Government Protection Bureau, as well as firefighters of the State Fire Service;
4. disclosing and analyzing irregularities that occurred in connection with the investigation activities and disciplinary proceedings in the Police, Border Guard, Government Protection Bureau and the State Fire Service;
5. analyzing information concerning infringements of the law by supervised entities;
6. analyzing and assessing operational and reconnaissance activities carried out in the Police and Border Guard and revealing irregularities in this area, to the extent that this does not infringe the competences of the prosecutor's office and the court;
7. identification, prevention and detection of prosecuted crimes and fiscal offenses committed by officers of the Police, Border Guard and the State Protection Service and firefighters of the State Fire Service, as well as employees of those intentional services;
8. assessing the implementation of tasks by the Police Internal Affairs Office and the Border Guard Internal Affairs Office;
9. assessing the correctness of the implementation of verification procedures and control procedures carried out by the Police, Border Guard, the Government Protection Bureau and the State Fire Service against their own officers, firefighters and employees with the meaning of the Act of 5th August 2010 on the protection of classified information in the scope, within which the competences of the Internal Security Agency are not infringed;
10. assessing the implementation of the obligation to submit asset declarations by officers of the Police, Border Guard and the Government Protection Bureau, firefighters of the State Fire Service and employees of these services, as well as their analysis by relevant superiors to the extent that this does not violate the competences of the Central Anticorruption Office;
11. analyzing and evaluating the collection and processing of personal data by the Police, Board Guard, the Government Protection Bureau and the State Fire Service, and disclosing irregularities in this respect;
12. assessing the exercise of the power to authorize the Commander in Chief of the Police, Commander in Chief of the Border Guard and the Head of the Government Protection Bureau to provide classified information to authorized entities.

In order to carry out these tasks, employees were equipped with a whole range of powers typical for secret services.

After the introduction in 1990 the principle of autonomy of the operation of the services subordinate to the Minister of the Interior in order to ensure independence from political authority, the establishment of the Office for Internal Oversight was a unique solution for the supervision of the operational activities of these services by a separate entity, however, constituting only the status of an organizational unit of the ministry.

The chiefs of police services (Commander in Chief of the Police), in accordance with the public administration system in force in Poland, are the central government administration body. Therefore, they are appointed by the Prime Minister, in the case of the Commander in Chief of the Police, at the request of the Minister of the Interior. In turn, his or her deputies are appointed by the Minister of the Interior at the request of Commander in Chief of the Police. There are no formal requirements for candidates for these official positions in the Police Act. The Regulation of the Minister of the Interior of 19th June 2007 only stated that they should have higher education, officer training and a minimum of 7-year service experience. These are not excessive requirements. Therefore, they allow the Minister of the Interior to pursue a free personnel policy.

As already mentioned, other 'departmental' ministers are responsible for entities with tasks in the area of the protection of public order and security. The Minister of the Interior occupies an almost

monopoly position in the area of the protection of the state's internal security, but from the beginning of the political and systemic transformation after 1989 we are dealing with the traditional maintenance by other ministers of certain, small areas in the area of security. This is also a result of the progressing process of social and economic development and technological progress that cause new threats and the taking over certain tasks in the area of security by other departments. For many years, the organization of government administration was based on full freedom in shaping its scope of activity, which resulted in an unjustified and excessive institutional development, which resulted in conflicts of competence. Only the Act of 4th September 1997 on government administration departments systematized the organization of government administration at the central and local level. The principle was adopted that the entire subject area of government administration activity was divided into sections. The section of this administration may be headed by a 'constitutional minister'. In addition to internal affairs, the minister in charge of the public finance department is responsible for the enforcement of customs regulations and fiscal control as well as supervision over fiscal control authorities. Therefore, it is responsible for the National Revenue Administration. Then, the minister responsible for the administration of justice is responsible for matters related to the enforcement of penalties and educational measures and a corrective measures adjudicated by the courts, and cases of post-penitentiary assistance. Therefore, it supervises the activities of the Central Board of the Prison Service.

Another area where security issues can be found is transport. The minister managing this department is responsible for the transport of people and goods by car, rail, air and inland waterways. Therefore, the minister responsible for transport supervises the President of the Civil Aviation Authority, the General Director for National Roads and Motorways, the President of the Office of Rail Transport and the General Inspector of Road Transport.

Finally, the minister in charge of the national defense department is responsible for the operation of the Military Police and military secret services.

All heads of these services are appointed by the Prime Minister at the request of the competent minister.

Currently, there is a multi-stakeholder governance police system in Poland. It is an integral part of the institutional model of internal security.

Police

From the beginning, the state Police has played a dominant role in internal security. In 1989 in Poland, and then in other countries of Central and Eastern Europe, total and thorough revolutionary economic, political and system changes took place. However, in the initial phase, the transformation was based on the evolution of the institutions operating in the previous system period. In the new situation, Polish society expected the police to be humane and look after people's welfare, therefore in the Police Act of 6th April 1990 the duty to respect the dignity of citizens and to respect and protect human rights by policemen was emphasized. Due to the infamous experiences of the past, the authors of the law seriously limited the powers of a police officer. The role of the police as a 'public utility' institution and a reliable guardian was especially emphasized. Expectations going in this direction were connected with the importance of the necessity of a strong 'settling' and incorporating the police into the environment at the lowest level – the area of residence. Therefore, it was decided to establish a local police force. It should be assumed that the brutality shown by many in the relationship between the policeman and the citizen resulted not only from social alienation, but also from the feeling of weakness of the policeman in the face of everyday threats. The systemic police model created after 1990 in Poland consists of two segments:

- Institutions implementing civilian supervision and control of the activities of police services.
- Executive entities performing tasks in the area of safety and public order.

At the central level, the supervisory functions are performed by the minister, with the decisive position held by the Minister of the Interior, and to a limited extent by other heads of the ministries (ministers of justice, transport, national defense). In turn, at the regional level, these functions, on behalf of the government, are performed by the voivode in voivodeships, while at the local level, the local government authorities, the starost in districts, and the mayor (mayor or city president) in communes.

As already mentioned, the main position as the entity responsible for the safety of citizens is still held by the Police.

It operates on the basis of the Police Act of 6th April 1990, which dissolved the Citizens' Militia and created the Police – a uniformed and armed formation serving the public and intended to protect people's safety and to maintain public safety and order. The Act specified the scope of its tasks, leaving their catalogue open. It left many detailed tasks for detailed regulation to specific provisions.

The assumption of the Act was to regulate the matters of the Police and policemen in a comprehensive manner. This made it a rather complex legal act, consisting of two parts. The first is a set of regulations concerning the organization and functioning of the Police as a state administration body that carries out the tasks of the state in the area of protection of public safety and order. In this respect, the Act was a normative act of a systemic nature. The second part is a set of regulations regulating the official status of a policeman. In this part, the Act is called service pragmatics, i.e. an act defining the rights and obligations of Police officers.

The provisions of Chapter 3 of the Act, which more precisely defined the rights of the Police towards the public in the performance of their statutory tasks, were of a special nature and significance for citizens. The legislator divided all activities performed by the Police in order to identify, prevent and detect crimes and offenses into: operational and reconnaissance, investigative, administrative and order activities as well as activities performed at the request of the court, prosecutor, state administration bodies and local government. In the next part, extremely important issues were specified, namely the powers of policemen in performing their duties. This includes, in order, the powers to: check, detain, search people and premises, conduct personal inspections, and the right to demand the necessary assistance from state institutions, business units and citizens. Separately, the conditions for the use of means of coercion and firearms, as well as the rules of correspondence control and the use of operational techniques, were specified. There are also specific powers in the event of a threat to public safety or a dangerous disturbance to public order. Units and subunits of the Police could be used simultaneously with units of the armed forces.

The Act emphasizes the duty of policemen to respect the dignity of citizens and to respect and protect human rights (Article 14 (3)). Its elaboration was included in the final provisions of chapter three.

It should also be emphasized that the new Police Act of 1990 not only separated the Police, gave it a certain autonomy within the Ministry of the Interior, which was to ensure the apoliticism, but also gave the general administration a number of powers over the Police, unknown during the Polish People's Republic.

The current organizational system of the Police was shaped in the early 1990s as a result of the political changes that took place in the country at that time. Its legal basis is the Police Act, based on the principles developed over the years of functioning of the security and public order protection authorities. **The organizational assumptions of the Police are best illustrated by the principles of: the rule of law, hierarchical subordination, basing the general organizational structure on the territorial division of the state, and finally the important principle of apoliticism.**

The most general directives for the functioning of all state authorities follow from the provisions of the Constitution². This is the universal character of Article 7 the **principle of the rule of law**, which

² See the Constitution of the Republic of Poland of 2nd April 2, 1997 Journal of Laws no. 78, item 483.

states that public authorities in the Republic of Poland operate on the basis of the law and within the law. It is also expressed directly in other legal acts in the area of administrative law (e.g. Article 6 and 7 of the Code of Administrative Procedure). The rule of law is fully applicable to the organization of the Police. It is the law in force that defines the entire organizational system of the Police, shaping its structures depending on the scope of the tasks imposed.

The observance of the law by the Police authorities is ensured by material and formal guarantees of the rule of law. Material guarantees are all those statutory law institutions which define the sphere of activity of Police officers and define the constitutional rights of entities involved in the protection of public safety and order. Formal guarantees, on the other hand, are related to the functioning of competent state authorities, exercising various forms of control and supervision over the activities of the Police. As the powers granted to the Police in connection with the performance of its tasks are extensive, the process of controlling its activities by both internal authorities within the police structures and external ones, remaining beyond hierarchical subordination, is extremely important.

The specificity of the organizational structure in the sphere of public safety and order is the strict subordination of lower-level authorities to superior authorities – **hierarchical subordination**. Hierarchical organization is the state of internal organization of the Police in the system of subordination, as well as the mutual powers and duties of the Police bodies, policemen and Police employees³. The type of tasks performed by these bodies determined such dependence. The central body of government administration, competent for the protection of public safety and order, is the Commander in Chief of the Police, reporting to the Minister of the Interior and Administration⁴. In the structure of the police authorities, the Commander is placed at the highest level of the hierarchical ladder, and therefore, within the meaning of the provisions on administrative procedure, in matters related to the performance of Police tasks, the Commander is a higher authority in relation to voivodeship and district commanders. The authority of the Commander in Chief also gives him or her the right to create local Police organizational units (voivodeship, district headquarters, police stations) and to define their detailed scopes of activity⁵.

Currently, the Police is **organizationally and functionally separated** from other state authority services. Another principle on which the organizational system of the Police is based is the **apolitical nature of the service**. It ensures that a policeman is subordinate only to constitutionally determined state and local government authorities. Apolitical nature can be understood in two ways: narrowly and broadly. Usually it comes down to limiting the participation of the persons covered by it in political and social organizations. However, it may also mean a full ban on membership of political parties, depriving some public rights, especially electoral rights, the right to associate, and the right to exercise social control. Such a rigorous understanding of the apolitical nature of the service in the Police was known in the Act of 1919.

The territorial division of the state is not the only system which the organizational structure of the Police is based on. It also results from statutory tasks related to the protection of public safety and order. According to Article 4 of the Act, the Police consists of the following types of services: criminal, preventive, investigative, counter-terrorist and organizational, logistic and technical support services for the Police. The Police also includes the judicial police and separate riot police and anti-terrorist sub-units, as well as training facilities – the Police Academy and police schools. The Commander in Chief of the Police may also establish research and development units.

³ S. Płowucha, *Zagadnienia prawne organizacji i funkcjonowania Policji*, Szczytno 1995, p. 5.

⁴ See art. Art 5 of the Police Act.

⁵ See art. Art 7 of the Police Act.

The Article 1 of the Police Act defines the basic objectives for which the Police was established. As provided in paragraph 1 of this provision, the most general and overarching goal of all police activities is to protect the safety of people and to maintain public safety and order.

Pursuant to the provision of Article 1 (2) of the Act, the basic tasks of the police include:

1. Protection of human life and health and property against unlawful attacks violating these goods.
2. Protection of public safety and order, including ensuring peace in public places and in means of public locations and public transport, in road traffic and in waters intended for general use.
3. Initiating and organizing activities aimed at the prevention of committing crimes and offenses as well as criminogenic phenomena and cooperation in this respect with state and local authorities and social organizations.
4. Detecting crimes and offenses and prosecuting perpetrators thereof.
5. Supervision over municipal (city) guards, established on the basis of the Act, and over specialized armed protective formations.
6. Control of compliance with order and administrative regulations related to public activity or incorporating in public places.
7. Collaboration with the police of other countries and their international organizations on the basis of international agreements and arrangements and separate regulations.

The Polish Police consists of the following corps: officers (senior and junior), warrant officers, non-commissioned officers and privates. The staffing status of the Police is as follows:

- 104 000 police vacancies,
- 98 000 employees actually employed,
- 26 000 civil employees.

The police system in Poland is supplemented by the following specialized uniformed services reporting to ministries other than internal affairs.

Military Police – operates on the basis of the Military Police Act of 24th August 2001 and military law enforcement bodies. This military formation performs the functions of the military police within the Armed Forces and towards civilians operating on the premises of military units. Its tasks include, among others:

- ensuring compliance with military discipline;
- protecting public order on the grounds and facilities of military units and in public places;
- protecting human life and health as well as military property against attacks violating these properties.

The military police is a hierarchical and centralized formation. It is headed by the Commander in Chief, who is the superior of all soldiers of the Military Police. It reports directly to the Minister of National Defense. It is not very numerous, currently there are about 3 300 soldiers in service.

Prison Service – is a uniformed and armed formation subordinate to the Minister of Justice, having its own organizational structure, carrying out, in accordance with the principles set out in the Executive Penal Code, tasks in the area of imprisonment and pre-trial detention. It operates on the basis of the Prison Service Act of 9th April 2010. The basic tasks of the Prison Service include:

- conducting penitentiary and resocialization interventions towards persons sentenced to imprisonment;
- carrying out pre-trial detention in a manner securing the correct course of criminal proceedings for a crime or a fiscal offense;
- protection of the public against perpetrators of crimes or fiscal offenses incarcerated in prisons and pre-trial detention centers;
- ensuring order and safety in prisons and pre-trial detention centers.

In 2019, there were 27 000 uniformed officers employed, including 7 600 officers and almost two thousand civilian employees.

Railroad Police – the rules of operation of the Railroad Police are set out in the Act of 28th March 2003 on rail transport were imposed by the legislator on the railway managers and carriers to ensure law and order (it can be assumed that it is law and order) in the railway area and in trains and other railway vehicles. Consequently, economic entities are established jointly in agreement with the minister competent for transport and in consultation with the minister competent for internal affairs, they form a separate entity – the Railway Police to perform the function of protecting public safety and order in rail transport.

Pursuant to the Act, the basic tasks of the Railway Police include:

- monitoring compliance with order regulations in the railway area, trains and other railway vehicles;
- protection of human life and health and property in the railway area, trains and other railway vehicles.

In 2020, nearly 10,000 uniformed guards served at the Railway Police.

The **Road Transport Inspectorate** operates on the basis of the Act of 6th September 2001 on road transport. According to the Act, the said inspectorate is intended to control compliance with the regulations regarding road transport and non-profit domestic and international road transport using motor vehicles.

The tasks of the inspectorate include two types of activities:

- control of compliance with road transport obligations or conditions;
- undertaking activities related to foreign permits of the minister responsible for transport.

Road Transport Inspectorate performs the function of a specialized police service dealing with road safety. It reports to the minister competent for transport.

In addition to centralized reporting, the police services subordinate to individual government ministers, in Poland, there are local self-government's order formations at the local level. Initially in 1990, the Municipal Police was established in municipal communes, while on the basis of the Municipal Police Act of 29th August 1997, they may be established in all communes in the country. The wording 'may be established' used in Article 1 (1) on the Municipal Police means that the commune is not obliged to establish it. The functioning of the Municipal Police in cities and communes is therefore only one of the many permissible forms of the commune's own task of protecting public order in its territory. The decision on its creation is made by the collective commune authority – the commune council. Currently, municipal policemen operate in 560 communes, which means that on average every fifth commune had this type of formation. In 2008, the number of communes that established these policemen was 519, which proves a dynamic upward trend in this period. Municipal policemen in cities and communes have diverse potential and possibilities of action. In some communes, there are one-, two-person or maximum several-person units, while in metropolises they are much larger. For example, in Wrocław in 2012, the staffing of the Municipal Police amounted to 280 officers. In 2018, the Municipal Police in Warsaw employed 1 802 persons, of whom 1 599 were uniformed policemen.

Lecturer:

Andrzej Misiuk, Prof. M.D., PhD

e-mail address: amisiuk@wp.pl