

**Elżbieta Ura**University of Rzeszow  
ORCID: 0000-0001-6896-6790**POLICE EFFORTS DURING THE CORONAVIRUS EPIDEMIC****Introduction**

An epidemic, according to the encyclopaedic definition, means presence of cases of disease or other phenomena connected with health in a number greater than expected during a specific time and in specific area. Epidemics with a small number of cases, limited to a specific area and time are referred to as an epidemic focus but pandemic is considered to be an epidemic of notably large scale, on a big area spanning countries and even continents<sup>1</sup>.

On the day of 14 March 2020 in Poland a state of epidemiological threat has been declared<sup>2</sup> connected with the cases of the SARS-CoV-2 virus, while on 20 March 2020 – this state has been repealed and a state of epidemic was declared for the period until it is left<sup>3</sup>. This state still lasts. Declaring these states caused multiple limitations in the society and economy, prohibitions and obligations imposed on the population, including ban of free movement, requirement to practise social distancing, ban on entering public parks, ban of public gatherings, closing hairdressing and beauty salons, requirement to wear face masks which is being gradually appeased or lifted – based on the scale of threat and spread of the virus. The execution of the introduced prohibitions and obligations has been handed over to many institutions, including the Police.

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<sup>1</sup> <https://encyklopedia.pwn.pl/haslo/epidemia;3898232.html> (7.07.2020).

<sup>2</sup> Ordinance of 13 March 2020 in the case of the announcement in the area of the Republic of Poland the state of epidemiological threat (Dz.U. 2020, Item 433). This state was revoked by ordinance of 20 March 2020 (Dz.U. 2020, Item 490).

<sup>3</sup> Ordinance of 20 March 2020 on the declaration of an epidemic in the territory of the Republic of Poland (Dz.U. 2020, Item 491 as amended). This, as well as the previous ones, were issued under the authorization contained in Art. 46(2) and (4) of the Act of 5 December 2008 on preventing and combating infections and infectious diseases in humans (Dz.U. 2019, Item 1239 as amended).

The aim of the article is to draw attention to the powers of the Police during the state of an epidemic and its cooperation with other bodies, but most importantly, on the Police's actions in the context of the principle of law-abidingness, proportionality and subsidiarity. Moreover, it is important to signalise efforts important from the point of view of their effectiveness, not only according to the Police, but also the society. After all, the Police are, according to the statutory definition, a formation serving the society. That is why, this article is not limited to only signalling issues connected with the cooperation of the Police with other bodies, but also to its methods and forms of conduct during the time of an epidemic.

### Normative solutions

The basic normative act during an epidemic, also being the legal basis for declaring such a state, is the Act of 5 December 2008 on preventing and combating of infections and infectious diseases of people<sup>4</sup>. According to the legal definition included in Art. 2, point 9, an epidemic means presence of infections and cases of an infectious disease in a number significantly greater than in the previous period or an occurrence of infections of contagious diseases unencountered before. A state of an epidemic, pursuant to this Act, means a legal situation implemented in a specific area connected with an occurrence of an epidemic in order to take specific anti-epidemic and preventive measures included in the Act to minimise the consequences of an epidemic, but a state of an epidemiological threat – a legal situation implemented in a specific area connected to the threat of an epidemic in order to take preventive measures described in the Act. It is clearly emphasised in these Acts that both the state of an epidemic and the state of an epidemiological threat are specified legal situations in the country or its part. This state is a crisis situation (state of emergency), although not a state of emergency (state of an environmental disaster) included in the Constitution of the Republic of Poland<sup>5</sup>.

Tasks during crisis situations, that are not events justifying the declaration of the state of emergency, are carried out by many bodies, not only the administrative bodies which create a specific system of crisis management. The bodies present in this system, function either based on the principle of management and subordination, or cooperation<sup>6</sup>. The aim of these measures during an epidemic (or epidemio-

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<sup>4</sup> Dz.U. 2019, Item 1239 as amended.

<sup>5</sup> More: E. Ura, *Stany nadzwyczajne a sytuacje kryzysowe* [in:] *Rola i znaczenie zarzadzania kryzysowego w systemie bezpieczenstwa państwa*, eds. E. Ura, S. Pieprzny, J. Jedynak, Rzeszów 2013, pp. 11–21.

<sup>6</sup> More: E. Ura, S. Pieprzny, *Zarzadzanie kryzysowe w znaczeniu formalnym* [in:] *Zarzadzanie kryzysowe w administracji*, eds. R. Częścik, Z. Nowakowski, T. Płusa, J. Rajchel, K. Rajchel, Warszawa–Dęblin 2014, pp. 116–129.

logical threat) is the improvement of the safety conditions and health of the public in areas under this state. It involves, first of all, an increased effectiveness and efficiency of all the bodies involved in the prevention and combating the existing threats, determining the tasks and rules of operation of these bodies and their proper cooperation and quick elimination of the effects of such events.

In the situation above, besides the aforementioned Act of 5 December 2008, attention should be paid to the solution accepted in the Act of 26 April 2007 on the emergency management<sup>7</sup>.

What cannot be omitted is the fact that an epidemic is a factor influencing the state of security of the country<sup>8</sup>. An epidemic shapes this state. It involves establishing the rules according to which specific bodies ensuring the security of the country can carry out efforts with the purpose of counteracting, preventing and combating an epidemic. It is crucial because in situations like this, the efforts of these bodies intervene the area of rights and freedoms of the citizens. There remains the assessment if the influence of the epidemiological factors (scope of the spread of the coronavirus and its direct consequences for the health, public life and, indirectly, for the economy) rose to the level justifying declaring the state of emergency, or if other efforts made in situations of threat that do not justify this state will suffice. This issue has been and still is raised in social, political and media discussions since the beginning of the epidemic connected with COVID-19, during which there have been heard voices about the necessity of declaring such a state.

Accordingly, the crucial element being present during the state of emergency, but also the state of an epidemic, is the safeguarding of security. Although there is no statutory definition of the term security, it is one of the most fundamental conditions for functioning of every country and constitutes “the state of harmony and balance of the country’s functioning and its bodies”<sup>9</sup>. Additionally, it is the highest, aside from life, health and environment, value protected by the Constitution<sup>10</sup>. The scope and scale of its infringement provides an assessment of the legitimacy of declaring the state of emergency.

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<sup>7</sup> Dz.U. 2019, Item 1398 as amended.

<sup>8</sup> More on state security cf. f.e. E. Ura, *Prawne zagadnienia bezpieczeństwa państwa*, Rzeszów 1988; S. Pieprzny, *Ochrona bezpieczeństwa i porządku publicznego w prawie administracyjnym*, Rzeszów 2007; J. Korczak, *Wojewoda – marszałek województwa – zadania w systemie bezpieczeństwa państwa* [in:] *Bezpieczeństwo wewnętrzne w terenowej administracji publicznej*, eds. A. Chajbowicz, T. Kocowski, Wrocław 2009, p. 95 n.; J. Boć, *O bezpieczeństwie wewnętrznym* [in:] *Bezpieczeństwo wewnętrzne w terenowej administracji publicznej*, eds. A. Chajbowicz, T. Kocowski, Wrocław 2009, p. 19 n.; A. Chajbowicz, *Bezpieczeństwo a pojęcia zbliżone* [in:] *Bezpieczeństwo wewnętrzne w terenowej administracji publicznej*, eds. A. Chajbowicz, T. Kocowski, Wrocław 2009, p. 37 n.

<sup>9</sup> J. Korczak, *Samorząd terytorialny w stanach nadzwyczajnych* [in:] *Bezpieczeństwo wewnętrzne we współczesnym państwie*, eds. E. Ura, K. Rajchel, M. Pomykała, S. Pieprzny, Rzeszów 2008, p. 211.

<sup>10</sup> S. Pieprzny, *Ochrona bezpieczeństwa...*, p. 18.

The system of security in every country is based on the provisions of law. Its protection, based on the level of threat to the security and the necessity of taking certain measures can be examined on three grounds. The first one refers to the “state of peace”, the second ground is the safeguarding of security during the state of emergency and the third – the safeguarding of security during somewhat a transitional state between the state of peace and the state of emergency, which is the state of epidemic<sup>11</sup>. Therefore, it is possible to talk about the gradeability of the scale of security threat.

The idea, but not the definition, of the state of emergency has been introduced to the normative language with the Constitution of 2 April 1997. On the basis of the Art. 228 of the Constitution of the Republic of Poland, in situations of particular danger, if ordinary constitutional measures are inadequate, any of the following appropriate extraordinary measures may be introduced: martial law, a state of emergency or a state of natural disaster. It means that each of the aforementioned states is individually a state of emergency. In the Constitution, there has been established a delegation for normative Acts for detailed regulation of introduction and lifting of individual, generically aforementioned states of emergency, the rules of functioning of the public authority, the range of the limitations of human and civil freedoms and rights during the time of their validity, as well as legal basis, scope and mode of compensations of the material losses as a result of these limitations of rights and freedoms during the states of emergency. It means that the state of emergency can be introduced only on the basis of the Act, by way of a regulation, which is additionally to be publicly announced. An important constitutional restriction is for the measures carried out as a result of the introduction of the state of emergency to be adequate to the level of threat and aim to the quickest restoration of the country’s regular functioning.

Acts, which realise the constitutional delegation, were passed in 2002. These are the Acts of: 18 April 2002 on the state of natural disaster<sup>12</sup>, 21 June 21 2002 on the state of emergency<sup>13</sup> and 29 August 2002 on the martial law and competences of the Chief of Arms and the rules of his subjection to the constitutional bodies of the Republic of Poland<sup>14</sup>, but also the Act of 22 November 2002 on compensations of the material losses as a result of the limitations of human and civil rights and freedoms during the state of emergency<sup>15</sup>. According to the last Act, everyone who suffered material loss as a result of the limitations of human and civil rights and

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<sup>11</sup> Cf. E. Ura, S. Pieprzny, *Działania administracji publicznej w sytuacjach szczególnych* [in:] *Współczesne zagadnienia prawa i procedury administracyjnej. Księga jubileuszowa dedykowana Prof. zw. dr hab. Jackowi M. Langowi*, eds. M. Wierzbowski, J. Jagielski, A. Wiktorowska, E. Stefańska, Warszawa 2009, p. 307 n.

<sup>12</sup> Dz.U. 2017, Item 1897 as amended.

<sup>13</sup> Dz.U. 2017, Item 1928 as amended.

<sup>14</sup> Dz.U. 2017, Item 1932 as amended.

<sup>15</sup> Dz.U. No. 223, Item 1955.

freedoms during the state of emergency, has a right to compensations. These compensations include the risk loss ratio adjustment, without financial gain that the claimant could achieve if it were not for the loss. Compensations do not apply if the material loss occurred solely by fault of the claimant or a third party.

No matter what property is supposed to be protected by declaration of the state of emergency, the result of these decisions is always the limitation of civil rights and freedoms, both in personal sphere (confidentiality of correspondence) and in the sphere of political rights and freedoms (right to assembly, freedom of gathering, freedom of speech), or finally – economic rights (introduction of, among others, impose labour duty). Moreover, there are implemented certain rigors of behaviour, duties, obligations and prohibitions. That is why it is extremely important to guarantee the legitimacy of the measures taken by the administrative bodies and drawing a constitutional boundary for limitations of civil rights and freedoms, but also a parliamentary control of the legitimacy of declaring the states of emergency, which creates a legal guarantee to prevent abuse by the administrative bodies<sup>16</sup>.

It is possible therefore, to consider epidemiological threats in the context of premises of the state of natural disasters. Declaring such a state belongs to the powers of the Council of Ministers. It can be declared across the country in order to prevent or to eliminate the consequences of natural disasters or technical failures with features of a natural disaster. The length of this state is limited to no more than 30 days. An extension of this period can be approved by the Parliament (Sejm). This state can be declared in the area of a natural disaster, but also in the area where its effects have or can occur.

The definition of a natural disaster has been included in the Act on the state of natural disaster. Natural disasters are disasters or technical failures which effects are a threat to life or health of a large number of people, great amount of property or significant parts of the environment, but help and protection can be effectively provided only by use of extraordinary measures, with cooperation of different bodies and institutions, and specialised forces and formations functioning under a consolidated management. A natural disaster is an event connected with the forces of nature, which are, particularly, lightnings, strong winds, heavy precipitations, long-term extreme temperatures, fires, droughts, floods, mass pest infestations, plant or animal diseases, or infectious human diseases or activity of other element. Therefore, it can be considered that the coronavirus epidemic is an event consisting in the definition of a natural disaster.

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<sup>16</sup> Cf. more: E. Ura, S. Pieprzny, *Ograniczenia praw jednostki w czasie stanów nadzwyczajnych* [in:] *Prawne gwarancje ochrony praw jednostki wobec działań administracji publicznej*, ed. E. Ura, Rzeszów 2002, p. 495 n.; E. Ura, *Uprawnienia organów administracji w czasie stanu klęski żywiołowej* [in:] *Nauka administracji wobec wyzwań współczesnego państwa prawa*, ed. J. Łukasiewicz, Rzeszów 2002, p. 537 n.

Declaring states of emergency, as it stems from the constitution, can occur only if in the case of a crisis, elimination or limitation of its effects will not be possible without using normal legal measures possessed by the national bodies in normal conditions of function. It means that not every natural disaster or threat to the national security is in consequence declared the state of emergency. It is also essential do deem the normal constitutional measures insufficient in these conditions. This condition is included in the Art. 228 of the Constitution, but this recognition depends on the bodies mentioned in the constitution. So, the optionality of declaring the states of emergency points out that the existence of statutory premises does not oblige the authorised body to declare the state of emergency. An assessment of the event implying the declaration of the state of emergency will be conditioned by many factors, but above all, the scale of the crisis and the amount of necessary forces and resources. As a result, the government authorities, including the administrative bodies especially, should be equipped with regular legal means which enable them to act during crisis situations without frequent necessity to use extraordinary measures, such as the states of emergency<sup>17</sup>.

That is why it is possible to point out the third ground that includes the level of threat to the security. It applies to situations where a certain event is a threat to the legally protected property and the scope, intensity and scale of this threat fulfils the features of a crisis situation. Although it is still a normal state of the country's functioning, the event that occurred "disrupts" it severely enough, so that, because of the level of security threat and the necessity of its protection, the state cannot be considered to be peaceful. At the same time, this threat does not fully exhaust the premises to declare one of the constitutional states of emergency. That is why, apart from the states of emergency specified in the constitution, there should be distinguished crisis situations that do not justify the declaration of the state of emergency<sup>18</sup>. Such a state has been considered to be, thus far, the state of epidemic caused by the coronavirus. Here can be quoted W. Sadurski, who referring the Act on the crisis management claimed that this Act is "a recipe to circumvent different conditions stated by the constitution for the states of emergency, that allows the public authority to act according to measures allowed during such states – but without meeting the constitutional requirements as applicable to the states of emergency<sup>19</sup>.

## **Declaring the state of epidemiological threat or the state of epidemic**

Under Art. 46 of the Act on preventing and combating of infections and contagious diseases of people, the state of epidemiological emergency or state of epi-

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<sup>17</sup> M. Smaga, *Administracja publiczna w czasie klęski żywiołowej*, Kraków 2004, p. 10.

<sup>18</sup> E. Ura, S. Pieprzny, *Działania administracji...*, p. 311.

<sup>19</sup> W. Sadurski, *Porządek konstytucyjny* [in:] *Demokracja w Polsce 2005–2007*, eds. L. Kolarska-Bobińska, J. Kucharczyk, J. Zbieranek, Warszawa 2007, p. 51.

demic in a voivodeship or its part is declared or lifted by the voivode by way of a regulation upon the request of the provincial sanitary inspector. If the state of an epidemiological threat or state of epidemic is present in the area bigger than one voivodeship, the state of epidemiological threat or state of epidemic is declared and lifted by way of regulation by the minister in charge of health in concert with the minister in charge of public administration, upon request of the Chief Sanitary Inspector.

### **Limitations of civil rights and freedoms**

On the basis of the Act on the crisis management, public administrative bodies are obliged to take measures connected to the preventing crisis situations, preparation for its containment and reaction in the case of their occurrence. This Act, however, does not provide the limitations of civil rights and freedoms. It includes the statutory definition, which states that the crisis situation is a situation negatively impacting the level of public security, large portions of property or the environment, causing severe limitations in the functioning of relevant bodies of public administration on the account of inadequacy of possessed means and resources (Art. 3, point 1). That is why, in this area we apply the Act on preventing and combating infections and infectious diseases of humans with amendments introduced in the Act of 2 March on special solutions connected to preventing, counteracting and combating COVID-19, other contagious diseases and the crisis situations caused by them<sup>20</sup>.

Upon declaring the state of epidemiological threat of the state of epidemic, the minister in charge of health or voivode can impose a vaccination obligation. What is more, in the regulations published based on the aforementioned Act, there can be imposed:

- temporary limitation of a specific type of movement<sup>21</sup>,
- temporary limitation or prohibition of trading and using specific items or food produce,
- temporary limitation of functioning of specific institutions or workplaces,
- prohibition of organisation of shows and other public assemblies,
- obligation to perform specific sanitary procedures if their performance is connected to the functioning of specified production, service, trading or other facilities,

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<sup>20</sup> Dz.U. 2020, Item 374 as amended.

<sup>21</sup> Specific movement restrictions in connection with a reported virus epidemic COVID-19 consisted, for example, in the period from 15 March 2020 until it was lifted. The movement of passengers in rail and air transport with crossing the border of the Republic of Poland was suspended. A person crossing the state border in order to go to his place of residence or stay in the territory of the Republic of Poland was obliged, among others, to go, after crossing the state border, to a compulsory quarantine lasting 14 days from the day following the crossing of that border.

- order to facilitate real estate, spaces, areas and provide means of transport for anti-epidemic measures regulated by the anti-epidemic agendas,
- order to perform vaccinations and the groups applicable for the vaccinations, the type of the vaccinations conducted
- including the ways of spreading of the infections and contagious diseases and the epidemiological situation in the area where the state of epidemiological threat or the state of epidemic has been announced (Art. 46, paragraph 4 of the Act). The regulations are immediately announced in the proper Journal of Laws (pol. Dziennik Ustaw), according to the laws of announcing normative acts and become effective upon the day of the announcement and are, moreover, announced in a customary manner.

### **Police efforts during the state of epidemic**

In situations of specific threats, the functioning of the public administration has to distinguish itself with great efficiency and effectiveness, bigger than it is expected during times of peace that does not threaten the security. The tasks carried out in such a situation involve cooperation with specialised bodies. And so, on the basis on the Act, against a person that does not submit to the vaccination obligation, sanitary and epidemiological examinations, sanitary procedures, quarantine or obligatory isolation, and who is suspected to have or confirmed to carry a particularly hazardous and highly contagious disease causing a direct threat to other people's life and health, can be used means of physical coercion in a form of holding, immobilisation and forced administration of medications. The decision of applying such a mean of physical coercion is made by the medical doctor or medical assistant, who can ask the Police, Border Guard or Military Police for help in using a mean of physical coercion. Help is provided under the condition the officer or soldier has been provided with resourced protecting from infectious diseases by this medical doctor or medical assistant. Holding is a temporary, brief immobilisation of a person by means of physical force, however, immobilisation is a longer-term incapacitation of a person by use of belts, handles, bedsheets or a straitjacket. Forced administration of medications is a temporary, or by the medical treatment plan, mean of administration of medications into the person's body – without their consent (Art. 36 of the Act).

Article 43 of the Act imposes a duty of cooperation and interoperability during the preformation of tasks in protection of the public health from infections and infectious diseases. This cooperation also applies to the Police. In order to carry out these tasks, the Police can take actions evident from the statutory powers, with exception to the measures included in the Art. 19–19b of the Act of 6 April 1990 of the Act on the Police<sup>22</sup>. The Act points out that the owner of the critical infra-

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<sup>22</sup> Dz.U. 2020, Item 360. Art. 19–19b Acts regulate such operational and exploratory activities as: operational control, controlled purchase and discreet supervision.



structure, including devices for telecommunication, providing electrical power, water, heat, crude oil, fuels or gas and sewage disposal, or their authorised representative, whose infrastructure or devices are located on the property belonging to third parties, can during the period of the epidemiological threat, epidemic or state of emergency request the relevant local commanding officer to provide assistance of police officers in order to enter the property, including buildings, also with use of measures eliminating existing security, in order to conduct actions necessary for the continuity of providing services, including construction works. A police officer's assistance is provided immediately. The police officer providing assistance in carrying out these activities, ensures safety of the participants, especially considering respect for the dignity of the people participating in these activities and ensures proper conduct.

The Police have been formed on the basis of the Act of 6 April 1990<sup>23</sup>. In the field of constitutional-political changes occurring at the time<sup>24</sup>. In the Art. 1, paragraph 1, the Police has been defined as a uniformed and armed formation devoted to the safeguarding of security of the civilians and protection of security and public order. This definition differs from the regulations concerning the previously functioning formation of the Civic Militia<sup>25</sup>. In 1995, a change has been introduced to the original definition of the police included in the Art. 1, paragraph 1: "The Police is being created as a uniformed and armed formation devoted to the safeguarding of security of the civilians and protection of security and public order". S. Pieprzny stressed that "However it may seem that it is a cosmological change, the analysis of the wording used here has a deeper purport in the assessment of the scope of the police's tasks"<sup>26</sup>. By accepting such a definition, the ancillary role of the Police in relation to an individual has been stressed and it was pointed out that the Police as a new formation in a democratic country is not only a formation serving solely the country<sup>27</sup>.

At the same time, which has been pointed out by the Provincial Administrative Court in Warsaw in the verdict of 14 August 2008, the Police as the formation which definition has been included in the Act, "is one of the institutions that administers very severe, for a citizen, measures for the execution of the government authority. A particular social role of this professional group and its hierarchical structure involves for its effective and proper functioning obeying other, aside from the norms of the criminal and misdemeanour law, orders and rules"<sup>28</sup>.

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<sup>23</sup> Dz.U. No. 30, Item 179.

<sup>24</sup> More: S. Pieprzny, *Policja. Organizacja i funkcjonowanie*, Warszawa 2011, p. 16 n.

<sup>25</sup> E. Ura, *Zmiany w organizacji i strukturze Policji wprowadzane od 1990 r.* [in:] *100-lecie Policji. Organizacja i funkcjonowanie*, eds. E. Ura, M. Pomykała, S. Pieprzny, Rzeszów 2019, p. 155 n.

<sup>26</sup> S. Pieprzny, *Policja. organizacja...*, p. 18.

<sup>27</sup> E. Ura, *Organy i struktura organizacyjna policji – ujęcie historyczne* [in:] *100 lat resortu spraw wewnętrznych w Polsce (1918–2018)*, eds. P. Majer, E. Zgajewska-Rytelewska, Olsztyn 2018, p. 114 n.

<sup>28</sup> II SA/Wa 512/08, Lex No. 515679.

The court pointed out, what is important, that the social role of this formation, the nature of the assigned tasks and the competence but also the public trust connected with its functioning result in the fact that it also should counteract such activities that could undermine its credibility in the public eye, especially given the fact that many powers granted to the Police allow it to intervene in the sphere of civil freedoms and rights<sup>29</sup>.

The aforementioned content should be connected with the regulation in the Art. 14, paragraph 3 of Act on the Police, in which the legislator stressed that the police officers, during the course of executing official duties, are obliged to respect human dignity and obey and protect human rights. This obligation remains closely related to the content of the Art. 30, paragraph 1 of the Constitution stressing the inherent and inalienable dignity of the person as a source of freedoms and rights of persons and citizens.

Finally, attention should be paid to the content of Art. 15, paragraph 6 on the Act on the Police, pursuant to which, the measures mentioned in the paragraph 1 of this Art<sup>30</sup>. should be executed in a way that harms the personal rights of the person against whom there are applied as little as possible.

The aforementioned laws of the Act on the Police clearly point out the basic rules of the functioning of the Police, which also apply during the activities performed in the state of epidemic. The principle of proportionality of applied measures and the principle of law-abidingness – these are two fundamental rules that the police officers are not excused from obeying either in the state of epidemic, or state of emergency. What is more, the police activities cannot undermine the description of this formation included in the statutory definition as a formation serving the society. That is why controlling these prohibitions and obligations in the society cannot infringe these principles. Unfortunately, examples from media point out that these principles are not always obeyed by the police officers while performing their tasks.

## Conclusions

The state of epidemic and the regulations and prohibitions for the citizens introduced in connection with it evoke fear, concerns, stress and anxiety. In this situation it is extremely crucial, on one hand, for the citizens to obey the regulations of everyday life, introduced prohibitions, but on the other hand, the functioning of the public administrative bodies as well as other bodies responsible for

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<sup>29</sup> *Ibidem.*

<sup>30</sup> Art. 15, paragraph 1 defines powers of the Police in performing activities, among others, the right to: identification of persons in order to establish their identity; detaining persons in the manner and cases specified in the regulations of the Criminal Code and other Acts. Detaining persons posing a direct threat to human life and health, as well as to property.

counteraction, combating and preventing infections by COVID-19, undergo changes. In the meantime, crucial tasks have been taken over by the Police. Police officers, in cooperation with the Sanitary Inspectorate, were ordered to, for example, control the obligation to quarantine for the people ordered to do so, or control the ban on free movement and the order to wear face masks. The analysis of the laws regulating prohibitions points out however, that many of them are unambiguous, leaving a big deterministic liberty (margin of decision) to the bodies controlling and executing the imposed obligations. In such a situation it seems that the police officers should to a greater extent use persuasive methods first, using non-executive measures (e.g. instruction), and not resort to executive measures and levying fines right away. The principle of proportionality would be performed in that way as well. They cannot also forget about the fundamental rule of infeasibility of other people's dignity. Rules of cooperation with other bodies should be clearly stated as well.

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## Summary

The aim of this article is to draw attention to the Police efforts during the state of epidemic announced on 25 March 2020 connected to the COVID-19 virus. These efforts are being made on the basis of particular laws in force during this state, but also on the basis of the rules in the penal code. The execution of specific tasks involves effectiveness, which ensures proper cooperation of many bodies, including the cooperation of the epidemiological services with the Police and units of medical rescue. It is important, however, to obey the rule of proportionality in applying certain measures of power in the institutions involved in the execution of prohibitions and obligations of specific behaviour during the state of epidemic. The measures of power cannot also lead to disruptions of the principle of law-abidingness.

*Keywords:* epidemic, cooperation, Police, measures of conduct, rules of conduct, execution of prohibitions and regulations

## DZIAŁANIA POLICJI W CZASIE EPIDEMII KORONAWIRUSA

### Streszczenie

Celem artykułu jest zwrócenie uwagi na działania Policji w czasie ogłoszonego 15 marca 2020 r. stanu epidemii w związku z wirusem COVID-19. Działania te podejmowane są na podstawie przepisów szczególnych obowiązujących w tym stanie, jak też na podstawie przepisów Kodeksu wykroczeń. Wykonywanie określonych zadań wymaga skuteczności, która zapewnia właściwe współdziałanie wielu podmiotów, w tym współdziałanie służb epidemiologicznych z Policją i jednostkami ratownictwa medycznego. Istotne znaczenie ma jednak przestrzeganie zasady proporcjonalności w stosowaniu określonych środków władczych w sytuacjach związanych z egzekwowaniem zakazów i nakazów określonego zachowania się w stanie epidemii. Działania władcze nie mogą też prowadzić do naruszenia zasady praworządności.

*Słowa kluczowe:* epidemia, współdziałanie, Policja, metody działania, zasady działania, egzekwowanie zakazów i nakazów