

LOCAL SECURITY POLICIES

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ABSTRACT

Autonomy is, set right the competence to decide cases independently in the community. Represents its interests against the state and perform the tasks specified by the law , contract or agreement. In Poland, a member of the local government becomes by law. Every citizen has an obligation to belong to the local government as a precondition for the exercise of certain activities or professions. The authority has legal personality. Supervision shall be exercised by government. The term local government can be explained as a system of local authorities. In this sense, it is a collection of interdependent elements and ongoing links between them. Local government includes all persons residing within a certain territorial unit. It is a form of local community organizations established to govern and manage public affairs in the interests of the residents. These work in all democratic systems. In connection with the reform of the administrative division of 01.01.1999, there were changes on the local government to provide residents greater influence on local decisions.

Key words:

governmen, security, crisis management

ABSTRAKT

Autonómia znamená právomoc rozhodovať veci v spoločnosti nezávisle. Predkladá svoje záujmy vo vzťahu k štátu a plní svoje úlohy stanovené zákonom, zmluvou alebo dohodou. V Poľsku členom miestnej samosprávy sa stáva na základe zákona. Každý občan musí patriť do miestnej samosprávy, čo je predpokladom na výkon niektorých činností alebo povolání. Orgány samosprávy majú právnu subjektivitu. Dohľad musí byť vykonávaný vládou. Pojem miestna samospráva je možné definovať ako systém miestnych úradov. V tomto zmysle ide o súbor vzájomne nezávislých prvkov, medzi ktorými sú vzájomné väzby. Miestna správa zahŕňa všetky osoby, ktoré bývajú v rámci určitej územnej jednotky. Je to forma korporácie, založená na spravovanie a riadenie verejných záležitostí v záujme obyvateľov. Toto funguje vo všetkých demokratických

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systemoch. V súvislosti s reformou správneho členenia k 1.1.1999, došlo k zmenám na úrovni miestnej samosprávy tak, aby poskytla obyvateľom väčší vplyv rozhodovanie v miestnych záležitostiach.

Kľúčová slova:

vláda , bezpečnosť , krízové riadenie

1 TERRITORIAL SELF-GOVERNMENT AS A SYSTEM OF LOCAL AUTHORITIES

Self-government can be understood as a set of competences given by law to independent matters in the given community. It represents its interests in front of state authorities and executes certain (set by the law) contracts or agreements. In Poland, members of self-government are chosen by law - every citizen is obligated to be a part of the self-government and it is obligatory for the exercise of certain activities or professions. The self-governments is an legal entity. Central government supervises its actions.

This term - local self-government - can be perceived as a system of local authorities. In this sense, it means the group of interdependent elements and interactions between them.

Self-government covers every person residing on the particular territorial unit. This is a form of social organization, established to manage public affairs in that best interests of its residents. It works in all known democratic systems. In Poland, reforms of 01.01.1999 introduced changes to provide residents with the greater influence on decisions made by self-government.

Self-government performs various acts, as stated in the law, relating the economic, cultural and medical growth in the given area. Self-government has raised from the small communities of residents and neighborhoods of one village (municipality or city). Then, it slowly started to include much broader areas. Today, Self-governments might be divided into local and regional.

In most democratic countries, territorial self-government is the most basic form of citizen's participation in the tasks carried out by the public administration. It might coexist with central government bodies (local administration duals) or independently, without the contribution of central government, of which requests it fulfills (tasks assigned).

The principle of subsidiarity. Organization of the modern country is based on this principle, including the concept of the territorial self-government. This principle means that the distribution of power in the state is constructed vertically (from bottom to the top). Tasks that might be performed by organizations of lower significance, should not be assigned to governmental bodies of higher order. Transfer

of certain tasks on the higher level can occur only if the scale of said tasks is too much to grasp for the units of lower level.

As stated in Polish constitution, Council of Ministers is responsible for the state of public security. The main task of Council of the Ministers relating this matter is to evaluate the current state of local security and to form proper policies accordingly to that judgment. In the terms of public security, that means long and short-term plans of action for parliament, government, NGOs and other public institutions.

2 THE SCOPE OF ACTION OF THE DEPARTMENT OF PUBLIC SAFETY

The scope of action of the Department of Public Safety includes: conduct of the matters relating overseeing the minister in context of execution his tasks of maintaining the public safety and stability, and supervision over and rating the efficiency of the institutions, such as Police, Fire Service, Border Protection or The Government Protection Bureau. It also includes fine proceedings, described in Act of 22 August, 1997 - that deals with the matters of public safety on mass events, activities of Police and border guards in relation to public services, as well as preparation and implementation of special programs for ensuring the safety of citizens.

The Parliament considers that, despite the constitutional role of the Council of Ministers, public safety should be treated as a common concern - not only for ministers, but also regular Politian's, both the ruling party and the opposition.

The increasing threat of crime should force politicians of all parties to cooperate in order to prevent it. The starting point should be an honest and fair estimation on the level of safety and public order. Such estimation enables analysis of legal instruments and the efficiency of their use.

3 EVOLUTION OF THE MODEL OF PROTECTING THE PUBLIC ORDER AND SAFETY IN YEARS 1990-1998

Political changes, which in 1999 were carried out in Poland, were the next step of creating the civil society in a democratic state. One of the signs of this process was the continuing decentralization of the administration system. In subsequent levels of administration, structures of local self-government arose -besides gminas, in 1998, self-governments of Powiats and Voivodaships were reintroduced. Subsequently, organs of the central governments working in a local scale became the factual representation of central government in the given area, as an effect of still growing assembled administration.

In such conditions, the place and role of the Police had to change dramatically. Issues mentioned earlier had an significant impact on the perception of public safety and order. Originally, Police was an autonomic part of special administration, an extremely centralized institution, assembled on the base of military formations. With those changes, It began to slowly evolve towards a mixed model (based on decentralized, regional structures), performing the tasks of governmental administration, and - hopefully - in the near future, tasks of territorial self-government.

This reform of administrations of public safety and order required not only changes made to Police organization structures, clear evaluation of its competences, but most of all, revision to the traditional view on Police and self-government as a bodies protecting the public order. Therefore, the early attempts to revive experiences of State Police from the times before the World War II, were mostly failures. Secondly, there should be an awareness of flaws in the implemented acts of law. For example, prof. P. Sarnecki, quite correctly, points out the rather vague definition of the areas of competence of some bodies of the public administration. Self-governmental acts often use terms like public safety, protection of citizens of the state security etc, of which the meaning is not clearly explained. As a result it produces the confused image of overlapping competences of individual entities of public administration

In the spring of 1990, when profound reform of governmental and social structures had begun one of its key elements were changes in the field of protecting the public safety and order. In the place of Citizen Militia, the new Police was formed. The main focus of the community of politicians, lawyers and the police officers themselves, taking part in writing the projects for so called "Police Acts" , was to create an institution free political influence by separating civil, ministry leadership from apolitical, and verified, professional Police formations. However, ironically, the status of heads of Police, Border Guard and UOP has also become more independent in comparison to their status in the times of the People's Republic of Poland. The Chief Police obtained a position of central authority of administration, he became the supreme commander of said formation and official superior to all Police officers. More importantly, he was fully responsible for the state of public safety and order. Minister of Interior, , according to the article 2, point 2, of Ministry of Interior Act, obtained only limited supervision over that service, under the specific conditions defined Acts (vide: Police Act). Besides the ability to request the specific Police Chief to the prime minister, The Minister of Internal did not obtain any competences in formulating public safety polices. Many authors points out according to the two acts - one, Self-government Act from 6th March, 1990 and the second one, Territorial organs of governmental administration Act, from 22th March of the same year, two entities in the field of public safety and order: Voivoda and Gmina's Self-government (The Council of Gmina and the Board of Gmina). On the hand, they received limited influence on the functioning of the government and Police, but on the other - the ability to form their own security formations, which grants them influence over local needs. Tasks of the Voivoda, as a local representative of the central government, includes the insurance of cooperation individual organizations operating inside the

borders of Voivodaship, relating the public safety and prevention of natural disasters. On the basis of said Act, competences of Voivode were established, but only in the matter relating public safety and order, in case of prevention of natural disasters.

The issue of public safety was included in the range of action of gmina's self-government. It should be assumed that it meant meeting the social needs on the local level. Besides, gminas obtained the ability to actually influence the state of public safety, using their own services, mostly municipal guards. Gmina's and urban guards work under the conditions specified in municipal guards Act of 29th August 1997. Said guards are self-governmental, uniformed formation, alleged to protect the public order in the Gmina. Guards can be formed by the Council of Gminu, after consulting the local Police Chief. If the Mayor is the executive body in given Gmina, Guards bear the name of city guards. The Council of Gmina might also dismiss the Guards, after consulting the local Police Chief. Guard Commander is appointed or dismissed by the Mayor (City's President), Wojt after consulting the local Police Chief. Mayor (City's President) is a superior to the local Police Chief. Statute of Guards, assigned by the Council of Gmina defines the detailed organizations of structure.

4 THE FUNCTIONS OF GUARDS:

Protection - associated with maintaining public order inside the borders of Gmina

Rule of law - enforcement of the law.

Prevention - continuing patrolling the streets and neighborhoods and interventions to reported cases, relating the public safety.

Prophylaxis - the prevention of crime or misconduct, educating children and teenagers

Information - Informing the services and intuitions about observed threats and dangers, informing local community about the state and types of dangers and the methods of their elimination

Socially - administrative- cooperation with governmental and self-governmental organs or social organizations in the matters of public safety and order,

Integrating local communities - Participation in sport events, local culture, and charity - organized by the Gmina, social organizations, schools and municipal Guards.

5 SYSTEM REFORM OF 1998

In 1998, Poland was conducted thorough the series of complex and profound reforms of its administrative systems, which finally came into force on 1st January, 1999. As a result, the nature of local, governmental administration changed as well, new levels of self-government emerged - powiats and voivodaships. At the same time, amendments to the certain acts of law were carried out. Those acts addressed the matters such as: the Police, Fire departments, Fire protection and the safety od mass events, prevention and maintain the results of natural disasters, common duty to defend. Those changes, together with entirely new acts of law were supposed to improve the government's organization through decentralization of tasks and competences and shortening the decision-making process. Those changes had to

leave the mark on the Efficiency of the Police as well as the understanding of the whole process of protecting the public safety and order.

6 INFLUENCE OF SELF-GOVEMEBT ON THE FUNCTIONING OF POLICE

The participation of the individual units of local government in appointing the positions in Police.

The procedures of appointment and dismissal of Police Chiefs are regulated by the article 6b-6e of the Police Act. Generally speaking, it can be said that consulting the opinion of the local Starosta or Wojt (Mayor/City's President) is required to appoint or dismiss the local Police Chief. Capital Police Chief, which is appointed with the consultation of Mazovia's Voivoda and the President of Warsaw, is the exception to the rule. However the self0government of Voivodaship does not influence the appointment of the Police Chiefs. Powiat's Police Chief is appointed and dismissed by the Voivodaship's Police Chief, after consulting the local Starosta. In case of the lack of opinion, Voivodaship's Police Chief can decide for himself, without the opinion of the starosta - 14 after sending and application. The opinion of starosta is not obligatory and the Voivodaship's Police Chief can appoint or dismiss the given commander in spite of the negative opinion of starosta.

7 FINANCUNG THE POLICE BY THE UNITS OF SELF-GOVERNMENT

Legal basics for financing the Police by the units of territorial self-government were created together with that formation. This issue gained greater significance with relation to reform of public administration. Since 1st January 1999 under the article 13, Police Act of 6th April 1990, costs relating the functioning the Police were covered by the country budget, including dotation's made specifically for the tasks of the Police force in powiat. Regardless of that, municipal Police departments benefited greatly from financial support from the self-governments in the form of - donations, financial maintenance of additional positions in local districts, awards for achievements in service, monetary compensation for service. By carrying out the tasks in the field of public safety, Self-governments indirectly support the Police, donating to its activity in the given area. This aid mainly applies to purchases of fuel and the equipment of the individual Police Stations, operating in the given area. For clarity and transparency of public finances, Police Support Fund was created under the Act of 25th November 2004, replacing the existing additional funds

8 COOPERATION OF POLICE, UNITS OF TERRITORIAL SELF-GOVEENMENT AND NGOS IN SHAPING THE LOCAL SECURIY POLICIES.

The position of Police, under the authority of the voivoda and starosta provides the

opportunities of cooperation between Police and other entities (so called inter-institutional cooperation), which gives the chance of coherent and coordinated actions against crime, especially the preventive ones. Prevention of crime has an open nature and every unit of self-government, person, governmental organization, entrepreneur etc. may help to reduce threats.

According to 29th point, 1st ordinance No. 25 of 31st December 2003, of the Central Chief of Police, on detailed rules of organizing and the scope of action for police stations, headquarters and other units of Police (Official Journal . KGP 2003, No. 2 , pos. 4 and No. 22, item . 127), the scale of activities in the Powiat's Police Headquarters includes (in cooperation with Organs of local self-government and NGOs) creating and execution of the special preventive programs which focus on:

- Insurance of safety and order in public space for citizens of Powiat
- The fight against crime
- Disclosure, prevention and eliminating social pathologies, especially among children and teenagers.
- Insurance of the ability to report events and situations threatening the life, safety or public safety; Also, creating an environment for the instant reaction of the Police on such occurrences
- Organization, Coordination and participation in patrolling, intervening, convoy, and protection.
- Educating the citizens in the matters regarding the maintenance of public safety and active participation in prevention projects in the Powiat
- Creating a positive image of Police in local communities and actions taken to improve public security and order.

9 COORDINATION OF THE CITIZEN SAFETY SYSTEM ON THE LOCAL LEVEL

The issues of functioning the citizen safety system and insurance of the public order on the local level are determined by the quality of cooperation between authorizes on the local level, public services responsible for public safety and order, and -obviously- local communities. Direct fight against crime is carried out by special, relevant services, most of all - Police and Fire Department. However, self-governments can effectively prevent crime by eliminating its causes (eh. unemployment, lack guardianship of minors, bad architectural solutions) and also hinder some of the crimes (eg. by appropriate lighting on streets and parking lots). In order to endure effectiveness governmental bodies mentioned earlier, cooperation with local communities is necessary.

Local prevention plays an important role in European countries, it has been proven to be the most effective way of eliminating various pathologies from the lives of local communities. Cooperation of individual self-governmental bodies in England, Holland, Germany or Denmark contributes to the success of local prevention programs, and not only improves the sense of security of the citizens - but also (and more importantly) actually prevents crime from happening. The European Council also indicates the need to support local prevention institutes. For example, in the

recommendation No R 87/19, relating the matters of crime preventions, the Ministerial Council of Europe recommends to establish promote and support the prevention agencies on the local and regional level, which have the following features (for example)

- a) collecting information about the crime and crime trends, groups of high rest of crime and prevention experiments and its effects
- b) planning and execution of prevention programs, as well as their evaluation,
- c) coordination of the crime prevention activities carried out by the police and other agencies to prevent crime.
- d) insurance of active, public participation in preventive activities by informing the communities about the need and the way it works
- e) seeking the support and cooperation of mass media in preventing crime
- f) initiating and promoting research on the occurrence of certain types of crime and other relevant issues
- g) cooperation with policy makers in the forming of rational and effective policies against crime
- h) execution of training programs in the field of prevention

The basic objectives of the security policies of our country are invariably associated with the protection of the sovereignty and independence of the Republic of Poland, maintaining the integrity of borders and territorial integrity of the country. State policy is to ensure the safety of Polish citizens, human rights and fundamental freedoms and democratic order in the country, creating the conditions for uninterrupted civilization and economic development for Poland and prosperity of its citizens, the protection of national heritage and identity national implementation of alliance commitments, as well as defending and promoting the interests of Polish state. A huge role in the field of local units plays government, of which rationally management of funds received, among others, from the budget in order to meeting the needs of people, not only in the sphere of security and public order but in every other area of social and economic life of man. It is therefore important that such units operate efficiently and are still perfecting their skills and ability the rational management of financial resources, the spirit of the time out meet the needs of citizens.

REFERENCES

- [1] STAŃCZYK J., Współczesne pojmowanie bezpieczeństwa, Warszawa 1996, s. 32-65
- [2] MUSZYŃSKI H., Zarys teorii wychowania, Warszawa 1988
- [3] SARNECKI P., Właściwości organów terenowych w sprawach porządku i bezpieczeństwa publicznego w nowej strukturze lokalnych władz publicznych, Instytut Spraw Publicznych, Warszawa 1999.
- [4] Biuletyn Informacji Publicznej MSWIA (28 maja 2007)
- [5] Monitor Polski z 1999 r. nr 26 poz. 390 z dnia 22 lipca 1999 r. w sprawie stanu bezpieczeństwa i porządku publicznego w Polsce.

Článok recenzovali dvaja nezávislí recenzenti.