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Separation of Police from Polish Peoples Republic Militia – Systemic, Organizational and Media Endeavours

Abstract

The article presents the changes accompanying the development of the Polish Police after the political transformation that took place in Poland in 1989. Particular attention has been paid to socio-economic changes and accompanying changes in law enforcement authorities, starting from the change of the name from the Militia to the Police, through personnel, structural and legal changes. It was also pointed out that currently operating Police refers to the tradition of the police from the interwar period. In 2019, the Polish Police celebrates its 100th anniversary and it is a professional formation serving the public.

Keywords: Police, Militia, transformation, transformation, international structures

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100th anniversary of the establishment of the Polish Police

The year 2019 will be a special year for Polish police officers and employees. The Polish Police will celebrate the 100th anniversary of its existence. Although many associate it with the Citizen Militia, over the last 30 years a lot has changed and is still changing. Transforming the Citizens' Militia into the Police is not only a change of name, but also specific changes that can be seen by each of us. Introduction of changes, as well as the professionalization of the Polish Police was possible due to the involvement of many people, as well as changes occurring in our country, which were accepted by the society. It is the citizens and their safety that are the most important for the currently operating Police, and the mission included in the slogan "WE HELP AND PROTECT" reflects it the best.

Liquidation of the Citizens' Militia and restoration of the Police

After the political transformation, on April 6, 1990, the Sejm of the Republic of Poland appointed the Police. Formation returned to pre-war roots and entered international structures. On September 27, 1990, Poland became a member of Interpol again, and on December 23, 1991, Polish policemen gained the opportunity to join the International Police Association. Previously, for almost half a century, activities related to ensuring security and public order were carried out by the Citizens' Militia of the Polish People's Republic.

Even during the war, in 1944, in the already liberated areas of Poland Citizens' Militia was created. On October 7, a decree of the Polish Committee for Liberation was issued on Citizens' Militia. The main tasks of the Citizens' Militia were (Misiuk 2000, pp. 85-89):

- protection of peace, safety and public order,
- prosecution and investigation of crimes,
- implementation of recommendations of administrative authorities, prosecutors and courts in the scope provided for by law.

On December 7, 1954, the Ministry of Public Security was abolished and replaced by the office of the Minister of Internal Affairs and the Security Committee of the Council of Ministers. The minister took over the authority over Militia Obywatelska (MO) – Citizen Militia (Ibidem).

Militia, despite the fact that its local units mostly carried out typical law and order and investigations and prosecutions tasks, they became an immanent part of the totalitarian apparatus of power (*Ibidem*, p. 25). This perception of the MO intensified in 1980-1981, and its representatives met with the disapproval of society, which greatly hindered them from fulfilling their official duties. MO was identified, and suspected of working closely with the security service.

In 1989, a systemic transformation was initiated, which left a positive mark on many areas of the state's functionality. The areas typical of the Ministry of Interior are not omitted. The effects of the of the reforms were (*Ibidem*, pp. 85-89):

- limiting the role of the Minister of the Interior to supervisory functions towards
- subordinate services,
- depoliticising the activities of services subordinated to the Minister of the Interior,
- separation of Police activities within the Ministry of Interior,
- integration of the Police with the government administration in voivodships and in the local self-government,
- participation of local self-government bodies in ensuring security public order on local dimension.

Parliamentary work related to the creation of a new formation responsible for security and public order was taken relatively quickly, because at the beginning of 1990 the procedure of the bills submitted was characterized by speed and efficiency – on April 6, 1990, the Sejm adopted the so-called package of police laws. There are three laws regulating the organization and operation of the office of the minister of internal affairs and two subordinates to him – the Office for State Protection (currently the Internal Security Agency and the Foreign Intelligence Agency) and the Police.

The Police Act came into force on May 10, 1990. The interior affairs department associated with the previous regime was abolished. For newly created Police, the article 146 of the Police Act proved to be symbolic. It was in this article that, among others, the property and property of the Citizens' Militia were taken over by the police. Separated from the police structures was the Security Service (previously they were combined offices of internal affairs).

The Act referred to the main feature of the Police from the interwar period - the police apoliticality. There was also a great emphasis on cooperation with the public,

which MO was lacking. The Polish Police refers to the State Police of the interwar period, and the Police Day falls on the day of the establishment of the State Police – July 24.

Polish Police continues the Police tradition from the interwar period

The interwar period is an important period for the development of the Police. In November 1918, Poland regained its independence. On December 5, a decree on the organization was issued People's Militia. The next legal act that defined Police cases was the Act of July 24, 1919 on the State Police. According to the act, "The state police is an executive body of state and self-government authorities, and has the task of protecting security, peace and public order" (Ustawa o policji państwowej 1919, Art. 2). It covered the whole of Poland with the exception of the Silesian Voivodeship. The decision of the March Constitution guaranteed the separation and autonomy of this area, which is why the Silesian Voivodeship Police was established. As Stanisław Pieprzny points out in his book (2011), the State Police was called the navy police and was subordinate to the Interior Minister. The chief commander, who could issue regulations, was to supervise it. The commandant was appointed by the Chief of State and headed the Police Headquarters. The State Police included: commands district, powiat headquarters, police stations and posts.

It is worth recalling that just before the outbreak of World War II in 1939, the corps police had about 30,000 officers were killed. During the September campaign, almost 2 thousand police officers were killed. About 12,000 policemen went to Soviet captivity. Almost 6,000 of them, murdered in the spring of 1940, lie at the Polish War Cemetery in Miednoje, the world's largest police necropolis, which was opened and dedicated on September 2, 2000 (Strona internetowa Policja online).

It should be pointed out here that on December 17, 1939, the Polish Police (sometimes referred to as navy blue), subordinate to the German police, was established in the General Governorship. It consisted mainly of pre-war officers who, under the threat of capital punishment, were forced to serve in the occupant's structures. The Polish Underground State in parallel created police structures at the Home Army Headquarters, which existed until August 1944.

The State Police was dissolved on August 15, 1944. Then the Citizens' Militia (MO) was established, in 1990 it was transformed into the Police.

Political transformation and the restoration of the Police

The creation of the police on the “ruins” of the MO preceded the growing in Poland in the eighties resistance to the authorities and the regime. The economic deterioration of The People's Republic of Poland forced the party authorities of the Polish United Workers' Party (PZPR) to seek solutions that would be accepted by the society. In February 1989, among other things, the deliberations of the so-called round table with representatives of power and representatives of the opposition. The talks were aimed at developing an agreement that would, on the one hand, satisfy public opinion, and on the other, save the tense situation in the country. The agreement, which was reached on April 5, assumed fairly limited changes. Partially free elections on June 4, 1989, however, showed that the camp that had held power since 1944 had very limited support. As a result, the recent opposition, mainly associated with NSZZ Solidarność (Solidarity Trade Union), actually took power.

As a result, the reforms went beyond the previous arrangements, taking the form of a systemic transformation including, beyond the political sphere, also the economic, economic and social spheres. These changes made the inevitable rebuilding of the Ministry of Internal Affairs. The social perception of the Ministry of the People's Republic of Poland was embodied in social repressions, which were associated, next to the Security Service officers, also by militiamen, especially from the ZOMO (motorized squads of militia) structures.

Changes in the Police after 1989

Transformations of Police best illustrate the changes to the most important legal act relating to this formation, the Police Act. When we take the text from 1990 and compare it with the text from 2018, we will undoubtedly convince you that these are two different legal acts. The police in Poland have come a long way before the currently existing formation was created.

The Act has been amended and changed many times. According to art. 1 sec. 1. Police is a uniformed and armed formation, which is intended to serve the public and to protect human security, but also to maintain security and public order (Strona internetowa Policja online). Tadeusz Hanausek rightly pointed out that the Police officers perform their duties also when they undertake official duties without carrying a weapon, but also without being in uniform (Hanausek 1996, p. 15).

Police tasks specified in art. 1 of the Act are included in points. The main task of the Police was to “protect the life and health of citizens and property against unlawful attacks violating these goods” (Ustawa o Policji 1990, Article 1, paragraph 2, p. 1). These tasks did not differ much from those assigned to the MO.

The police organization rules introduced the division, its types and regulated the hierarchical system also referring to the territorial division of the country. At the top of the hierarchy, the Police Chief Commander was located as the central organ of the state administration competent in matters of public safety and order protection. The voivodship commanders of the Police, district commanders of the Police and commanders of the police stations were defined.

The reaction to the allegations addressed to the predecessor – MO – was a postulate to ensure control over the Police. It was supposed to be provided by the social organ, and it meant, among others, local governments. The idea was difficult to define and it encountered accusations, including impropriety or limited time availability. It should be remembered that when it comes to the police, especially operational and reconnaissance or investigation-related investigations, this type of control is hampered by the secrecy specified in statutes, or often the secret nature of the activities performed, the disclosure of which would involve familiarizing with specific actions, tactics or regarding secrecy of police officers or their secret co-workers.

Therefore, such proposals were rejected. One of the ideas was the possibility of subordinating the police to the president. These assumptions were also rejected. It is right, however, that the solution obliging the Police commanders to report on their activities was accepted. At the request of local self-government bodies, there is also an obligation to inform about actions aimed at ensuring public order and security. General administration and local self-government authorities could also request explanations from the Police authorities and restore the status consistent with the legal order. The form of indirect control was also the voivode's opinion or the competent local

government authority of the Police commanders. In particular, the local Police, whose posts could have been created only at the request of the competent authority of that self-government, were subject to control by local self-government.

The entry into force of the Police Act has begun the process of building new structures. The first personnel decisions were made on May 10, 1990. In connection with the MO dissolution, the general div. Zenon Trzciński was called off from the post of chief commander. Col. Leszek Lamparski became the first Police Commander in Chief, and Colonel Bogusław Strzelecki and Colonel Janusz Wydra were his deputies.

At the same time, the Provincial Court in Warsaw entered into the register trade unions of NSZZ (Independent Self-Governing Trade Union) of Policemen. It was the fulfillment of efforts or even the dreams of officers fighting for the creation of their own trade union organization. One of the first tasks of the Police leadership was to organize personnel matters and create them an organizational structure capable of operating. Simply put, the criminal world did not show understanding of systemic changes, the problems of the new formation, and more and more vexedly marked its presence.

Human resources issues were resolved in June 1990. In all of the then forty-nine provinces, new voivodship commanders of the Police were appointed. Their appointments confirmed generational changes, as as many as forty for the first time took over such managerial functions. From previous Provincial Heads Internal Affairs Offices, service on the position of provincial police commander only two officers continued, and seven previously were WUSW (Provincial Office of Internal Affairs) deputy chiefs. Militia officers were not subject to verification as were SB (Security Service) officers. Nevertheless, by July 1990, 3027 militiamen were released from the Police service, of which 2,790 departed for the sake of the good of the service under Art. 41 point 2 of the Police Act (Utworzenie Policji). In the following months, the number of dismissals did not decrease, which was associated with rumors and specific actions aimed at making pension changes less beneficial for uniformed services.

As a result, according to publicly available data, in 1993, about 30,000 completely new officers appeared in the ranks of the Police (*Ibidem*). All newcomers had to be trained, which in turn was associated with the reconstruction of police education. The leading role was given to the Higher Police School in Szczytno, established by the regulation of the Council of Ministers of September 10, 1990. The police school

network created the Police Training Center established in the second half of 1990 in Legionowo, the Police School in Slupsk, the Police School in Pila and field training centers. In 1999, these facilities were supplemented with the Police School in Katowice.

Police and society

Another extremely important point of reference to changes related to the perception of the police is the confidence indicator - in 1990, when the Police was established, it was 56% (OBOP 1997), in 2018 it was as much as 74%. Currently (CBOS 2018), from among institutions subject to evaluation, the Police takes the first place just before the local government authorities. It is worth adding that, as indicated by the Center for Public Opinion Research, up to 86% of Poles feel safe in Poland, and 94% think that it is safe in the nearest neighborhood (CBOS 2013).

The transformation of the Citizens' Militia into the Police was associated with new challenges and new threats. The most controversial was the failure to include in this structure the unit to fight against economic crime, which was liquidated 18 January 1990, still in the Militia structures. Some of them explained this with a deliberate abandonment to facilitate the development of economic crime, others held that the abolition of state property would make this sector superfluous, because the private owner would take care of his own property.

Regardless of the motives, this decision turned out to be a mistake. On June 14, 1991, Police Commander in Chief announced the reconstruction of the division to fight against economic crime, and on July 10 he set up the Office for Fighting against Fraud.

The 90s of the last century is a turbulent period not only in the sphere of socio-economic changes, but also in relation to crime, which developed almost uncontrollably. Naturally, the criminals were not interested in the problems of the police, and in turn the police did everything they could to control the development of organized crime. It was also served by the changes in the law that they had been given the necessary tools to fight crime, such as modern techniques of operational work. Today, we can safely say that the police did a good job of it - the policemen crashed the criminal groups, group members were detained, arrested and then convicted by the court.

Another type of change in the organization of the Police took place after 9 years. In connection with the reform of the territorial division of the country, which restored

the three-level division – the commune, powiat, voivodship, on January 1, 1999, a new structure of police units was created. The headquarters of the Police Headquarters, which was subordinated to 16 provincial headquarters and the Warsaw Metropolitan Police Headquarters. There are 329 county headquarters in the hierarchy, 316 of which had in the past the status of district headquarters. The basic police units were the remaining 2072 police stations.

Polish Police in international structures

The effectiveness of the Police activities is also associated with good international cooperation, hence the leadership of the Polish Police has been vigorously seeking a return to Interpol. Interpol (International Criminal Police Organization) is a police international organization, founded in 1923 in Vienna as the International Police Criminal Police Commission. From 1938, it was based in Berlin, and in 1946 it resumed operations with the headquarters of the General Secretariat in Saint Cloud near Paris, and since 1956 he has been operating as the International Criminal Police Organization.

Interpol's goal is to facilitate international police cooperation, even in the absence of diplomatic ties between individual members. 187 countries belong to it. The name Interpol was initially an abbreviation, it has now become the official name. Interpol organizes police cooperation of member states in combating international crime (among other things, it carries out criminal records and criminals). Poland left this organization a few years after the Second World War. The culmination of efforts to return to the structures of this organization took place on September 27, 1990, during General Assembly of Interpol in Ottawa, which decided to re-enter Poland to this organization.

On the basis of the Polish office of Interpol on May 1, 1998, the Office of International Police Cooperation of the Police Headquarters was organized, which – in accordance with the recommendations of the Council of the European Union – it became the central unit responsible for the organization of police cooperation with foreign partners.

How much Polish police are now appreciated by Interpol's member states can be demonstrated by the fact that Poland will host the 47th European Interpol Regional Conference in 2019 – this decision was taken at this year's conference in St. Johann im

Pongau in Austria, in which the Polish delegation participated. 170 high-level delegates from 50 Member States and international organizations participated in the deliberations. There were, among others, the recent president of Interpol, Meng Hongwei, and secretary general, Jurgen Stock. Poland was personally represented by the Police Commander in Chief, General Insp. Jaroslaw Szymczyk PhD.

An important moment for the Polish delegation was the selection of the host of the 47th conference in 2019. General superintendent Jaroslaw Szymczyk reported Poland to this role, and all others the delegations unanimously supported this candidacy. "Choosing our country as the organizer of the Interpol regional conference is a distinction for Poland and appreciation of the Polish professionalism of the Police. It is also a symbolic dimension associated with our formation, because we will celebrate the 100th anniversary of the existence of the Polish Police", said the Police Commander in Chief, superintendent Jaroslaw Szymczyk (quote for: from 2017).

The Office of International Police Cooperation of the Police Headquarters is also directly responsible for cooperation with Europol. Its initiation was favored by European Parliament resolution of 3 April 1998, recommending that after the entry into force of the Europol Convention, cooperation between this organization and the police countries aspiring to membership in the European Union has begun. On May 28, 1998, the Pre-Accession Pact on Combating Organized Crime was signed in Brussels, to which the EU States were members on one hand, and the candidate countries from Central and Eastern Europe and Cyprus on the other.

On October 3, 2001, Poland, as the first European Union candidate country, entered into a cooperation agreement with Europol to fight crime, and was admitted to Europol on November 1, 2004 after 90 days from submitting the accession documents and after the ratification of the Europol Convention and protocols supplementing it.

Poland's accession to Europol was an extremely important event from the point of view of the Polish Police, both in symbolic and substantive terms. It was the fulfillment of natural aspirations, but above all it confirmed the proper organization of the Police and the appropriate level of training. At present, the Police are taking full advantage of the possibilities offered by the Europol Convention, in particular access to the databases of the Europol Office as well as the Member States.

The Polish Police also participated in many peace and observation missions, which are one of the tools available to the international community to resolve conflicts and

prevent civil wars in unstable regions. They are also used to rebuild losses resulting from the conflict and ensuring free and fair elections or referendums. Polish policemen during the mission are distinguished by great professionalism and are highly rated by international organizations, including United Nations.

Structural and organizational changes in the Police

Organizational changes in the Police from 1990 to the present have been dictated mainly by the need to adapt its structures to the changing reality. Also due to the lack of trust in the Police, which was still associated with the previous system, the Police Act of April 1990 deprived officers of many powers that would facilitate the fight against crime. Therefore, changes were necessary. Noteworthy is the amendment of July 1995, because it provided the Police with new methods of operation. It introduced the possibility of using the controlled purchase, controlled distribution of property benefits and supervised delivery. The number of situations authorizing officers to use weapons was also extended. In the part concerning types of police, four types of services were indicated: criminal, preventive, support and judicial. It has been clarified that the Police also includes police education and separate anti-terrorist prevention departments and sub-units. Local police were liquidated.

The next stage of structural changes already taking place in the 21st century, more important for the Police, was the establishment of the Central Bureau of Investigation (CBS), which was established on April 15, 2000 by the Police Commander in Chief, General Superintendent Jan Michna. It was created from the merger of the Office for Combating Organized Crime from 1994 and the Office for Drugs from 1997. In the structure of the Central Police Headquarters, the Central Bureau of Investigation functioned until 2014, when on October 9 it was removed from the structures of the Police Headquarters, and transformed into an independent unit: the Central Police Investigation Bureau. Thus, this unit gained a high degree of independence and, above all, a specific provision in the Act about the Police. The currently considered transformation or dissolution of this unit requires the consent of the parliament.

Another, historical moment, which in the future can be compared to the creation of the Polish FBI in the form of the Central Bureau of Investigation, is the decision of the current Police Commander in Chief, General Superintendent Jarosław Szymczyk,

about the creation of the Office to fight the Cybercrime of the National Police Headquarters. The office was established on December 1, 2016 and carries out tasks related to creating conditions for effective detection of perpetrators of crimes committed using modern ICT technologies. The creation of a specialized office is a challenge of today, associated with the development of modern technologies, thus it is the culmination of the separation of organizational units dealing with the fight against cybercrime in the structures of the Polish Police.

At present, the Police Headquarters have a modern, efficient cell, bringing together professionals in the field of combating cybercrime, acquired from the entire country. Despite the relatively short history of existence, the Bureau may already note several spectacular successes. His policemen gain valuable experience, participating in numerous trainings and workshops, as well as national and international undertakings. Their effort is not without a resound, which can be evidenced by the appreciation words coming from many sides.

The latest changes taking place in the structure of the Polish Police include the exclusion in 2018 of the Internal Affairs Office from the Police Headquarters, which were transformed into the Police Internal Affairs Office. The commandant of the Police Internal Affairs Office (BSWP) is currently appointed by the minister competent for internal affairs, and not as before, by the Chief Commander of the Police. At the same time, both the Commander of the Central Bureau of Investigations and the BSWP are subordinate to the Police Commander in Chief.

When mentioning the transformation of BSW into the BSWP, it should be added that in the structure of the Ministry of Interior and Administration in 2018, the Internal Bureau was created, in which serve, among others. officers of the Police, Border Guard, State Security Service or State Fire Service, and their main task is to detect offenses committed by officers and employees of the departments of the Ministry of the Interior and Administration.

Heads of the Polish Police after 1989

When summarizing the changes in the Polish Police from 1990 to the present, we cannot fail to mention the leaders of this largest formation in the country who took direct part

in the reforms and professionalization of the Police, which, as a result, has such a high public support.

The first Chief Commander of the Police was Superintendent Leszek Lamparski (1990-1991), following: Deputy Inspector Roman Hula (1991-1992), Superintendent Zenon Smolarek (1992-1995), Superintendent Jerzy Stańczyk (1995-1997), Superintendent Marek Papala (1997-1998), General Inspector Jan Michna (1998-2001), General Inspector Antoni Kowalczyk (2001-2003), General Inspector Leszek Szreder (2003-2005), Marek Bienkowski (2005-2007), Konrad Kornatowski (2007), Superintendent Tadeusz Budzik (2007-2008), General Inspector Andrzej Matejuk (2008-2012), General Inspector Marek Działoszyński (2012-2015), General Inspector Krzysztof Gajewski (2015), Inspector Zbigniew Maj (2015-2016) and currently the seventh General Inspector Jarosław Szymczyk, who holds this seventh position in the history of the Police.

The policemen who died during service

With great deliberation and having in mind the dedication associated with completing the police vows to the end (“even with the risk of life” – a fragment of the rota) it should also be remembered that from 1990 until now, during the service of almost 120 policemen have died. Of those officers who fell for the Homeland, often dying at the hands of bandits, does not let us forget the Memorial Table, placed at the honorary place of the Warsaw Police Headquarters, on which epitaphs are placed. Unfortunately, they come with each year. During the celebrations of the anniversary of the founding of the Police, subsequent names are placed on the board. For the entire formation it is extremely moving moments, because this is how the policemen pay tribute to those who died, protecting the life and health of citizens.

Summary

The Act of 6 April 1990 on the Police and the formation formed on its basis have undergone many changes and the currently operating Police little resembles that of 1990 in almost 30 years. The Act itself has been amended so many times that changes, as some have pointed out, have not changed only title. At the same time, the Police was changing – from the material side almost everything changed: vehicles, equipment or

uniforms, which symbolically replaced the pattern associated with the MO (Civic Militia). Currently, there is still a lot of emphasis on making today's Police friendly, efficient, close to the public and as the State Police – apolitical. Not all of these values are fully recognized and liquidation of deficiencies is a challenge for policemen and the whole formation in the third decade of service. It is worth noting that recent years have seen a significant decline in crime. Statistics show that the police are becoming more and more effective, the number of crimes is decreasing and their detection is increasing.

In 2018, the Polish Police is a formation with 103309 police posts and around 25,000 civilian positions. It is the largest uniform formation in the country which is responsible for ensuring public safety and order, in accordance with the mission “WE HELP AND PROTECT” introduced by the current Police Commander in Chief.

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