

Stanisław PieprznyUniversity of Rzeszow
ORCID: 0000-0002-4154-8860**COOPERATION OF THE POLICE WITH NON-GOVERNMENTAL
ORGANIZATIONS IN THE FIELD OF SECURITY
AND PUBLIC ORDER****Introduction**

A modern democratic country based on the rule of law is a very complex and complicated system of bodies, units and entities responsible for performing public tasks. As part of the separation of powers into the legislative, executive and judicial powers, activity is conducted by many entities connected with each other by various relations of dependence, interaction and cooperation. The most diverse system of connections consists of bodies, units and institutions of the executive power and public administration. The entities that make up such a system are bodies and units of the state, government and local government administration. This system is supported by private entities and non-governmental organizations. Due to the continuous social and civilization development, the system of entities responsible for the organization and functioning of the state is being constantly modernized and changed, in terms of the increasingly efficient and incessantly growing demand for more efficient implementation of public tasks. Social expectations also increase in a systematic way, in the matter of even higher level of safety and public order. This process requires an extremely rational and effective organization.

The concept of cooperation in public administration has been known for a long time. It is primarily related to the specialization determined by the development of civilization and diversity, as well as the continuous development of social relations and expectations. From a sociological point of view, cooperation means a social relationship based on a joint action and mutual assistance in achieving a specific aim. "Collaboration is essentially nothing else but an action aimed at achieving identical or compatible objects. Therefore, instead of talking about co-

operation as a necessary condition of the organization, one could mention a common object or compatible¹ objects”. Some systemic normative acts contain provisions that oblige public entities to cooperate with other entities.

In the science of administrative law, cooperation is recognized as a non-binding legal form of administration and constitutes the main element of concluded administrative agreements². The concept of cooperation and coordination is found both in the doctrine and in normative acts. These terms, especially in the common language, are treated as synonyms. However, there are actually some differences between them. Collaboration is defined as a harmonized activity of individuals or groups of people performing parts or elements of a given task. Coordination usually takes place in complex and complicated tasks, where a certain primacy of a specific authority over the coordinated bodies or entities is required. The activities of the coordinating body are aimed at optimizing the achievement of the assumed common object. It ought to be emphasized that in a joint action there is an equality of cooperating entities. Cooperation is a form of functional contact between non-subordinate units, where these units are considered as equal partners. However, due to the purpose of cooperation, often does the element of coordination³ occur. Owing to the complexity of the assumed objects and the subject of cooperation, the maintenance of the full independence of the cooperating institutions is extremely difficult and even unnecessary. Such an approach to the aforementioned cooperation is even more justified when coordination elements are indispensable in order to achieve a specific object. It is especially visible in a situation when the cooperating body (entity) is obliged to achieve specific goals by cooperation on the basis of the provisions of the Act.

The scope of tasks and forms of activity of the Police as determinants of cooperation with non-governmental organizations

Today there are over 200 countries in the world, which despite the integration, unification and globalization processes, significantly differ in the level of civilization and social development, what has its consequences in the standard of living of individual societies and its individual units. The existence of social differences in particular countries is conditioned by historical, cultural, and primarily by political systems of individual states. While entering into the field of administrative law and inextricably connected with it public administration, it should be

¹ J. Zieleniewski, *Organizacja zespołów ludzkich. Wstęp do teorii organizacji i kierowania*, Warszawa 1978, p. 118.

² Cf. J. Starościk, *Prawne formy i metody działania administracji* [in:] *System Prawa Administracyjnego*, Vol. III, ed. T. Rabska, J. Łętowski, Wrocław 1978, p. 45 n.

³ Z. Leoński, *Nauka administracji*, Warszawa 2000, p. 126 n.

emphasized that the quality of meeting the needs of society depends on the public administration, which is a very important element of executive power. In the axiological sphere, the implementation of public tasks by the government must be based on a system of values, developed and adopted by the authorities of states and society, adequate to the level of civilization and technological development. The catalog of fundamental freedoms and human rights, confirmed in the Acts of international law, should set the direction of activities of the authorities of each state⁴.

Referring to the subject of this publication, the importance of general principles of systemic administrative law and its impact on the organization and functioning of the public administration⁵ should be emphasized. These include the following principles: subsidiarity; competence; administrative unification; efficiency and effectiveness of administration activities; control and supervision; decentralization; deconcentration; proportionality; protection of human dignity and the right to good administration. The aforementioned principles affect the scope and possible forms of cooperation in the implementation of public goals and tasks.

An analysis of normative acts, regulating the functioning and tasks of the Police and non-governmental organizations, indicates that there are few regulations which require cooperation between these entities. Needless to say, this does not mean that the aforementioned entities will undertake cooperation only when the legal provision expressly obliges them to do so. The basis for cooperation may then be general competence standards originating from the aims, principles of operation of administration and the basic statutory tasks of these entities. At the time, these activities will be based on the principle of voluntary and parity, without imperious elements of coordination. Such established rules of cooperation, supported by the concluded administrative agreement, give cooperating entities great opportunities to act without fear of violating the rule of law, pursuant to Art. 7 of the Constitution of the Republic of Poland⁶. The objective scope of cooperation between specific entities depends on many premises, and above all on the type of performed public tasks, their nature and importance for the state and society⁷.

The cooperation of the Police with non-governmental organizations in the field of security and public order, presented only on the basis of the observed practice, covers a wide range of activities, what has to do with the tasks of the Police. The institutional status of this formation is defined by the Act of 6 April 1990 on

⁴ J. Łukasiewicz, *Podstawowe pojęcia z zakresu nauki administracji* [in:] *Kompendium wiedzy administratywisty*, ed. S. Wrzosek, Lublin 2008, p. 87 n.

⁵ *Prawo administracyjne*, eds. M. Zdyb, J. Stelmasiak, Warszawa 2020, p. 133 n.

⁶ Dz.U. 1997, No. 78, Item 483.

⁷ Cf. E. Ura, *Prawne zagadnienia ochrony osób i mienia*, Rzeszów 1998, pp. 124–125.

the Police⁸. The tasks of the Police result from Art. 1, section 1 of the Act, which defines the Police as a uniformed and armed formation serving the public and intended to protect safety of all citizens and maintain public safety and order. It can be said that these are the main aims of the Police, which were developed in Art. 1, section 2 of the Act. Arising from the provision that the basic tasks of the Police include: protection of human life and health and protection of property against unlawful attacks violating these goods; protection of public safety and order; conducting counter-terrorist activities; detection of crimes and offenses and prosecution of its perpetrators; control of compliance with order and administrative regulations related to the public activity or its applicability in public places. The aforementioned tasks itself indicate their universal character, which outlines a wide range of the Police's activities. Other than those referred to above is a sentence defined as "initiating and organizing activities aimed at preventing the commission of crimes and offenses as well as crime-related phenomena and cooperation in this field with the state and local government bodies and social organizations". This regulation *expressis verbis* provides a legal basis for cooperation with social organizations and non-governmental organizations within the same concept.

The Police authorities contain many agreements on cooperation and joint action with various government and local government administration bodies, as well as with social organizations for which security and public order constitute a statutory aim that determines their creation and functioning⁹. They also include the broadly understood social and organizational activity as an ineffective form of action, among others, by defining such tasks as an organization of joint conferences, patrols, implementation of preventive programs, participation in community meetings or taking preventive actions.

When assessing the scope of the Police cooperation and its importance for the protection of public safety and order, it is also necessary to pay attention to the organizational structure of the Police, its personnel and human resources. The police are the largest centralized formation hiring around 100,000 police officers and about 25,000 employees. With the large area of deconcentration, the Police have its own units in voivodeships, poviats and municipalities. It is the only government administration organization with its agendas at the lowest level of the fundamental territorial division¹⁰. A significant possibility of direct contact with citizens and local communities gives it great opportunities to shape local security in cooperation with non-governmental organizations.

⁸ Dz.U. 2020, Item 360 as amended.

⁹ More: E. Ura, S. Pieprzny, *Rola porozumień administracyjnych w działalności organów bezpieczeństwa i porządku publicznego* [in:] *Podmioty administracji publicznej i prawne formy ich działania. Studia i materiały z konferencji jubileuszowej Profesora Eugeniusza Ochendowskiego*, Toruń 2005, p. 421 n.; J. Korczak, *Niewładcze formy działania Policji* [in:] *Policja. Prawne formy działania*, eds. E. Ura, M. Pomykała, S. Pieprzny, Rzeszów 2019, p. 108 i n.

¹⁰ S. Pieprzny, *Policja – organizacja i funkcjonowanie*, Warszawa 2011, p. 18 n.

Legal and organizational possibilities of cooperation of non-governmental organizations in the sphere of public safety and order

The activity of non-governmental organizations in Poland after the political transformations in 1990 has not reached a level being comparable to the European Union countries. Without going into the specifics of the causes of this phenomenon, in Poland – as it appears from the available data – there are currently 92,7000 active non-governmental organizations, and 81,100 of them cooperated with other entities. The main partners for most of them were public entities (80.4%), non-profit sector partners (51.8%) and commercial entities (32.5%)¹¹. The number of participating NGOs is difficult to establish in terms of activities for the protection of public safety and order. In the few publications concerning this sphere of activity it is estimated that about 10% of non-governmental organizations have an activity for safety and public order in their statutes and regulations. As you can notice, there are potentially great opportunities for business development in this sphere.

The enactment of the Act of 24 April 2003 on Public Benefit and Volunteer Work was of great importance for the activities of non-governmental organizations¹². The aforementioned Act regulated, among others, principles of conducting public service activities by the non-governmental organizations in the field of public tasks, cooperation of public administration bodies with non-governmental organizations; obtaining the status of public benefit organization by non-governmental organizations and the functioning of public benefit organizations. This Act also defines non-governmental organizations. The enactment of this Act created great opportunities for fundraising by non-governmental organizations.

While exemplifying selected forms of activity of non-governmental organizations in the field of security and public order, it ought to mention such activities as: rescue; fire and flood protection; road safety; environmental protection and nature protection.

Rescue means activities carried out at all levels of the state organization in times of peace, crisis and war, with the use of various methods, forces and means. Its aim is to save all citizens and their material goods¹³. Due to the source or method of financing, rescue services are divided into state, social and commercial. In the field of rescue, there is an extremely noticeable participation of non-

¹¹ *Współpraca organizacji non-profit z innymi podmiotami w 2017 r.*, <http://stat.gov.pl> (15.06.2020).

¹² Dz.U. 2019, Item 688 as amended.

¹³ *Obrona narodowa w tworzeniu bezpieczeństwa III RP*, ed. R. Jakubczak, Warszawa 2003, p. 340.

-governmental organizations. For example, mountain and water rescue is dominated by non-governmental organizations operating within the Mountain Volunteer Search and Rescue (GOPR). Volunteers are the heart of this rescue. Currently, there are 114 professional rescuers and 837 volunteers in the GOPR¹⁴. The situation is similar in water rescue, where most rescuers volunteer. There are currently about 120 organizations in Poland which are in charge of water rescue under the Water Volunteer Search and Rescue (WOPR). Voluntary fire brigades are undeniably a phenomenon, for currently there are about 16,000 of them, and they gather over 700,000 members. 4,376 TSO units with 195,000 rescuers were included in the National Rescue and Fire-Fighting System after meeting many strict requirements¹⁵. In the current conditions, it is difficult to imagine the functioning of the rescue service without the participation of non-governmental organizations.

Conclusion

Cooperation in all spheres of public life is essential in achieving the assumed objects and tasks. It is extremely important in public administration, which is a very extensive and complicated system of tasks, forms and methods of operation and – in the subjective sense – a system of state and local government bodies and units, social and non-governmental organizations and private entities. All of these related entities are connected with each other by dependence, supervision, control and bonds of cooperation, joint of action and coordination. The purpose of such a system of connections is to serve, in the praxeological plane, optimization of activities and improvement of the effectiveness and efficiency of activities aimed at better meeting of social needs.

Protection of public safety and order in the overall tasks of public administration is one of the most important segments of its activity. Security and public order are the basic determinants of proper social development. The incessantly growing needs in the field of civil security make it necessary to constantly and effectively responding emergencies related to such a security.

Public authorities, being aware of their responsibility on behalf of the state for the welfare of security, undertake various activities in order to make social needs in this area. The cost of such activities is extremely high that even rich countries are unable to implement them using only public funds. The burden of responsibility for safety and public order is addressed not only to local government

¹⁴ www.gopr.pl (15.06.2020).

¹⁵ S. Pieprzny, *Wpływ ochotniczych straży pożarnych na rozwój lokalny* [in:] *Wybrane aspekty realizacji zrównoważonego rozwoju samorządu terytorialnego*, eds. M. Sitek, P. Zientarski, Warszawa 2019, p. 115 n.

units and commercial entities (e.g. companies for the protection of persons and property), but also social organizations, and especially non-governmental organizations. Non-governmental organizations in which the civic factor plays the most important role have the greatest social acceptance in such a division of public tasks.

After the enactment of the Act on Public Benefit and Volunteer Work, there are great opportunities for dynamic development of non-governmental organizations and their involvement in the implementation of tasks not only in the sphere of public safety and order, but also many other public duties crucial for society. The police, as the largest governmental organization operating through hundreds of its bodies and units, have high potential for inspiring cooperation with non-governmental organizations, mainly in the field of local security. An excellent role model could be voluntary fire brigades, owing to its unusual possibilities and wide range of activities.

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Summary

The article highlights the basic issues related to the cooperation of the Police with non-governmental organizations in the field of security and public order. Such a cooperation results not only from the fact that the Police implement tasks in the aforementioned field, based on the

general competence norm, but also that they perform many tasks in the form of non-authoritative activities, typical for social organizations. Both the legal and actual possibilities of cooperation in these entities were indicated and examples of such interaction were highlighted. The role of legal solutions was also emphasized, according to the Act of 24 April 2003 about public benefit activities and voluntary work.

Keywords: Police, non-governmental organizations, volunteering, public safety, non-executive functions, cooperation

WSPÓLDZIAŁANIE POLICJI Z ORGANIZACJAMI POZARZĄDOWYMI W SFERZE BEZPIECZEŃSTWA I PORZĄDKU PUBLICZNEGO

Streszczenie

W artykule zasygnalizowane zostały podstawowe zagadnienia związane ze współdziałaniem Policji z organizacjami pozarządowymi w sferze bezpieczeństwa i porządku publicznego. Współdziałanie to wynika nie tylko z faktu, że Policja realizuje zadania w tej sferze w oparciu o ogólną normę kompetencyjną, ale również i z tego, że wiele z zadań wykonuje w formie działań niewładczych typowych dla organizacji społecznych. Wskazano też na prawne i faktyczne możliwości współdziałania tych podmiotów oraz zwrócono uwagę na przykłady tego współdziałania. Podkreślona została rola rozwiązań prawnych zawartych w ustawie z dnia 24 kwietnia 2003 r. o działalności pożytku publicznego i wolontariacie.

Słowa kluczowe: Policja, organizacje pozarządowe, wolontariat, bezpieczeństwo publiczne, niewładcze formy działania, współdziałanie