FACTUAL DECONCENTRATION IN THE POLICE FORCE – A NEED OF THE MOMENT OR A TREND FOR CHANGE?

Introduction

The public administration in Poland in a subjective sense consists of its numerous organs, classified as state administration, government and local government organised on the basis of principles specific to it, such as centralisation and decentralisation, and performing tasks of a public nature, important from the perspective of functioning of the entire state and society. The perceptible division of public administration into state administration, which includes government administration, and local self-government, is closely related to the specific tasks carried out by individual bodies. Although the line of division of these tasks is not clearly delineated by law, it can be said that, in addition to entities with general competence, a significant part of this administration is referred to as special.

At the outset, it should be emphasised that the existing differentiation in the principles of state and local administration organisation impinges on the implementation of tasks assigned to them. Undoubtedly, the organisation of government administration based on the principle of centralisation, and local government administration as decentralised administration, which mainly results from the Constitution of the Republic of Poland, is important in this regard. The ideal state in this respect is full decentralisation of public administration, but in the current political and legal situation, this becomes an impossible postulate to fulfil. According

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2 Articles 15(1) and 16(2) of the Constitution of the Republic of Poland of April 2, 1997 (DzU, 1997, No. 78, item 483, as amended).
to the author, it is precisely the level of decentralisation of its administration that proves the state of a country’s democratisation.

The police is also included among the many entities of the public administration that are characterised by a strict attachment to the government administration and, consequently, organised in a centralised manner. As a uniformed and armed formation, the police has a high level of specialisation, with the sole responsibility for protecting the safety of the people and maintaining public security and order. It can even be perceived as an administrative entity with general competence in the mentioned matters, which on the one hand may raise some objections, but on the other hand this theory is confirmed by the practical actions of this formation.

The positioning of the police in a government administration structure makes it characteristic of public tasks, the implementation of which is aimed at ensuring important states and values for everyone, such as life, health, and safety. As a government uniformed service, the police is also subject to a number of processes specific to this administration. Transformations and transitions in the police force are related to the need to adapt to the changing criminal structure, as well as the need to demonstrate its effectiveness in combatting unfavourable phenomena from its perspective. Like all public administration, it has a duty to adapt its organisation, forms and methods of operation to the changing social reality and to carry out the mission envisaged for it as effectively as possible.

The subject of consideration in this study is the police as a public administration entity, which, thanks to its numerous tasks, duties and powers, is closely associated with the entire system of entities responsible for security in the state. Taking into account the subject of study, it is reasonable to hypothesise that the transformations taking place in the modern Polish Police are related to the progressive process of factual deconcentration, which is a response to the new challenges posed to this uniformed service. At the same time, material deconcentration should be understood as the dispersion of powers (including authority) and the delegation of tasks to be carried out by bodies arranged at a single organisational level. Verification of the thesis posed becomes possible through the use of a research method described as dogmatic and legal, which involves analysis of the content of law and its interpretation, as well as a study of the subject literature and case law.

Due to the extensive nature of the issue, the research has been limited to the most recent changes taking place in the organisation and functioning of the police force. This dissertation has been divided into smaller editorial units relating to both theoretical issues and legal conditions, as well as the actual phenomena occurring in this formation. Research attention has been focused, in turn, on the phenomenon of centralisation and deconcentration of administration, the location of the police force in the structure of internal affairs administration and the practical manifestations of the phenomenon of factual deconcentration taking place in the police.
Centralisation and deconcentration of administration

The administration is subject to a number of processes, and its organisation and mode of operation can be referred to a number of systemic principles, including decentralisation and centralisation. It follows from the Constitution of the Republic of Poland that the territorial system of the Republic of Poland provides for the decentralisation of public power, and its basic manifestation is local self-government. The other, significant part of the public administration, on the other hand, is that defined as governmental, which is organised based on the principle of centralisation as opposed to decentralisation. Decentralisation and centralisation correspond to the construction of a structure and subordination of administrative bodies and are the determinant of the dualistic system of these entities in Poland. At first, when discussing the processes taking place in the Police, it is necessary to take a closer look at the concepts of decentralisation and centralisation of administration, which will make it possible to relate the changes occurring to the aforementioned theoretical and legal principles.

The concept of decentralisation was formed on the basis of administrative and constitutional law, as evidenced by the theories presented below, which are the result of research conducted by their authors. Researchers who address this issue also include J. Jagielski, J. Zimmermann, and S. Fundowicz, among others. In general, there is a consensus that this is nothing more than the dispersion, or distribution among the diverse administrative entities specified in the law, of tasks and competencies needed for their implementation. This dispersion cannot be considered only in the realm of facts, i.e. the actual equipping of various entities with tasks and competencies that can be deprived of them at any time, but in the legal realm. Decentralisation takes place by virtue of the norms of universally applicable law or through actions that have their basis in these laws and in the manner resulting from them.

In the doctrine, there is a discernible trend emphasising decentralisation as a feature of the organisational system of administration, in which individual administrative entities have clearly defined competencies, exercised in an independent manner and subject in this regard only to verification supervision, with its version of the understanding of decentralisation as the distribution of administrative tasks (activities) to various organisations, which are legal entities of public law, or as a legal safeguard for bodies of lower levels in the organisational structure of relative

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3 Article 15(1) of the Constitution of the Republic of Poland.
independence in relation to higher bodies. Decentralisation is addressed in a similar context by M. Stahl, who emphasises that ‘the decentralized administrative entity must be independent in carrying out the public administration tasks delegated to it, but within the limits of law and supervision (including legal)’. The boundaries of decentralisation determine the area within which bodies can act on their own behalf and under their own responsibility.

Bodies occurring in centralised administration have not been endowed with such autonomy as decentralised entities, which is due to the nature of tasks performed and sometimes the scope of protected values. Centralisation refers to such a way of organising the administrative apparatus of the state, in which lower-level bodies are hierarchically subordinated to higher-level bodies.

Centralisation is meant to guarantee the government administration such values of action that are unattainable in decentralised organisations: rapidity of proceedings, discipline in the execution of a specific and concrete task, uniformity of decisions that can be bolstered by an element of discussion and assistance from lower-level entities, competence of the government administration in the most important matters of the state and society, and efficiency of decisions made within the centralised system. The essential elements of modern centralisation are: 1) strict legal separation of tasks and competencies at each organisational level of the administration; 2) possibility of their deconcentration to lower-level bodies; and 3) preservation of hierarchical subordination in the sphere of implementation of these competencies. Centralisation is particularly noticeable in the case of government administrations, such as those of national defence and internal affairs. However, even in the case of highly hierarchical entities involved in maintaining security in the broadest sense, the phenomenon of competence dispersion, or deconcentration, is used.

According to J. Niczyporuk, deconcentration of public administration consists in the establishment of a secondary competency norm by a specific public administration body, which allows the public administration

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body obtaining competencies to perform corresponding to the primary competency norm.\textsuperscript{12} Deconcentration should be understood as the transfer of competencies to inferior or equivalent bodies (authority), carried out by a normative act of the order of law or by a normative act of the body transferring competencies, while preserving the hierarchical supremacy of superior bodies in the implementation of transferred competencies.\textsuperscript{13}

When considering the concept of deconcentration, it should be noted that the transfer of competencies to lower-level bodies has been called territorial deconcentration, otherwise known as vertical deconcentration, and the transfer to bodies at the same level as horizontal or departmental deconcentration, as the competencies of a body from one department are transferred to another body of the same level in another department. The mere fact of deconcentration does not abolish hierarchical ties, \textit{i.e.} the relationship of dependence of a lower-level body on an authority at a higher level, and is manifested in personal and service dependence.

In this respect, the division of deconcentration into static and dynamic is important. Static deconcentration of public administration indirectly allows for legal effects on the scale of the entire public administration and therefore applies to all public administration bodies regardless of their status provided for by the system.\textsuperscript{14} Considering the directions of such deconcentration, it can be divided into the aforementioned horizontal (departmental, factual, horizontal), vertical (territorial) and diagonal. Dynamic deconcentration, on the other hand, has legal effects only at the level of one public administration level.

Taking into account the spheres of the administration’s activities, the subject literature appears to divide the deconcentration of public administration into external and internal.\textsuperscript{15} The characteristic feature of internal deconcentration is the emerging organisational relationships such as official and personal, \textit{i.e.} activity under the so-called ‘authority of the body’. External deconcentration of public administration is considered by all to be ‘classical’, and consequently the adjective ‘external’ does not usually appear, unless unusually there is a more elaborate attempt at classification.\textsuperscript{16} It is closely related to the formation of public administration bodies.

From the perspective of conducted considerations, factual deconcentration, which consists in the formation of bodies specialised in a specific range of public tasks, deserves special attention. The most important goal of deconcentration is to make things work better, faster and more efficiently.\textsuperscript{17} It is implemented at the organisational level, and its effect is to separate more entities and give them the authority to carry out matters of a certain type. Field deconcentration, on the other hand, is manifested in the multi-level organisation of government entities, and a prominent

\textsuperscript{12} Niczyporuk J, Dekoncentracja administracji publicznej. Lublin, 2006, p. 61.
\textsuperscript{13} Guzinski M, Kocowski T, \textit{op. cit.}, p. 234.
\textsuperscript{14} Niczyporuk J, \textit{op. cit.}, p. 68.
\textsuperscript{15} \textit{Ibid.}, p. 66.
\textsuperscript{16} \textit{Ibid.}
\textsuperscript{17} Gierszewski J (Ed.), Administracja publiczna. Chojnice, 2012, p. 15.
example of this is the organisation of police forces at the central, provincial or district level.

**Police force as an internal affairs administration entity**

A symptom of factual deconcentration is the separation in the government administration of supreme authorities, which are ministers, and the delegation to them of certain matters of this administration with the simultaneous assignment of certain competencies. The key normative act in this regard is the Act of September 4, 1997, on departments of government administration.\(^{18}\) The quoted act in its content defines the scope of government administration departments and the competence of the minister in charge of a given department and also contains a specific catalogue of these departments.\(^{19}\) The legislator, while indicating the scope of matters included in a given department of government administration, also specified the body that is responsible for their implementation, as well as the entities (central bodies) over the activities of which it exercises supervision.

One of the many specified in the cited act is the Department of Internal Affairs, issues of which are the responsibility of the minister in charge of internal affairs. According to Article 29 of that Act, this department includes the following matters: protection of public security and order; protection of the state border, control of border traffic and foreigners, and coordination of activities related to the state’s migration policy; crisis management; civil defence; fire protection; supervision of mountain and water rescue; citizenship; population registration, identity cards and passports, to the extent established by law; civil status registration to the extent established by law; and change of names. In addition to the delegation of the above-mentioned matters to the minister, he was given powers that can be described as hierarchical supervision over: Police, Border Guard, State Fire Service, National Civil Defence, Head of the Office for Foreigners, National Criminal Information Center and State Protection Service.

Taking into account the transfer of police activities to the supervision of the minister responsible for internal affairs and the inclusion within the internal affairs department of issues relating to the protection of public

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\(^{18}\) Consolidated text, DzU, 2022, item 2512; hereinafter: the Act on departments of government administration.

\(^{19}\) According to Article 5 of the Act of September 7, 1997, on the departments of government administration, the following departments are established: public administration; construction, planning and spatial development and housing; state assets; budget; energy; public finance; economy; maritime management; water management; mineral deposit management; financial institutions; information technology; membership of the Republic of Poland in the European Union; climate; culture and protection of national heritage; physical culture; communications; national defence; education and upbringing; labour; agriculture; rural development; regional development; agricultural markets; fisheries; justice; higher education and science; transportation; tourism; environment; family; domestic affairs; religious beliefs and national and ethnic minorities; social security; foreign affairs; health; inland navigation.
security and order, it should be concluded that the police is a uniform formation of the internal affairs administration. This assumption is also confirmed by the legal norms contained in the Police Act of April 6, 1990.\textsuperscript{20} Article 1(1) of this Act stipulates that the Police is established as a uniformed and armed formation serving the public and intended to protect human security and maintain public safety and order. The main goal of the Police Force coincides with the tasks assigned to the Department of Internal Affairs.

The same applies to the basic tasks assigned to this service, which include: protection of human life and health and property against unlawful attacks that violate these goods; protection of public safety and order, including ensuring calm in public places and in means of public transportation and public communication, in road traffic and on waters intended for public use; initiation and organisation of activities aimed at preventing the commission of crimes and misdemeanors as well as criminogenic phenomena and cooperation in this regard with state bodies, local governments and social organisations; carrying out counter-terrorist activities within the meaning of the Act of June 10, 2016 on counter-terrorist activities;\textsuperscript{21} detection of crimes and offenses and prosecution of their perpetrators; protection of facilities that are the seats of members of the Council of Ministers, excluding facilities serving the Minister of National Defence and the Minister of Justice, designated by the minister responsible for internal affairs; supervision of specialised armed security formations to the extent specified in separate regulations; control of compliance with order and administrative regulations related to public activities or in force in public places; cooperation with the police of other countries and their international organisations, as well as with the bodies and institutions of the European Union on the basis of international agreements and understandings and separate regulations; processing of criminal information, including personal data; maintenance of data sets containing information collected by authorised bodies on fingerprint impressions of persons, unidentified traces of fingerprints from crime scenes and the results of deoxyribonucleic acid (DNA) analyses.\textsuperscript{22}

Another manifestation of the phenomenon of legal deconcentration is the dispersion of tasks and competencies to numerous central authorities, which include the Police Commander-in-Chief. It follows from the provision of Article 5 of the Police Act that the Police Commander-in-Chief is a central government administration body, subordinate to the minister in charge of internal affairs, competent in matters of protecting human security and maintaining public safety and order, who is also the superior of all police officers. He or she has an impact on staffing positions in the police and he can give direct orders and commands to officers, bypassing the official route.\textsuperscript{23} Although the minister in charge of internal affairs does

\footnotesize{\textsuperscript{20} Consolidated text, DzU, 2021, item 1882, as amended.  
\textsuperscript{21} Consolidated text, DzU, 2022, item 2632.  
\textsuperscript{22} Article 1(2) of the Police Act of 6 April 1990.  
not have the authority to appoint and dismiss the Police Commander-in-Chief, he or she is the initiator and applicant for the filling of this function by a candidate he or she has designated. The power to apply control and supervision measures to the entire police formation derives from the subordination of the Police Commander-in-Chief to the minister in charge of internal affairs. 24

The Police Commander-in-Chief acts with the help of an auxiliary apparatus – the Police Headquarters – which includes a number of organisational units for the implementation of specific tasks, which most often assume the name and structure of ‘bureaus’. The competency provisions of the Police Act oblige the Police Commander-in-Chief to shape many aspects relating to the operation of its formation through ordinances. Using the powers granted, he defined detailed principles of organisation and the scope of operation of police headquarters, police stations and other organisational units. In Order No. 1041 of the Police Commander-in-Chief, dated September 28, 2007, on detailed rules for the organisation and scope of operations of police headquarters, police stations and other organisational units of the police force, 25 he specified, among others, detailed rules for the organisation and scope of operations of police headquarters, provincial police headquarters, district police headquarters, police stations and specialised police stations.

Due to the very generally formulated tasks of this formation in the Police Act, the Police Commander-in-Chief, in the aforementioned order, transferred to specific organisational units matters lying in the broadly understood protection of human security and maintenance of public safety and order. The Police Commander-in-Chief, using his powers, transferred the tasks to be carried out to lower levels, attaching them, as a rule, to the authorities competent according to the administrative division of the country (with the exception of commanders of police stations). 26 In turn, the tasks carried out are specific and characteristic of internal security administration. Meanwhile, the transfer of tasks and competencies to lower levels of the police organisation is a manifestation of the deconcentration process, which in the author’s opinion runs along two tracks.

**Manifestations of factual deconcentration in the police force**

As previously mentioned, the field deconcentration of the police is based on the dispersion of tasks and competencies to field bodies and their auxiliary apparatuses, which are arranged according to the basic administrative division of the state. At the provincial level, there is a provincial police

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25 Consolidated text, DzU KGP, 2013, item 50 as amended.
chief and at the district level, there is a district (city) police chief. Police structures have not been assigned to the municipality level. However, most often, there are chiefs of police stations in this area, or organisational units such as a police station or district chiefs are formed. With minor or major changes, such an organisation has accompanied the police force since its establishment, i.e., since 1990. Deconcentration in the police, as in all public administration, is perceived as an element of democratisation and the building of a civil state.27

The issue of factual deconcentration, which has become a fact over the past few years, is a slightly different one. It mainly involves the dispersion of tasks and competencies at a single level while maintaining hierarchical relationships between police bodies. It is carried out on the basis of clearly defined legal norms contained in statutory provisions and established on the basis of competence norms in regulations of lower rank. A noticeable process is related to the separation of certain structures from the Police Headquarters and provincial commands as well as their transformation into organisational units that are auxiliary apparatuses of newly formed police bodies. The commanders in charge of these units are police authorities located at the central level, and their area of operation is the entire country. Unlike the Police Commander-in-Chief, they do not have the status of a central authority of government administration and are subordinate to the ‘chief’ of the Police. The organisational structure, thanks to the new approach, definitely better reflects the division of work applied in it, shows the connections between different functions and activities, highlights the level of work specialisation, and unambiguously presents the arrangement of responsibilities.28

The first and oldest structure in this regard is the Central Bureau of Investigation of the National Police Headquarters (hereinafter: CBŚP), which was established based on the Central Bureau of Investigation previously operating at the Police Headquarters. The formation of a highly specialised unit with nationwide coverage and the appointment of the Commander of the Central Bureau of Investigation of the National Police Headquarters was intended to transfer many operational and procedural powers from the Police Commander-in-Chief to the former. The reason was to simplify and streamline the implementation of tasks relating to the direct fight against organised crime. In justifying the changes, the legislator stated that ‘(…) constant and dynamically transforming organised crime requires the creation of more flexible organisational solutions in the police, allowing for a more effective fight against this dangerous phenomenon. The nature of tasks carried out, as well as organisational specifics, indicate that it is more effective to separate the Central Bureau of Investigation (CBŚ) of the Polish Police Headquarters as a separate organisational unit of the police’.29

By the Act of June 26, 2014, amending the Police Act, the catalogue of services operating in the police was expanded and an investigative service was added. At the same time, Article 5a was added, which stipulates that the Central Bureau of Investigation of the National Police Headquarters is an organisational unit of the Investigative Service of the Police, which performs tasks throughout the country in the field of recognising, preventing and combatting organised crime. The Commander of the Central Bureau of Investigation of the National Police Headquarters, which has its headquarters in the capital city of Warsaw, is a police authority subordinate to the Police Commander-in-Chief, heads the unit and is the superior of the CBŚP police officers.

In fulfilling statutory delegation, the Police Commander-in-Chief, in Order No. 54 of October 7, 2014 on the organisation, factual and local scope of activity and rules of interaction of the Central Bureau of Investigation of the National Police Headquarters with other organisational units of the police, defined the framework and rules of operation of this police organisational unit. The local scope of activity was defined as the entire country, while the factual scope includes the matters listed in § 3(1) of the cited ordinance. These include: planning, coordination and undertaking activities aimed at recognising and combatting organised domestic and international crime, particularly of a criminal, drug and economic nature, as well as its prevention; conducting preparatory proceedings in cases involving organised criminal groups; organising and undertaking operational and exploratory activities in cooperation with police organisational units; and protecting crown witnesses and those closest to them, as well as persons at risk.

Another unit functioning at the central level is the Internal Affairs Bureau of the National Police Headquarters (hereinafter: BSWP), which was established under the provisions of the Act of November 9, 2017 amending the Act on certain powers of employees of the office serving the minister responsible for internal affairs and officers and employees of offices supervised by that minister, and certain other acts. The Internal Affairs Bureau of the National Police Headquarters, as an organisational unit, began functioning on January 27, 2018. The reason for the organisational changes introduced, as presented in the justification for this normative act, was ‘(…) the need to increase the efficiency of actions taken by the existing organisational units of the Police and Border Guard competent for the prevention and detection of crimes committed by Police or Border Guard officers, respectively’.

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30 DzU, 2014, item 1199.
31 DzU KGP, 2014, item 121, as amended.
32 DzU, 2017, item 106.
The Police Act added the Internal Affairs Service and Article 5b, which specifies that the Internal Affairs Bureau of the National Police Headquarters is an organisational unit of the Police Internal Affairs Service that performs nationwide tasks in the identification, prevention and suppression of crimes committed by police officers and employees of the police, as well as crimes against economic turnover committed to the detriment of police, as defined in Articles 296–306 of the Penal Code, as well as the detection and prosecution of perpetrators of these crimes, and – to the extent ordered by the Internal Supervision Inspector – officers and employees of the Border Guard and State Protection Service or firefighters and employees of the State Fire Service. This unit is headed by the Commander of the Internal Affairs Bureau of the National Police Headquarters, who is a police body subordinate to the Police Commander-in-Chief, heads the BSWP and is the superior of police officers in this unit.

Analogous to the Central Bureau of Police Investigation, the Police Commander-in-Chief, in Order No. 62 of November 8, 2018 on the organisation, factual and local scope of activities and rules of interaction of the Bureau of Police Internal Affairs with other organisational units of the Police,\(^{34}\) determined the most important organisational issues and the local and factual scope of activities. The local scope of activity has been established for the entire country, while the factual scope includes the matters specified in § 3 of the Police Commander-in-Chief’s order. The factual scope of the BSWP includes: performance of investigative activities, including the conduct of pre-trial investigations of crimes committed by police officers and employees of the Police, as well as crimes committed to the detriment of the police, as defined in Articles 296–306 of the Criminal Code; in the case of investigations conducted against police officers, in accordance with Article 311 § 2 of the Code of Criminal Procedure, to carry out individual activities of the investigation – in the case that they are entrusted to the BSWP by the prosecutor; to carry out operational and exploratory activities, including in cooperation with other police organisational units and other competent authorities or services; and to carry out special operations and recruitment undertakings providing support for the tasks performed.

A specific police organisational unit is the Bureau of Counter-Terrorist Operations ‘BOA’ (hereinafter: BOA), which was established as of April 5, 2019 under the provisions of the amended Police Act.\(^{35}\) It follows from the justification of the law that the organisational changes are aimed at ‘(...) ensuring effective mechanisms of operation of the police organisational units competent to carry out counter-terrorist activities. The effectiveness of operations in this area requires the adoption of optimal organisational solutions, a unified command structure and effective mechanisms for the disposal, adequate to the threats, of the forces and resources at their disposal, ensuring both the efficient conduct of counter-terrorist activities

\(^{34}\) DzU KGP, 2018, item 118, as amended.

\(^{35}\) Ustawa z 9 listopada 2018 o zmianie ustawy o Policji oraz niektórych innych ustaw (DzU, 2019, item 15).
and support activities in relation to other types of services within the police’.

The established statutory norms expanded Article 4(1) to include the counter-terrorism service and added provisions directly concerning the unit. The added Article 5c states that the Bureau of Counter-Terrorist Operations ‘BOA’ and independent counter-terrorist subdivisions of the police constitute a counter-terrorist service, responsible for conducting counter-terrorist activities and supporting the activities of the police organisational units under conditions of special threat or requiring the use of specialised forces and means as well as specialised tactics of operation. The BOA as an organisational unit of the police is directly subordinate to the Police Commander-in-Chief, and the support activities of the BOA in organisational, personnel, logistical and technical terms are provided by the Police Headquarters. Also included in this service are the independent counter-terrorist subdivisions of the police, which are directly subordinate to the locally competent Provincial Police Chiefs or the Capital Police Chief.

This police service is headed by a BOA commander appointed and dismissed by the Police Chief. Unlike the previously analysed entities, he or she does not have the status of a police authority and is not vested with the related powers. What is important for the Bureau of Counter-Terrorist Operations ‘BOA’ and independent counter-terrorist sub-divisions of the police constituting a counter-terrorist service and responsible for carrying out counter-terrorist activities and supporting the activities of police organisational units in conditions of special threat – the legislator ‘mutes’, softens the legal effect of the independence of the bodies and officers of this service and stipulates that in order to carry out the activities indicated by the Act, the commander of the BOA and the commanders of independent counter-terrorist subdivisions of the police cooperate with other police organisational units and relevant institutions, including those of other countries. At this point, it should be noted that despite the location of this unit at the central level, a process of de-concentration has taken place, though to a much lesser extent than was the case with the CBŚP and BSWP.

The most recent transformations in the police organisation in Poland are related to the establishment of the Central Bureau for Combating Cybercrime (hereinafter: CBZC) at the beginning of 2022, which was established based on the former Cybercrime Bureau of the Police Headquarters and the combatting cybercrime departments of the Police Provincial Headquarters and the Capital Police Headquarters. By virtue of the provisions of the Act of December 17, 2021 on amending certain laws in relation to the establishment of the Central Office for Combating Cybercrime,

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38 DzU, 2021, item 2447.
among others, the Police Act was amended to add a service for combating cybercrime, and legal regulations were introduced for the organisation of this service.

The legislator, in the justification of the cited law, indicated that ‘(...) In view of the steady increase in the number of cybercrimes, it should be stated that the current police structure, the number of FTEs as well as the forces and resources at hand do not allow for an effective fight against this category of crimes. Therefore, it is necessary to increase the number of full-time positions provided for police officers directly combatting cybercrime, and those with specialised knowledge and training in IT. As a result, it is necessary to establish a nationally unified police organisational unit and, for this purpose, to establish a new service within the Police Department – a service responsible for the identification, prevention and combatting of cybercrime, as well as detection and prosecution of the perpetrators of these crimes’. 39

Article 5d, added to the Police Act, indicates that the Central Office for Combating Cybercrime is an organisational unit of the Police Service for Combating Cybercrime, responsible for carrying out nationwide tasks in the area of: 1) recognising and combatting crimes committed with the use of an information system, ICT system or ICT network, as well as preventing these crimes, as well as detecting and prosecuting the perpetrators of these crimes; and 2) supporting, to the necessary extent, the organisational units of the Police in recognising, preventing and combatting the crimes referred to in item 1, as well as detecting and prosecuting the perpetrators of these crimes. The detailed organisation and scope of activities within the organisational units were initially determined by the Police Commander-in-Chief in Order No. 1 of January 12, 2022, on the temporary organisational regulations of the Central Bureau for Combating Cybercrime. 40

The most important organisational issues and those concerning the operation and interaction of the Central Office for Combating Cybercrime with other police organisational units were specified by the Police Commander-in-Chief in Order No. 49 dated March 24, 2022. 41 The quoted normative act specifies, in particular, the factual scope of activity, the local scope of activity of this service, as well as the local jurisdiction of the boards and field departments and the legal position of its commander. 42 The Commander of the Central Bureau for Combating Cybercrime, is a police body subordinate to the Police Commander-in-Chief, heads this organisational unit and is the superior of CBZC police officers.

Analysing the legal solutions concerning the Central Bureau for Combating Cybercrime, analogies are discernible regarding the Central Bureau

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40 DzU KGP, 2022, item 45.
41 DzU KGP, 2022, item 157.
42 Ibid., §1 and § 3–4.
of Investigation of the National Police Headquarters. The local jurisdiction of the Central Bureau for Combating Cybercrime concerns the territory of the entire country, the commander of this unit has been delegated the powers previously held by the Police Commander-in-Chief, taking into account personal and service dependence. The extent of factual deconcentration appears to be at a similar level to the CBŚP and BSWP previously studied.

On April 1, 2022, the newest organisational unit of the police was established, which is the Police Central Forensic Laboratory (hereinafter: CLKP). Pursuant to the provisions of the Act of December 17, 2021 on the establishment of the ‘Program for Modernisation of the Police, Border Guard, the State Fire Service and the State Protection Service in 2022–2025’, on the establishment of the ‘Program for Modernisation of the Prison Service in 2022–2025’ and on the amendment of the Police Act and some other acts,43 Article 5e was added to the Police Act, establishing this police unit. From the justification of the aforementioned law, it follows that ‘(…) the main activity of the Police Central Forensic Laboratory should be focused on tasks supporting the work of the Police, in particular, the preparation of forensic opinions and expertise for use in proceedings conducted by Police units or prosecutor’s offices, maintenance, operation and development of detection databases, as well as other collections and databases, both national and international in scope, related to the process of prevention, detection and combatting of crime as well as detection and prosecution of offenders’.44 The effect of the change in the perception of the Police Central Forensic Laboratory’s mission is the transformation of its organisation, resulting in a change in its status.

According to the cited provision, the Police Central Forensic Laboratory is an organisational unit of the Police competent in the field of forensic science and techniques used in the process of recognition, prevention and combatting crime, as well as detecting and prosecuting the perpetrators of crimes. The CLKP also performs tasks: 1) in the field of verification and certification of deactivated small arms, and marking of deactivated small arms within the meaning of the Act of June 13, 2019 on the performance of economic activity in the manufacture and circulation of explosives, weapons, ammunition, and products and technology for military or police use;45 and 2) the Police Commander-in-Chief in terms of substantive supervision of the operation of forensic laboratories of the provincial police commands and the Capital Police Headquarters with regard to training and confirming the competence of research personnel and determining the work standards used in these laboratories. The Police Central Forensic Laboratory, as an entity defined in Article 7(1)(8) of the Act of July 20,

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43 DzU, 2021, item 2448.
45 Consolidated text, DzU, 2022, item 1650, as amended.
2018 – the Act on Higher Education and Science,\textsuperscript{46} conducts scientific research as referred to in Article 4(2) of this Act, \textit{i.e.}, basic and applied research and development work, and for this reason is included in the system of higher education and science.

This unit is headed by the Director of the Police Central Forensic Laboratory, who is a police body subordinate to the Police Commander-in-Chief. He or she heads the laboratory and is the superior of CLKP police officers. It does not appear from the provisions of the law that the local jurisdiction is extended to the entire country. Rather, an analogy can be drawn with internal deconcentration, \textit{i.e.} acting on behalf of the Police Commander-in-Chief in supervising laboratories operating at police field units.

\section*{Conclusions}

The following transformations in the police organisation and functioning are a natural process, which should be guided by the idea of improvement and enhancement of the quality of operations that should take place depending on the existing organisation’s needs and public demand for a specific model of entities that protect important values. When creating and transforming the organisational structure of a police unit, it is necessary to be guided by the requirements of efficiency in the implementation of statutory police force tasks and the ability to carry out supervision over the implementation of tasks, taking into account the specialisation of tasks and the efficiency and continuity of their implementation, as well as the financial capabilities of the police unit.\textsuperscript{47} In principle, with varying frequency, the police has been evolving since its establishment, and the basis of transformation is the need to improve and adapt to changing social conditions, as well as the changing structure of threats that it should prevent and counteract. Functioning in a system of centralised internal affairs administration, the only way to successfully transform the police is to apply the process of deconcentration.

Field deconcentration is included in the system assumptions of this formation, which is evident in the organisation of police authorities and field units. In a sense, it seems that this process has been inhibited in favour of the dispersion of tasks and competencies at one level. The research conducted leads to the conclusion that, in practice, since 2014, the legal deconcentration process of the police has been progressing, which takes the form of factual deconcentration. This is confirmed by the separation mainly from the structure of the Police Headquarters of five organisational units and their location at the central level, of which in the case of three of them (Central Bureau of Investigation of the National Police Headquarters, Internal Affairs Bureau of the National Police Headquarters, Central

\textsuperscript{46} Consolidated text, DzU, 2023, item 742, as amended.

Office for Combating Cybercrime), the local jurisdiction has been clearly defined as the entire country. The heads of four of the organisational units have the status of government administrative bodies (with the exception of the Bureau of Counter-Terrorist Operations commander) acting under the authority of the Police Commander-in-Chief, who in delegating tasks to them, also transferred a number of competencies.

It seems that the noticeable direction of change has already been dictated by years of experience on the example of the Central Bureau of Investigation of the National Police Headquarters, which brings the expected results in preventing and combating crime. The ever-increasing challenges posed to the police force make it necessary to look for solutions that will allow it to effectively and efficiently carry out the mission set before it and the growing number of tasks. The chosen solution is factual deconcentration, which, at least in theory, should help improve police operations. The considerations carried out fully confirmed the hypothesis adopted at the outset, that the transformations taking place in the modern Polish Police are related to the progressive process of factual deconcentration.

Answering the question posed in the title as to whether factual deconcentration is an immediate need or a trend of the following changes, based on a dogmatic and legal analysis, it is necessary to conclude that this is a trend that I hope will continue. Admittedly, it is dictated by certain current needs, which will expand rather than diminish.

As a de lege ferenda conclusion, it is necessary to postulate the need for further organisational changes in the Police, consisting, e.g., of separating the Police Prevention Squads as an organisational unit located at the central level and assigning to their structures the units operating in the provinces. The new structure should be headed by the Commander of the Police Prevention Units, who has the status of a government administration body. This type of organisation would certainly have a positive impact on the ability to manage human resources and improve mobility in situations in which the actions of the Police’s compact units are necessary, the point being, among others, the effectiveness in dealing with threats occurring during mass events, gatherings, and in states of emergency.

The second direction in which changes should be followed is the separation, on the model of the Central Bureau of Investigation of the National Police Headquarters or the Central Bureau for Combating Cybercrime, of a specialised organisational unit in the broadly defined criminal service, which would deal exclusively with economic and corruption crime. Such an action could certainly result in even better results when it comes to combatting this type of crime.

There also arises a conclusion and at the same time a question as to whether changes in the police force should not follow such a direction, in which specialised organisational units of the police will function, and the Police Headquarters will become an organisational and logistical base. Of course, for the time being, this is a far-reaching postulate, but it is possible to achieve with the progressive deconcentration process of the police.
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35. Zarządzenie Nr 49 komendanta głównego Policji z 24 marca 2022 w sprawie organizacji, zakresu działania oraz zasad współdziałania Centralnego Biura Zwalczania Cyberprzestępczości z innymi jednostkami organizacyjnymi Policji (DzU KGP, 2022, item 157).
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Keywords: administration, government administration, the police, centralisation, deconcentration

Summary: The police, as a uniformed service, is to carry out many public tasks related to ensuring human safety as well as maintaining public security and order. The range of values protected by the police is the reason why it is in the constant interest of social circles, and its actions are thoroughly analysed and subjected to numerous evaluations. In a sense, social pressure combined with the nature and weight of the challenges undertaken by the police means that it must, in addition to daily efforts aimed at ensuring the security level, also react to the variability of the situation in which it has to operate.

One of the reactions to this state of affairs is a possibility to make transformations not only in the forms and methods of activity but also smaller or bigger organisational changes. Changes are made at various levels of organisation of this formation, starting from organisational units operating in the field, and ending with those at the central level. Recently, there has been a symptom of separating organisational units from the structure of the Police Headquarters and creating them as separate central structures. The study focuses on the changes occurring and analyses them as a phenomenon referred to in the theory as factual deconcentration. The research aims to answer the question of whether the changes are incidental or are a permanent trend in the police force.

Palabras clave: administración, administración pública, policía, centralización, descentralización administrativa

Resumen: Al ser una formación uniformada, la policía tiene por objeto desempeñar numerosas tareas públicas relacionadas con garantizar la seguridad de las personas y mantener la seguridad y el orden públicos. El abanico de valores que protege hace que se encuentre en el interés constante de los círculos sociales, y que sus acciones se analicen a fondo y se sometan a numerosas evaluaciones. En cierto sentido, la presión social combinada con la naturaleza y la gravedad de los retos asumidos por la policía hace que ésta deba, además de sus esfuerzos diarios por garantizar el nivel de seguridad, reaccionar también a la variabilidad de la situación en la que tiene que funcionar. Una de las respuestas a tal estado de cosas es la posibilidad de realizar transformaciones no sólo en las formas y modos de actuación emprendidos, sino también en cambios organizativos de menor o mayor envergadura. Los cambios se realizan en varios niveles de la organización de esta formación, desde las unidades organizativas que funcionan sobre el terreno hasta las que existen a nivel central. Recientemente, se observa un síntoma de separación de las unidades organizativas de la estructura de la Jefatura Central de Policía y su creación como estructuras centrales separadas. El estudio se centra en los cambios que se están produciendo y los analiza como un fenómeno conocido a nivel teórico como descentralización administrativa. La investigación pretende responder a la pregunta de si las transformaciones que se están produciendo son circunstanciales o una tendencia permanente en la policía.