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PRINCIPLES FOR ORGANISING EMERGENCY COMMAND STRUCTURES

Abstract

Proactive responding to emerging emergencies by effectively intervening and combating hazardous incidents, which by their nature are qualified for elimination by fire protection units (FPU), place the area of fire protection within the framework of state security structures.

In order to ensure the expected level of efficiency, the state security system makes use of structures and implementation systems that bring together entities carrying out a variety of tasks, in such a way enabling them to function efficiently in their respective fields. One of the most significant elements of the state security structure of this type is the National Firefighting and Rescue System (NFRS). It performs its tasks by carrying out hazard analyses, preventive safeguarding and combating the immediate threats identified in the area by taking up rescue operations. The NFRS, as a system, has been evolving since its inception, both in terms of its structural shape and the tasks it is carrying out. Therefore, the subject of this paper is to consider the evolutionary changes it has undergone, actively adapting to the changing hazard map and improving the model for organising rescue operations. The authors focus on the fact that the levels of rescue action leadership defined in the regulation [6] are interpreted in a variety of ways, and also point out the importance of the function of a commander of a rescue operation (CRO) in the organisation of a rescue or other emergency operation.

Keywords: command of rescue operations, levels of command of rescue operations, commander of rescue operation, national rescue and firefighting system, structure for command of a rescue operation

ZASADY ORGANIZOWANIA STRUKTUR KIEROWANIA DZIAŁANIEM RATOWNICZYM

Abstrakt

Aktywne reagowanie na pojawiające się sytuacje kryzysowe poprzez skuteczne interweniowanie i zwalczanie zdarzeń niebezpiecznych, co do charakteru kwalifikowanych jako wskazane do usuwania przez jednostki ochrony przeciwpożarowej (JOP), umiejscawiają obszar ochrony przeciwpożarowej w ramach struktur bezpieczeństwa państwa.

System bezpieczeństwa państwa dla zapewnienia oczekiwanego poziomu efektywności działania wykorzystuje struktury i systemy wykonawcze skupiające podmioty oraz instytucje realizujące różnorodne zadania, umożliwiając tym samym sprawne ich funkcjonowanie w swoich dziedzinach. Jednym z najistotniejszych tego rodzaju elementów struktury bezpieczeństwa państwa jest krajowy system ratowniczo-gaśniczy (KSRG). Realizuje on swoje zadania, prowadząc analizy zagrożeń, prewencyjne zabezpieczanie oraz zwalczanie zidentyfikowanych w danym obszarze bezpośrednich zagrożeń poprzez podejmowanie działań ratowniczych. KSRG jako system od początku powstania ewoluuje zarówno w zakresie kształtu strukturalnego, jak i zadań, które realizuje. Dlatego też przedmiotem opracowania są rozważania na temat ewolucyjnych zmian, jakim podlegał, aktywnie dostosowując się do zmieniającej się mapy zagrożeń oraz doskonaląc model i strukturę organizowania działań ratowniczych. Autorzy skupiają uwagę na fakcie różnorodnego interpretowania zdefiniowanych w rozporządzeniu [6] poziomów kierowania działaniem ratowniczym, a także wskazują na istotę funkcji kierującego działaniem ratowniczym (KDR) w organizacji akcji ratowniczej lub innego działania ratowniczego.

Słowa kluczowe: kierowanie działaniem ratowniczym, poziomy kierowania działaniem ratowniczym, kierujący działaniem ratowniczym, krajowy system ratowniczo-gaśniczy, struktura kierowania działaniem ratowniczym

1. Introduction

The incessant development of civilisation, combined with multidimensional progress that affects almost every area of life, brings with it new, hitherto unseen and mostly undefined sources of risks. We live in a society with strong pro-development ambitions, a society that strives for new and better standards. The state is obliged to ensure an appropriate level of security for its citizens, which is guaranteed by the Constitution of the Republic of Poland (RP). The issue of state security in the basic law appears, inter alia, in the form of provisions pertaining to:

- National Security Council as an advisory body (Article 135): “The National Security Council is an advisory body to the President of the Republic of Poland with regard to the internal and external security of the state”;
- competencies of the Council of Ministers (Article 146): “Ensure the internal security of the state and public order”. [1]

The division of state security resulting from the Constitution of the Republic of Poland divides the area in question into groups of issues dependent on external factors (external security) and internal factors (internal security). These groups are characterised, inter alia, by different tasks for the effects of the same sources of threats.

The interference of activated threats in the areas of the aforementioned groups has triggered the need for involving different entities and services and assigning different tasks to them, suggesting at the same time different modes of implementation for the entities and services provided to combat or eliminate such hazards. Bearing in mind the subject matter of the study, the authors' attention was drawn to the area of the state's internal security with the indication of the NFRS as one of the systems functioning in this area. Speaking of internal security, it is important to emphasise an important fact, and namely the relatively vague description of the subject in question, both in legislation and in documents strictly focused on the subject indicated. The difficulty that emerges here, as in many other areas related to security in the broadest sense, is most likely due to the dynamics of change in the factors determining this state. Following Włodzimierz Fehler, it can be assumed that "the internal security of the state is a status of relations and processes within the state, anchored in the constitutional order, which, while ensuring the effective and harmonious implementation of interests of the state and its citizens, at the same time provides the potential for the ability to efficiently diagnose and respond in cases of emerging hazards detrimental to these interests" [2]. The scope of tasks indicated in general in the above approach quite precisely defines the essence of the field of internal security of the state, which area also includes the scope of tasks imposed on the FPU in Poland. It is necessary to emphasise at this point the essence of the performance of tasks by the state in the framework of ensuring an appropriate level of internal security, which for this purpose adopt a number of formal and legal solutions, based on the subjective potential at disposal. An important assistive tool in respect of internal security, which gives the opportunity for systemic control of any emerging hazardous situations, is organised fire protection, consisting of the implementation of measures aimed at protecting life, health, property or the environment against fire, natural disasters or other types of local hazard. The area of organisation of fire protection is included in the directional act [3], which lays down the foundations of the organisational structure of the state's internal security system, which performs its tasks in a multi-level manner that ensures preventing the emergence of dangerous situations and providing forces and means to eliminate the occurring hazards requiring the intervention of rescue entities. The implementing tool for the Act in question, which allows the tasks imposed by the legislator to be carried out in a coordinated manner, is the national rescue and firefighting system, defined in Article 2 of the Act [3], as "an integral part of the State's internal security organisation". The system was established to save life, health, property or the environment and comprises the forecasting, recognition and combating of fires, natural disasters or other local threats. The system brings together fire protection units, other services, inspections, guards, institutions and entities that have voluntarily agreed, through a civil law agreement, to participate in rescue operations. In accordance with the legislator's intention, organs of the State Fire Service (SFS), listed as a leading service

in the creation and organisation of fire protection in Poland, are responsible for the implementation of tasks and proper functioning of the NFRS. Detailed provisions regulating the issue of organisation of the State Fire Service are contained in the Act [4], which defines the organisational structure of the State Fire Service, the main tasks imposed on the formation in question and the ways of their execution. When imposing tasks on the NFRS, the legislator indicated that its main objective is to ensure the protection of life, health, property or the environment, within the framework of the activities undertaken by the State Fire Service and other rescue entities, with particular emphasis on the Volunteer Fire Service (VFS), through:

- fire-fighting,
- elimination of local hazards (rescue operations),
- chemical and ecological rescue,
- technical rescue,
- medical rescue in the field of provision of advanced first aid.

In organising rescue operations within the limits of its forces and resources, entities that form the NFRS cooperate with the competent authorities and entities. The system is based on the State Fire Service, the leading and state-maintained rescue service, as well as VFS units maintained from local government budgets and grants from the state budget. The partnership of these services is based on cooperation and collaboration in carrying out the tasks expected by the state in accordance with the established task, organisational, training standards etc. on the entire territory of the Republic of Poland, also with the possibility of organising rescue and humanitarian assistance both on the territory of the country and abroad. The Commander-in-Chief of the State Fire Service is the central authority of government administration in matters related to NFRS organisation and fire protection. He or she reports to the minister responsible for internal affairs who supervises the functioning of the NFRS. The system operates on three administrative levels corresponding to the administrative structure of the country:

- **county level** – basic executive level, operations are carried out by county forces;
- **provincial level** – co-ordination and support of those rescue operations for which the district forces are insufficient;
- **national level** – coordination and support of rescue operations when provincial forces prove to be insufficient.

According to the National State Fire Service Headquarters, at the end of 2020, the NFRS consisted of the following:

- 503 VFS fire and rescue units,
- 4,777 VFS units incorporated into the NFRS,
- 5 corporate fire brigades,
- 2 Airport Fire and Rescue Services,
- 21 units of Military Fire Brigades.

The concept of the establishing of the NFRS is closely related to ensuring the efficient intervention of the state's internal security system in situations of emergent dangers, as to the nature of those qualified as requiring the intervention of the FPU's. Bearing in mind the date of the establishment of the NFRS – 1 January 1995, there is a clearly noticeable trend of evolutionary development up to the present, both of the structures of the NFRS itself and of the tasks imposed. The above mentioned effect of a continuous expansion of the system is related to the key premise of its establishment, according to which it constitutes an integral part of the state security sphere covering, in order to save life, health, property or the environment, the forecasting, recognition and combating of fires, natural disasters or other local threats. Changes that are taking place in the NFRS can be seen in legal regulations shaping the framework of the system, starting with the original regulation dated 28 December 1994 [5], which, as a one-page document containing 8 paragraphs, mapped out the general shape and direction of the organisation of the NFRS, up to the present day, where the current regulation [6] of 72 pages (including specimens of operational documentation), in which in 58 paragraphs the legislator specifies both the tasks envisaged for the system and the means of achieving them. According to P. Sowizdraniuk, “the driving force that determines the development of rescue systems is the emerging or evolving hazard in a particular direction. The most desirable state and level of organisation of the state's internal security by the public, as well as by the members of rescue entities, is one in which, on the basis of prediction and following results, analytical, diagnostic and forecasting analyses and scientific research, the organisers of the system are able to equip and substantively prepare their subordinate forces to respond to or remove the effects of even those threats which have not yet occurred in a given area or which have only been episodic in nature” [7]. The above argument is in line with the idea of establishing and continuous development of the NFRS. This thesis, at the same time referring to specific task-performing entities within the framework of state internal security structures, is also presented by J. Ziobro, who, referring to the NFRS, says, “The organisation of the NFRS is a specific process of logical buildup, relating both to the tasks assigned, the ways in which they are carried out, and the actors involved in its creation. It is a response system meant to ensure the safety of citizens and their property and the environment by fighting fires or other natural disasters (...), as well as cooperating with the National Medical Rescue (PRM) units and the Emergency Communication System (ECS)” [8]. The dynamics of changes and adaptation of framework assumptions of NFRS to actual conditions imposed on the legislator precise regulation of the aspect of organization of rescue actions, the effect of which was the introduction on 29 December 1999 of the subsequent version of the regulation that governs the issues of organization of NFRS, approving a kind of novelty in the aspect of organization of rescue actions, introducing a division in the organization of rescue actions management into

types: intervention, tactical and strategic [9]. From an operational point of view, this provision has become a landmark for the organisation of rescue operations undertaken by the FPU in Poland.

2. The essence of legal personality of a commander of the rescue action

The person in charge of operations of the subordinate FPU forces for the purpose of combating the hazard or another rescue activity, according to the legislator, is the commander of a rescue operation (CRO), i.e. a nominated person with qualifications to direct the actions of the subordinate forces who bears full legal responsibility for the consequences of the decisions taken. A CRO is therefore a nominated person of the given service in charge with a capacity of making use of rights and powers of the CRO distinguishing him/her from the other participants in the rescue operation. The prerogatives of authority conferred upon him make it possible for him to effectively direct the forces involved in the operation, including the control of services, inspections, guards, entities, levels of command and other elements of the management structure of the rescue action of a given incident. An analysis of the legal status of competences of CRO allows the following presumptions [10]:

- for the duration of the tasks, the CRO shall become a single-person executive body without being appointed by any legal instrument;
- a CRO becomes a single-person authority of the public administration and his decisions are given immediate enforceability and are subject to enforcement, thus making the CRO both an enforcement authority and an enforcer;
- the CRO is entitled to benefit from the catalogue of powers contained in the directional regulation governing the scope and modalities of exercise of powers by the CRO [11];
- the function of a CRO is not a full-time or statutory function assumed by a firefighter of the SFS, for the VFS or representatives of other entities and institutions that may participate in the rescue operation; it is a task-based function assumed under specific circumstances in order to lead a rescue operation;
- the exercise of powers contained in the directional regulation [11] requires a CDR to ascertain the existence of circumstances justifying a state of necessity;
- in his capacity as commander of the subordinate forces involved in a rescue operation, the CRO acts as the guarantor of safety, pursuant to Article 162 of the Penal Code [12] and is therefore under a special legal obligation to prevent harmful effects to human life and health.

In view of the essence of personality of a CRO, it is necessary to indicate limits of the commencement and termination of a rescue action, which concurrently determine the timeframe of the legal capacity to exercise the functions of a CRO and to exercise the special powers [15] expressed in the regulation dedicated to such powers [11]. An elucidation of the circumstances giving rise to the aforementioned function can be found in the regulation governing the organisation of the national rescue and firefighting system [6], in which it is stated as follows:

“§21.1. The management of rescue operation starts upon arrival on the scene of the incident of the first forces and resources of the NFRS entities and after confirmation of the legitimacy of undertaking the rescue operation as a result of recognition of the situation on the scene”.

The legislator has therefore defined the boundary conditions for entering into the function of a commander of the rescue operation, making it a requirement that the following conditions be met together:

- a) the presence (arrival) of the CRO at the scene;
- b) execution of the basic actions necessary to confirm the existence of a hazard;
- c) acquisition of information on the possibility that the threat could endanger the goods being subject to protection (people, property, environment);
- d) a positive outcome of an assessment of the situation as to the appropriateness of the rescue action to be taken.

In view of the last and almost crucial condition that have been mentioned, an observation arises that the legislator has not fully specified the criteria for recognising or dispensing with the decision of the of the “legitimacy of rescue operations”. According to the view expressed in [15, 19], this “legitimacy” does not fully stem (points b and c) from the presence of an active threat or danger that could arise from it. It is also necessary to consider the fulfilment of analogous prerequisites, defined as a state of necessity. This means that the hazard being faced is characterized by the reality of existence, timeliness and immediacy; the reversal of the situation is not possible by adopting an alternative simpler solution (the premise of subsidiarity) without involving rescue forces and resources, and taking rescue action will meet the expectations of efficiency (the premise of proportionality).

By wording the provision in this way, the person stepping into the role of the CRO (including the commander of the first FPU team arriving at the scene of the incident from the NFRS) is covered by legal protection from being held liable for potential adverse consequences of the impact of hazards, caused before the arrival of the rescuers and their rescue action.

Meanwhile, it should be emphasised that this provision applies only to entities comprised by the NFRS. For FPUs not comprised by the NFRS, circumstances of entering the function of the CRO may be established somewhat differently. The moment when the rescue action starts, which is connected with the assumption

of authority over the rescue operation by the commander of a subsidiary unit arriving on the scene of the incident, has been defined in the regulation regulating the principles of leadership and cooperation of FPU's participating in the rescue action [13] as follows:

“§ 2.1. The command of a response operation begins upon the arrival of the first forces from the unit on the scene. (...)

§ 2.3. The function of commander shall be fulfilled by a commander of the first unit arriving on the scene of the incident, until the arrival of a person with authority to take over leadership”.

The above provision clearly indicates that the moment of assumption of authority by an assigned person (e.g. FPU rescuer) begins with arrival on the scene, without indicating the need to carry out a reconnaissance or assessment of the situation on the scene, which may have negative consequences in terms of liability for the operations carried out.

Continuing the issue of the limits of commanding a rescue operation, the legislator also indicates boundary conditions for the termination of rescue operations, thus defining a limit for termination of the CRO function, which is regulated in the relevant directional regulation [6]:

“§ 21.2. The management of a rescue operation shall cease as soon as the rescue operation has been completed, including:

- 1) provide medical rescue operations to injured persons on the scene of the incident and hand them over to the units of the State Medical Rescue System or to a medical practitioner in a medical entity;
- 2) hand over the area, object or property covered by the rescue operation to the owner, manager, user or a representative of the governmental or local self-government administration body or the Police or municipal (city) guards, and if it is impossible to determine them or if they are absent from the scene of the incident – report this fact to the territorially competent control station”.

The legislator has thus defined boundary conditions for the commencement and termination of the rescue operation, emphasising the role that is played by a CRO in the process of directing the subordinate forces. The role of the CRO is hence to perform certain tasks in order to verify the state of danger at the scene of the incident, to carry out the rescue operation and, once the danger has been eliminated, to terminate it, as intended by the legislator.

3. Organisation of rescue operation management

Speaking of interventions undertaken by the FPU's to combat threats, the legislator defines two basic types of interventions: rescue operations, understood as any activity undertaken to protect life, health, property or the environment, as well as

the elimination of the causes of a fire, the occurrence of a natural disaster or other local threat (according to Article 2 of the Fire Protection Act), and rescue actions, understood as actions organised and directed by the State Fire Service (according to Article 7 of the State Fire Service Act). Both concepts indicate the need for undertaking actual interventions (rescue operations), which are to be carried out in a coordinated manner until the hazard has been eliminated. The document that regulates the organisation of rescue operations for FPU's comprised by the NFRS is the regulation on the detailed organisation of the NFRS [6], according to which rescue operations can be organised at three levels (§ 23):

- **intervention level**, carried out in the hazard zone or the rescue scene, in order to perform rescue operations and to ensure the safety of rescuers; forces not exceeding the size of one company are subject to intervention management;
- **tactical level**, carried out at the perimeter of a danger zone or beyond it in order to implement adopted tactics or a specific strategy and to supervise the contingency direction, tactical direction shall be exercised by a force not exceeding the size of one battalion or by a force that includes specialist rescue teams;
- **strategic level**, the implementation of which is aimed at defining and adopting the necessary strategy in eliminating the hazard and overseeing the tactical direction; the strategic management is exercised by forces of operational reserves in the area of the province, the forces of the central operational reserve or forces exceeding the size of one battalion.

The above provisions clearly point to the introduction by the legislator of the principle of supremacy in the composition of the structure of commanding (management) of a rescue operation based on levels. Analysing the area content of the definition at each level of commanding of a rescue operation, evident emphasis is placed on the role of a CRO who from the lowest level up to the highest one performs the functions of a commanding person on his own level and also supervises the actions of subordinate forces on lower levels. The state of supervision is indicated at each of the levels, where the provisions explicitly stating the appropriateness of organising a given level of management specify the issue as follows:

- **intervention level of commanding a rescue action**, “in order to carry out rescue operations and to ensure the safety of rescuers”;
- **tactical level of commanding a rescue action**, “in order to implement the adopted tactics or a particular strategy and for the supervision of emergency command”;
- **strategic level of commanding a rescue action**, “in order to identify and adopt the necessary strategy in eliminating the hazard and overseeing the tactical management”.

The exercise of the supervisory function by a CRO highlighted in the above provisions demonstrates the legislator's intention as to the adoption of a management model in the structure of the rescue operation command. It is based on the hierarchy of the forces involved in combating a given threat, with the nominated persons taking over the command of the subordinate rescue resource. Appropriately to the nature of the incident and the number and type of subordinate forces, those on the upper tiers of the structure delegate tasks to be carried out downwards. The exercise of the function of a CRO and directing activities of forces subordinate to a CRO are defined by the legislator in the directional regulation [6], which introduces the term of **command of a rescue action**, understood here as "planning, organising, supervising and coordinating rescue activities". The task scopes indicated by the legislator impose a relatively wide range of tasks on the person nominated to act as CRO, obliging him both to eliminate a given hazard and to coordinate the actions of subordinate forces. From the position of the legislator, however, the task areas included in the scope of a CRO have not been specified sufficiently, which, according to the authors' experience, limits the awareness of the firefighters' community, and may even arouse and often causes uncertainty among the decision-makers of the command staff who are responsible for the implementation of the above mentioned tasks. At this point it is important to emphasise that the idea of command of a rescue operation relates directly to the theory or organisational management used in the economic space, where management is understood to mean [14]:

- **planning and decision-making**, understood as defining the organisation's objectives and deciding on the best way to achieve them,
- **organising**, understood as determining the best way to group activities and resources,
- **leading (directing people)**, understood as motivating staff to organise their work in the interest of the organisation,
- **controlling**, understood as observing current activities and making adjustments to them to facilitate the achievement of objectives.

The above-mentioned scopes, which make up the definitions of organisational management, already at their very root reveal the task area that stems from them in a much more precise manner. In contrast to the above, the scope of command of a rescue action presented in the regulation [6] may give rise to certain doubts and ambiguities, which in consequence may lead to incorrect execution of the entrusted tasks by the CRO. Above all, the scope of command of a rescue action adopted by the legislator only indicates managerial functions such as: "planning, organising, coordinating and controlling", and does not take into account the most important aspect of such command – and namely decision-making [15]. This aspect is particularly important given that the incidents handled in rescue operations vary so such an extent that the ability to fully typify the approaches

(principles, methods, procedures) is limited. The work of a person with a leadership role requires the ability to adopt a different approach to the concept of operations almost every time. The very original meaning of the term ‘tactics’ connotes a feature of decision-making based on the choice of the right course of action, but most importantly a decision-making choice and not a simple random one. Hence, the role of the person in charge acting as a decision-maker in the area of conduct in difficult conditions, determined by many influential factors, a role that goes beyond craft, routine correctness, but bordering on art, seems to be underestimated in the regulations. The authors are aware of the fact that in the practice of resolving the codification of the meaning of relevant concepts addressed here, in the sciences of organization, management and praxeology “deciding” is recognized once as a separate function of management, but also differently, not as a function, but as a “way” of fulfilling the mentioned functions of the nature of the stages. The omission of a function so essential to the achievement of the concepts developed by the CRO significantly undermines his ability to act, and this aspect has not been corrected by the legislator in any of the successive versions of the regulation in question.

Taking into consideration the legal status of the CRO while emphasising the scope of the tasks imposed on him, it is necessary to point out the intention of the legislator in arguing the role of the supervising authority exercised by the CRO. The command of a rescue action, as can be seen from the scope indicated in the regulation [6], is a continuous process, which requires deliberate conduct and the execution of tasks in a lawful manner. As indicated above, the legislator did not ensure that the individual elements of the scope in question were specified, which, unfortunately, may translate into their improper implementation and, ultimately, into illegal action. Very important from the point of view of the correctness of exercising the function of the CRO is the organisation of rescue operations in the manner indicated by the legislator who precisely specified that this operation may be organised on either the intervention, tactical or strategic level. A point worth emphasising is the supervisory function of the CRO, recommended in the above mentioned material, which is performed by the CRO at each level of the management of the rescue action. At this point, it is worth emphasising the fact that it is not entirely correct to interpret the person of the CRO as defined by the legislator, who repeatedly emphasises that the commander of a rescue operation is a person in charge with authority of only a certain extent, stemming from the adopted level of command of the rescue operation. Consequently, the commander of a given level should be construed as a person in charge with the capacity to independently exercise the powers regulated in the relevant regulation [11], and not as the only a person in charge responsible for the proper course and correctness of management of the forces participating in a rescue operation. This aspect, however, is not widely known or consciously applied, so that a very common

behaviour is the fact that the persons in charge previously exercising the function of the CRO reduce their activity at the moment of taking over the command of a rescue action by another person entitled to take over such function. In order to understand the full meaning of the provision, it is necessary to analyse the idea of introducing the types of directing the rescue action, which have become operational from the level of the legislator in the decree of the Minister of Internal Affairs and Administration of 29 December 1999 on the detailed organisation of the national rescue and firefighting system [9]. This document, effective as of January 1, 2000, introduced a method of commanding a rescue operation, founded on a hierarchical structure with adopted distribution of responsibilities among the persons in charge participating in the rescue operation. The provisions contained in paragraph 22.1 of the regulation in question suggested that type of organised rescue operation can be either intervention, tactical or strategic types, with the legislator emphasizing the essence of each type by pointing out the principle of the primacy of the tactical level to intervention and strategic to tactical and intervention, respectively. Therefore, one can venture to say that the use of the term “single-person” rescue operation command as of 2000 appears to be inappropriate and should not be used in the context of single-person authority when referring to levels of command. The inaccuracy in the interpretation of the above provision arises from the prevailing belief amongst the firefighting community that during an action or rescue operation “there can be only one commander of rescue operation”. The above interpretation is the result of long-standing inculcations in the service, according to which FPU activities during a rescue operation were led by a single “commander.” In addition, the term “single-person” leadership of the rescue operation also appears in many studies, publications. As written by E. Giersk “The guiding principle for the organisation of rescue operations is the principle of single-person command, which consists of centralising the management of combat operations in the hands of an experienced and trained commander. It ensures unity and centralisation in the command of units, which is more operative, guarantees the maintenance of order and discipline, and ensures the total responsibility of the commander for the results and operations of the units” [16]. The recognition in this publication of the feature of single-person command in a rescue operation quite strongly emphasizes that a single person in charge assumes authority during the rescue operation. However, it should be emphasised at this point that the item in question was published in 1997, i.e. in the period prior to changes introduced by the above-mentioned regulation [9]. However, bearing in mind its didactic value and frequent use in the fire service community (even though more than 25 years have passed, this publication still remains an important element of FPU command staff training owing to the comprehensiveness of the issues covered), this aspect is often misinterpreted. The notion of “single-person” leadership in rescue operations is also found in the rules of conduct approved by the Chief Commander of the

State Fire Service in 2013, where in item 13.1 of the rules for organizing rescue operations, there is the following provision: “The command of a rescue operation is exercised single-handedly at the intervention, tactical or strategic level” [17]. The quoted provision is quite inaccurate because, as shown by real-life activities, it is often interpreted in the opposite way to that intended, and namely it contributes to reinforcing the belief in a part of the community that, irrespective of the level of leadership adopted, there is only one commander of a rescue operation on site. The unjustifiability of the above interpretation becomes evident in many areas of legal regulations relating to the formal regulation of command of a rescue operation, such as in the regulation governing the area of the detailed organisation of the NFRS [6], in which states § 28.4 that “The activation of tactical or strategic command does not result in a reduction in the responsibilities of those conducting contingency or tactical command respectively”. This provision indicates that with the increase in the level of command of a rescue operation, there will also be more and more persons in charge in the role of a CRO who will hierarchically carry out the tasks in separate sections of the rescue zone. The command specified above maintains independence of their competence and freedom of action in the implementation of the tactical intent or strategy adopted by the functional manager of a rescue operation at a given level. This implies that, during a rescue operation, the number of persons exercising the function of a CRO will depend on the adopted level of command of that action. The above interpretation is in line with the result of an analysis of the formal characteristics of a CRO, who, inter alia, for the duration of exercising his function becomes a single-person administrative body, has the capability to exercise powers requiring the declaration of a state of emergency, and also can enforce the decisions issued without delay. If, therefore, it is possible to think of the CRO as a person in charge who implements specific tasks on a single-person basis, this can only be thought of in the context of a single-person exercise of authority within a separate rescue zone. The legislator, being aware of how extensive a rescue action zone can be in terms of competence and area, has deliberately introduced “types of command of a rescue action” in the directional regulation [9]. This procedure was intended to reduce the possibility of situations in which the CRO would be forced to make decisions and use the assigned powers without having at disposal a sufficient range of knowledge in the context of the given emergency. The legitimacy of the applied solution was also supported in the subsequent version of the regulation [18], in which the hierarchy of the commander of a rescue action was given not in the form of “types”, but in the form of “levels” of the command of a rescue action at intervention, tactical and strategic levels. This solution gave rise to the idea of managing rescue operations in an effective manner, and allows the person in charge to respond effectively to changing conditions during the rescue operation by adapting the organisational structure of the operation (introducing a specific level of management of the

operation) to the conditions prevailing on the scene. The need was foreseen of improving the management of forces by the decision-maker by ensuring that they are located as close as possible to the rescue operation, problem or hazard. The regulation governing the organisation of rescue operations at different levels [6] provides such functionality by allowing the organisational structure of the rescue operation to be extended. It is worth emphasising at this point that, in addition to the basic characteristics (number and type of forces and resources involved in the tasks as well as the selection of tasks themselves), the legislator intended the levels of the command of a rescue operation to define quite precisely also the characteristics of the CRO as the person in charge of operations of the subordinate forces.

The profile of a CRO of the intervention level is depicted by the regulation as a person who is not expected to solve difficult problems, but much more acts as an operative implementer and supervisor using ready-made templates, standards, procedures and rules. He is supposed to make a simple choice from among the available options, which is the most appropriate for the given circumstance of the identified emergency situation, while being supported by routine, experience and training preparation. He is assigned a certain range of “rescue operations” to carry out, so these are not complicated tasks. On the other hand, at higher levels much more is expected from the CRO in terms of competence for the deployment of more advanced solutions. This is where more intellectual challenges and the need to demonstrate abstract thinking skills come into play. It becomes necessary to replace routine decisions with an appropriate concept, expressed in terms of tactical intent (tactical level) or strategic intent, and the decision-making choice of priority according to the right criteria (strategic level) [19].

The introduction of a higher level of command of a rescue operation gives the opportunity to preserve the functioning of the hitherto active elements of the decision-making process, adding yet another element to the structure, often involving additional forces and resources and, very importantly, developing the supervision of the activities of forces hitherto involved at the scene of the incident. The intention of the legislator to ensure the continuity of the operations taken to eliminate the threat, based on the vertical and horizontal expansion of the management structure, defined as the level of command of the rescue operation, is therefore clearly outlined. The definition of single-person command of a rescue operation should be understood as a single-person exercise of the function of a CRO in a designated section of the rescue zone - in the case of the tactical level and the strategic level of command of a rescue operation, and an independent exercise of authority in the case of the intervention level of command. The concept of the rescue action command levels can be graphically represented as follows:

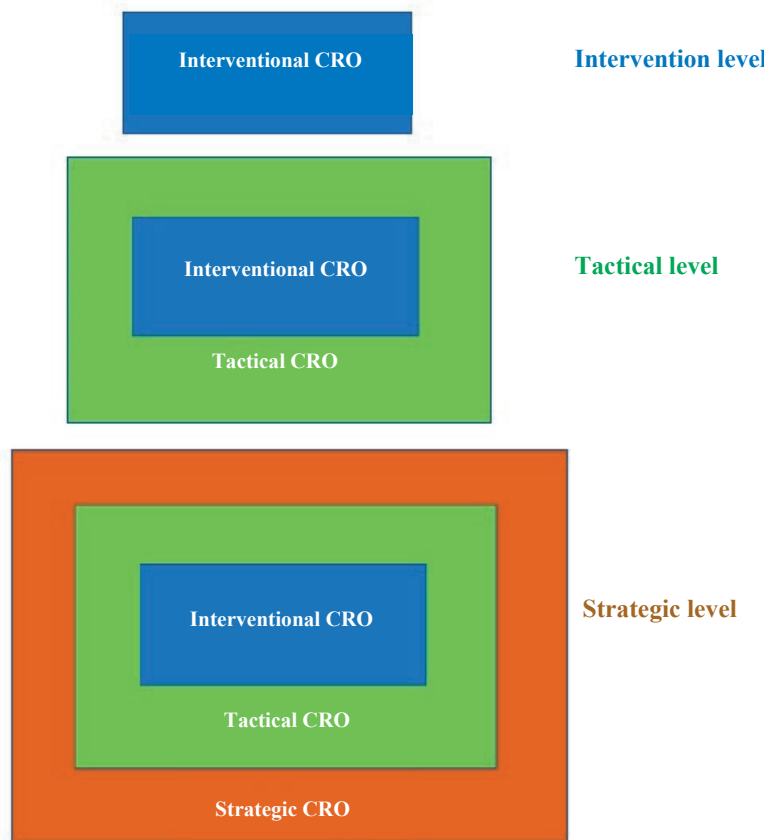


Fig. 1. Graphic illustration of the three-level structure of rescue operation command

Source: own study

The above model presents the basic idea of the organisation of the rescue command structure while maintaining the existing management levels. It is worth emphasising that, in accordance with the legislator's intention, when extending the command structure for a given rescue operation, efforts should be undertaken to ensure that the elements previously in place are also included in it. It is therefore reasonable to adopt a course of action whereby, as soon as the CRO of the tactical level takes over, he or she designates or remains in a subordinate function the hitherto CRO of the intervention level. Such an approach makes it possible to maintain continuity of command along with autonomy of competence in each location of the rescue operation zone. Emphasising the essence of the legal personality of the CRO it should be borne in mind that, of the other participants in the rescue action, he is the only person in charge with the capacity to exercise powers, a feature that distinguishes him, for example, from the commander of a squad, section, etc. In

the legislator's opinion, the construction of the emergency management structure should be the domain of the manager in charge of a given emergency operation, and he is the one who should determine its final shape. Each of the elements of the command structure in a rescue operation should therefore be selected according to the given task, and its presence should arise from the specifics of the incident, the nature of the site, the available potential of forces and resources at the disposal of the CRO and the adopted tactical intention (understood as the idea/concept of the CRO on the achievement of the set tactical goal, worked out on the basis of the conducted reconnaissance, performed evaluation of forces and resources and an analysis of the situation on the scene of the incident). When proceeding to assume authority in a rescue operation the CRO should continuously analyse all factors that occur at the scene of the incident, which are reflected in the shape of the operations taken. As J. Ranecki writes: "The commander must take up the fight against time and against himself. He or she must be determined but also flexible, as after all the situation tends to change quite rapidly" [20]. The above provision accurately reflects the specificity of the function of the CRO. Referring to the CRO in the context of the development of an organizational structure for a rescue operation, one should bear in mind the intention of the legislator who emphasizes the supervisory role of higher level commanders. To clarify the general assumptions relating to the principles of establishing the structure of a CRO, para. 25 "of the rules for organising rescue actions" [17] stated that: "...for practical reasons, no more than 8 lower level commanders should be subordinated to the commander of rescue operations". This provision clearly suggests that the person in charge of organizing the structure for command of a rescue operation should, in addition to the entire set of elements specific to the incident, also have in mind the efficiency of the structure, which for practical reasons (perception, ability to react intelligently to changing conditions and messages arriving from several subordinates requiring decisions, etc.) must be organized in a conscious manner. The number of 8 lower level commanders subordinated to a given CRO indicated in the "Rules..." [17] is a certain simplification and it must be borne in mind that each situation should be interpreted on an individual basis, as the concept of universality is limited in the context of the organizational arrangements used. The idea, however, should be that if a CRO is the epitome of a competency ability of the person in charge, then he should be appointed where the elimination of a threat requires the authority arising from the directional regulation [11].

With the introduction of the rescue management levels, the legislator indicates precisely this aspect as being indispensable in the construction of the organisational structure of a rescue operation, and moreover:

- a) designating the place of fulfilment of the tasks by the CRO [6] (**at the intervention level** – carried out in the danger zone or rescue zone, **at the tactical level** – at the border of the danger zone or outside it in order to

- carry out the adopted tactics or a specific strategy; **at the strategic level** – to determine and adopt the necessary strategy in eliminating the danger);
- b) indicating the need to provide a supervisory function (**at the intervention level** – to carry out rescue activities and ensure the safety of rescuers, **at the tactical level** – to execute the adopted tactics or a certain strategy and supervise the intervention command, **at the strategic level** – to determine and adopt the necessary strategy in eliminating the threat and supervise the tactical command).

Some guidance on how to organise a rescue operation area comes from the directional regulation governing the organisation of the NFRS [6]. The remaining rationale stems from an analysis of the legal personality of the CRO, as well as his position in the legal system, highlighting a number of features indicating that he becomes a single-person administrative body for the duration of the function in question. The interpretation presented can be presented as follows.

Intervention level of the rescue action command

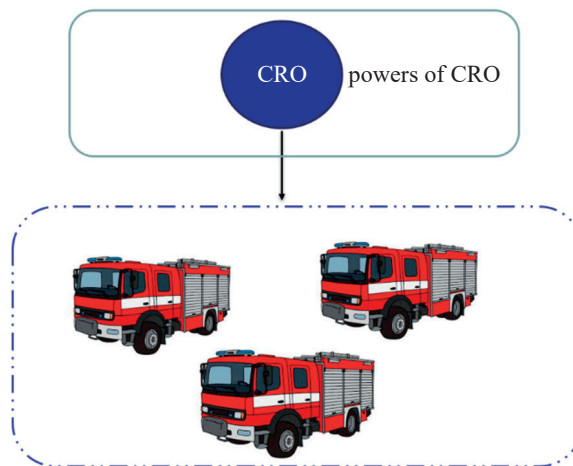


Fig. 2. The concept for the structure of rescue management at the interventional management level

Source: own study

The powers of the CRO shall be exercised by one person in charge only, when carrying out the full range of the management of the rescue action, in accordance with applicable provisions of the relevant directional regulation [6].

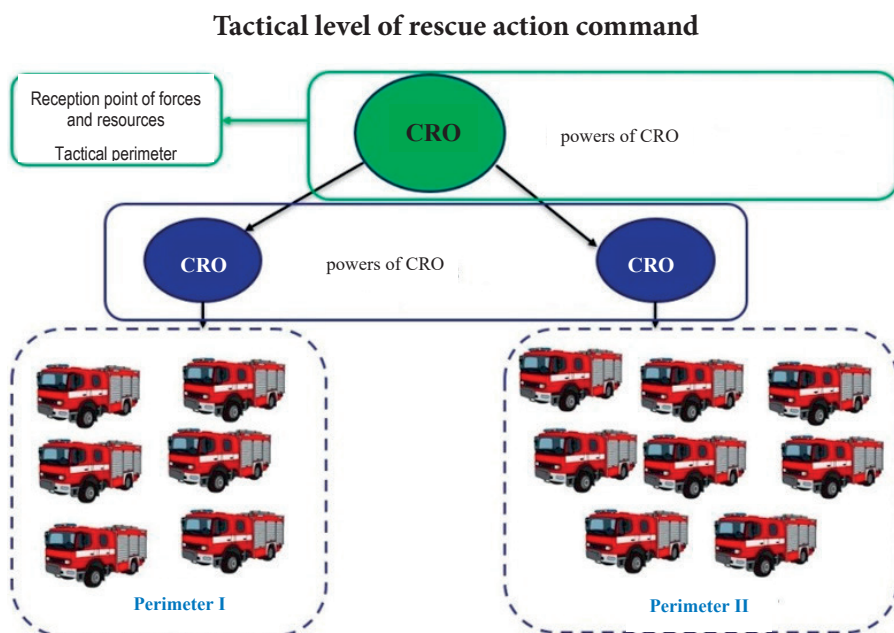


Fig. 3. The concept for the structure of rescue management at the tactical management level

Source: own study

The powers of a CRO are exercised by both the commander at the tactical level and the subordinate/ subordinate commanders at the intervention level. Each one of them performs the assigned tasks, keeping the competence separate within the rescue operation, maintaining hierarchical subordination.

The powers of the CRO are shared by both the CRO of a strategic level and the subordinate commanders of the tactical and intervention levels. Each of them carries out the assigned tasks, maintaining a distinct competence within the rescue action, maintaining hierarchical subordination.

As is clear from the legislator's intention, the distinctiveness of the competence of the CRO is an essential element in the proper organization of forces in the rescue zone.

The prevailing view in the firefighting community proclaiming the exercise of authority by one CRO of the highest level over all the others seems far from justified. Realistically, it is not possible for a single person to be in control of a multitude of tasks, to supervise their execution and to be responsible for all the decisions necessary to be taken in the whole space of the rescue action zone. Rescue, neutralisation of risks and frequently the elimination of consequences, require ongoing analyses of the situation and assessment of the changes taking place, which necessitates rapid decision-making. Given the extensiveness of the

Strategic level of rescue operation management

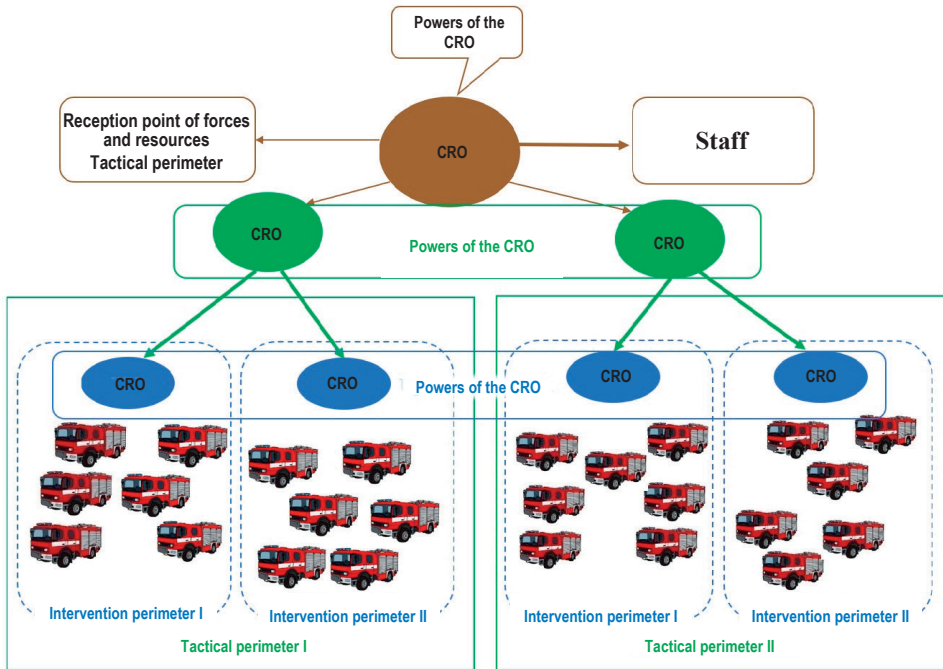


Fig. 4. The concept for the structure of rescue management at the strategic management level

Source: own study

terrain, the extended scope and span of the command structure, the substantial range of tasks to be performed and the constraints arising from the applicability of the “specific rights” granted to the commander, including, for example, the ongoing assessment of the safety situation in the danger zone for deciding on potential deviations from rules generally regarded as safe, in many cases a CRO would not be able to control and steer the course of action. It can be assumed with a fair degree of certainty that these specific working conditions of the commander prompted the legislator to sanction the organisation of rescue operations based on a management structure determined by individual management levels. This in turn led to the necessity of transferring the rights and duties of the top-level commander downwards to the commanding officers of the lower levels.

An organisational advance has consequently been made as compared to the previous organisational model, which is gradually becoming inefficient, based on the simple division of what was in the past called the ‘action area’ into combat sections with assigned commanders. In the NFRS regulation and other regulations of 1999, the term “combat section commander” has been withdrawn, and the

possibility of making subdivisions into “combat sections” now applies only to a CRO at the tactical and strategic levels.

4. Discrepancies in regulations on rescue operations

Analysing provisions of the Regulation on the NFRS, questions arise as to the extent of the evolving changes and the reason for their occurrence, as well as the question of the coherence of solutions established in this regulation and other legal regulations dealing with the issue of rescue operations.

As has already been mentioned, the final term for “levels of command” originally read “types of command”. The recipients of these resolutions were not given to know the reason for the change made, although the colloquial meaning of the terms mentioned are not the same. One gets the impression that the legislator initially did not have a developed vision of what it expected from the “types of command”; only the term “levels” provide a chance to understand that it is about the slender structure of the organization of rescue operations with setting a hierarchy of those leading the operations.

In the evolution of the regulation, a gradual development can be observed in the regulation of the still unresolved problem of interaction of entities and specialised services in the areas of hazards specific to fire protection, such as radiation, biological and terrorist threats. The need for a more refined resolution of this issue has become manifested relatively recently in the 2018 National Rescue System bill, promoting a solution to the designation of a lead entity, commander of a rescue operation and a commander of a rescue action in a single structure for the management of a complex rescue project.

It is important to note the interference of solutions adopted by the NFRS into the area of the regulation of the rules of direction and interaction of data by regulation [13] for the entire FPU family, which took place in 2013. Overriding importance has been given to an NFRS entity joining rescue operations previously carried out by FPUs beyond the NFRS (§ 2 point 5a). This relates to the primacy of all rescue management rules applicable to the NFRS.

The state of correlation of the NFRS regulation [6] with the regulation [21] on detailed conditions of occupational safety and health of service for firefighters of the State Fire Service deserves separate consideration. One gets the impression at this point that time has stopped. The regulation appoints a “combat section commander”, interchangeably with a “combat section supervising commander” who issue orders. This is inconsistent with the NFRS regulation [6], where combat sections involve two levels of leadership, no provision is made in the process of organizing or directing said commanders, and orders are given to be issued only by the CRO, and furthermore there is no mention of any other commanders there.

The 1992 regulation predating the current one on FPU direction and interaction bestowed such a possibility on commanders with a provision in effect until 2001. Naturally, the common understanding is that commanders have the authority to issue orders, which is kind of obvious, but the discomfort for the formal rationale is caused by the lack of a relevant provision in this regard in the legal act. In the regulation on detailed conditions of occupational safety and health of service for firefighters the rescue action is headed by a CRO, and in the preceding act, in force until 2021, this was the commander of a rescue operation. It should also be noted that, in addition in the regulation on detailed conditions of occupational safety and health of service for firefighters in the years 2008–2021 [22] conflicting terms appeared with NFRS rules – “rescue action section, level of command”.

The aforementioned facts indicate the need for closer coordination of regulations establishing the principles of directing rescue operations.

5. Summary

The state, as an entity, is obliged to respond in situations where hazards become activated, in order to identify, assess and delegate the subjectively appropriate elements of its security system, properly prepared for any type of breach of security. From this point of view, the NFRS is one of the systems responsible for proper functioning of the State’s internal security system. Bearing in mind the main premise for the creation of the NFRS, this system aims at carrying out rescue operations by way of preparing, undertaking, executing and improving its capabilities in accordance with the spirit of scientific and technological and organisational progress and, moreover, to interact in a coordinated manner with other security subsystems. An important change in the formal and legal regulations of the NFRS arose from the introduction of a three-tier structure for the organisation of rescue operation command, thanks to which the CRO gained the possibility of reacting in a dynamic way to the changing situation. The study provides an interpretation of provisions that specify the sphere of organisation of rescue operations, gives examples of concepts of structures for command of rescue operations and points out the most frequent irregularities in understanding the provisions and recognising the intentions behind the essence of the regulations. Commanding a rescue action requires efficient and informed handling, most often in a situation characterised by insufficient information and significantly limited time for decision-making. With this in mind, it is important to be aware of the shortcomings of decisions made by the CRO, who quite often has to act under time pressure and frequently based on uncertain indications of hazards or presumptions of their occurrence. The State Fire Service, as a professional service designated as the leading entity in the NFRS, should establish principles of its operation and

improve areas that are potentially imprecise. The issues of the organisation of the command of rescue operations, taking into account the levels of command, resulting initially from the regulations on the NFRS [9, 18] and, since 2013, also from the Law on Fire Protection [3], should not be the subject of disputes in the fire community, as these issues are basic and, in principle, regulated by the law. Unfortunately, as confirmed by the authors' experience, this subject still remains an area of arbitrary interpretation. Reversing this situation requires a considerable amount of training in order to ensure a systematic consolidation and unification of the understanding of legal regulations that govern rescue procedures. Just as strong, although not always unambiguous, are the formal and legal bases clarifying the positions presented in the article, equally deep-rooted in the consciousness of firefighters are the habits and established patterns that a significant part of the environment still inertly continues to follow. The levels of command in rescue operations implemented by the relevant regulation [9] quite rigidly define the idea of hierarchical authority within rescue operations. In essence, this source does not support the view of a single-person exercise of the function of a CRO in a multi-level rescue operation, both in terms of the monopoly of decision-making based on the powers attributed to the commander of a rescue action [12] and the responsibility for their wide-ranging consequences. The described legal state of affairs that orders the organization of rescue operations command at the levels of command has been regulated for more than two decades back, and therefore, every effort should be made to make the provisions derived from it an unambiguous standard of operation of the FPU.

To sum up the entire study, the authors postulate, in relation to the provisions in question, the introduction of solutions supplementing their content and thus improving the functioning of the NFRS. The proposed solutions are as follows:

1. To revise the document entitled "Rules for the organization of rescue operations" of the Main Headquarters of the State Fire Service of 2013, in particular, modifying the provisions related to the regulation of the Minister of Internal Affairs and Administration on the detailed organization of the national rescue and firefighting system.
2. As part of the postulated need to update the document titled "Rules for the organizing rescue operations", it seems advisable to clarify the provisions on:
 - the idea of the notion of single-person command of a rescue operation;
 - ways to expand the structure of rescue operations management with an indication of the obligation to maintain the functions of the lower level CRO within this structure;
 - adoption of functional nomenclature with clear emphasis on the difference between commander of a rescue operation, commander of a rescue action and combat section commander (§ 27. 2 and 3 [6]);

- drafting information from the incident with emphasis on the obligation to include information on the adopted level of management of the rescue operation.
3. Working out a closer correlation of regulations dedicated to the principles of directing rescue actions, which in particular refers to and the Regulation of the Minister of Internal Affairs and Administration on detailed conditions of occupational health and safety of service of firefighters of the State Fire Service.
 4. As part of the training and in-service training process, the introduction of training in the scope of rescue management, during which participants would be able to become familiar with the current state of legal regulations in this area. This training area should also be promoted during retraining classes for firefighters of Voluntary Fire Brigades.

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