

## Artykuł przeglądowy

## Review article

Data wpływu/Received: **11.03.2019**

Data recenzji/Accepted: **11.05.2019**

Data publikacji/Published: **30.06.2019**

Źródła finansowania publikacji: **Wyższa Szkoła Humanitas**

DOI: **10.5604/01.3001.0013.3587**

Authors' Contribution:

(A) Study Design (projekt badania)

(B) Data Collection (zbieranie danych)

(C) Statistical Analysis (analiza statystyczna)

(D) Data Interpretation (interpretacja danych)

(E) Manuscript Preparation (redagowanie opracowania)

(F) Literature Search (badania literaturowe)

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## CRITERIA FOR DISTINGUISHING POLICE MODELS

The present article aims to characterize the criteria for distinguishing police models and to indicate the types of police systems that have been adopted in European countries, including Poland.

It has to be noted that police science is a new and rapidly developing discipline in recent years<sup>1</sup>. This results from a number of factors, one of which is probably the increasingly difficult international situation related to the issue of internal and external safety, which is most vital for the functioning of a country, whilst being the hardest thing to define<sup>2</sup>. The essential objectives of the state policy are closely connected with

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<sup>1</sup> B. Hołyst, *Policja na świecie*, Warszawa 2013, p.23.

<sup>2</sup> M. Piekarski, *Bezpieczeństwo wewnętrzne Polski w latach 1989-2013*, Warszawa 2013, p. 27.

ensuring public safety, democratic order, human rights, fundamental freedoms<sup>3</sup> as well as broadly understood national security.

Due to the growing need of social control for the purposes of public safety, newer and newer solutions are being implemented, aiming at the improvement of work and efficiency of various existing police formations. In addition, entirely new specialized entities are being created to perform narrowly defined operations related to national security.

Considering the diversity of police formations, their various competences, tasks, functions, organizations and structures, the question arises whether universal criteria for describing contemporary policing models can be established. It is hard to find an answer to this question, especially since there are no clear definitions on the issue of police organizational models in specialized literature<sup>4</sup>. It seems that, despite many attempts to distinguish certain identical features or criteria for policing models, analysis leads to the conclusion that police systems are described in a different way, which makes the task of establishing the complete catalog of basic criteria inherently difficult to fulfill<sup>5</sup>.

Depending on many factors, countries create and develop public administration, striving to achieve a certain level of security to safeguard their interests<sup>6</sup>. Taking into account the number and the multitude of legal protection authorities, there would be a serious problem with the indication of a state which has only one universal body holding the monopoly on public safety and order<sup>7</sup>. Depending on the country, there are usually from several dozen to even several hundred different institutions which have clearly defined responsibilities and tasks, mainly consisting in ensuring the adequate level of the safety of a country, individuals, and communities<sup>8</sup>. Therefore, it is the responsibility of various state bodies, local authorities, or social organizations, which remain in relations with each other and the state apparatus in a different legal relationship, the scope of tasks and competences, to ensure the stability of the country<sup>9</sup>. Given the diversity of structures, it is, therefore, necessary to put forward appropriate solutions and management criteria in order to maximize their efficiency and cooperation. It has to be noted that cooperation should take place not only on a voluntary basis, but also on the basis of equality, efficiency, advisability,

<sup>3</sup> A. Kołodziej, *Polska polityka bezpieczeństwa po 1990 roku*, [in:] S. Zalewski (ed.) *Administracja rządowa wobec wyzwań bezpieczeństwa państwa*, Bielsko-Biała 2007, p. 53.

<sup>4</sup> I. Budzyńska, *Modele systemów policyjnych oraz zmiany w organizacji policji w wybranych państwach*, Biuro Studiów i Ekspertyz Kancelarii Sejmu, grudzień 2000, Report No. 185, Retrieved from: <http://biurose.sejm.gov.pl/> - accessed February 2, 2015.

<sup>5</sup> S. Płowucha, *Zagadnienia prawne organizacji i funkcjonowania Policji*, „Prawo Policji” 1995, Vol. 2, p. 4.

<sup>6</sup> S. Pieprzny, *Policja – organizacja i funkcjonowanie*, Warszawa 2011, p. 123.

<sup>7</sup> Ibidem, p. 124.

<sup>8</sup> M. Piekarski, *Bezpieczeństwo...*, p. 27; S. Pieprzny, *Policja...*, p. 124.

<sup>9</sup> A. Misiuk, Z. Nowakowski, M. Pomykała, K. Rajchel, *Zarządzanie ochroną porządku i bezpieczeństwa publicznego w państwie*, Rzeszów 2005, p. 219.

and effectiveness. These elements are needed to ensure the efficiency and clarity of their cooperation. This is a very complex task, difficult to coordinate. Although each of the established organs should have a diverse range of activities, it is often the case that their competences overlap. Such a situation translates into lower effectiveness in achieving the objectives for which these agencies were set up<sup>10</sup>. The national security system, in order to fulfill its role, must be internally consistent, mobile, flexible, ensuring that it can be adjusted to various threats<sup>11</sup>.

The structure and organization of individual formations or services depend on the police model adopted in a given country. Depending on the applied typology criteria, several models can be distinguished. The most important feature that allows to distinguish one model from another is the degree of centralization<sup>12</sup>.

Accordingly, two types of policing models, in principle, can be distinguished, i.e., centralized and decentralized ones. In a number of studies, one may also come across the third type of a policing system, referred to as the hybrid policing model or mixed policing structure<sup>13</sup>. In the latter case, a further complication arises from the fact that no fundamental differences between these models can be identified. In a case like this, the question arises where such multiple differing interpretations result from.

With reasonable certainty, it can be concluded that the history of a given country, current political regimes, the modus operandi of political parties and the way they shape the country policy has had a fundamental influence on contemporary policing models. When analyzing police systems, special attention should also be paid to certain development trends in public security and safety systems in most European countries<sup>14</sup>.

In the last decade, an interesting process of modernization of police forces can be observed in European countries, subjected either to centralism or decentralism, depending on the primary model. The countries which used to have the municipal police structure have been shifting to centralism; whereas in countries which used to have the unified policing system, reforms towards the decentralized form of organization have been introduced. The first category includes Belgium, the Netherlands, Great Britain, and Sweden; the second one refers to Poland, France, and Italy<sup>15</sup>.

Another criteria related to police organizational models, which are worth noting, are those pointed out by A. Misiuk. The author presents the following police typology<sup>16</sup>:

<sup>10</sup> Ibidem, p. 222.

<sup>11</sup> B. Sprengel, *Służby mundurowe ochrony bezpieczeństwa wewnętrznego*, Toruń 2008, p. 57.

<sup>12</sup> R. Socha, B. Kaczmarczyk, P. Piekarski, W. Karpiuk, *Zasadnicze problemy współdziałania Policji i Straży Granicznej*, Legionowo 2012, p. 28.

<sup>13</sup> J. Czapska, J. Wójcikiewicz, *Policja w społeczeństwie obywatelskim*, Kraków 1999, p. 21.

<sup>14</sup> A. Misiuk, *Administracja porządku i bezpieczeństwa publicznego*, Warszawa 2011, p. 36.

<sup>15</sup> J. Czapska, J. Wójcikiewicz, *Policja...*, p. 21.

<sup>16</sup> A. Misiuk, *Systemy policyjne na świecie. Dotychczasowe doświadczenia oraz kierunki rozwoju*, „Przegląd Policyjny” 1996, No. 2, p. 9; A. Misiuk, *Administracja porządku i bezpieczeństwa publicznego. Zagadnienia prawno-ustrojowe*, Warszawa 2011, p. 35.

- 1) Subjective system comprising:
  - a) the national model (depending on country specifications - more or less decentralized or centralized with a specific participation of local authorities and communities),
  - b) the municipal model (historical form),
  - c) the national model with limited participation of local authorities and communities.
- 2) Objective system encompassing:
  - a) the model based on a single police service
  - b) the plural model – assuming the existence of many types of police services differing in origin (including municipal ones), subordination, territorial scope, competences, and functionality.

Regrettably, also in this case, no rigorous criteria were indicated, which would allow to precisely differentiate between these two models. Additionally, it can be concluded that rarely do they occur in their pure form<sup>17</sup>. Taking into consideration the objective police structure, one can notice that even in countries which move towards the unified police system under a single authority, there is more than one service performing police functions<sup>18</sup>.

In the literature on the subject, one can also find the classification of police models, based on their degree of centralization, proposed by D.H. Bayley who developed the following patterns of policing<sup>19</sup>:

- a) single centralized police force,
- b) multiple police forces under a single authority,
- c) multiple decentralized police forces,
- d) multiple police forces, one of which is centralized, while the other one is decentralized.

Undoubtedly, considering so many organizational variants of the police models, the most important criterion remains the division into centralized, decentralized and hybrid (mix of centralized and decentralized) models, which is the starting point for further discussion, due to the fact that the current police reality lies between those two models<sup>20</sup>.

The distinctive feature of the first model is that the police administration apparatus is subordinate to government control, which at the same time constitutes only one of the components of central state authorities. The examples where this model occurs could be countries such as Slovenia, Slovakia, Finland and Estonia, where

<sup>17</sup> S. Pieprzny, *Policja...*, p. 125.

<sup>18</sup> J. Czapska, J. Wójcikiewicz, *Policja...*, p. 20.

<sup>19</sup> I. Budzyńska, *Modele...*, Biuro Studiów i Ekspertyz Kancelarii Sejmu, Grudzień 2000, Report No. 185, p. 6 and next. Retrieved from: <http://biurosejmu.sejm.gov.pl/> - accessed February 20, 2015, cit. per D.H. Bayley, *Patterns of Policing: a Comparative Analysis*, „New Brunswick: Rutgers University Press” 1985.

<sup>20</sup> A. Misiuk, *Administracja...*, p. 33.

the police formations are subject to only one Ministry, usually Ministry of Internal Affairs or the Ministry of Justice<sup>21</sup>.

The decentralized model has been implemented in Germany, the United Kingdom, the Netherlands and the United States. In this model the police forces are not subject to the central but local authorities (the so-called State Police, Provincial Police or Local Government Police)<sup>22</sup>. The best illustration of this model are the USA, where depending on each city, county and state, the police differ in the scope of their tasks and competences<sup>23</sup>, thus remaining autonomous to each other. It means that in this model the position of police forces is subordinate to local authorities (Germany, the Netherlands). As a consequence, in such a model, there are numerous independent local police formations and simultaneously several or a dozen decision-making centers so there is no mutual coordination developed when it comes to country's security<sup>24</sup>.

The hybrid (mixed), partly centralized model also called the continental, dual, Napoleonic, French or gendarmerie occurs in both unitary and federal countries, in which the police functions are fulfilled by distinct formations, some of them having the military status, the others being civil<sup>25</sup>. Such a solution has been introduced mainly in Romania, Portugal and France, where the security and public order is the National Gendarmerie's and Civil Police's responsibility. In this case, the organizational dualism is strictly conditioned by the history of these countries, their geographical location, the mentality of society as well as numerous reforms of the structures of formations responsible for maintaining order<sup>26</sup>. Similar solutions can be noticed in Spain, Italy and Belgium, where one may find rather complex police systems<sup>27</sup>.

The Polish model of the Police is described as centralized, resulting from the organizational model defined in the Act on the Police, April 6, 1990<sup>28</sup>. In addition to the most important and the largest formation which plays the main role in the state security<sup>29</sup> – the Police, there are also other specialized entities, which fulfill the policing role to a varied extent, these are the police-type bodies. The consequence of this is a different type of subordination to the state ministries being in control over these units. In addition to the Police, there is a number of bodies that perform

<sup>21</sup> R. Socha, B. Kaczmarczyk, P. Piekarski, W. Karpiuk, *Zasadnicze...*, p. 28; E. Ura, S. Pieprzny, *Służby i formacje mundurowe w systemie bezpieczeństwa wewnętrznego Rzeczypospolitej Polskiej*, Rzeszów 2010, p. 325.

<sup>22</sup> R. Socha, B. Kaczmarczyk, P. Piekarski, W. Karpiuk, *Zasadnicze...*, p. 28.

<sup>23</sup> Ibidem, p. 28.

<sup>24</sup> J.A. Grochocka, *Model zarządzania Policją w III Rzeczypospolitej Polskiej – kształtowanie się i podstawowe cechy (1989-2009)* [in:] E. Ura, S. Pieprzny (ed.), *Służby i formacje mundurowe w systemie bezpieczeństwa wewnętrznego Rzeczypospolitej Polskiej*, Rzeszów 2010, p. 326.

<sup>25</sup> Ibidem, p. 326; R. Socha, B. Kaczmarczyk, P. Piekarski, W. Karpiuk, *Zasadnicze...*, p. 28-29.

<sup>26</sup> K.P. Marczuk, *Trzecia opcja. Gwardie narodowe w wybranych państwach basenu Morza Śródziemnego*, Toruń 2009, p. 153-154.

<sup>27</sup> A. Misiuk, *Administracja...*, p. 42-43.

<sup>28</sup> J.A. Grochocka, *Model zarządzania...*, p. 329; See: J. Dobkowski, *Zasady organizacji Policji*, [in:] E. Ura, S. Pieprzny, *Służby i formacje mundurowe...*, p. 314; „Journal of Laws” 1990, No. 30, item 179.

<sup>29</sup> B. Hołyst, *Policja...*, p. 149.

this function such as: The Polish Border Guard, the State Protection Service<sup>30</sup>, the State Fire Service, the Internal Security Agency, the Central Anticorruption Bureau, the Foreign Intelligence Agency, The Military Counterintelligence Service, The Military Gendarmerie, the Customs Service, the Prison Service, the Railroad Guards, the Forest Guard, the National Fisheries Guard, the National Hunting Guard, the Park Guard, the State Service for Monuments Protection, the Inspectorate of Road Transport, the local order formations, including Municipal Police. The civil entities such as defense agencies should also be included in this list<sup>31</sup>.

The majority of the above mentioned entities have been subordinated to the Ministry of Internal Affairs, however, the legislator has entrusted many tasks within the field of state security to other entities outside the Ministry of Internal Affairs and Administration, for instance the Customs Service reports to the Minister of Finance, the Prison Service reports to the Minister of Justice. As a result of decentralization some of the competences were also obtained by the local self-government, which may establish the Municipal Police on the basis of the resolution made by local council. The Municipal Police functions as a preventive body but also takes over some of the police duties<sup>32</sup>.

The multitude and diversity of these entities has caused the fragmentation of the security and public order protection functions. Additionally those entities would quite often duplicate the tasks of some other institutions, which as a consequence leads to the inability to coordinate their activities hence one may face the necessity to organize them<sup>33</sup>. It ought to be discussed whether it is necessary to limit the number of already existing entities, especially those that do not have the possibility to conduct the operational activities. Taking into account today's dangers, it becomes an indispensable solution with the need to unify cooperation between entities facing new threats, whose origins may be sought not only in political and economic tensions, but also in nationalism, antagonism as well as the danger of terrorist attacks in particular against the ethnic and religious ground, which have increased significantly in Europe in recent years. The process of globalization has caused the possibility of international threats becoming a factor influencing the national security<sup>34</sup>. In this respect, the cooperation with the services of other countries is of huge importance to raise and maintain a certain level of public

<sup>30</sup> Until 1st February 2018 the formation operated under the name of the Government Protection Bureau, regulated by the Act on the Government Protection Bureau of 16 March 2001 ("Journal of Laws" 2001, No. 27 item, 298). As a replacement, the State Protection Service was established, regulated by the Act on the State Security Service of December 8, 2017 ("Journal of Laws" 2018, item 138).

<sup>31</sup> A. Misiuk, *Administracja...*, p. 9 and next, p.207 and next; S. Sagan, *Organy i korporacje ochrony prawa*, Warszawa 2010, p. 153 and next; S. Sagan, V. Serzhanova (eds.), *Organy i korporacje ochrony praw*, Warszawa 2008, p. 170 and next; Z. Duniewska, B. Jaworska-Dębska, M. Stahl (eds.), *Prawo administracyjne materialne, pojęcia, instytucje, zasady*, Warszawa 2014, p. 660 and next.

<sup>32</sup> A. Misiuk, *Administracja...*, p. 10, 207 and next.

<sup>33</sup> Ibidem, p. 10.

<sup>34</sup> Ibidem, p. 9.

safety and order. In order to do this, the activities of domestic entities should be standardized and unified first and cooperation between them should be strengthened.

As far as the issues raised in the article are concerned, one's attention should also be paid to the analysis of structures in terms of the division of competences between the involved entities and the responsibility of the Police. In this aspect, four models of organization can be identified<sup>35</sup>:

- a) Civil Police model,
- b) State Police model,
- c) quasi-military model of the Police,
- d) emergency state model.

In the first model, the powers of the Police are clearly separated from the tasks of the army. The police are fundamentally different from the army, where orders and strict rules of conduct are in force, however the Police may possess some features of paramilitary formation to a limited extent. When the military elements gain advantage and the basic task of the Police is the defense of the state, the model starts to resemble the State Police one, in which most of the Police's competences also belong to the army<sup>36</sup>. The third model, the quasi-military one is characterized by the fact that most of the Police's powers and tasks also apply to the army, in this case it is extremely difficult to clearly distinguish the competences of these two bodies<sup>37</sup>. In the last of the mentioned models, the division between the powers of the army and the Police is not visible. Moreover, all police functions are under the command and control of the army and are entirely subject to military law. In this case, a full interchangeability of the units of the army and the police occurs<sup>38</sup>.

It seems that this classification based on the relations of the army and police has no practical application at present in Europe<sup>39</sup>.

While comparing countries being the examples of a given model, regardless of whether it is a centralized, decentralized or mixed system, it is not possible to indicate the criteria that would allow to create some universal features of a particular police system. Each of these countries differs to a greater or lesser extent from each other by its structure, organization, the number of entities, subordination to the state apparatus, activities, competences and methods of work – only one thing is certain that the sum of all these factors determines the efficiency of administration<sup>40</sup>. All these elements have developed over many years and various factors have had an

<sup>35</sup> R. Socha, B. Kaczmarczyk, P. Piekarski, W. Karpiuk, *Zasadnicze...*, p. 29.

<sup>36</sup> Ibidem, p. 29.

<sup>37</sup> I. Budzyńska, *Modele...*, Biuro Studiów i Ekspertyz Kancelarii Sejmu, Grudzień 2000, Report no. 185, p. 8 and next, data from: <http://biurosejmu.sejm.gov.pl/> - accessed February 20, 2015.

<sup>38</sup> R. Socha, B. Kaczmarczyk, P. Piekarski, W. Karpiuk, *Zasadnicze...*, p. 29-30; I. Budzyńska, *Modele...*, Biuro Studiów i Ekspertyz Kancelarii Sejmu, Grudzień 2000, Report no. 185, p.8 and next, data from: <http://biurosejmu.sejm.gov.pl/> - accessed February 20, 2015.

<sup>39</sup> S. Pieprzny, *Policja...*, p. 126.

<sup>40</sup> A. Misiuk, Z. Nowakowski, M. Pomykała, K. Rajchel, *Zarządzanie...*, p. 221.



impact on the contemporary model of police in a given country, one may indicate the „individual characteristics of each nation”. It should be emphasized that these factors continue to evolve, undergo modifications and it is necessary to adapt to the needs and challenges in the face of emerging new forms of crime.

In view of these difficulties of interpretation and the multidimensional character of this issue the experts try to capture the most characteristic features of the existing police systems, thus creating their simplified descriptions<sup>41</sup>. Conducting analyses and comparative research is extremely problematic due to the complexity and individuality of systems, which leads to the creation of very general, succinct and not very precise criteria.

On the basis of available information and references, one may come to the conclusion that currently the chief system occurring in the countries of Europe and North America is the mixed model with a dominance of centralization elements<sup>42</sup>.

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<sup>41</sup> I. Budzyńska, *Modele...*, Biuro Studiów i Ekspertyz Kancelarii Sejmu, Grudzień 2000, Report no. 185, p. 5 and next, data from: <http://biurose.sejm.gov.pl/> - accessed February 20, 2015.

<sup>42</sup> Ibidem, p. 6 and next.



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**Summary:** The article presents the issues aimed at introducing and describing the criteria for distinguishing police models and indicating the types of policing structures that have been adopted in European countries, including Poland. The diversity of police forces and their distinct organization allows to pinpoint various criteria enabling the description of contemporary police structures. They are characterized differently, which additionally hampers the establishment of the full catalog of basic features that would strictly define particular police models. The article refers to numerous discussions held in the literature addressing the issue of the organization of uniformed services.

**Keywords:** police, police models, police organization, uniformed services

## KRYTERIA WYODRĘBNIANIA MODELI POLICJI

**Streszczenie:** Artykuł prezentuje problematykę mającą na celu przybliżyć i scharakteryzować kryteria dotyczące wyodrębniania modeli Policji oraz wskazać rodzaje modeli, które zostały przyjęte w państwach europejskich z uwzględnieniem Polski. Wielość formacji Policji i odmienne ich zorganizowanie pozwala na wskazanie różnych kryteriów, które umożliwiają opisywanie współczesnych modeli Policji. Charakteryzowane są one odmiennie, co dodatkowo utrudnia ustalenie pełnego katalogu podstawowych kryteriów, które ściśle określałyby poszczególne modele. W artykule nawiązano do licznych rozpatrywań w piśmiennictwie dotyczących problematyki organizacji służb mundurowych.

**Słowa kluczowe:** policja, modele policji, organizacja policji, służby mundurowe