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Selected Problems Related to Commanding Rescue Operations in the Areas of Operation and in the Protected Areas of Fire Protection Units

Abstract

The article is dedicated to the management of emergency response operations. This topic is presented in the context of operational areas and range of territorial response of fire and rescue units. Terminological analysis on the relations between such terms as “operational area” and “protected area” is presented as well as the problem of interchangeable use of the terms in legal regulations.

Furthermore, there is an analysis on the process of appointing the officer in charge as well as taking over the function in the course of an emergency response. These findings are based on observations collected during fire and rescue practice and relevant documentation analysis. In consideration of a case study on specific scene and its operational time of deployment, there is a discussion launched on interpretation of the legal terms in this particular context and following that on potential rationalization measures to be taken.

Keywords: fire and rescue units, the State Fire Service, management of rescue operation, national fire and rescue system, operation area, protected area

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Wybrane problemy związane z kierowaniem działaniami ratowniczymi na terenach działania i w obszarach chronionych jednostek ochrony przeciwpożarowej

Abstrakt

Artykuł poświęcono organizacji kierowania działaniami ratowniczymi w odniesieniu do przynależności terytorialnej jednostek ochrony przeciwpożarowej (JOP) oraz ich zasięgów działania. Warstwę pojęciową odniesiono do terminów: teren działania i obszar chroniony w kontekście wzajemnych zależności oraz ich zamiennego użycia w regulacjach prawa.

Bazując na obserwacjach praktyki reagowania na zagrożenia oraz analizie dokumentów, przedstawiono problematykę wyłaniania kierującego działaniami ratowniczymi (KDR) oraz możliwości przejmowania kierowania. Koncentrując się na szczególnym przypadku usytuowania miejsca zdarzenia względem przewidywanego czasu dotarcia sił i środków ratowniczych, podjęto dyskusję dotyczącą interpretacji zapisów i racjonalizacji rozwiązań.

Słowa kluczowe: jednostki ochrony przeciwpożarowej, Państwowa Straż Pożarna, kierowanie działaniami ratowniczymi, krajowy system ratowniczo-gaśniczy, teren działania, obszar chroniony

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Вибрані проблеми, пов'язані з управлінням рятувальними операціями в районах операцій та в районах охоронюваних пожежно-рятувальних підрозділів

Анотація

Стаття присвячена організації управління рятувальними операціями відповідно до районної приналежності пожежно-рятувальних підрозділів та їх спектру реагування на надзвичайні ситуації. Представлено наступні терміни: район дій та охоронювана територія, в контексті взаємних залежностей та їх замінного використання у законодавчих актах.

Керуючись спостереженнями практики реагування на загрози та відповідним аналізом документації, представлено проблему призначення керівника рятувальних дій та можливості передачі керування. Розглядаючи тематичне дослідження конкретної ситуації і беручи під увагу місце події, час доїзду рятувальних сил та засобів, розпочато дискусію щодо пояснення актів і раціоналізації рішень.

Ключові слова: пожежно-рятувальні підрозділи, Державна пожежна служба, управління рятувальними операціями, національна пожежно-рятувальна система, район дій, охоронювана територія

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Introduction

Properly organised rescue services, which form a part of the state security system, should ensure efficient and effective emergency response of state authorities. Whether this requirement is fulfilled is determined by a series of legal and organisational factors, which undoubtedly include the appropriate network configuration of properly prepared and equipped rescue structures, ensuring that citizens have the capacity to report emergencies, developing and implementing response procedures, including cooperation and command in the scope of rescue procedures [14]. Considering the high stakes, namely human life and health¹, and the time determinant resulting from the specificity of threats to societal security, rescue operations must be organised to ensure that the scene of an incident is reached in a possibly shortest period of time, and the resources are adequate to the needs and properly coordinated with regard to the priorities of the proceedings. This leaves no room for qualification and technical paresis, rivalry, discrepancies in the interpretation of legal regulations, and in particular any competence-related disputes. Observations of rescue operation practices conducted on a national scale usually fail to reveal any examples of flagrant organisational deficiencies of rescue operations. A read-through of legal regulations and changes introduced in recent years also seems to be implicating general cohesion and legibility of regulations in the area under discussion. However, more thorough observations, in particular in the scope of formal competences to command rescue operations in the context of territorial assignment of entities give rise to some doubts as to who is actually entitled to assume the role of an organiser of actions to be taken. As “science is to be approached with questions, not ready answers” [4], the implicitly outlined problem seems to provide a sufficient justification for the deliberations to follow. Any deeper discussion of these issues requires a presentation of the selected legal terminology of fire protection and the basic issues of commanding rescue operation.

1 Quoted from Maciej Schroeder “Life-saving takes many forms. Lifesaving is a game of life and health. It’s the best and fairest game where the stake is the life and health of the rescued and the rescuers”. M. Schroeder, *Osoby i zjawiska towarzyszące akcji ratowniczej*, Fire Service College of the State Fire Service in Poznań, Poznań 2002, p. 5.

1. Operational area versus protected area

The subject of this article refers to the activity of fire protection units (FPU), i.e. uniformed services with specialised equipment for fighting fires, natural disasters or other localised threats². This term denotes various, structurally different entities: from state and local administration units, through social organisations to internal facility formations. Fire protection units include, among others, the State Fire Service (SFS) entities, voluntary fire service (VFS), internal fire teams (IFT), internal rescue service (IRS), and organisational units of the military fire services (OUMFS)[12].

What particular FPUs have in common is the capacity to respond to sudden threats to societal security. Please note that aside from activities of strictly rescue-related nature, FPUs serve a series of additional tasks in the area of administration, social prevention, prevention as such, and in other fields. For example, aside from organising and conducting rescue operations, the SFS's tasks include the identification of threats, performance of auxiliary rescue operations to support other services, supervision of the observance of fire safety regulations and many others. With regard to the voluntary fire service, the full range of their operations is defined in the charters of particular units/associations. Nevertheless, on the statutory level, those units are also expected to be active within the area of education and culture, promotion of sports and physical culture, popularisation of fire protection and first aid principles [12].

The activity of particular FPUs is usually restricted to a given area that is either described as an "operational area" or a "protected area". It is important to note that these terms are not synonymous and indicate a slightly different scope of competence.

The former term, i.e. an operational area (also referred to as the area of own operations or area of operations) has no legal definition, however, normative fire protection texts usually use it in relation to the administrative division of Poland or an organisational range of area assignment. Operational areas of FPUs vary and depend on the type of a unit. For instance, the original area of operations for IFT and IRS is the area of the facility in which the unit operates, and may be extended to include an area agreed upon with the district (municipal) commandant of the SFS [7]. The area of own operations for the VFS is the commune in which the unit was formed and the area established by the administrators of neighbouring communes in consultation with the district (municipal) commandant of the SFS; however, for units incorporated in

2 See Article 15 and Article 19(1a) of the *Fire Protection Act* of 24 August 1991 (Polish Journal of Laws / Dz. U. of 2019 item 1372), and Article 1 of the *State Fire Service Act* of 24 August 1991 (Polish Journal of Laws / Dz. U. of 2019 item 1499).

the national firefighting and rescue system (NFRS), this “range” is extended to cover the area of the district in which the unit’s headquarters are located[7]. With regard to firefighting and eliminating other local threats, FPU’s may be dispatched outside of their area of own operation. This particularly refers to units that form the operational reserve [7]. The term “operational area” is also used with regard to the SFS structures and although it has not been legally defined, as mentioned above, it refers to the territorial competence of the SFS bodies of particular levels of administration³. On the lowest level, the operational area of district (municipal) SFS headquarters is the district in which the unit’s headquarters are situated or, if the unit is situated in a city with district rights, so-called rural districts are added [9]. While in the case of FPU’s other than the SFS, the term “operational area” is mostly related to their operational activities, in the case of the SFS structures it refers to a broader remit, including the control and identification operations. Therefore, it seems justified to use this term in relation to the full scope of FPU’s activities, even if it requires the assignment of some excess meaning to the term in question⁴. Considering the function that the SFS and its bodies play in the organisation of fire protection in Poland, defining the operational areas of particular headquarters on the basis of the administrative division is compliant with the fundamental tasks of the state, and prevents any territorial exclusions and conflict of competence of equivalent bodies in this regard. The assignment of operational areas to the remaining FPU’s additionally organises the competence and territorial range thereof, especially with regard to emergency responses.

The problem of a protected area is slightly different. In 2017, “protected area” was assigned a legal definition according to which it is an area where, regardless of the administrative division, forces and resources of the NFRS entities appropriate for a given type of threat can arrive at the scene in the shortest time possible [10]. Introduction of this definition was probably intended to provide additional clarification of what had already been frequently referred to in legal regulations on fire protection, mostly with regard to the dimension that is strictly related to interventions⁵. In the field of rescue practices, the above-mentioned term was (and still is) mostly associated with

3 See, e.g. Article 19(3) of the Fire Protection Act; Article 23(2)(7) of the State Fire Service Act.

4 Assigning a broader, additional meaning to a term, cf. S. Nowak, *Metodologia badań społecznych*, PWN, Warsaw 2017, p. 193.

5 Compare with the provisions of the Regulation of the Minister of the Interior and Administration of 18 February 2011 on detailed principles of the organisation of the national firefighting and rescue system (no longer in force) (Polish Journal of Laws / Dz.U. of 2011 no. 46, item 3008) and previous regulations.

the assignment of catchment areas to fire and rescue units (FRU) that are a part of the district (municipal) headquarters of the SFS, in particular those whose structure encompasses more than one unit [13].

The delineation of protected areas within the network of the NFRS entities lies within the competence of the SFS bodies and should be based on the probable (expected) time of arrival at the scene of first and subsequent NFRS resources, which should be up to 8 and 15 minutes respectively [10]. Protected areas must also be graphically represented in the operational documentation. As in the case of operational areas, the possibility of dispatching rescue resources outside of the assigned protected area has been provided for [10]. This, combined with the clear definitional separation of protected areas from the administrative division, allows such areas to “transgress” the boundaries of the areas of operation described above. Narrowing the scope of discussion to the functioning of FRU and district (municipal) headquarters of the SFS, it should be noted that in certain local conditions, the protected areas of units may overlap with the operation areas of the neighbouring headquarters, which gives rise to specific indications referred to hereinbelow.

Due to editorial restrictions, the authors were forced to leave out a series of inter-related issues, such as the relation between the terms in question with regard to some types of FPU, definitional narrowing to the NFRS entities, methodological problems concerning the identification of “probable time of arrival of entities” and the variability of this aspect caused by civilisation factors (e.g. the daily road traffic volume, etc.) Further deliberations revolve around the cooperation between FRUs in order to draw the readers’ attention to the essence of the problem, which requires prior, synthetic reference to the regulations concerning the commanding of rescue operations.

2. Commanding rescue operations

Fire protection regulations indicate that FPUs are entities obliged to carry out rescue operations defined as any action undertaken for the protection of life, health, property or the environment, including the elimination of causes of a fire, natural disaster or any other localised threat [12]. Setting the dubious utility of the above-mentioned definition of rescue operations aside⁶, their proper execution in the context of the need to

6 The scope and interpretation of the definition is discussed in more detail in: R. Radkowski, *Działania ratownicze i ratowniczo-gaśnicze, problematyka terminologii*, “Zeszyty Naukowe SGSP” 2015, No. 55 (3), pp. 67–82.

provide assistance in emergency situations requires efficient commanding. That process, which encompasses planning, organisation, supervision and coordination, may be implemented on three levels, i.e. on the intervention, tactical and strategic level [10]. The issues related to the activation of particular command levels, competences to assume command, obligations and authorisations of the person in charge are defined in the Fire Protection Act and secondary legislation thereto⁷. Aside from a series of detailed issues concerning the organisation of rescue operation command, in relation to the subject of these deliberations, further references in this respect will predominantly regard the “establishment” of who is in charge of rescue operations in the context of multi-entity involvement. Due to the delineation problem revealed hereinabove, the authors have concentrated on the lowest command levels⁸. To supplement the presented information, it should be added that rescue resources are dispatched to the scene by command posts at the SFS (SFS CP) in accordance with the administrative location of the SFS headquarters⁹, while the rights of the person in charge of the rescue operation result from their position of an independent body that is not subject to any other entities¹⁰.

The person to assume command of rescue operations is the first commander to arrive at the scene. They serve this function until a person authorised to take over arrives, i.e. a member of the VFS, a commune fire protection commandant (if they are a member of the VFS) and an FPU firefighter (in this order) [8]. It should be explained that in the legal sense, a firefighter is a person related to the relevant FPU by way of service

7 Primarily in: Regulation of 31 July 2001 on *detailed principles of command and cooperation of fire protection units that take part in a rescue operation* (Polish Journal of Laws / Dz.U. of 2013, item 709), Regulation of the Council of Ministers of 4 July 1992 on *the scope and procedure of exercising rights by persons in charge of rescue operations* (Polish Journal of Laws / Dz. U. of 1992 no. 54 item 259) and the *Regulation on the detailed organisation of the national system...*

8 A broader discussion on the “lowest” (intervention) level of the rescue practice: T. Zwęgliński, R. Radkowski, *Organizational Aspects of the Rescue System in Poland* [in:] B. Wiśniewski, P. Kobes, G. Sander (ed.), *Security and Law in the Cognitive and Utilitarian Context*, Verlag Dr. Kovač, Hamburg 2015, pp. 145–158.

9 Cf. Articles 10–14 of the *State Fire Service Act*.

10 A broader discussion on the formal and legal position of a person in charge of rescue operations and their competences: S. Lipiński, *Kierowanie działaniami ratowniczymi* [in:] J. Zarzycki (ed.), *Zbiór opracowań z wykładów bloku tematycznego „działania operacyjne” (wybrane zagadnienia) dla strażaków ubiegających się o zajmowanie stanowisk oficerskich związanych z kierowaniem działaniami ratowniczymi*, Main School of Fire Service, Warsaw 2013, pp. 30–76.

or employment¹¹. Should two commanders of the same rank arrive at the scene, the person obliged to take command is the commander representing the unit in whose area of own operation the incident occurred [8]. In the case of facilities with their own FPU, the command principles should be regulated by rescue operation plans for such facilities [8]. General command regulations for all FPUs provide that as of the arrival of a NFRS entity at the rescue operations site, the command of the operations should follow the procedure set forth in the provisions on detailed principles of system organisation [8]. In this case, on the other hand, the organisation of rescue operations is referred to the already mentioned three (intervention, tactical and strategic) levels of command, activated subsequently, depending on the quantity and type of NFRS FPU forces involved in the operation [10]. In the case of intervention commanding, aside from the persons indicated above, those obliged to take command are the SFS commanders of subsequently higher ranks, from a company commander to an FRU commander, competent for the protected area. At this level, the command may also be assumed by an officer or an aspirant appointed by the district (municipal) commandant of the SFS, the district (municipal) commandant of the SFS, or an officer appointed by the provincial commandant of the SFS, being the entities listed as obliged to take command on higher levels [10]. Entities obliged to assume tactical command are, subsequently: the deputy commander of a FRU competent for the scene of an incident, the commander of a FRU competent for the scene of an incident, an officer or aspirant appointed by the district (municipal) commandant of the SFS, and then the district (municipal) commandant of the SFS [10]. From the perspective of further deliberations, attention should be paid to how the function that is “competent for the scene of an incident” is indicated. In the case of strategic command, the command is subsequently assumed by officials, starting with the officer appointed by the regional commander of the SFS up to the Chief Commandant of the SFS [10]. With regard to the level-based structure of command, it is stipulated that activation of command at a higher level does not limit the obligations of the person (or persons) in charge of command at lower level(s) [10]. To complete the deliberations in this regard, it should be noted that, as in the case described hereinabove, the problems of persons of the same rank arriving at the scene and the issue of commanding in facilities with the IRS or IFT are also addressed in the regulation on the detailed organisation of the NFRS. The person obliged to take over command in the described situation, just as in the previous case, is the person representing the

11 Cf. Article 16a of the *Fire Protection Act*, Article 1 of the *State Fire Service Act*.

entity that is competent due to the fact that the scene is located within their area of own operation. For facilities, it is stipulated that the principles of command and the sequence of assuming command shall be defined by the rescue plans relevant for that area [10].

As mentioned above, the issue of commanding rescue operations may be expanded with regard to a variety of areas¹². This part of the study, however, shall be limited to the problem of authorisation to assume the role of a person in charge, and will serve as a foundation for further deliberations.

3. Implications

The deliberations presented hitherto revealed that in the context of organising rescue operations, legal regulations on fire protection use the terms “operational area” and “protected area” interchangeably. This fact has usually no adverse effects with regard to the capacity to appoint a person authorised to command rescue operations at any stage thereof. However, it is not the case when, as indicated above, the protected area of a given intervention entity (e.g. a FRU), in addition to a part of its original operational area (e.g. its own SFS headquarters), also encompasses a part of an area that is administratively subject to a neighbouring entity (e.g. an adjacent SFS headquarters). Such situation may arise when there are different criteria of designating protected areas and operational areas, which is discussed above.

To elaborate on this issue, we need to refer to a specific example. When a threat is reported to the SFS CP of given headquarters at a district level, the dispatcher or the operations duty officer, following the existing emergency procedures, dispatches (directly or/and via other SFS CP) rescue forces and resources that are adequate to the expected situation (as predicted on the basis of the report) to the scene of an incident. These are so-called first-wave resources that were selected in accordance with the protected areas and regions of operation assigned to them. Other forces and resources may be subsequently dispatched depending on the needs that follow from the growth in information or the demand reported by the person in charge of the

12 The subject of commanding rescue operations is described more broadly in: B. Kogut, *Kierowanie działaniami ratowniczymi – zarys teorii i praktyki* [in:] B. Wiśniewski (ed.), *Racjonalizacja zarządzania jednolitymi formacjami umundurowanymi odpowiedzialnymi za bezpieczeństwo wewnętrzne vol. 1*, SGSP, Warsaw 2017, pp. 125–133; R. Radkowski, *Doskonalenie kierowania działaniami ratowniczymi* [in:] B. Wiśniewski (ed.), *Racjonalizacja...*, op. cit., pp. 164–179.

rescue operation who is already at the scene. In the situation in question, in specific circumstances it could happen that the resources which arrive first at the scene are from the FRU of the SFS headquarters that are adjacent to the scene and, at the same time, competent for the protected area assigned to the unit. It is obvious that the commander of such resources assumes the rights of the person in charge of the rescue operations. As more forces and resources arrive, the command will be taken over by other authorised higher-ranked officers in that unit¹³.

With reference to the level of intervention command, first doubts may arise when the administratively competent resources are the first to arrive at the scene. In the light of the regulations referred to above, it seems that, at the intervention level, the commanders representing such resources are not taken into account with regard to assuming the role of the person in charge of rescue operations, as they are not “competent with regard to the protected area”¹⁴. A question arises whether the provision concerning functions of the same rank is applicable in this case with reference to the area of own operation¹⁵? Assuming that the above interpretation of the provisions is correct, denying the functions from the headquarters of territorial relevance the right to take command seems to be at least problematic. Although such behaviour may be justified in the case of two commanders of lower ranks (e.g. when a company commander arrives while a shift commander is in charge), the retention of the right to command by a lower-ranked person in charge in a reverse situation, i.e. when a commander of a higher rank arrives, seems controversial. These doubts are amplified by the fact that on the tactical level, those obliged to take command are functions of administrative competence [10], although

13 “The intervention command shall be taken over by rescuers (...) competent for the protected area (...)”, § 24 of the Regulation *on detailed organisation of the national system...*

14 An assumption was made that protected areas of FRUs are mutually adjacent, as seems to be indicated by the definition of the term referring to the arrival in “the shortest time”, although § 8 of the Regulation on detailed organisation of the national system... quoted above points to the possibility of delineating protected areas as “non-exclusive ranges”, encompassing not only the first forces and resources arriving at the scene, but the subsequent ones as well. In practice, this approach would lead to establishing co-protected areas (regions of cooperation) and would eliminate some of the problems outlined above.

15 “If people of the same rank arrive at the scene of an incident, and they should take command of the rescue operations, command of the rescue operations shall be assumed by the person within whose area of own operation the incident origination site is located”, § 28 of the Regulation *on the detailed organisation of the national system...*

this is not stated directly. Admittedly, as noted above, the regulation does not precisely state whether the provision on commanding by a FRU that is “competent for the incident origination site” refers to a protected area or an operational region, however, the reference to a district (municipal) commandant of the SFS seems to disperse all doubts and reveal the actual intentions of the legislator.

In analysing the example, one should also refer to the possibility of command being assumed on a lower level by an officer obliged to organise tactical command, appointed by the commandant [10]. Recognising the acceptance of taking command by representatives of organisational units of administrative competence as desired and rational, one should consider whether in the situations mentioned above, the designation of persons authorised to take intervention command by the district (municipal) commandant of the SFS, by way of an order, and using the disposition in question each time after the arrival of any of the commanders listed in the order could be a specific, ad-hoc remedy to potential competence disputes. After all, the Regulation on the detailed organisation of the NFRS does not condition the assumption of the intervention command by a designated aspirant or an officer upon the activation of tactical command, and the commandant’s competence with regard to implementing such a solution seems to additionally justify the statutory rights granted to that person[13]. A specific understanding of the solution described above would mean that the region of operations is considered to be superior in relation to the protected area, which would be somewhat justified in consideration of the utility of terms in the context of the full spectrum of tasks fulfilled by the fire protection authorities.

In fact, the example referred to above reveals two problems. The first one concerns the superiority of the region of operations in relation to the protected area, or the other way round, while the second one – the concession of the rank in the rank structure to the assignment to a given territory/area. It should be noted that the scope of the discussion does not cover any technical aspects of the problem, such as mechanisms of dispatching forces and resources from outside of the region of operations of a given SFS CP or the organisation of communications between the SFS CP and the person in charge of the rescue operations that represents the adjacent headquarters.

Reaching a point where doubts of competence – and reason-related nature are completely eliminated would require the modification of fire protection laws. Such changes must be preceded by a thorough and holistic analysis of the solutions that are currently in place. Further, their modification may not impact the priority of dispatching the resources that can arrive at the scene of an incident in the shortest time possible,

regardless of the existing administrative boundaries. This task is difficult, but it is not impossible. The first step towards its fulfilment seems to require a redefinition of the terms referred to above and/or their reconciliation in favour of introducing the term of co-protected areas (or areas of co-operation) to the terminology of rescue regulations.

Summary

The problem of commanding rescue operations is broad and complex, especially when incidents are handled by numerous entities. The deliberations presented above cover but a fraction of the problem, which has been limited to inter-departmental interactions. The authors' assumption was that the process of improving the solutions should account for the tiniest elements¹⁶. The fact that competence-related uncertainties were revealed in a seemingly uncomplicated situation proves that the solutions require continuous streamlining, while the effects of introduced modifications must be constantly observed. It is no coincidence that our deliberations revolved around the recently introduced legal definition of a protected area. As the introduction of said definition was not followed by any modification to other related legal provisions, it led to divergence in the interpretation, theoretical doubts and certain factual effects. Every change has its specific consequences and sometimes gives rise to hard-to-anticipate implications which not only fail to cause any improvement, but, in extreme cases, may cause regress. Therefore, it is crucial to make the changes consistent and multidimensional.

As mentioned in the introduction, the deliberations were focused on revealing and presenting the problem as clearly as possible, which was not an easy task, considering the peculiar, very sectoral nature of the issues at hand. With regard to problem solving, no arbitrary determinations were made, as the authors restricted their elaborations to an ad-hoc proposal and a reference to a term that was previously used in the fire service environment, namely "region of co-operation". The lack of a proposed solution was fully intentional, as the authors hoped to spark a discussion among the practitioners and theorists of lifesaving. This seems to be the best step in the direction of developing the target concept of solution improvement.

16 Tadeusz Kotarbiński quoting Michelangelo Buonarroti: [*Do not ignore trifles as*] "Trifles make perfection and perfection is not trifle", T. Kotarbiński, *Traktat o dobrej robocie*, Zakład Narodowy im. Ossolińskich Wydawnictwo Polskiej Akademii Nauk, Wrocław-Warsaw-Kraków-Gdańsk-Łódź 1982, p. 22.

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