

Patryk MASŁOWSKI¹

ANALYSIS OF THE LEGAL POSITION AND ROLE OF INFORMATION SERVICES IN ENSURING THE SAFETY OF MASS SPORTS EVENTS

This article discusses the legal position of information services, as well as the rights and obligations of their members in the field of security of mass sports events. Designated by the organizers of mass events, information services play an important role in ensuring the safety of participants. Pursuant to the currently binding Act on the Safety of Mass Events of 2009, legislators have granted information services many powers of a preventive nature. This allows them to effectively prevent the possibility of a threat during a mass event. Such actions are also aimed at minimizing possible negative consequences in the event that the danger does occur.

Keywords: security, mass sports events.

1. INTRODUCTION

A sense of security is one of the highest and inherent values of every human being's daily existence. Contemporary experiences related to, inter alia, the infectious COVID-19 pandemic caused by the SARS-CoV-2 coronavirus, an armed conflict in Ukraine, as well as a series of terrorist attacks that have taken place since the beginning of the 21st century, are significantly influenced the cited sense of security of societies around the world – with particular emphasis on people living in the countries of Central and Eastern Europe. It is worth emphasizing that the above-mentioned circumstances, both directly and indirectly, negatively affected areas such as the economy (a significant increase in inflation) or the sphere of everyday cultural and sports life for each of us. The long-term inability to derive entertainment from actual participation in mass events (caused by the aforementioned pandemic), followed by the dynamic increase in the prices of basic products, in the opinion of many people, intensified the reduction in the level of sense of security.

The content of Art. 5 of the Constitution of the Republic of Poland, which explicitly indicates that the Republic of Poland is obliged to guard the broadly understood security of its citizens. Such a general and general regulation is the basis for further detailing this issue in terms of the area that is subject to a specific analysis. With regard to the safety of mass sports events, the issue of ensuring safety and public order in connection with the conduct of mass sports events, and thus indicating the entities responsible for it, as well as the rights

¹ Patryk Masłowski, PhD, Department of Law and Administration at the Faculty of Management of the Rzeszów University of Technology I. Łukasiewicza, Aleja Powstańców Warszawy 12, 35-959 Rzeszów; e-mail address: patrykmaslowski@prz.edu.pl. ORCID: 0000- 0002-6087-7248.

and obligations they are equipped with for this purpose, is regulated by the force of the Act on the Safety of Mass Events of 2009.

Based on the analysis of the content of the above-mentioned act on the safety of mass events in a general way, it should be emphasized that the regulations introduced by the legislator relating to the discussed issues mention a large group of entities that have different rights and obligations to guarantee the safe course of all types of mass events, including mass sports events. Such a multitude of entities allows for a specialist specification of a narrow group of tasks that rest on individual organs. This group includes: the organizer of the mass event, the manager for security of a given mass event, members of the security service and information service who play such a role during a specific mass event, as well as such bodies as the head of the commune, mayor, city president, voivode or uniformed services. such as the Police or the Fire Department. Due to the complexity of the issues of tasks that rest on the aforementioned entities, this article will focus strictly on the legal position as well as on the rights and obligations of members performing the role of the information service.

2. SELECTED EXAMPLES OF THREATS DURING MASS SPORTS EVENTS

In order to show the legitimacy of the functioning of the formation in question, it is worth first of all, based on past experience, to present the characteristics of potential threats that may occur during a mass sports event. When considering this issue, it should be emphasized that in relation to mass events, it is also worth paying attention to the problem of the so-called crowd dynamics, as high density can be a sacrificial factor (Still, 2000).

The first type of danger, which is worth paying special attention to, directly results from the inappropriate behavior of participants in a given mass sports event, namely the phenomenon of stadium hooliganism. The issues related to this phenomenon were particularly noticeable in Poland at the end of the 20th and the beginning of the 21st century, when playing football matches (Jedynak, 2012). At this point, it is worth emphasizing that the inspiration for the Polish legislator to take decisive legal steps to combat the so-called stadium hooliganism resulted, inter alia, from the adoption in 1985 by the Council of Europe – the Convention on the violence and excesses of spectators during sports events, in particular football matches, which entered into force in Poland in June 1995 (Chlebowicz, 2018). In addition to the possibility of citing a very large number of examples of events on this basis, the above thesis is also confirmed by the fact that the legislator decided to regulate the issues related to the safety of football matches in detail in a separate chapter of the Act on the safety of mass events (chapter 3 of the aforementioned normative act). In practical terms, an example of the thesis adopted may be the recent events that took place during the football match of the 1/32 final of the Fortuna Polish Cup between the teams of Ruch Chorzów and Górnik Zabrze, which took place in Chorzów on September 1, 2022. Improper and aggressive behavior of hooligans (e.g. destroying the gate at the stadium or burning the opposing team's flag) led to a decisive intervention by the security, and later also by the police. To make matters worse, at the end of the match, some hooligans also entered the pitch, which forced the referee to stop the competition temporarily (<https://przegladSPORTOWY.onet.pl/pilka-nozna/puchar-polski/ruch-gornik-wielkie-derby-slaska-w-cieniu-starc-pseudokibicow-z-policja-wideo/pj3ckzv>) (Access: 6.10.2022).

Another threat to the security of a mass sports event is related to the possibility of a terrorist attack aimed directly at the participants of such an event. As shown by past

experiences, compared to other countries, such events have not taken place on a large scale in Poland so far – which does not mean that in the context of the future (also due to the armed conflict taking place beyond the eastern border of Poland) such a risk does not occur. Exists (Wiśniewski, Socha, Gracz, 2010). An infamous example of a terrorist act committed during a sports event may be the attack that took place during the Boston marathon. It was on April 15, 2013, during the Boston Marathon, two bombs exploded, the detonation of which killed three people (including an eight-year-old boy) and seriously injured over 260 other people (<https://www.history.com/topics/21st-century/boston-marathon-bombings> (Access: 6.10.2022)).

The last presented type of danger that can potentially occur in connection with the organization of a mass sports event relates to the inappropriate and irresponsible behavior of the organizer. The example of the events that took place in Furiani (France) in 1992 can serve as the confirmation of this opinion. It was on May 5, 1992 that the semi-final match of the French Cup was to be played between the second-tier team S.C. Bastia and Olympique Marseille (at that time the champion of the French league). The popularity of the team from Marseille became a pretext for the rulers of the S.C. Bastia club to temporarily expand the stadium, which would allow for an increase in the number of spectators by about 2,500 people, which would directly contribute to the club's gaining higher financial revenues from the sale of tickets for the match. Unreasonable rush and leading to such bizarre situations as, for example, carrying out the last works in the form of tightening the screws or welding the structure, when most of the fans were already on this stand, resulted in a tragedy that took place even before the match began. An unpleasant effect of the present proceedings of the organizer of the football match in question was the collapse of the aforementioned structure of the temporary stand, which resulted in the death of 19 people and more than 2,300 injuries (http://stadiony.net/aktualnosci/2022/05/francja_30_lat_od_tragedii_na_stadionie_bastii (Access: 6.10.2022)).

The above-mentioned examples of various types of threats that may occur in connection with the organization and course of a mass sports event prove that the entities responsible for ensuring safety during such mass events should be comprehensively and professionally trained and at the same time equipped with a number of rights and obligations enabling the effective performance of its tasks. One of such entities in the Polish legal system are information services. Their legal position and competences have been regulated in detail in the Act on the Safety of Mass Events (hereinafter referred to as u.b.i.m.).

3. DEFINITION OF A MASS SPORTS EVENT AND THE LEGAL STATUS OF INFORMATION SERVICES

In order to analyze the legal position and tasks of the information services in connection with the organization of a mass sports event, it is first appropriate to define the statutory scope of the definition of a mass sports event. When analyzing the content of art. 3 u.b.i.m. It is worth paying attention to the fact that the legislator did not directly define the concept of a mass event – only pointing out that this term should be understood as a mass artistic and entertainment event and a mass sports event – including a football match (Fundowicz, 2013).

In view of the above, it is appropriate to focus directly on the regulation contained in Art. 3 point 3 of the Act on Laws, in which the legislator indicated that a mass sports event

is a mass event the purpose of which is to compete in sports or to popularize physical culture, organized at:

- a) a stadium or other facility that is not a building, where the number of places provided by the organizer for people, determined in accordance with the provisions of the construction law and fire protection regulations, is not less than 1000, and in the case of a sports hall or other building enabling a mass event - at least 300;
- b) the area enabling the conduct of a mass event, where the number of places made available by the organizer for people is not less than 1000.

In order to complete the definition of a mass sports event, it is worth emphasizing that the legislator in Art. 3 point 4 u.b.i.m. decided to regulate the concept of a football match as a mass sports event in a separate manner, the purpose of which is to compete in the discipline of football, organized at a stadium or in another sports facility, where the number of places made available by the organizer for people, determined in accordance with the provisions of the construction law and regulations concerning fire protection, is not less than 1000. The aforementioned separation results directly from the unpleasant experiences that, in the context of the phenomenon of stadium hooliganism, took place on a large scale at the end of the 20th and the beginning of the 21st century during football matches in Poland. For this reason, it is also reasonable to associate the above issues with the concept of a high-risk mass event. This status is given to mass events during which, according to the information on anticipated threats or the previous experiences of the participants' behavior, there is a fear of acts of violence or aggression (Act 2009, art. 3, point 5). It should be noted that granting a mass sports event the increased risk status generates additional conditions which, in the area of safety, must be met by the organizer and other entities responsible for ensuring safety during its duration. In practice, it is football matches that are mass sports events of increased risk, which is conditioned by the emotions that are generated among fans in connection with sports competition (Suski, 2014).

Therefore, the role that has been entrusted to members of the information service during mass sports events is one of the most important aspects affecting the security of its participants. The legal position of the information service was pre-determined under Art. 3 point 12 u.b.i.m., according to which it should be understood as persons reporting to the safety manager, appointed by the organizer of the mass sports event, including the announcer of the sports competitions. When analyzing the legal status of the information service with regard to the safety of mass sports events, particular attention should be paid to the person of the sports event announcer, whose role in this area is particularly important. As accurately noted by C. Kałol – a person acting as a sports announcer should be aware that his behavior, the way of encouraging fans to support the team or the presented attitude towards the players and fans of the opposing team may have a calming effect or provocative (Kałol, 2012).

In order to determine the legal position of the information service, it is also appropriate to indicate that the requirements to be met by its members were defined pursuant to the Regulation of the Council of Ministers of August 30, 2011 on the requirements to be met by the security manager, security services and information services. The basic condition is to complete a specialist training and then successfully pass an internal exam, which consists of a written knowledge test and a part that checks practical skills, as a result of which the training participant receives an appropriate certificate for an indefinite period. In addition, members of the information service should be marked with an identifier while performing their official duties, as well as uniform clothing with a reflective inscription on the back

„INFORMATION SERVICE” (Kurzępa, 2020). It is also worth mentioning that pursuant to Art. 21 paragraph 2 u.b.i.m. the aforementioned badge is issued by the organizer of a given mass sports event and contains the following information: name of the exhibitor, identification number and facial image, expiry date, as well as the exhibitor's seal and signature.

4. RIGHTS AND OBLIGATIONS OF INFORMATION SERVICES

After indicating the legal position of members of the information services, it is appropriate to present the tasks and competences of these entities in connection with the organization of a mass sports event. Based on the generally worded art. 19 paragraph 2 u.b.i.m. you can find out that members of the information service act for the safety of participants in a mass event, in particular by informing them about the adopted organizational solutions. At this point, it is worth paying attention to the term “informing about the adopted organizational solutions”, as this action may have a two-fold preventive character. First of all, it minimizes the possibility of various kinds of possible threats or, in other terms, to prevent further escalation of the danger that has already occurred during a mass event.

In subsequent regulations of the Act on the Safety of Mass Events, the legislator decided to clearly distinguish the group of rights that rests with the entity in question from the group of obligations imposed on it. Moreover, while the legislator separated the scope of duties of the information service (Article 22 (2) of the BFA) from the scope of the duties of the security service (Art. 22 (1) of the BFA) in separate regulations, the issue of the rights of these entities was treated as a common, not separated catalog of competences.

The statutory powers of the information services include (Art. 20 (1) of the BFA):

- 1) checking and confirming the rights of people to participate in a mass event, and in the case of lack of such rights – summoning them to leave the mass event;
- 2) identification of persons in order to establish their identity;
- 3) viewing the contents of luggage and clothing of persons in the event of suspicion that these persons are bringing or possessing weapons, other dangerous materials, explosives, pyrotechnic products, alcoholic beverages, intoxicants or psychotropic substances;
- 4) issuing order orders to persons disturbing public order or behaving inconsistently with the rules of the mass event or the rules of the facility, and in the event of failure to comply with these orders – summoning them to leave the mass event;
- 5) capture, in order to immediately transfer to the Police, persons posing a direct threat to the goods entrusted to protection and persons committing prohibited acts.

It is also worth emphasizing that pursuant to Art. 20 paragraph 4 information services are obliged to perform the above-mentioned activities in a manner ensuring respect for human dignity and other personal rights of the person against whom they were undertaken.

Focusing on the powers of the information services to guarantee safety during mass sports events, it should be indicated that they are autonomous in nature and apply only to cases that occurred at the place of the mass event. This means that they cannot be extended by other rights, such as those of the Police Act – policemen who also take part in ensuring order at a given mass event at the same time (Kotowski, Kurzępa, 2012).

As has been mentioned before, the legislator has defined in a separate manner (Article 22 (2) of the Act on Public Procurement Law) the obligations which, in connection with the

organization of a mass event, rest on members of the information service. Namely, the information services are obliged to:

- 1) informing about the amenities and safety requirements specified by the organizer or emergency services;
- 2) informing about the location of medical, gastronomic and sanitary aid points;
- 3) supervising the safe entry and exit of people participating in the mass event;
- 4) not allowing people participating in the mass event to places not intended for the public;
- 5) immediate reaction to incidents and threats and taking necessary remedial actions, in particular by informing law enforcement services about them;
- 6) observe all areas of potential danger and prevent excessive density of people;
- 7) to ensure compliance with the provisions of the facility (area) regulations and the rules of mass event;
- 8) responding to complaints submitted by persons participating in a mass event.

When analyzing the scope of duties of the information service, once again the preventive nature of the tasks entrusted to it should be emphasized. It is visible through the use of terms such as „informing”, „guarding”, „observing” or „supervising” by the legislator. At this point, however, one should agree with the view of M. Dróżdź, who rightly points out that the duties of the information service regarding the safe entry and exit of people participating in a mass event assume the nature of only control, not supervision (Dróżdź, 2020), because supervision is both the possibility of controlling a supervised entity and also the legal possibility of binding to influence the supervised entity (Ura, 2021).

Approximated and analyzed rights and obligations that the legislator gave to members of information services in the context of ensuring safety during mass sports events, allow to assess that they are the result of experiences gathered over the last several decades, as well as observations of contemporary problems related to the organization of mass sports events.

5. SUMMARY AND CONCLUSIONS

Guaranteeing safety during mass sports events is one of the most important challenges faced by entities that have been equipped with a number of competences on this account. Due to the fact that pursuant to Art. 5 sec. 1 u.b.i.m. it is the organizer of a mass sports event who is primarily responsible for the correctness of its course, it should be noted that for this purpose to directly protect public order and security of a given mass event, he appoints an information service and a security service (Pomykała, 2010).

As indicated in the content of the article, the legislator directly regulated the qualifications required by members of the information service. In addition, the powers and obligations developed on the basis of past experience, and then granted by the Act on the safety of mass events, allow us to conclude that their practical application allows for ensuring the participants of mass sports events both awareness of care for the safety of fans, as well as creating a sense of comfort resulting from professional organizational knowledge to be demonstrated by members of the information service.

REFERENCES

- Chlebowicz, P. (2018). *Przestępstwa z ustawy o bezpieczeństwie imprez masowych z perspektywy polityki kryminalnej* [w:] Wetoszka, D., *Prawo sportowe*. Warszawa: C.H.Beck.

- Drózdź, M. (2020). *Ustawa o bezpieczeństwie imprez masowych – komentarz*. Warszawa: C.H.Beck.
- Fundowicz, S. (2013). *Prawo sportowe*. Warszawa: Wolters Kluwer.
- http://stadiony.net/aktualnosci/2022/05/francja_30_lat_od_tragedii_na_stadionie_bastii.
- <https://przegladSPORTOWY.onet.pl/pilka-nozna/puchar-polski/ruch-gornik-wielkie-derby-slaska-w-cieniu-starc-pseudokibicow-z-policja-wideo/pj3ckzv>.
- <https://www.history.com/topics/21st-century/boston-marathon-bombings>.
- Jedynak, J. (2012). *Agresja i chuligaństwo stadionowe – analiza zjawiska* [w:] Ura, E., Pieprzny, S., red., *Bezpieczeństwo imprez masowych*. Rzeszów: UR.
- Kąkol, C. (2012). *Bezpieczeństwo imprez masowych – komentarz*. Warszawa: Wolters Kluwer.
- Kotowski, W., Kurzępa, B. (2012). *Bezpieczeństwo imprez masowych – komentarz do ustawy o bezpieczeństwie imprez masowych*. Warszawa: Difin.
- Kurzępa, B. (2020). *Bezpieczeństwo imprez masowych – zarys problematyki*. Rzeszów: Oficyna Wydawnicza Politechniki Rzeszowskiej.
- Pomykała, M. (2012). *Wybrane aspekty współdziałania przy zapewnieniu bezpieczeństwa imprez masowych* [w:] Ura, E., Pieprzny, S., red., *Bezpieczeństwo imprez masowych*. Rzeszów: UR.
- Still, K. (2000). *Crowd Dynamics*. Coventry.
- Suski, P. (2014). *Zgromadzenia i imprezy masowe*. Warszawa: LexisNexis.
- Ura, E. (2021). *Prawo administracyjne*. Warszawa: Wolters Kluwer.
- Wiśniewski, B., Socha, R., Gracz, M. (2010). *Zasadnicze problemy prawno-organizacyjne bezpieczeństwa masowych imprez sportowych*, Bielsko-Biała: Wyd. Wyższej Szkoły Administracji.

Legal arts

- The Constitution of the Republic of Poland of April 2, 1997 (Journal of Laws 1997, No. 78, item 483, as amended).
- Act of April 6, 1990 on the Police (i.e. Journal of Laws 2021, item 1882).
- European Convention on the violence and excesses of spectators during sports events, and in particular football matches (Journal of Laws 1995, No. 129, item 625).
- Act of 20 March 2009 on the safety of mass events (i.e. Journal of Laws 2022, item 1466).
- Regulation of the Council of Ministers of 30 August 2011 on the requirements to be met by a security manager, law enforcement and information services (i.e. Journal of Laws 2017, item 1347).

DOI: 10.7862/rz.2022.hss.25

The text was submitted to the editorial office: October 2022.

The text was accepted for publication: December 2022.

