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## Analysis of public security system and its relations with the elements of the state security system

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Security Dimensions. International & National Studies nr 1 (11), 71-77

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2014

Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej [bazhum.muzhp.pl](http://bazhum.muzhp.pl), gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

## **ANALYSIS OF PUBLIC SECURITY SYSTEM AND ITS RELATIONS WITH THE ELEMENTS OF THE STATE SECURITY SYSTEM<sup>1</sup>**

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### **ABSTRACT**

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According to the legally binding directives concerning strategy, public safety is one of the fields of the state's activity that is subjected to dynamic transformation. That is the result of the changes that occur within security area in international and national aspect. These changes indicate that this kind of security is one of the crucial meaning. Its essence concerns citizens' safety in all subjects of state's functioning. In order to carry out tasks within this area, public security system has been appointed that is a part of the state's internal system of security. Due to its goals, public security system cooperates with many elements of the state security system that determines its effectiveness.

### **ARTICLE INFO**

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*Article history:*

Received: 03.05.2014 Accepted 13.06.2014

*Key words:*

Safety, threats, state, internal security, public safety system, cooperation, coordination.

Systematic approach towards safety issue has practical reasons. Only such approach creates possibility of ordering knowledge concerning safety. Systematic approach is also determined by the features of activities undertaken in order to achieve and maintain security such as: anticipation, adaptation, purposefulness of the actions, focus on development, that are characteristics of systematic approach, which still remains modern way of practical action. Its discriminants are<sup>2</sup>:

- treating the examined object as a system;
- treating the system as an object composed of interrelated subsystems;
- treating the system as belonging to a larger system;
- using the model of a system of a specific level of resolution which expresses a certain aspect of the activity.

As the public security system operates in a particular surrounding, this surrounding acts on it reflexively. That is why it is "a set of elements external to the system and remaining in the interaction with the system. There is another higher system over every system, thus there is a certain hierarchy in the system structure"<sup>3</sup>. For public security system such a higher system is a system of a state

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<sup>1</sup> The above mentioned considerations resulted from the author's participation in the project entitled "National Security System of the Republic of Poland" carried out in the field of defense and security of the state and funded by the National Research and Development Centre – contract no DOBR/0076/R/ID1/2012/03 December 18, 2012, registration no: O ROB/0076/03/001.

<sup>2</sup> P. Sienkiewicz, M. Urbanek, M. Kinasiewicz, *Zastosowanie modeli analizy sytuacji polityczno-militarnej i społeczno-ekonomicznej do oceny potencjałów bojowych i struktur organizacyjnych Sił Zbrojnych RP* [in:] *Program naukowy „Doskonalenie”*, AON, Warszawa 1992, p. 94

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<sup>3</sup> W. Kieżun, *Podstawy organizacji i zarządzania*, Książka i wiedza, Warszawa 1975, p. 204-205

security. Public security system may be perceived according to the activity. That is why it is a social system (complex of systems) that – with the necessary ways and means of action – sets and pursues certain goals<sup>4</sup>.

The basic aim of the authority's activity, as well on the local as on the governmental level, is to provide civilians with acceptable level of safety and undisturbed development. Having this in mind, the purpose of the public security system is providing the development of the society by maintaining the ability to react (according to the circumstances) with organized and complex actions (in functional and territorial system on every level of local and governmental authorities) in case of threat to public order and every other event that causes or may cause crisis situation<sup>5</sup>.

There is no doubt that the area that is concerned by public safety system is vast and hard to define. It seems however that it can be selected from state security system as a set of authorities and public administration, methods and means of action related to the protection of life and health of the citizens and national wealth from illegal acts<sup>6</sup>.

This system includes three basic areas: control bodies, information links that are necessary to manage, reflecting the structure of the described system and a set of methods and measures governing the manner and principles of operation of the scheme in case of threats to public security. Public safety system's characteristic feature is stability of its purpose and its structure. Within the system, there are precisely specified functions of its elements that dovetail with each other leading to expected, planned effectiveness of actions.

Further characteristics of public security system are the transparency of the interaction between the system's components and common goals. The first one enables its proper functioning in case of threat and the other allows to exploit completely the benefits coming from the specialization of the elements. The organizational structure is the constant part of the system while the threats to the security are the unstable factor.<sup>7</sup>

The legal basis of the system of public safety are: The Constitution of the Republic of Poland, legal acts and based on them implementing acts (ordinances, regulations). This scope of legal basis is strictly related to the constitutional catalogue of sources of universally binding law (Article 87) that – apart from the above mentioned – includes also local laws binding within the areas of the authorities that set them and ratified international agreements.

The analysis of binding legal acts leads to the conclusion that beside the constitution, basic act concerning the public security system is The Law on Government Administration of 4 September 1997<sup>8</sup>. According to Article 29.1 of the above mentioned act, government department - internal affairs includes issues related to public safety such as relating to the protection of public safety and order, the protection of the state border and border traffic control. The above regulation states also that the minister responsible for internal affairs shall, among other duties, supervise the activities of the Police, Border Guard and the Government Protection Bureau. Basing on the regulations contained in proper acts, it is possible to find that these institutions are the main subjects within the public safety area. It is worth mentioning however that next to them there are other subjects acting on the field of

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<sup>4</sup> P. Sienkiewicz, *Teoria efektywności systemów kierowania, Tom I – wstęp do systemologii*, rozprawa habilitacyjna, ASG, Warszawa 1979, p. 263.

<sup>5</sup> B. Wiśniewski, *Podstawy prawne systemu bezpieczeństwa wewnętrznego RP* [in:] *Bezpieczeństwo wewnętrzne RP w ujęciu systemowym i zadań administracji publicznej*, red. nauk. B. Wiśniewski i S. Zalewski, Bielsko-Biała 2007, p. 73.

<sup>6</sup> Ibidem.

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<sup>7</sup> B. Wiśniewski, S. Zalewski, *Charakterystyka systemu bezpieczeństwa wewnętrznego RP* [in:] *Bezpieczeństwo wewnętrzne RP ...*, wyd. cyt., p. 81.

<sup>8</sup> Tekst jednolity ustawy opublikowano w Dz. U. z 1999 roku, nr 82, poz. 928 wraz z późniejszymi zmianami

public security, although their position in the administrative system and their competences vary significantly. Among them one may find qualified inspections and guards, as well as private sector institutions performing tasks within the field of public safety.

From the public safety issues, there is another important act - the Law of 21 June 2002 on the state of emergency<sup>9</sup>. Article 2 defines the conditions under which a state of emergency may be enforced that directly relate to the issue of public safety and constitutional order. The article mentioned above states that the state of emergency can be introduced in case of a particular threat to the constitutional order and security of citizens or public order, including the ones caused by terrorist activities, which cannot be overcome with the use of ordinary means<sup>10</sup>.

These regulations are complemented by the acts concerning the functioning of the essential elements of the public security system that are briefly described below.

According to Polish law, the efficiency of the public safety system is provided by relevant authorities – according to their competences – such as: government, the competent central authority of government, province governor, the governor and the mayor (mayor, president of the city) and the relevant chiefs (commandants, directors, etc.) public and private subjects performing tasks related to the protection of life and health of citizens and national assets against unauthorized actions. The executives may be found a part of the first group of elements of public security system. Their basic task is to coordinate activity of all institutions acting on the same area. The

second group of elements of the system contains the institutions that are subjected to the executives and their main task is to eliminate the threats to public safety and their effects<sup>11</sup>.

Analysis of Polish regulations leads to the conclusion that public safety system considers the specifics of the structure of authorities and responsibilities of the organizational structures for public administration and state institutions.<sup>12</sup>

According to the regulations, there is a significant scope of the responsibility on the public safety issue that belongs to province governor (wojewoda). As the act of 23 January 2009<sup>13</sup> on the palatine and government in the region states, he is the representative of the government as a superior to the governmental administration. Thus, he is responsible for ensuring the interoperability of all organizational units of the province and directing their activities within:

- prevention of threats to life, health and property;
- the maintenance of public order and safety;
- the prevention of natural disasters and other extraordinary threats, fighting and eradicating their consequences;
- the protection of civil rights.

Within the above mentioned area the scope of authorization allows the province governor (wojewoda) to order all the units of governmental administration and – in case of emergency – to the local government authorities as well. He is also empowered to issue orders (regulations) in the areas not covered by laws or other regulations, if it is

<sup>9</sup>Dz. U. z 2002 roku, nr 113, poz. 985 i nr 153, poz. 1271.

<sup>10</sup>Institucja stanów nadzwyczajnych służy przede wszystkim organom państwa, które mogą je wykorzystać w celu wykonywania swoich zadań w sposób, który w zwykłej rzeczywistości prawnej jest niedopuszczalny, jako że wkracza w sferę swobód obywatelskich. Z tego tytułu możliwość wprowadzenia stanu nadzwyczajnego została obwarowana konstytucyjnie licznymi ograniczeniami i zastrzeżeniami.

<sup>11</sup>B. Wiśniewski, S. Zalewski, *Charakterystyka systemu bezpieczeństwa wewnętrznego RP*, [in:] *Bezpieczeństwo wewnętrzne RP w ujęciu systemowym i zadań administracji publicznej*, red. nauk. B. Wiśniewski i S. Zalewski, Bielsko-Biala 2007, s. 78.

<sup>12</sup>Ibidem.

<sup>13</sup>Dz. U. z 2009 nr 31 poz. 206.

necessary to protect the life, health or property, to ensure order, peace and security. On the level of district (powiat) within the issues of public safety – according to the act of 5 June 1998<sup>14</sup> on the district (county) government – there is a concentration on the tasks that had not been entrusted to the municipality concerning, among others: protection and fire prevention and other extraordinary threats to the life and health of people. Starosta (governor of the district) in case of emergency governs the activities of district services, inspections and guards as their chief. It is crucial that the board of the district (zarząd powiatu) that is led by the governor of the district (starosta) has a scope of competence similar to the province governor (wojewoda) within the public safety area as long as that concerns the issues not regulated by other acts or orders and the reason for district regulations concerns more than one municipality.

Municipality's scope of responsibility within public safety issues is comparable, as – according to act of 8 March 1990 on municipal government<sup>15</sup> - it is responsible for satisfying the collective needs of the community, which include primarily own tasks relating, inter alia, to ensure the safety of citizens and public policy.

The essential elements of the system of public security are formations of a police character, which purpose and objectives are listed below.

Police – according to the act of 6 April 1990 on police<sup>16</sup> - is the formation serving the society, designed to protect the safety of people and the maintenance of public order and safety. Police carries out tasks related to: the protection of life, health and property of

people to unlawful attacks, protection of public order and safety and monitoring the compliance with police regulations and administrative provisions relating to the activities of public or in public places. The central body of government administration competent in matters of public safety and order is Chief of the Police, and in the province and district (county) respectively - the governor (wojewoda) with the assistance of province chief of the police or provincial chief of the county police.

The tasks concerning protection of state border on land and in the air are fulfilled by the Border Guard – according to the act of 12 October 1990 on Border Guard<sup>17</sup>. Pursuant to its powers, Border Guard performs tasks within the scope of public safety and concerning, inter alia, the prevention of crimes and offenses and the prosecution of their perpetrators as well as ensuring public safety and order within the area of border crossing and the border zone<sup>18</sup>. An important feature distinguishing the Border Guard from the Police is that it does not work within the administration in the region and its organizational structure is not adapted to the administrative division of the state.

Central Anti – Corruption Bureau (CBA) is a special service dedicated to the fight against corruption in public and economic life (especially in the institutions of state and local governments), as well as to combat operations against the economic interests of the state. CBA's activity is regulated in the act of 6 June 2006 on Central Anti – Corruption Bureau<sup>19</sup>. The tasks of this service, in its field of competence, are among the other things: recognition, prevention and detection of crime, disclosure and preventing instances of non-compliance with the Act of 21 August 1997 on

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<sup>14</sup>Dz. U. z 2001 roku, nr 142, poz. 1592

<sup>15</sup>Dz. U. z 2001 roku, nr 142, poz. 1591 wraz z późn. zmianami.

<sup>16</sup>Dz. U. z 2002 roku, nr 7, poz. 58; nr 19, poz. 185; nr 74, poz. 676; nr 81, poz. 731; nr 113, poz. 984; nr 153, poz. 1271; nr 176, poz. 1457 i nr 200, poz. 1688.

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<sup>17</sup>Dz. U. z 2002 roku, nr 171, poz. 1399

<sup>18</sup>Szerzej, *Zadania Straży Granicznej* – wypowiedź Komendanta Głównego Straży Granicznej gen. bryg. J. Klimowicza, [in:] „Świat Elit” nr 6-8/2003, p. 26-27.

<sup>19</sup>Dz. U. z 2012 r. poz. 621.

the limitation of economic activity by persons performing public functions, documenting the basics and initiating implementation of the provisions of the Act of 21 June 1990 on the reimbursement of benefits unjustly obtained at the expense of the Treasury or other state institutions, controlling the accuracy and truthfulness of asset declarations by persons performing public functions, analytical activities concerning the phenomena occurring in the jurisdiction of CBA and presenting information in this regard to the Prime Minister, the President of the Polish Republic, the Sejm and the Senate.

The Internal Security Agency (ABW) is the element of public security which duties and powers are specified in the Act of 24 May 2002 on the Internal Security Agency<sup>20</sup>. A detailed list of tasks of ABW includes:

- identification, prevention and control of risks affecting the security of the state and its constitutional order, in particular, the sovereignty and international position, integrity of its territory and national defense;
- identification, prevention, detection and prosecution of perpetrators of some crimes;
- implementation of the duties of the protection of the country and the performance of the national security authority for the protection of classified information in international relations;
- obtaining, analyzing, processing and disseminating to the competent authorities information that may be important to protect the security of the Republic of Poland and its constitutional order;
- taking any other actions specified in legal acts and international agreements.

Both, statutory jurisdiction, as well as a wide range of tasks of the Internal Security Agency

distinguishes it from other organs of the state - the chief organs of government (ministers), other special services, as well as police authorities. ABW's statutorily assigned tasks related to the protection of constitutional order place this service as a leader of the executive branch in this subsystem. Protection of the constitutional order - seen as an area of operation of the Internal Security Agency - includes the implementation of the tasks related to the protection of decision-making by public authorities and obtaining information important to the existence, independence and the position of the state<sup>21</sup>.

Public security subsystem also includes specialized guards, services and separate inspections operating in the country<sup>22</sup> that affect directly or indirectly the level of public safety while executing the tasks defined by law. Among those entities may in particular be included, in the following groups:

- specialized guards: Border Guard, Municipal Guard, Railway Security Guard, Forest Guard, State Fishing Guard, State Hunting Guard;
- specialized services: Customs Service, National Parks Service, Prison Service;
- inspections: Customs Inspection, Inspection of Road Transport, Commercial Inspection, Sea Fishing Inspectorate.

Analysis of the system of public security (including the rules for the operation of its components) leads to the conclusion that within this system one may distinguish six basic criteria, each with a specific set of relations that occur between organizational elements, which include<sup>23</sup>:

<sup>21</sup> S. Zalewski, *Ewolucja modelu polskich służb specjalnych 1990-2002*, Warszawa 2002, p. 14.

<sup>22</sup> Szerzej, F. Prusak, *Organy ochrony prawnej*, Wyższa Szkoła Handlu i Prawa w Warszawie, Warszawa 2002, s. 261-295.

<sup>23</sup> Prońko J., Szmidtka T., Wiśniewski B., *Wybrane aspekty modelu systemu kierowania reagowaniem w sytuacjach*

<sup>20</sup> Dz. U. z 2010 nr 29 poz. 154.

- accumulation - specifies the number of hierarchical levels;
- span - specifies the number of secondary elements on different levels under one supervisor;
- organizational coherence - determines the degree of interdependence of structural-functional links between organizational elements due to the executed task;
- information System –depicts the network of information flow;
- the division of decision – making competences - includes business relations of primacy and subordination between authorities;
- the division of labor between organizational elements concerning relations of cooperation – they depict links between organizational elements.
- improvement and implementation of the principles and procedures of cooperation;
- implementation of projects aimed at maintaining and enhancing the obtained potentials;
- mutual support, evidenced by the execution of tasks for the benefit of interacting entities;
- exchange of information.

Speaking about the structure of the public security system, one should also take into account the principles of the organization, which may include<sup>24</sup>:

- the principle of uniformity;
- the principle of hierarchical subordination;
- the principle of anchoring the basic organizational structure for the territorial division of the country;
- the principle of efficient action;
- the principle of professionalism.

Cooperation in the area of public security includes such issues as:

Interaction of the elements of the public safety concentrates essentially on the refinement of the provisions referred to in the sources of universally binding law, through the development of appropriate planning documents. Thus, it relates to law and to determine how to implement joint projects. It is worth noting however, that despite the fact that the public safety system creates a common body, this fact does not remove obstacles to the organization of cooperation. There appears to be many obstructions. They relate to the implementation of these projects which execution is not public. For this reason, the interaction is quite difficult and complex.

The interaction of public safety components results from laws and regulation as well as the agreements between departments and services. The law and agreements define the ways and forms of cooperation between the different elements of the system. The most common ways of cooperation are: the exchange of information, shared services and trainings, taking action on the request of the interacting partners, transfer of documentation, assistance, sharing resources and measures<sup>25</sup>.

Having this in mind, it is worth noting that the creation of the effectiveness of the system of public security “should also be carried out through interaction with institutions working in similar areas of allied countries. This cooperation is in fact an opportunity to absorb

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*kryzysowych (tezy do dyskusji)*, [in:] materiały z I konferencji „Zarządzanie kryzysowe” organizowanej przez Wyższą Szkołę Morską w Szczecinie i Zachodniopomorski Urząd Wojewódzki w Szczecinie w dn. 27.06.2003r.

<sup>24</sup>M. Róg, *Organizacja i zadania policji w Polsce*, [in:] III edycja Środkowoeuropejskiej Akademii Policynnej, *Policja Polska wobec przestępczości zorganizowanej*, wyd. Wyższej Szkoły Policji, Szczytno 1996, p. 22 i nast.

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<sup>25</sup>B. Wiśniewski, S. Zalewski, *Charakterystyka systemu bezpieczeństwa wewnętrznego RP* [in:] *Bezpieczeństwo wewnętrzne ...*, wyd. cyt. s. 83.

and use in practice innovative solutions in terms of both substantive - technical as well as in managing, within the Polish institutions operating in the field of security. An important and desirable area is the cooperation of experts and exchange of experience in dealing with objectionable phenomena. Such actions result in benefits to the parties. They extend in a natural area of cooperation. They stimulate interaction"<sup>26</sup>.

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<sup>26</sup>Por. S.Zalewski, *Bezpieczeństwo wewnętrzne Polski wobec członkostwa w NATO* [in:] *Bezpieczeństwo wewnętrzne ...*, wyd. cyt. p. 83.