

Robert Sudenis

Provincial Police Headquarters in Gdansk

SAFETY OF MASS EVENTS IN INTERNAL SEA WATERS

ABSTRACT

Each country has an obligation to provide its society with a sense of broadly understood security. Public safety occupies a special place in this catalogue both in everyday life and at mass events. At such gatherings, the participant has the right to require decent entertainment, a good atmosphere, but above all the awareness that his property, health, and life will not suffer. One has the right to expect this without wondering who is responsible for his safety at this place and time. Additionally, he has the right to believe that the event organizer has fulfilled all his duties. The above article focuses on changes in the approach to securing mass events, and actions aimed at introducing statutory regulations on this issue. The manner in which the police conducted their duties due to imposed changes to the law on the security of mass events and the Police Act was analysed. The role of the Water Police Station in protection of public safety and order in waters intended for general use was also indicated, especially in the context of securing mass events of an artistic and entertainment nature.

Key words:

security, mass event, water police station

INTRODUCTION

The idea of ensuring law and order during mass events is not a new issue, and a problem of modern times. It already affected civilized societies several hundred years BC. The Byzantine Empire tried to confront the aggressive behavior of fans during sporting events which even regular troops used for this purpose. On the basis of preserved historical sources, it can be concluded that special technical measures aimed at maintaining law and order on the sports facilities of the time were used during the Dionysia already about 530 BC. The

ban on alcohol consumption at the sports facilities at the time was introduced as early as around 450 BC during a competition held in Delphi¹¹⁸.

The problem of football hooliganism in the stadiums dates back to the Roman Empire. Already then, a significant increase in the degree of cheering by spectators observing the chariot races was often the reason for the fierce fights between them. One of the first described aggressive and antisocial behaviour of fans was to provoke riots in January 532 in Byzantium, during which the prefecture was conquered and prisoners were released. A real example illustrating the eternal link between football games and the use of violence was the introduction of a total ban on practicing the game within the city in 1314 under penalty of imprisonment¹¹⁹.

Ensuring safety – this primary need of every human being – is a prerequisite for the proper development of the individual and its optimal functioning in society¹²⁰.

Everyone wants to be safe and at the same time wants to feel safe. Safety is one of his most important needs. It is the second in the hierarchy right after the physiological needs. Ensuring safety was one of the main driving forces in the social evolution of people. Safety today in its broadest meaning, not only ensures the survival of an individual, or a community, but also provides comfort of living¹²¹.

CHANGES IN THE APPROACH TO PROTECTION OF MASS EVENTS

The European Union's objective is, inter alia, to provide citizens with a high level of security within an area of freedom, security and justice by promoting common action among the Member States in the field of police cooperation. Law enforcement authorities in a Member State, when watching over a major international event must safeguard it both in terms of public order, and the fight against terrorism. Depending on the nature of the event (political, sporting, public, cultural, or other), one of these aspects may become dominant

¹¹⁸ Tyburska, A. *Ensuring security of mass events in the context of the European Football Championship Euro 2012* [in:] *Stadium crime etiology, phenomenology, prevention of the phenomenon*, ed. Pływaczewski, W. and Kudrelek, J. Szcztyno (2010), p.69-70

¹¹⁹ Kociołek, K. Mikołajczyk, P. *Etiology of stadium crime and football hooliganism and analysis of selected concepts of fighting them* [in:] *Stadium crime etiology, phenomenology, prevention of the phenomenon*, ed. Pływaczewski, W. and Kudrelek, J. Szcztyno (2010), p. 33

¹²⁰ Tyburska, A. op. cit., p. 67

¹²¹ Wolanin, J. *Outline of the theory of citizens' security protection for peacetime*, Warsaw 2005, p. 13.

and fall within the remit of other authorities, but both must always be considered¹²².

It is also one of the priority objectives of the activity of the Polish state as defined in the Constitution of the Republic of Poland¹²³, which guarantees the security of the citizens, as the main value, and need of every person.

Under the term safety one means a mental, or legal state in which an individual has a sense of certainty, support in another person, or in a well-functioning legal system – the opposite of a threat¹²⁴. Public security, on the other hand, is the general conditions and institutions protecting life, health, property of citizens, and national assets, the system and sovereignty of the state, the duty to protect public security rests with all authorities and state administration also social bodies, or the citizens¹²⁵.

The fact that Poland ratified in 1995 the European Convention on *Spectator Violence and Misbehaviour at Sports Events, and in particular at football matches*¹²⁶, drawn up in Strasbourg on 19 August 1985, resulted in the need for a change in the approach to securing sporting events, and thus for action to introduce legal – statutory regulations on this issue.

Consultations conducted with the participation of all bodies engaged in the organization and securing of sporting events resulted in the adoption of the Act "On the security of mass events" on 22.08.1997 by the Polish Parliament. The Act entered into force on 12.03.1998. It defined the conditions for the safety of mass events, the procedure for issuing permits to conduct them, and the rules of liability of the organizers of these events for damage caused at the place and time of such meetings, as well as the rules of liability of the organizers and their participants in case of violation the provisions of the Act. The Act on the security of mass events has provided a legal basis for the elimination from sports facilities persons who violate the provisions of the law by the possibility of the Board judging petty offences to impose an additional penalty "ban on admission to a mass event".

The failure to adapt the entire provisions of the Act of 22 August 1997 to the changing reality, especially the possibility of entities responsible for the safety of participants in mass events to "bypass" its provisions, made it necessary

¹²² Council of Europe Recommendation of 6 December 2007 on a *handbook for police and security authorities concerning cooperation at major events with an international dimension* OJEU of 22.12.2007, item C 314/02

¹²³ *Constitution of the Republic of Poland* of 2 April 1997, Journal of Laws of 1997, No. 78, item 483, Article 5

¹²⁴ *Dictionary of Modern Polish Language, Reader's Digest, Warsaw 1998, p.50*

¹²⁵ *Universal Encyclopedia of the Polish Scientific Publishers (PWN), Warsaw 1983, p. 277*

¹²⁶ Journal of Laws of 1995 No 129, item 625

to supplement the Act with additional requirements that would make it more precise and, above all, eliminate cases of free interpretation.

As a result of the actions taken, on March 30, 2001, the Polish Parliament adopted an act amending the act on the safety of mass events, and the act on the Police. The most important changes introduced by this act are as follows:

- change in the definition of a mass event – not the number of people present at the event at the facility (stadium) is crucial, but the number of seats for people at the facility (stadium). Such a necessity was dictated by the frequent understatement by the event organizers of the number of participants they claimed in the permission applications, which in many cases ended up not qualifying the event as a mass event,
- introduction of a definition of a high-risk event, which made it possible to force the entities involved in the organisation of the event and in particular its organizer, to prepare a careful and appropriate security measures to the existing threats,
- adding a provision that the law enforcement services may not be composed of random persons, but only properly trained and equipped. The notion of a security manager was also introduced, i.e. a person in charge on behalf of the organizer for the preparation and implementation of the event,
- introduction the possibility of making an agreement with the county (city) police chief for a chargeable participation of police officers in the security. In practice, the following principle should be respected that police officers who are not on duty on a given day should participate in the security. The funds obtained on this account were to be used for additional remuneration of police officers for overtime, which was not included in the time specified in the Police Act;
- to create a possibility for the province governor to ban the public from participating in a mass event;
- introducing an obligation to record the course of the event, and in particular the behaviour of individuals by means of video and sound recording devices in stadiums, facilities, or areas included in the list issued in the administrative decision by the province governor;
- tightening the criminal measures by prohibiting the possession, or bringing to a mass event weapons, or other dangerous objects, explosives, pyrotechnic products, fire hazardous materials, and alcohol. At the same time, a legal basis has been created to declare the forfeiture of these items. The previous legislation in force indicated storing the secured objects in a deposit and then returning them after the event.¹²⁷

¹²⁷ Act of 30 March 2001 *amending the Act on mass event safety and the Act on the Police*, Journal of Laws of 2001, No. 41 item 465

The above changes indirectly imposed new obligations on the Police, especially related to rigorous compliance with new regulations at the stage of issuing opinions on applications for permission to conduct a mass event. Stricter punishment for non-compliance with the provisions of the Act were to help the Police in improving the safety of events. This, however, was connected with the necessity to carry out procedural activities more carefully¹²⁸.

In order to ensure the Act's functionality in connection with Poland preparations to secure UEFA EURO 2012 it was necessary to adapt the regulations to international standards.

On 20 March 2009, the Polish Parliament adopted the draft *Act on the safety of mass events*¹²⁹ the basic document regulating the issue of safety during events gathering a certain number of people. *The Act on mass event safety*¹³⁰ of 22.08.1997 in force until that date, as a result of changes in the regulations around the law, changes in the internal conditions of the country caused by preparations to secure the most important sporting event in the history of the country – EURO 2012 lost its internal coherence, and made it impossible to effectively apply the law to the growing phenomenon of stadium hooliganism. The document defines:

- security conditions for mass events,
- rules and procedures for the authorization of mass events,
- rules of liability of mass events' organizers for damage caused on site and in connection with the organisation of a mass event,
- rules of liability of organizers of mass events and their participants in case of violation of the Act,
- the powers of organizers of mass sports events related to arranging them,
- rules of conduct for the collection and processing information on the security of mass sports events.

The law precisely defines the most important concepts, including those which have so far remained within the sphere of European law, and the terminology and organisation of sports associations (*Council of Europe Recommendation of 6 December 2007 on a handbook for police and security authorities concerning cooperation at major international events*¹³¹).

A very important supplement to the provisions of the Act is to order the Council of Ministers, and the relevant ministers to define by regulation:

¹²⁸Report of the Police Headquarters, *on security of mass events in 2001*, www.kpk.policja.gov.pl

¹²⁹ *Act on the safety of mass events of 20 March 2009*, Journal of Laws of 2009, No 62, item 504

¹³⁰ *Act on the safety of mass events of 22 August 1997*, Journal of Laws of 1997 No. 106, item 680

¹³¹ Official Journal of the European Union of 22.12.2007, item C 314/02

- a) „the requirements to be met by the Security Manager, security services, and information services in terms of training and equipment”¹³².
- b) "the scope of the necessary elements of the instructions to be followed in the event of fire, or other local danger at the place and time of a mass event, with a view to ensuring the safety of the mass event".¹³³
- c) „the method of recording the course of a mass event, taking into account its type, the places in the stadium, facility, or premises subject to mandatory image and sound recording, and the minimum technical requirements for image and sound recording equipment, allowing the use of the recorded image and sound for the purposes of taking evidence against disruptive persons during a mass event and high-risk mass events in stadiums, taking into account the need to ensure effective identification of threats and identification of disruptive persons at the place and time of the mass event”¹³⁴.
- d) „the safety conditions to be met at stadiums where football matches may take place”¹³⁵.
- e) „the way in which information on the security of mass events is communicated by the obligated entities, specimens of registration cards, inquiry cards, and response cards, taking into account the data that must be included in the cards, the identification of the authorized entity and the obligated entity, the content of the information and the need to ensure the security of the information communicated in particular against access by unauthorized persons”¹³⁶.
- f) „detailed procedure for determining damages and for claiming damages, taking into account the need to ensure the efficiency of damage assessment and payment”¹³⁷.

As of 1 March 2010, most of the legal acts issued under the previous act on the safety of mass events ¹³⁸ in accordance with the provisions of the new act ceased to apply. The following legal acts were issued under the statutory delegation contained in the new act:

- a) Regulation of the Minister of Internal Affairs and Administration of 3 August 2009 *on the manner of fulfilling an obligation to appear in person in a Police organisational unit, or in a place specified by a competent Police Chief during a mass event*,¹³⁹ which specifies the way of performing duty

¹³² Act on the safety of mass events of 20 March 2009, op. cit., art. 23

¹³³ Ibid. Article 6(5)

¹³⁴ Ibid. Article 11(9)

¹³⁵ Ibid. Article 17.

¹³⁶ Ibid. Article 42(6).

¹³⁷ Ibid. Article 52(3).

¹³⁸ *Act on the safety of mass events of 22 August 1997*, Journal of Laws of 1997 No. 106, item 680

¹³⁹ Journal of Laws of 2009, No 125, item 1039

- to appear in person in a Police organizational unit, or in a place specified by a district/ municipal/ city Police Chief, competent in terms of place of residence of a person punished, or sentenced during a mass event,
- b) Regulation of the Minister of Internal Affairs and Administration of 2 March 2010 on the *provision of information on the security of mass events*,¹⁴⁰ specifying the method of providing information on the security of mass events by entities obliged to do so, as well as specimens of registration cards, inquiries and answers,
- c) Regulation of the Minister of Finance of 11 March 2010 on *compulsory civil liability insurance for mass events organizers*,¹⁴¹ which contains the detailed scope of the obligatory civil liability insurance of mass events organizers, to which admission is payable, for damages caused to persons participating in it, the date of the insurance obligation, and the minimum guarantee amount of this insurance,
- d) Regulation of the Council of Ministers of 23 March 2010 on the *requirements to be met by a security manager, security services and information services* ¹⁴². The regulation specifies the requirements to be met by a security manager, security services and information services in terms of training and equipment. In addition it specifies:
- the topics and forms of training,
 - units competent to provide training,
 - model certificate of completion of training,
 - the required equipment of law enforcement and information services depending on the expected risks,
 - the extent to which the law enforcement and information services check the eligibility of persons to participate in a mass event,
 - means of identification for establishing the identity of persons participating in a mass event, browsing through luggage, clothing, and removing persons disrupting the mass event.
- e) Regulation of the Minister of Internal Affairs and Administration of 10 June 2010 on *security conditions to be met by stadiums where football matches may be held* ¹⁴³ in which the below mentioned security conditions are specified:
- technical solutions to manage the flow and control people participating in football matches,
 - introducing identification of persons participating in football matches,

¹⁴⁰ Journal of Laws of 2010, No 54, item 329

¹⁴¹ Journal of Laws of 2010, No 54, item 323

¹⁴² Journal of Laws of 2010 No 52, item 308

¹⁴³ Journal of Laws of 2010, No. 121, item 820

- equipping the stadiums with infrastructure including integrated command posts, the way in which people participating in a football match are distributed, an entry and exit control system, parking facilities and communication nodes
- f) Regulation of the Minister of Internal Affairs and Administration of 10 January 2011 on the *method of recording the course of a mass event*¹⁴⁴ specifying in particular:
 - places in stadiums, facilities, or areas included in the list referred to in Article 11(4) of the Act of 20 March 2009 on the safety of mass events¹⁴⁵, where recording of the course of a mass event by means of video and sound recording devices is mandatory;
 - minimum technical requirements for video and sound recording equipment;
 - the way of storing materials collected during recording of the mass event.

The legislator has categorized and precisely defined the types of mass events to which the adopted legislation applies. In Article 3 of the Act¹⁴⁶ it specified that the term *mass event* should be understood as a mass artistic and entertainment event, a mass sports event, including a football match with the exception of events:

- a) organized in theatres, operas, operettas, philharmonics, cinemas, museums, libraries, community centers and art galleries, or other similar facilities,
- b) organized by managers in schools and educational establishments,
- c) organized as sports competitions for children and youth,
- d) sports events organized for disabled athletes,
- e) general sports with the character of physical recreation, open to the public and free of charge, organized in an open area,
- f) private events organized by employers to their employees, and provided that the type of event corresponds to the purpose of the facility, or area where it is to take place.

Article 5 of the Act¹⁴⁷ contains a provision specifying the obligation to secure a mass event within the scope specified in the Act and other regulations also on: the head of the commune, the mayor, the president of the city, the province governor. The event shall be protected by the Police, State Fire Service, and other organizational units of fire protection, services responsible for safety and public order in railway areas, health service and, if necessary, other relevant

¹⁴⁴ Journal of Laws of 2011, No. 16, item 73

¹⁴⁵ Journal of Laws of 2009, No. 62, item 504

¹⁴⁶ Ibid. Article 3

¹⁴⁷ Event *Safety Act* ..., op. cit.

services and bodies. Police tasks related to the preparation and organisation of mass events can be grouped as follows:

- preparing opinions for mass event organizers,
- participating in the establishment of a list of stadiums, facilities, or areas where the recording of a mass event using video and sound recording equipment is mandatory,
- conducting monitoring of the events taking place,
- preparation for a possible response to the breach of order,
- in justified cases, to implement safeguards themselves,
- collecting and processing information on the safety of mass events.

Issuing a permit to conduct a mass event is preceded by a procedure specified in Chapter 5 of the Act¹⁴⁸ involving in particular obtaining an opinion on it from the locally competent district /municipal, or city police chief.

TASKS OF THE WATER POLICE STATION

The maritime areas of the Republic of Poland include internal sea waters. Each state with access to the sea must ensure safety in the waters under its control. The Police Act presents an open catalogue of police tasks which includes, among others, protection of public safety, and order including ensuring public transport and communication in public places and means of public transport, road traffic, and **waters intended for general use**.

The Water Police Station¹⁴⁹ was established on 16 October 2017 within the structure of the Provincial Police Headquarters in Gdansk. It covers waters and water areas within the administrative borders of Gdansk, Sopot, Gdynia, Pruszcz Gdański, and Nowy Dwór Gdański.

The most important tasks of the specialized police station are:

- protecting people's safety,
- to prevent crime, offences and other incidents that disrupt the safety, and order of waters and near-water areas,
- the detection and prosecution of crimes and offences,
- to capture in the act of committing offences,
- looking for missing persons
- preventing drowning accidents and saving people,
- **to secure mass and tourist events**,

¹⁴⁸ Ibid. Chapter 5

¹⁴⁹ Regulation No. 31 of the Police Chief Commander of 03.10.2017 *amending the regulation on granting statutes to the Provincial Police Headquarters in Gdańsk*, Official Journal of the National Police Headquarters of 17.10.2017, item. 66

- cooperation with other bodies carrying out tasks in the field of rescue, water safety, order, and ecology.

In 2019, a total of 686 mass events were held in the Pomeranian Region, including 336 artistic and entertainment mass events, 264 mass sports events, and 86 football matches. It should be stressed that artistic and entertainment events accounted for 49% of all mass events, while mass sports events accounted for 38.5% and football matches for 12.5%. Thus, the dominant group of mass events held in 2019 in Pomerania Province was mass sports events including football matches.

The Pomeranian Police, which covers the Pomeranian Province, operates on the basis of Police units, including city and county police stations. Securing a mass event, at the level of a police operation, which requires the involvement of forces and resources from outside a single headquarters, or covers the area of several city, or county headquarters, is carried out by the Provincial Police Headquarters in Gdańsk, including the Water Police Station.

Table 1. List of events in the Pomerania Province in 2019

No.	Type of event Category	Mass events-all	Mass sports events	Football matches	Artistic and entertainment events
1.	Number of secured mass events	686	264	86	336
2.	Number of collective infringements of law	1	0	1	0
3.	Number of hooligan excesses	56	4	52	0

Source: Own study based on data from the National Information Point for Sports Events of the National Police Headquarters.

During mass events and football matches taking place in the Pomeranian Region in 2019, a total of 121 people were detained, including 4 minors. There was 1 collective violation and 56 hooligan excesses.

An indispensable element of securing each event is the disclosure of events that have the characteristics of a crime, or a misdemeanors which undoubtedly affects the effectiveness of police activities in ensuring public safety and order. In the described period of time, Pomeranian policemen referred to courts 27 cases classified as misdemeanors and 3 cases classified as crimes.

Table 2. Effects of police action in 2019 in connection with securing events in the Pomerania Province

No.	Type of event Category	Mass events-all	Mass sports events	Football matches	Artistic and entertainment events
1.	Number of detainees	121	5	68	48
	Including detained minors	4	0	4	0
2.	Number of cases referred to courts for offences	27	1	25	1
3.	Number of requests to juvenile courts	0	0	0	0
4.	Number of requests to courts for offences	3	0	3	0

Source: Own study based on data from the National Information Point for Sports Events of the National Police Headquarters

In 2019, Water Police Station, the specialist police station, carried out tasks related to securing large mass events, especially in the area of Gdańsk and Gdynia, in the area of the Gulf of Gdańsk, which belongs to the area of sheltered sea waters.

One such event was the *Delfinalia 2019 Gdynia Music Festival* as a cultural and entertainment event dedicated to the student community, as well as to the inhabitants of the Tri-City and guests visiting the region. This festival dates back to the period before 2007, but since 2016 it has been held at the Southern Pier in Gdynia. The entertainment event through a number of attractions for the participants and an extensive schedule of accompanying events, widely refers to maritime traditions.

Another example of the involvement of officers from the Prevention Team of the Water Police Station in Gdańsk in ensuring safety and legal order in internal sea waters was the event *Summer starts in Gdynia – Cudawianki*. It is an event inaugurating the summer season and is addressed to a wide range of residents and tourists. Due to the concentration of a diverse programme between the Downtown Beach, the Seaside Boulevard, and Grunwaldzki Square, police activities are also concentrated there.

Another event requiring protection was *Baltic Sail Gdańsk 2019*, which is open to all vessels, including yachts, cutters, and motorboats. Baltic Sail is an international agreement signed by the cities of the Baltic Sea region initiated by the German port of Rostock in 1996. The aim was and is to promote the maritime heritage of the European Baltic Sea Region and to support traditional Baltic shipping through Gdańsk, Klaipeda, Rostock, Karlskrona, Ystad, Riga, and

Szczecin. Sailing ships moored at the Motława River quay at the Fish Market are an element bringing closer the maritime traditions of the Baltic Sea region.

One cannot forget to mention the air show *Gdynia – AIRSHOW 2019*. The air-track of the competition was set over the waters of the bay, and the whole event took place on the Seaside Boulevard and the beach in Gdynia.

CONCLUSIONS

The Water Police Station in Gdańsk, as an organizational unit of the Provincial Police Headquarters in Gdańsk, is a specialist police station responsible for water and waterside prevention¹⁵⁰. Tasks in the area of prevention of conducts that may pose a threat to the safety of people, and property, or violate public order in waters and waterside areas were carried out, in the case of the described events with the characteristics of a mass event, mainly in the area of the Gulf of Gdańsk and along the coastline within the administrative boundaries of the city of Gdynia and Gdańsk.

Police vessel units have become a permanent part of the process of securing mass events on the territory of waters, and the coastline in the Pomerania Province. Therefore, it becomes necessary to improve professional qualifications and physical fitness of officers serving on waters, as well as to properly equip the service with water rescue equipment that meets the minimum standards for the supply of accessories and technical means for water rescue in the scope of basic rescue activities. Another direction should be to expand cooperation with non-police bodies responsible for water safety.

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¹⁵⁰ Regulation No. 1386 of the Police Chief Commander of 17 November 2009 on *methods and forms of performing tasks by police officers serving on water and waterside areas*, Official Journal of the National Police Headquarters No. 15 of 26.11.2009, item 70

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