

THE IMPACT OF THE POLICE ON SECURITY OF ASSEMBLIES. SELECTED TOPICS OF THE LAST DECADE OF POLISH SOCIAL REALITY

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ABSTRACT

The paper is devoted to analyzing the role of the police in ensuring the security of public gatherings in Poland, a key aspect of the functioning of democratic societies. The author tackles the topic from a security science perspective, demonstrating the importance of balancing law enforcement with respect for civil rights, such as freedom of assembly. The research focuses on identifying elements of the process of securing assemblies, including police strategies, crowd management and the challenges of protecting participants and public order.

KEYWORDS:

public gatherings, security, police, safety culture

ABSTRAKT

Praca poświęcona jest analizie roli policji w zapewnianiu bezpieczeństwa zgromadzeń publicznych w Polsce, kluczowego aspektu funkcjonowania społeczeństw demokratycznych. Autor podejmuje temat z perspektywy nauk o bezpieczeństwie, ukazując znaczenie równowagi między ochroną porządku publicznego a respektowaniem praw obywatelskich, takich jak wolność zgromadzeń. Badania koncentrują się na identyfikacji elementów procesu zabezpieczania zgromadzeń, w tym strategii działania policji, zarządzania tłumem oraz wyzwań związanych z ochroną uczestników i porządku publicznego.

SŁOWA KLUCZOWE

zgromadzenia publiczne, bezpieczeństwo, policja, kultura bezpieczeństwa

INTRODUCTION

The impact of the police on the security of public gatherings is a topic of fundamental importance for any democratic society that attaches importance to rights and civil liberties. All public assemblies, ranging from peaceful demonstrations to mass protests, are a key element in expressing public opinion, criticizing authority and demanding social change. The police, being a law enforcement agency, play a crucial role in ensuring that these events can take place in a safe and organized manner, while protecting the rights of all citizens. However, the nature and effectiveness of police operations in the context of public gatherings raise a number of questions about methods, strategies and approaches to crowd management and interaction with participants.¹

The role of the police in a democratic society goes beyond the exclusive protection of public order and security. It also includes the protection of fundamental civil rights and freedoms, including the right to freedom of speech, the right to assembly and protest. Police actions during public assemblies are therefore not only a test of their operational capabilities, but also a reflection of the state of democracy in a given society. In this context, how the police handle the challenges posed by assemblies can significantly affect the public's perception of police institutions and the country's overall democratic climate.² Public assemblies often present the police with challenges – from maintaining order and ensuring security, to protecting the rights of participants, to managing relations with the broader community and the media. The police must act in a balanced manner, ensuring that their interventions are proportionate to the situation and do not infringe on the rights of freedom. This responsibility requires not only knowledge and tactical skills, but also a deep understanding of the legal and social contexts in which public gatherings operate.³

¹ P. Lubiewski, *Bezpieczeństwo państwa w ujęciu systemowym*, „Zeszyty Naukowe SGSP” 2020, No. 74, p. 115.

² M. Cieślarczyk, *Teoretyczne i metodologiczne podstawy badania problemów bezpieczeństwa i obronności państwa*, AP, Siedlce 2009, p. 74

³ B. Wiśniewski, *System bezpieczeństwa państwa. Konteksty praktyczne i teoretyczne*, WSPoł, Szczytno 2013, p. 122.

DEFINITION OF CONVENTIONS AND THE ISTITUTE OF THEIR SECURITY

CHARACTERISTICS OF ASSEMBLIES AND THEIR TYPES

Security and freedom of public assembly is a fundamental issue for democratic societies that value freedom of expression and the right to peaceful protest and assembly. The essence of security at such events is to ensure the protection of participants, minimize the risk of violence and guarantee public order, which in turn allows freedom of expression and public debate. The police play a key role in this context, as they are the main force responsible for maintaining security and public order.

Freedom of assembly thus can be anti-regime in nature. Especially, taking into account the political dimension – citizens usually assemble to express their opposition to the policies and decisions made by those in power. At the same time, it is important to mention here the strict interpretation of the Basic Law, which say that “an assembly is a special way of expressing views, conveying information and influencing the attitudes of others. It is an extremely important means of interpersonal communication, both in the public and private spheres, and a form of participation in public debate and, consequently, in the exercise of power in a democratic society. The purpose of freedom of assembly is not only to ensure the autonomy and self-realization of the individual, but also to protect the social communication processes necessary for the functioning of a democratic society. At its core is the public interest. Freedom of assembly is a condition and necessary component of democracy, as well as a prerequisite for the exercise of other freedoms and human rights related to the sphere of public life. Assemblies are an essential element of democratic public opinion, providing an opportunity to influence the political process, enabling criticism and protest, forming a component of the process of direct democracy”⁴

Thus, freedom of assembly performs several functions:⁵

⁴ Wyrok Trybunału Konstytucyjnego z dnia 18 stycznia 2006 r. sygn. akt K 21/05 (Dz. U. 2006 nr 17 poz. 141).

⁵ P. Kuczma, *Wolność zgromadzeń i jej ograniczenia wynikające z zasady proporcjonalności (w orzecznictwie trybunałów)*, [in:] *Zasada proporcjonalności a prawa człowieka i obywatela w systemach prawnych państw członkowskich UE*, P. Szymaniec (ed.), Państwowa Wyższa Szkoła Zawodowa w Wałbrzychu, Wałbrzych 2015, p. 11.

- allows citizens to participate in the decision-making process,
- allows citizens to articulate their own opinions and views,
- allows citizens to control the activities of those currently in power,
- allows for the indirect elimination of tensions that have arisen in society, resulting from impeded communication between the authorities and other participants in society,
- allows citizens to form their own identity and personality through the manifestation and unification of groups with identical views and values.

Making a classification of assemblies and their division with the characteristics of each is strongly justified, since assemblies differ significantly. This results in the requirement of a diverse approach of the legislator to each, which is aimed at resolving each of them and at the same time guaranteeing their peaceful conduct over time.

The 1997 Constitution of the Republic distinguishes only two types of assemblies – peaceful (which are entitled to constitutional protection) and non-peaceful. Non-peaceful demonstrations are considered to be those attended by persons carrying weapons or other dangerous materials.⁶ The prohibition of possession of dangerous items, which is specified by the cited law, applies to both participants and organizers of the assembly, as well as persons designated as performing the duties of the internal order service.⁷ A non-peaceful assembly is also considered to be one whose purpose violates the values of freedom of peaceful assembly, or whose conduct threatens the life or health of people and damage to property.⁸ Thus, the concept of peaceful assembly excludes, by definition, the use of violence or coercion against participants, officers and third parties of the manifestation during its duration.⁹

Assemblies are also divided into public and private, although the legislature does not officially apply such a division. The criterion that distinguishes these types is the place and accessibility of the assemblies. Public assemblies are considered to be those that take place in an open space,

⁶ Ustawa z dnia 24 lipca 2015 r. Prawo o zgromadzeniach (Dz. U. poz. 1485 z późn. zm.).

⁷ W. Sokolewicz, *Art. 57*, [in:] *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, L. Garlicki (ed.), Wydawnictwo Sejmowe, Warszawa 2005, p. 19.

⁸ Ustawa z dnia 24 lipca 2015 r. Prawo o zgromadzeniach (Dz. U. poz. 1485 z późn. zm.).

⁹ Wyrok Trybunału Konstytucyjnego z dnia 28 czerwca 2000 r. sygn. akt K. 34/99 (Dz.U. 2000 nr 53 poz. 649).

making them accessible to all interested parties. Private assemblies, on the other hand, are characterized by two basic features:¹⁰

- take place in a room or enclosed area,
- their availability is directed only to individually invited persons.

The literature is also based on the criterion of the purpose of assemblies, dividing them into political and non-political. Political assemblies are considered to be based on the systemic interpretation of the Polish Constitution and its freedom.¹¹ However, Article 57 of the Constitution does not exclusively provide for the existence of political assemblies. According to Article 3(1) of the Law on Assemblies, assemblies are held for the purpose of:

- joint deliberation,
- to jointly express a certain position in relation to public affairs.

In addition to political assemblies, there are certain types of non-political demonstrations protected under the regulations on security of mass events, which include:¹²

- religious assemblies,
- art gatherings,
- entertainment gatherings,
- sports assemblies.

The literature further distinguishes assemblies divided by the manner in which they occurred. They can occur in the form of organized, spontaneous or emergency assemblies. Organized assemblies are those whose organizer has fulfilled all the legal requirements for starting the event (including declaring the intention and obtaining permission). Spontaneous assemblies are characterized by a lack of prior preparation. They are born in an unplanned manner from smaller groupings. Sudden assemblies, on the other hand, are also unplanned actions that are usually triggered by an

¹⁰ S. Gajewski, A. Jakubowski, *Prawo o zgromadzeniach. Komentarz*, Legalis, Warszawa 2017, p. 23.

¹¹ B. Naleziński, *Konstytucjonalizacja zasad i instytucji ustrojowych*, [in:] *Prawo konstytucyjne RP*, P. Sarnecki (ed.), C.H. Beck, Warsaw 1999, p. 83.

¹² Ustawa z dnia 20 marca 2009 r. o bezpieczeństwie imprez masowych (Dz. U. 2009 nr 62 poz. 504).

unexpected social impulse or event. At the same time, they are not subject to formal procedures.¹³

The last of the important divisions of assemblies into types is the division according to the legal criterion, which distinguishes legal assemblies (that is, lawful assemblies – notified and those that have obtained legal permission to organize) and illegal assemblies. However, it is impossible to exclude the situation in which a legal assembly turns into an illegal one and vice versa.

THE ESSENCE AND TASKS OF ASSEMBLY SECURITY

The security of public gatherings is a key element in maintaining order and protecting democratic freedoms, such as the right to peaceful protest and expression. Police play a central role in ensuring that these assemblies can take place safely, which requires a balance between protecting the rights of individuals and maintaining public order. However, this requires not only proper operational protocols, but also a deep understanding of social dynamics and the ability to communicate and negotiate. Security for public gatherings is about providing a safe space for participants to express their views without fear of violence or reprisal. This includes protecting participants from possible external threats, as well as preventing the escalation of internal conflicts. It is important that measures taken to ensure security do not unnecessarily restrict freedom of expression and the right to assembly, which are fundamental democratic values.

Police use a variety of tactics to ensure security at gatherings, including the visible presence of individuals as a preventive measure, as well as rapid response to any incidents. It is important that police act in proportion to the level of threat, avoiding unnecessary escalation of tensions. The key to effective management of gatherings is open communication between police and organizers and participants. Before, during and even after assemblies, police can engage in dialogue to resolve disputes, communicate safety rules and eliminate potential tensions. Police officers involved in securing gatherings are specially trained in crowd control, negotiation and de-escalation tactics. Continuous skill development and updating of guidelines are essential to meet the changing challenges and ensure that police operations comply with the highest standards for protecting human rights. One of the biggest challenges for the police is managing public per-

¹³ P. Czarny, B. Naleziński, *Wolność zgromadzeń*, C.H. Beck, Warszawa 1998, s. 16.

ception of their actions. In situations where the use of force is perceived as excessive or unjust, this can lead to social conflict and deterioration of relations between the public and law enforcement. This is why it is so important for the police to act transparently while demonstrating a willingness to account for their actions. Effective strategies for managing assembly security include community engagement, ongoing training of officers, use of technology to monitor the situation and collect data, and development of rapid de-escalation mechanisms. Best practices show that trust and cooperation between police and the public are key to peaceful assemblies.

As already mentioned, in order to ensure the security of conducted assemblies, law enforcement services are involved - mainly the police formation, which plays an important role in the planning, preparation and execution of activities aimed at ensuring security during public gatherings. The main tasks of the police with regard to the above include:¹⁴

1. Risk assessment – conducting an assessment of the occurrence of potential risks associated with the planned assembly, including estimating possible threats to public order and the safety of its participants, as well as the environment.
2. Planning and coordination – developing action plans and safety strategies that will include possible road closures, establishing protective barriers, and coordinating with other emergency services and law enforcement agencies.
3. Presence and intervention – the physical presence of the police at the place and time of the assembly to prevent acts of violence and intervene in the event of disorder. Also providing assistance in urgent cases.
4. Dialogue and communication – maintaining open and non-violent communication with participants and organizers of gatherings to help resolve potential conflicts and ensure the peaceful conduct of gatherings.
5. Respect for rights – ensuring that police actions are lawful and do not violate human rights, including, most importantly, the rights to freedom of speech and peaceful assembly.

The role of the police in ensuring the security of assemblies is not usually free of the challenges and controversies associated with it. One of the

¹⁴ *Pamięć przyszłości. Analiza ryzyk dla zarządzania kryzysowego*, G. Abgarowicz (ed.), Wydawnictwo CNBOP-PIB, Józefów 2015, pp. 44–46.

main challenges is striking a balance between providing security and respecting civil rights. Excessive force or actions perceived as repressive can lead to criticism from the public and the media, while an overly lenient approach may not be sufficient to ensure order and security. There are examples where police have successfully ensured the safety of gatherings using strategies based on dialogue, de-escalation and cooperation with organizers. This approach can not only minimize the risk of violence, but also strengthen public trust in law enforcement.

The role of the police in ensuring security of assemblies is complex and multidimensional, requiring not only tactical and operational skills, but also the ability to communicate, negotiate and respect citizens' rights. Effective management of public assembly security requires continuous improvement of working methods, training, and openness to dialogue with the public, which ultimately serves to protect democratic values and citizens' rights to peaceful assembly and expression.¹⁵

THREATS TO SECURITY OF GATHERINGS

Among the main threats to the security of assemblies is the participation of people carrying weapons and hazardous materials. The ban on the possession of weapons by participants also applies to those who have the appropriate permits. Also, the differing views of assembly participants can be a threat to the safety of the general public. Individual and strongly differing attitudes of individuals, as well as their determination to act, can contribute to activating the risk of disruption and peaceful demonstrations. Often there is a forceful confrontation, which leads to riots and hooligan behavior. Among the threats to the security of assemblies is also distinguished by the behavior of participants, which consists in failure to comply with the rules and regulations of the areas where the event is held.¹⁶ Yet another type of threat that will occur will be the participation in assemblies of people under the influence of alcohol or psychoactive drugs, since intoxication induces irrational and at the same time aggressive behavior that often threatens the proper course of events. In addition, the security of gatherings will also depend on the technical and logistical infrastructure of the venue. Through this, tools such as monitoring or the designation of

¹⁵ *Pamięć przyszłości...*, G. Abgarowicz (ed.), op. cit., p. 49.

¹⁶ J. Struniawski, *Bezpieczeństwo zorganizowanych zbiorowości społecznych*, Akademia Policji w Szczytnie, Szczytno 2018, p. 21.

buffer zones and adequate numbers of security forces - implies the required level of security for assemblies.¹⁷

Public assemblies, which are often demonstrations of democratic freedoms, pose unique challenges to security and public order. Threats to security at these events can range in origin and nature from internal conflicts between participants to external attacks to unforeseen emergencies. The police, as the main body responsible for maintaining public order and security, employ complex strategies to help effectively manage threats while balancing the protection of individual rights with ensuring public safety.

Conflicts between groups of assembly participants or the escalation of tensions to physical violence are among the greatest threats. Such situations require swift and decisive intervention to prevent the spread of violence. Public assemblies can easily become targets for criminal or terrorist groups seeking to exploit large gatherings of people to carry out attacks. Protecting against such threats requires the coordinated work of intelligence services and preventive security measures. Illegal gatherings, roadblocks or acts of vandalism can seriously disrupt public order and security.

Public assemblies are also at risk of unforeseen events, such as accidents or natural disasters, which can create additional challenges for emergency and evacuation services. Police effectiveness in ensuring the safety of assemblies begins long before the event begins. Careful risk analysis, collaboration with organizers and planning of security measures are key elements of a prevention strategy. Police can significantly reduce the risk of violence and escalation of conflicts through active communication and community engagement. Building trust and dialogue with participants in gatherings allows for a better understanding of each other's expectations and needs. In the event of violence or other incidents, a rapid and coordinated police response is key to bringing the situation under control. It is important that actions are proportionate to the threat and focused on de-escalating tensions. Adequate training of officers and access to appropriate equipment are essential for effective management of assembly security.

¹⁷ *Zarządzanie bezpieczeństwem imprez masowych i zgromadzeń publicznych. Wymiar administracyjno-prawny*, M. Nepelski, J. Struniawski (ed.), t. I, Akademia Policji w Szczytynie, Szczytno 2016, p. 12–13.

CONDUCT OF ASSEMBLIES – LEGAL CONSIDERATIONS

NORMATIVE BASIS FOR APPOINTMENT AND ORGANIZATION OF ASSEMBLIES

The Constitution of the Republic of Poland provides every citizen and resident with the right to freedom to organize peaceful assemblies and participate in them.¹⁸ The regulator of the right to assemblies and their rules, on the other hand, is the aforementioned Law of July 24, 2015. Law on Assemblies.

These normative foundations for the organization of public assemblies provide the foundation on which police strategies and actions are built to ensure the security of these events. The right to assembly is constitutionally protected, reflecting its importance for freedom of expression and civic activity. However, this right is not absolute and can be restricted to protect public order, security and the rights of others. The role of the police is therefore not only to protect the rights of participants in assemblies, but also to ensure that these restrictions are respected in a way that minimizes interference with civil liberties.¹⁹

Normative regulation of public assemblies varies from jurisdiction to jurisdiction, but typically includes provisions for notification of assemblies, bans on organizing in certain places, rules for maintaining order, and potential grounds for authorities to ban or dissolve an assembly. The constitutions of many countries guarantee the right to peaceful assembly, while allowing certain restrictions on this right to protect the public interest. Most legal systems require organizers of public assemblies to notify the relevant authorities well in advance. This allows the authorities to prepare the necessary security measures and ensure that the assembly will not adversely affect public order. The law often stipulates conditions under which an assembly may be banned or restricted, for example, in the case of a significant threat to public safety. Such decisions, however, must be

¹⁸ Art. 57 Konstytucji Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r. (Dz. U. Nr 78, poz. 483 ze zm.).

¹⁹ J. Szymanek, *Wolność zgromadzeń (art. 57)*, [in:] *Konstytucja Rzeczypospolitej Polskiej. Komentarz encyklopedyczny*, W. Skrzydło, S. Grabowska, R. Grabowski (ed.), Warszawa 2009, pp. 667–668.

made with due diligence so as not to violate the principle of proportionality and fundamental rights and freedoms.²⁰

Ensuring the security of gatherings begins long before they begin. The police, based on a normative legal framework, engage in a planning and preparation process to assess potential risks and plan adequate countermeasures. These measures may include organizing traffic, ensuring access for emergency services, and preparing evacuation plans in case of unforeseen emergencies.

A key aspect of police work in the context of assemblies is communication with organizers and participants. This allows not only a better understanding of the goals and plans of the assembly, but also the building of mutual trust, which can help reduce potential tensions.

While the police are tasked with providing security, they must also act within the limits of the law, avoiding disproportionate use of force. It monitors the conduct of gatherings to respond quickly to any incidents. At the same time, it evaluates its actions afterwards, which is important for the continuous improvement of security strategies and interaction with assembly participants. The role of the police in the context of assemblies is extremely complex. On the one hand, it must protect the right to assemble, on the other - ensure security and public order. These challenges require not only knowledge and application of legal norms, but also tactical skills, negotiation and communication abilities, as well as flexibility to adapt to dynamically changing circumstances. The police, operating within the normative basis of organizing assemblies, must constantly balance these responsibilities, which requires accountability, transparency and a willingness to be held accountable for their actions.²¹

CONDUCT AND DISSOLUTION OF ASSEMBLIES

The conduct and dissolution of public assemblies are a significant part of the police's security strategy. From the initial planning stages to the actual actions during an assembly to its dissolution, the police play a key role in ensuring that assemblies are held peacefully and in accordance with the law. The effectiveness of the police in managing assembly security has

²⁰ A. Wróbel, *Wolność zgromadzania się*, [in:] M. Chmaj, W. Orłowski, W. Skrzydło, Z. Witkowski, A. Wróbel, *Wolności i prawa polityczne*, Kraków 2002, pp. 38–39.

²¹ S. Serafin, B. Szmulik, *Organy ochrony prawnej RP*, C.H. Beck, Warszawa 2007, p. 267.

a direct impact on public order, the protection of participants' rights and the public's overall perception of the police institution.²²

Effective management of a gathering begins long before it begins. Police work with organizers, local authorities and other emergency services to assess potential risks and plan appropriate security measures. This includes determining march routes, assembly locations and emergency plans.²³

During the gathering, police are monitoring the situation to respond quickly to any incidents. It is important that actions are proportional to the risks involved and focused on de-escalating tensions. Police can use a variety of tactics: from negotiation and mediation to, as a last resort, the use of force in cases of serious disorder.

Open and effective communication with assembly participants is key to ensuring a peaceful assembly. Police often use megaphones, social media and other communication channels to inform people about the rules in force, possible changes in the organization or potential threats. The dissolution of an assembly is a critical moment that can determine its peaceful nature or the escalation of tensions. The decision to dissolve an assembly is made when there is a serious disruption of public order, violation of the law, or when the safety of participants or others is threatened.

De-escalation strategies are a priority to avoid violence and chaos. This includes talking to protest leaders, using mediators, and clearly communicating the consequences of disobeying orders from law enforcement. As a last resort, when all other methods fail, police may have to use force to disband a gathering. However, this must always be in accordance with the principles of proportionality, legality and absolute necessity.²⁴

Through proper planning, monitoring and preventive measures, the police can effectively prevent acts of violence and escalation of conflicts during assemblies. At the same time, the police have a duty to protect the rights of participants in assemblies, including the right to freedom of expression and peaceful assembly. Its actions should always be aimed at enabling expression in a safe manner. Adequate training of officers and access to appropriate equipment are crucial to the effective management of as-

²² J. Czapska, J. Wójcikiewicz, *Policja w społeczeństwie obywatelskim*, Kantor Wydawniczy Zamykacze, Kraków 1999, p. 15.

²³ Ibidem, p. 16.

²⁴ J. Hołda, Z. Hołda, D. Ostrowska, J.A. Rybczyńska, *Prawa człowieka – zarys wykładu*, Warszawa 2011, p. 11.

sembly security. This includes both tactical skills and knowledge of human rights and civil liberties.

Despite the fact that the right to assembly is constitutionally protected, public authorities have the right to prohibit demonstrations in certain situations. The law includes 3 reasons for such actions:²⁵

- the assembly is not peaceful – that is, its purpose violates the principles of peaceful freedom or its participants possess the previously mentioned prohibited items,
- was scheduled more than one gathering at the identical place and time – that is, an overlap of events by different organizers, which the authorities cannot reconcile.

As can be seen from the above, public authorities have the ability to dissolve assemblies in justified cases, so not only the organizers can stop the assembly. with the dissolution of the assembly is also considered its previously planned termination. Services can carry out dissolution in cases:²⁶

- When the assembly and its conduct threaten the life and health of the public and the security of property in a visible dimension.
- When the assembly threatens traffic safety happening in the area of public roads.
- when the assembly violates the provisions of the relevant law (Law on Assemblies) or criminal law.

If an assembly is dissolved, the authorities must notify the organizers in advance. This also applies to the police, who have the right to dissolve spontaneous assemblies. Dissolution operates by verbal decision and is enforceable immediately.

REMEDIES

Remedies in the context of police influence on assembly security play a key role in a democratic society. They provide a checks and balances mechanism, allowing assembly participants and observers to assert rights and safeguards in the event of violations. Consideration of legal remedies against police

²⁵ *Rodzaje zgromadzeń, obowiązki organizatorów, zakaz i rozwiązanie zgromadzenia*, www.poradnik.ngo.pl/rodzaje-zgromadzen-obowiazki-organizatorow-zakaz-i-rozwiazanie-zgromadzenia [accessed 25.07.2024 r.].

²⁶ *Ibidem*, [accessed 25.07.2024].

actions that may be perceived as disproportionate, repressive, or violative of the rights of peaceful assembly is essential to maintaining public trust in law enforcement and protecting democratic freedoms.

One of the primary mechanisms is complaints addressed to internal police supervisory bodies or independent institutions that monitor the activities of the police force. These bodies are tasked with investigating complaints, assessing the compliance of police actions with applicable laws and standards and, if necessary, initiating disciplinary or criminal-administrative proceedings. Those who feel aggrieved by police actions during gatherings also have the option of appealing to the courts. The right to file a complaint or civil suit against law enforcement agencies for violations of civil rights is a fundamental element of legal protection. Courts can rule on cases of abuse of power, disproportionate use of force or restrictions on the right to assembly.²⁷

In accordance with the Law of July 24, 2015. Law on Assemblies (i.e., Journal of Laws of 2018, item 408, as amended), district courts hear appeals against decisions of municipal authorities to ban an assembly and to dissolve an assembly.²⁸

An appeal against a decision to ban an assembly is filed with the district court with jurisdiction over the municipality. The deadline for filing an appeal is 24 hours from the time the decision is made available in the BIP. However, the filing of an appeal does not still suspend the execution of the decision to ban the assembly.

Subsequently, the district court shall promptly notify the municipal body of the filing of an appeal against the decision issued by making information about the filing of the appeal available on the court's subject page, and inform the organizer of the assembly and the municipal body of the date of the hearing. The participants in the proceedings in such a case are the appellant of the decision to prohibit the assembly and the authority issuing the prohibition decision. Failure of any of the parties to appear does not stop the hearing of the case. There is no cassation against the decision of the appellate court, the decision is immediately enforceable.²⁹

²⁷ A. Wentkowska, *Quis custodiet ipsos custodes? Skargi na działania policji – konteksty prawnooporównawcze*, Biuro Rzecznika Praw Obywatelskich, Warszawa 2017, p. 271.

²⁸ Ustawa z dnia 24 lipca 2015 r. Prawo o zgromadzeniach (Dz. U. poz. 1485 z późn. zm.).

²⁹ *Zgromadzenia publiczne – odwołania*, Sąd Okręgowy w Lublinie, <https://www.lublin.so.gov.pl/zgromadzenia-publiczne-odwolania,m,mg,336> [accessed 26.07.2024 r.].

POLICE AS A FORMATION PROVIDING SECURITY DURING ASSEMBLIES

TASKS OF THE POLICE

Modern literature and science have still not developed a unified view of what policing is. There are both legal definitions of normative acts and doctrinal findings often critical of legislative achievements. The police are understood as “non-military units or organizations to which the government has given general authority to use coercion to enforce the law and whose main purpose is to respond to individual and group conflicts arising from unlawful behavior.”³⁰ As understood by the legislature, “this institution is a uniformed and armed formation serving the public and intended to protect the safety of the people and maintain public security and order.”³¹ This implies in this case the right to use coercion to effectively enforce the law.

Another understanding of the police emphasizes the function of exercising social control. In this case, the police would be a social organization that exercises formal social control through the means of coercion used.

The basic tasks of the police include the protection of human life and health and property from unlawful acts that violate the said goods, the protection of security and public order, the detection of crimes and offenses and the prosecution of the perpetrators, the control of order or administrative regulations related to public activities or in force in public places, the supervision of municipal guards and specialized armed security formations.³²

The tasks of the police, especially in the context of influencing the security of public gatherings, include a range of responsibilities and activities that are designed not only to ensure order and security, but also to protect citizens' rights and freedoms.

In democratic societies, where public gatherings are the primary vehicle for political, social and cultural expression, the police must balance their various roles to serve the public, protect public safety and at the same time respect human rights. The first and key task of the police is to assess the potential risks associated with a planned gathering. Based on this assessment, law enforcement develops plans of action, which may include determining the appropriate number of officers, designating safety zones,

³⁰ J. Czapska, J. Wójcikiewicz, *Policja w społeczeństwie obywatelskim...*, op. cit., p. 15.

³¹ S. Serafin, B. Szmulik, *Organy ochrony prawnej RP*, op. cit., p. 267.

³² Ustawa z dnia 6 kwietnia 1990 r. o Policji (Dz. U. 2002, nr 7, poz. 58 ze zm.), art. 1.

and coordinating with other emergency services. During the gathering itself, police monitor the situation in order to respond quickly to possible incidents. This monitoring allows for the identification and de-escalation of potential threats to public safety and order.³³

Police must be prepared to intervene in the event of violence, public disorder or other emergencies.

One of the primary tasks of police during gatherings is to ensure uninterrupted access for emergency services such as ambulance and fire departments. This is crucial for responding quickly to medical emergencies or other situations requiring intervention. The police are also tasked with protecting citizens' right to peaceful assembly and expression. This includes both protecting assembly participants from outside interference and ensuring that police actions do not violate the rights of participants.

The safety of assembly participants is a priority for the police. This includes protection from violence, whether by other participants or third parties, and ensuring that any police action against assembly participants is proportionate and lawful.

Police officers engage in dialogue with the organizers of gatherings to better understand the purpose of the event, the planned course, and any concerns. Such cooperation can contribute to better planning and implementation of security measures.

The police can also play an educational role by informing the public about the rights and responsibilities of organizing and participating in public gatherings. Promoting awareness and mutual respect can help reduce the risk of conflict and violence, public assemblies, the police face many challenges, such as the need to assess situations quickly, make decisions under time pressure, and operate in a volatile and often tense environment. Police must also be prepared to be accountable for their actions, both to internal oversight bodies and the public.³⁴

The role of the police in the context of assembly security is extremely complex and requires not only professionalism and commitment, but also a deep understanding of social dynamics, communication skills and the ability to adapt quickly to changing circumstances. Effective management of assembly security requires the police to balance their various tasks and

³³ J. Czapska, J. Wójcikiewicz, *Policja w społeczeństwie obywatelskim...*, op. cit., p. 15.

³⁴ L.A. Fernandez, *Policing Dissent: Social Control and the Anti-Globalization Movement (Critical Issues in Crime and Society)*, Rutgers University Press, New Jersey 2008, p. 141.

responsibilities while respecting civil rights and freedoms, which is crucial to maintaining order and security in a democratic society.³⁵

BASIC POWERS OF POLICE OFFICERS

The basic powers of police officers in the context of influencing the security of public gatherings play a key role in ensuring order and protecting the rights of participants. These powers, which are the cornerstone of law enforcement activities, must be applied in accordance with the principles of proportionality, legality and necessity to balance the need for public safety with respect for citizens' rights. In democratic societies, where public assemblies are an important part of public expression and debate, the responsible use of these powers is crucial to maintaining public confidence in law enforcement.³⁶

Police officers have the authority to conduct personal checks, identity checks and searches of individuals who may pose a threat to the order or security of the assembly. This power allows for the preventive prevention of incidents, but must be exercised in accordance with applicable laws so as not to violate individual rights. The police also have the authority to use force, but according to international standards and domestic law, force must be used only when absolutely necessary and in a manner proportionate to the situation. The use of force should always be the last option, after other available methods of de-escalation have been exhausted. In the event of a violation of the law or disorder, officers have the right to arrest or detain those responsible for such acts. Such actions are a means of preventing further disturbances and must be carried out on a clear legal basis.³⁷

In situations where an assembly poses an immediate threat to public order or the safety of participants, the police may have the authority to dissolve the assembly. However, the decision to dissolve the assembly must be preceded by an assessment of the situation and, if possible, attempts at negotiation and de-escalation. The use of powers by the police must always be proportionate to the type and scale of the threat. This means that any action, including the use of force, should be appropriate to the situation and must not exceed what is necessary to achieve the goal.³⁸

³⁵ L.A. Fernandez, *Policing Dissent...*, op. cit., p. 143.

³⁶ P. Czarny, B. Naleziński, *Wolność zgromadzeń*, op. cit., p. 88.

³⁷ T. Witkowski, *Uprawnienia Policji wobec zgromadzeń*, Uniwersytet Wrocławski, Wrocław 2012, p. 8.

³⁸ *Ibidem*, p. 9.

All police actions must have a basis in the applicable law and take place within the framework of established procedures. A strict knowledge of the laws governing public gatherings and the powers of officers is essential.

Police are accountable for their actions to the law, regulators and the public. This means documenting interventions, justifying the use of force, and being able to be held accountable in cases of abuse.

Effective and responsible use of police powers is key to ensuring the safety of assemblies. This allows for the prevention of violence, the protection of participants and the observance of public order, while protecting the space for freedom of expression and peaceful protest. It is important that police actions are predictable, transparent and understandable to assembly participants, which contributes to building mutual trust and cooperation.

The powers of police officers in the context of public assembly security are essential to manage risks and protect civil rights. However, their use requires balance, skill and strict adherence to the principles of proportionality, legality and accountability. The effectiveness of the police in ensuring the security of assemblies depends not only on the adequacy of the means used, but also on the ability to communicate, negotiate and build trust between law enforcement and the public. In this way, the police contribute not only to the protection of public order, but also to the strengthening of democratic values and civil rights.

DIRECT COERCIVE MEASURES USED BY POLICE OFFICERS IN ENSURING SECURITY OF ASSEMBLIES

Direct coercive measures that police officers use in the context of ensuring the security of public gatherings are a complex and sensitive aspect of law enforcement operations. They must be used in accordance with the principles of proportionality, minimization of harm, legality, and last resort, meaning that the use of force is permitted only when other methods have proven ineffective or when there is an imminent threat to human life, health, or property. Direct coercive measures range from physical restraint to the use of batons, tear gas, water cannons, and more drastic measures such as firearms, which, however, are used as a last resort in the context of public gatherings.³⁹

³⁹ L. Dyduch, K. Świerczewski, W. Biedrzycki, *Użycie lub wykorzystanie środków przymusu bezpośredniego przez policjantów*, Centrum Szkolenia Policji, Legionowo 2014, p. 30.

The primary means of direct coercion is physical restraint, which allows control over disruptive or threatening individuals. It is one of the first methods of intervention, allowing isolation of the aggressor from the rest of the participants in the gathering. Service batons used by police officers are one of the tools for crowd control and defense against aggression. Their use is governed by detailed procedures that specify when and how they can be used to minimize the risk of injury.⁴⁰

Tear gas and bang grenades are direct coercive measures used to disperse crowds or confuse aggressive groups. However, their use must be precisely controlled so as not to unnecessarily escalate the conflict or cause serious injury to the participants of the assembly. Water cannons are used to control large gatherings, especially when other methods have proved ineffective. Although they are considered less invasive than tear gas, their use can cause injury, so they must be used with caution.⁴¹

The use of firearms is a last resort and possible only in situations of imminent danger to life. Warning shots can be used to deescalate extreme situations, but the rules for the use of weapons are strictly regulated and subject to rigorous evaluation. Direct coercive measures must be used in proportion to the threat.

This means that the intensity and type of force used must be appropriate to the situation. Police actions should be aimed at minimizing damage. All interventions must be well thought out and implemented in a way that reduces the risk of injury or property damage.

The use of force is permitted only when other methods have proven ineffective or inadequate to immediately resolve the threat. The use of direct coercive measures by the police has a significant impact on the security of public gatherings. On the one hand, the adequate use of these means can effectively prevent the escalation of violence and protect participants from aggression. On the other hand, however, inappropriate or excessive use of force can lead to conflict, violations of human rights and loss of public confidence in law enforcement. Responsible use of direct coercive measures is key to ensuring safety at public gatherings. When using these measures, police must be guided by the principles of proportionality, minimization of harm and legality, with a view to protecting civil rights and freedoms.

⁴⁰ L. Dyduch, K. Świerczewski, W. Biedrzycki, *Użycie lub wykorzystanie środków...*, op. cit., p. 32.

⁴¹ *Ibidem*.

Effective communication, training and preparation of officers, as well as transparency in operations, are essential to building trust between the police and the public, which ultimately contributes to maintaining order and security, as well as protecting democratic values.

SUMMARY

The performance of police officers in ensuring the security of assemblies is essential to the functioning of democratic societies that value the right to freedom of expression and peaceful protest. As an institution responsible for maintaining public order and security, the police play a key role in the management of public gatherings, both in terms of prevention and reaction. Effective action in this regard can have a wide range of positive effects, from providing a safe space for expression to strengthening public confidence in law enforcement.

The primary goal of police operations during public gatherings is to provide a safe space for participants to express their views. Through effective planning, monitoring of the situation and rapid response to potential threats, the police enable citizens to exercise their democratic rights without fear of violence or repression. This is the foundation of democracy, allowing people to peacefully make demands and criticize the authorities. Police actions are aimed not only at protecting participants in assemblies, but also at ensuring the safety of non-interested parties and minimizing disruption to public life. Through adequate traffic management, securing the vicinity of the assembly and de-escalating possible conflicts, the police strive for the harmonious coexistence of various social groups and interests in public space.

One of the key aspects of police activity is the prevention of violence and vandalism that can accompany public gatherings. By having a presence on the ground, the police act as a deterrent to potential perpetrators of disturbances, while also being ready to intervene in the event of violations of the law. A quick and effective response to incidents contributes to maintaining order and security, minimizing damage to persons and property.

Transparent and proportionate policing during public gatherings can significantly contribute to building and strengthening trust between the public and law enforcement agencies. When citizens perceive the police as an institution that protects their rights and safety, mutual understanding and cooperation increase. This trust is the foundation for the effective functioning of the rule of law and civil society. Effective police manage-

ment of public gatherings is also important for reducing social tensions. By de-escalating conflicts, mediating between different groups and preventing the escalation of violence, police activities can help to mitigate social divisions and promote dialogue. Police activity can also have an educational dimension, helping to raise awareness of the rights and responsibilities associated with organizing and participating in public gatherings. Through preventive activities, meetings with organizers and participants of assemblies, as well as information campaigns, the police contribute to a better understanding of the principles of democratic societies.

The effects of police officers in providing security for assemblies are multidimensional and fundamental to maintaining public order, protecting civil rights and supporting democratic processes. This requires the police to be not only professional and effective, but also skilled in communication, empathy and understanding of social contexts. Responsible and balanced policing during public gatherings contributes to building bridges between authorities and the public, promoting peaceful coexistence and dialogue in public spaces.

An analysis of the impact of the police on the security of public gatherings leads to a number of conclusions about the role that law enforcement agencies play in a democratic society. Effective police management of public gatherings is essential to balancing the right to peaceful expression with the need to maintain public order and security. The key findings of this analysis underscore the importance of professionalism, transparency and communication in police operations, as well as the need for ongoing dialogue between law enforcement and the public. Police need to be equipped with the right knowledge and skills to deal with the variety of scenarios that can arise during public gatherings. Professional training, including de-escalation tactics, negotiation and crowd management, is key to ensuring that interventions are adequate and minimize the risk of violence. Direct coercive powers must be used in accordance with the principles of proportionality and only when absolutely necessary.

Transparency in police operations strengthens public trust and reinforces democratic institutions. The police should strive to be as open as possible in their actions, including through the use of technology, such as cameras worn by officers that can document interventions. In addition, the existence of effective remedies and accountability mechanisms ensures that police actions are always subject to review and criticism. Effective management of gatherings requires constant communication between the

police and event organizers, participants, and the broader community. Dialogue before, during and after an assembly can help prevent misunderstandings, deescalate potential conflicts, and build mutual understanding and respect. Police actions must always be conducted with respect for basic civil rights and freedoms. Protecting the right to peaceful assembly and expression is the cornerstone of a democratic society, and any action that restricts these rights must be thoroughly justified and lawful.

Police must demonstrate their ability to adapt to dynamically changing circumstances. A flexible approach that allows rapid response to unforeseen events while seeking to minimize interference with the right of assembly is essential to effective security management. Cooperation with other emergency services, local authorities and community organizations can contribute significantly to better planning and management of assemblies. Information sharing and coordination are key to ensuring comprehensive protection and security.

At the heart of effective police work is building and maintaining public trust. Perceived as a defender of order and civil rights, the police gain public support, which facilitates the management of gatherings and prevents the escalation of conflicts.

The findings underscore that the effectiveness of the police in ensuring the security of public gatherings depends not only on operational and tactical skills, but also on a deep understanding of citizens' rights, communication skills and the ability to build trust. In the pursuit of security, the police must balance the need for public protection with the need to respect democratic freedoms, which requires ongoing dialogue, accountability and professionalism.

The impact of the police on the security of public gatherings is a complex and multidimensional topic that reflects the essence of law enforcement activity in the context of democratic societies. In considering this impact, it is crucial to understand that the police not only play the role of guardian of order and security, but also act as guarantors of citizens' rights, including the right to peaceful assembly and expression. This task, while essential, is extremely complex and requires officers not only to be professional and dedicated, but also to have empathy, the ability to communicate and a deep understanding of the social contexts in which they operate.

In a democratic society, the police are tasked not only with protecting life and property, but also with providing a space for open dialogue and the expression of diverse points of view. This is the foundation on which

free and just societies are built. Police activity in the context of public gatherings must therefore be carried out with the utmost care to balance these sometimes conflicting goals.

The organization of public gatherings poses a number of challenges for the police, from ensuring the safety of participants and passersby, to managing traffic, to preventing the escalation of potential conflicts. This requires officers to have high negotiating skills, the ability to make quick decisions and, above all, unwavering patience. One of the most important lessons from the analysis of the impact of the police on assembly security is the importance of dialogue and cooperation between the police and the public. Building bridges of understanding and trust between law enforcement and citizens is crucial for peaceful public gatherings. Police who listen, communicate effectively and show respect for citizens' rights are in a much better position to manage public events and prevent potential threats. The future of public assembly security will depend on the ability of law enforcement to adapt, to a rapidly changing world in which new forms of protest and expression require new approaches and strategies. Investment in training, technology and the development of officers' interpersonal skills will be key to the effective management of assemblies in the future. A fundamental lesson from the analysis of the impact of police on assembly security is the unwavering importance of civil rights and freedoms. Every action, every strategy, must be aimed at protecting these fundamental values. As a defender of order and security, the police must also uphold democracy and the right to peaceful assembly. The impact of the police on the security of public gatherings is therefore complex and includes a wide range of activities, from preventive to reactive. The effectiveness of these activities depends not only on the tactical skills of officers, but also on their ability to build trust, empathy and understanding for the needs of the public. In a democratic society, the role of the police in ensuring the security of public gatherings is not only a matter of maintaining order, but also of protecting and promoting fundamental freedoms and civil rights. Striving for a balance between these goals is a challenge that requires constant reflection, openness to change and readiness for dialogue.

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