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# SELECTED OPERATIONAL AND INTELLIGENCE ACTIVITIES AS ELEMENTS BODIES

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## Abstract

The objective of this discourse is to elucidate the prospects inherent in the utilisation of operational and reconnaissance activities by protective formations to safeguard entities and individuals who are subjects of heightened security. Contemporary security frameworks for pivotal persons and infrastructures, essential to state operations, extend beyond mere physical or cyber defence mechanisms, focusing predominantly on the acquisition of intelligence that may forestall diverse threats. Presently, nearly every sovereign state maintains units commissioned with the security and defence of executive state bodies within the governmental hierarchy. A prevalent strategy employed by these entities involves the execution of operational and reconnaissance activities aimed at the assimilation, accumulation, and processing of data concerning potential threats to individuals and assets of strategic import for the functioning of the state (or organisation), thereby facilitating the meticulous planning of executed protective measures. The organisation and principles governing the deployment of operational and reconnaissance activities to ensure the security of specially protected persons and properties are significantly influenced by the administrative configuration and political framework of the state. The purpose of this paper is to delineate scientifically substantiated advantages derived from the capability to garner intelligence through ongoing operational and reconnaissance activities within protective formations, potentially serving as a springboard for further analyses, decisions, or scholarly works. Theoretical research methodologies have been employed in the preparation of this publication. The contemplations presented in the article

posit that the aptitude for intelligence gathering via suitably exploited operational and reconnaissance activities by formations tasked with the security of executive state bodies necessitates scholarly inquiry that could determine an enhancement in the security level for persons and assets of strategic significance.

### **Key words**

security, threats, protection, operational and reconnaissance activities, executive state bodies

## Introduction

The operational efficacy and the scope for executing operational and reconnaissance activities by protective formations<sup>1</sup> are extensively contingent upon their legislatively endowed status, thereby necessitating that such tasks be executed within the strictures and provisions of extant legal frameworks. Processes pertaining to the strategic planning and systematic organisation of protective measures<sup>2</sup> by formations expressly commissioned for this purpose in relation to individuals and entities under obligatory protection represent an integral component of governmental administration, particularly within the domain of security and public order administration<sup>3</sup>. Every institution tasked with the safeguarding and defence of pivotal individuals and assets within a nation houses specialised units whose mandate encompasses the procurement, processing, and analytical evaluation of intelligence<sup>4</sup> aimed at precluding scenarios that pose threats to life or health, as well as mitigating associated risks<sup>5</sup>.

It is pertinent to note that the nomenclature “operational and reconnaissance activities” may be employed interchangeably with terms such as operational actions, operational tasks, and operational work<sup>6</sup>. Such methodologies are among the most efficacious for garnering crucial intelligence concerning the security of persons and assets of strategic import to the national (or organisational) functioning. Authenticated and corroborated operational intelligence subsequently facilitates the identification of potential threats<sup>7</sup> and the development of tailored protective strategies. The effectiveness of preventive measures<sup>8</sup> is, inter alia, influenced by the systematic analysis of the intelligence gathered<sup>9</sup>. A preeminent factor in this continuum is the rapid dissemination and analytical processing of intelligence during the execution of operational and reconnaissance activities<sup>10</sup>.

The paramount consideration regarding the efficacy and efficiency of operational and reconnaissance activities undertaken by protective formations is the discernment and analytical assessment of potential threats during the preliminary stages of security procedure

1 See: B. Wiśniewski, J. Prońko, *Elements of State Protection*, Warszawa 2003.

2 T. Goryca, *Risk and threats in protective measures of the units responsible for security of executive states bodies*, “Security Forum” 2022, No 1, p. 138.

3 See: K. Chochowski, *Special Services in Poland*, Bukareszt 2021.

4 See: *Challenges, Opportunities, Threats, and Risks to the Internal Security of the Republic of Poland*, R. Jakubczak, B. Wiśniewski (eds.), Szczytno 2016.

5 See: T. Goryca, *The use of open sources of information in the activities of the formations responsible for protection of the executive bodies of the state*, “Security Forum” 2023, No 1.

6 Z. Niemczyk, *Operational and reconnaissance activities and the possibility of using their results in criminal proceedings*, “Quarterly of the National School of Judiciary and Public Prosecution” 2013, No 3, pp. 5–6.

7 See: P. Lubiewski, A. Drózdź, *Threat – Considerations in the Realm of Theory*, “Scientific Journals of the State Higher Vocational School of Witelon in Legnica” 2020, No. 34(1)/2020, pp. 77–88.

8 B. Wiśniewski, G. S. Sander, *Threat, Crisis, and Crisis Situation – as Conditions of Modern Human Life*, “Security and Fire Technique” 2016, No. 41/2016, pp. 13–18.

9 B. Wiśniewski, J. Koziol, J. Falecki, *Decision Making in Crisis Situations*, Szczytno 2017, pp. 26-27; *Security in Theory and Scientific Research*, B. Wiśniewski (ed.), Szczytno 2021, p. 33.

10 T. Goryca, *Theory and practical aspects of state authorities protection organisation*, “Security Forum” 2021, No 2, p. 59.

formulation for individuals and assets deemed critical to national welfare.

The utility of intelligence acquisition and exploitation was acknowledged in antiquity by one of the preeminent sages of the Far East, the author of "The Art of War" – Sun Tzu. In the chapter entitled "Espionage," he expounded on the significance of procuring intelligence about adversaries and its judicious utilisation<sup>11</sup>.

A considerable debate surrounds the establishment of thresholds beyond which institutions engaged in operational and reconnaissance activities are permitted to monitor and regulate the behaviours of individuals (units). While democratic societies underscore the inviolability of individual (and societal) dignity, protective formations emphasise the imperative of ensuring the security and protection of key persons and assets vital to the operational integrity of a state (or organisation). In light of terrorist incidents in the United States, Spain, the United Kingdom, and Germany, this conundrum warrants an expanded public discourse<sup>12</sup>.

## Methodology

The principal issue addressed in this article is encapsulated in the question: How can operational and reconnaissance activities be utilised effectively and efficiently in the protective

operations of formations responsible for the security of executive state organs?

During the execution of the research process, theoretical research methods were employed, including: analysis (which facilitated the identification of constituent elements and distinctive features of the subject under study), synthesis (through which relationships between the individual components of the subject were established), definition (which aided in clarifying definitions related to the subject matter), and deduction (which assisted in deriving novel conclusions regarding the subject)<sup>13</sup>.

The analysis encompassed a review of extant literature relevant to the research subject<sup>14</sup>, particularly focusing on monographs in Polish and foreign languages, scholarly articles in print, and online sources, as well as specialised textbooks, manuals, and guidelines, together with applicable legal regulations.

## Definition of Operational and Reconnaissance Activities

Recognition, prevention, and identification of threats to individuals and facilities under special protection constitute the primary responsibilities of protective formations and other state bodies. For this purpose, designated bodies carry out a multitude of tasks referred to as operational and reconnaissance activities.

11 S. Tzu, S. Pin, *The Art of War*, Gliwice 2013, pp. 99-105.

12 K. Leśniewski, *Operational and Reconnaissance Activities and Contemporary Security Threats in the Prism of the Right to Privacy*, "Kortowski Legal Review" 2017, p. 37; P. Lubiewski, *A Brief History of Terrorism*, "Perspektivna. Legnica Theological and Historical Studies" 2018, No 2(33), p. 98.

13 *Security: Theory-Research-Practice*, Józef Tuliszkowski Scientific and Research Center for Fire Protection – National Research Institute, A. Czupryński, B. Wiśniewski, J. Zboina (eds.), Józefów 2015, p. 32.

14 *Security Studies: Selected Research Problems*, A. Czupryński, B. Wiśniewski, J. Zboina, J. (eds.), Józefów 2017.

Operational and reconnaissance activities are an indispensable component of the functioning not only of special services but also of formations established to ensure the safety and protection of the supreme administrative authorities of the state. These activities are instrumental in combating the increasing phenomena of organised crime and terrorism<sup>15</sup>.

The foundation for executing operational and reconnaissance activities is enshrined in the statutes governing protective formations as well as in the corresponding executive acts. It is indisputable that the competence to perform such tasks is vested exclusively in state organs. Private entities do not possess such authorities. It is also crucial to note that operational and reconnaissance activities are extrajudicial in nature, functioning outside the conventional judicial processes<sup>16</sup>.

T. Hanausek delineates operational and reconnaissance activities as a distinct system of confidential or secret actions conducted by police bodies. These activities are carried out extrajudicially, outside of the criminal process framework. Their primary objective is the prevention and suppression of criminal activities as well as other legally specified adverse social phenomena<sup>17</sup>. The author emphasizes the secretive, non-disclosed, and extrajudicial nature of such conducted activities, which can

be preventatively utilized by formations appointed to ensure the security and protection of the state's executive bodies.

S. Hoc asserts that "the primary aim of operational and reconnaissance activities is the prevention, identification, and detection of crime perpetrators, [...]. These activities do not have a procedural character; rather, they constitute extrajudicial, technical-tactical operations practiced by bodies [...] aimed at preventing and combating criminality"<sup>18</sup>.

S. Owczarski offers interesting insights into operational and reconnaissance activities, defining them as a set of secret or confidential, extrajudicial, yet lawful actions carried out by law enforcement agencies. These actions are based on confidential personal sources of information and technical means, conducted under the regulations of statutes governing the functioning of law enforcement, executive orders related to these statutes, and internal acts of individual institutions and bodies<sup>19</sup>. It is worth noting the potential for the prophylactic use of materials obtained operationally to enhance the security level of individuals and facilities under special protection.

According to M. Kulicki, operational and reconnaissance activities constitute a system of written but not protocolled, confidential, non-procedural actions based on regulations set by individual institutions. These activities are aimed

15 L. Roman, G. Winogrodzki, *Special Services in the State Security System*, Józefów 2016, p. 37.

16 N. Nowicki, *Normative Aspects of Operational and Reconnaissance Activities in the Context of Illegal Evidence*, "Internal Security Review" 2021, No 13(24), pp. 333–334.

17 T. Hanausek, *Criminology: An Outline of Lectures*, Kraków 2009, p. 112.

18 S. Hoc, *Issues of Criminal Responsibility for Espionage*, Academy of Internal Affairs Publishing, Warszawa 1985, pp. 339–340.

19 S. Owczarski, *Issues of Operational Procedures in the Light of Law and Practice*, "Judicial Review" 1994, No 4, p. 70.

at identifying criminal environments, their disintegration, and particularly through the use of forensic techniques and tactics, revealing crimes, their perpetrators, and tactically directing procedural activities and preventive-prophylactic measures<sup>20</sup>.

Another author, Z. Uniszewski, defines operational and reconnaissance activities as a collection of secretive initiatives by state organs (including protective formations) endowed with a series of appropriate statutory competencies, aimed at the extrajudicial disclosure of individuals engaging in illegal activities, particularly those against the fundamental interests of the state and its citizens<sup>21</sup>.

The increasing rise in crime, particularly organized crime and terrorism, compels protective formations to seek new ways and methods to combat them.

Operational and reconnaissance activities in the context of protecting executive state organs fulfill several functions, including:

- prophylactic function (preventative),
- recognition function (identifying criminal factors and environments),
- detection function (detecting crimes and their perpetrators),
- evidential function (proving the guilt of criminals),

- protective function,
- informational function,
- security function<sup>22</sup>.

Very often, the various functions overlap with each other. The special functions that all protective formations around the world utilize when carrying out operational and reconnaissance activities are the informational and protective functions. The activities of such formations focus on acquiring, analyzing, and processing information related to ensuring the safety and protection of key personalities within the state.

## Selected methods of conducting operational and reconnaissance activities used by protective formations

Operational and reconnaissance activities are conducted using specific forms and established methods. The literature on the subject presents several classifications of these issues. The division of operational and reconnaissance activities into simple and complex forms is primarily for educational purposes<sup>23</sup>.

According to B. Hołyst, the following methods are distinguished in operational work: intelligence gathering, area penetration, surveillance, ambush,

20 M. Kulicki, *Criminology: Selected Issues of Theoretical and Judicial Practice*, Toruń 1994, pp. 63–64.

21 Z. Uniszewski, *Professional Jargon of Investigative and Operational Staff: Criminological Issues*, Wrocław 1999, p. 148.

22 K. Marecik, A. Głodziński, P. Krawiec, *Ethics During Operational and Reconnaissance Activities*, “Security: Theory and Practice” 2009, No 1-2/2009, pp. 106–107.

23 K. Ożóg-Wróbel, *Catalog of Methods for Conducting Operational and Reconnaissance Activities*, “Yearbook of Legal Studies” 2021, Vol. XXII, No 4/2021, p. 120.

setting traps, utilizing criminal records and archival materials<sup>24</sup>, conducting experiments, analysis, cooperating with regulatory bodies, correspondence monitoring, and collaboration with personal information sources<sup>25</sup>. J. Widacki classifies the following as simple forms of operational and reconnaissance activities: intelligence gathering, surveillance, working with personal information sources, using data from registries and computerized collections, controlled purchases, controlled shipments, and the application of operational techniques<sup>26</sup>. Conversely, surveillance, operational development, and the infiltration of criminal or criminogenic environments are categorized by this author as complex forms of operational and reconnaissance activities<sup>27</sup>.

T. Hanausek defines an operational method as a purposefully applied set of behaviors and means that, through consistency as well as the utilization of knowledge and experience, enables the optimal achievement of previously established objectives<sup>28</sup>. The term “means” is attributed by the author to technical tools that facilitate the acquisition and preservation of information<sup>29</sup>.

According to T. Hanausek, simple forms of operational and reconnaissance activities include intelligence gathering and surveillance. As for complex forms, he distinguishes the use of secret collaborators, environmental infiltration, operational combinations, controlled purchases, controlled shipments, operational control, and operational analysis<sup>30</sup>.

Many of these methods are employed by protective formations to fulfill their statutory tasks concerning individuals and facilities under mandatory protection.

Surveillance is considered one of the oldest and most effective methods of observational work. The greatest advantage of this operational activity is its universality. The ability to acquire valuable information means that protective formations and other services prioritize it highly<sup>31</sup>.

S. Pikulski divides operational and reconnaissance activities into those pertaining to criminalistic tactics and those related to criminalistic techniques. Surveillance is categorized under tactical operational and reconnaissance means<sup>32</sup>. Surveillance is defined as the relatively constant focus of attention on

24 Compare, G. Sokolowski, P. Lubiewski, B. Wiśniewski, T. Zwęgliński, *Selected Problems of Church Archives Security*, “Archives, Libraries and Church Museums” 2022, No 119/2022, pp. 396–398.

P. Lubiewski, *A Systemic Approach to Cooperation in the Sphere of Public Security – An Outline of the Problem*, “Scientific Journals of the Main School of Fire Service” 2020, No 75/3/2020, pp. 51–65; P. Lubiewski, *Special Services in the Crisis Management System – Issues of Cooperation*, “Studies and Materials of the Faculty of Management and Administration of the Jan Kochanowski Pedagogical University in Kielce” 2017, No 21, p. 396.

25 B. Holyst, *Criminology*, Warszawa 1996, pp. 36–37.

26 *Forensic Science*, 2nd Edition, J. Widacki (ed.), Warszawa 2002, p. 138.

27 *Ibidem*.

28 T. Hanausek, *Criminology*... p. 113.

29 *Ibidem*, s. 114.

30 *Ibidem*, s. 114–121.

31 P. Kosmaty, *Selected Procedural and Criminological Aspects of Surveillance*, “Studies in Legal and Constitutional Sciences” 2022, Vol. XII, p. 27.

32 S. Pikulski, *Police Operational Activities*, “WPP” 1996, No 2, p. 54.

a specific subject (person, place, thing) with the aim of providing protection to that subject, or to understand changes in its position over time and space<sup>33</sup>.

Another definition characterizes surveillance as the deliberate, focused, and intended observation of an object or phenomenon. To implement this method of operational work, it is sometimes necessary to use cameras, infrared radiation, or other electronic devices, though it can also be carried out by an officer/agent. Very often, the situation requires a change in observation techniques, blending into the surroundings/crowd, concealing oneself, or moving around. In most cases, surveillance requires the involvement of multiple officers/agents simultaneously. It also necessitates the planning, proper positioning of observation teams, and an excellent knowledge of the area where the surveillance is conducted. As an operational work method, surveillance is conducted covertly. For many years, the most popular methods of overt surveillance have been monitoring systems primarily used to record behaviors for potential deviations from legally regulated norms of conduct. Another highly effective form involves the use of GPS (Global Positioning System) in vehicles, mobile phones, and other portable devices. It is important to note that surveillance is not constrained by strictures, does not adhere to special procedural modes, and can be applied in any operational case<sup>34</sup>.

Operational intelligence is another method used by protective formations as an operational and reconnaissance activity. Operational intelligence can be defined as the gathering of information through appropriately directed and planned conversations. T. Hanausek describes intelligence as obtaining information by engaging in casual conversation with another person<sup>35</sup>. Conversely, B. Hołyst defines intelligence as the collection of information through appropriately directed and planned official and unofficial conversations<sup>36</sup>. Here's an English translation of your detailed description of intelligence operations, ensuring the text maintains the professional and specific tone necessary for an accurate depiction: Intelligence operations are conducted to obtain information about individuals, objects, events, and can take the form of overt (official) or covert (unofficial, confidential, discreet, hidden) intelligence. Overt intelligence is when the person providing answers to an officer/agent's questions is aware that they are giving information to a specific service/institution. Conversely, covert intelligence (discreet, confidential, secret) is characterized by the officer/agent acting as a random individual and concealing from the conversational partner the fact that they represent a specific service/institution. Such activities are most commonly conducted to gather information about individuals suspected of activities that threaten the life or health of the state's

33 P. Kosmaty, *Wybrane procesowe...*, p. 30.

34 J. Jabłońska, *Factors Influencing the Safety of Officers Combating Organized Crime*, D. Walczak-Duraj, R. Wiśniewski (eds.), Płock 2014, p. 67.

35 T. Hanausek, *Criminology...*, p. 132.

36 B. Hołyst, *Criminology*, Warszawa 2007, p. 46.



executive bodies. It is important to note that the data obtained in this way are subject to official secrecy<sup>37</sup>.

Every person living within a certain community is subject to the opinions of others and is also an object of observation. This applies to individuals who are of interest to protective formations. Such formations can only operate effectively when they have a proper understanding of the criminal or terrorist environments, knowing their intentions, plans, etc. To achieve this goal, information obtained from open sources alone is not sufficient. Operational undertakings of protective formations only become truly significant when they are linked with information directly obtained from criminal or terrorist environments<sup>38</sup>.

Another extremely effective method of operational work used by formations dealing with the security and protection of executive state bodies is cooperation with personal information sources. Personal information sources are individuals who provide information to officers conducting operational work or perform tasks assigned by these officers. These individuals are defined as informants, agents, or secret collaborators. A common and essential requirement for individuals engaged in such activities is the maintenance of absolute secrecy, both during and after the period of cooperation<sup>39</sup>. The acquisition of a personal (confidential) information source is usually preceded by a meticulous

assessment and appropriate preparation of the officers/agents involved in these types of operational and reconnaissance activities. It is important to remember that in such cases, the protective formations are interested in very detailed information concerning the individuals with whom the suspects are in contact, their statements, etc. The best potential for obtaining information from personal sources includes neighbors who maintain contact with the suspects, members of formal or informal associations, and members of the same social subculture<sup>40</sup>. Personal information sources may comprise individuals of diverse ages, genders, educational levels, social backgrounds, religious affiliations, and occupations.

Operational control is one of the more effective and increasingly utilized methods of operational work by protective formations and other entities responsible for the security and protection of supreme governmental bodies. Within these operational and reconnaissance activities, we distinguish the control of correspondence (broadly understood to include not only traditional letters and packages but also electronic correspondence) and the utilization of operational techniques (operational means that enable the covert acquisition and preservation of information and evidence, particularly the content of telephone conversations and other information transmitted via telecommunication networks)<sup>41</sup>.

37 K. Ozóg-Wróbel, *Catalog of Methods for Conducting...*, pp. 121-122.

38 R. Teluk, *Personal Information Sources as One of the Methods of Operational Actions by Police Authorities*, "Legal Notebooks" 2013, No 13.4/2013, p. 179.

39 K. Ozóg-Wróbel, *Catalogue of Methods for Conducting...*, p. 128.

40 R. Teluk, *Personal Information Sources...*, p. 180.

41 K. Marecik, A. Głodziński, P. Krawiec, *Ethics in the Process...*, p. 108.

## Conclusions

A fundamental element of the modern functioning of protective formations worldwide is the recognition of any threats that could endanger individuals holding executive roles in the state. This is due to the changes occurring within the national security environment, which are not only dynamic but sometimes even chaotic<sup>42</sup>.

The fundamental role of operational work conducted as part of protective actions appears to be broadly understood prevention, aimed at preventing the materialization of threats or minimizing their effects on individuals and facilities under special protection. Actions taken within the framework of operational and reconnaissance activities conducted by authorized formations should aim to limit or neutralize threats. Through the acquisition of information from operational work, protective formations are able to understand the intentions of potential adversaries and allow for preemptive actions, simultaneously preventing hostile entities from operating.

It seems essential to acknowledge that performing protective tasks facilitated by the described operational and reconnaissance activities constitutes a highly effective tool in ensuring the safety and protection of the state's executive bodies. The effective and efficient use of the information gathered during operational and reconnaissance activities by protective formations should encompass the process of preparing and planning for a potential crime or attack, with the aim of preventing its occurrence.

In summary, it should be stated that materials obtained as a result of operational and reconnaissance activities should be acquired based on detailed regulations provided not only in statutes concerning protective formations but also in executive acts issued based on them.

In concluding the above considerations, it should be acknowledged that in order to enhance the security level of supreme governing bodies and their facilities, it is necessary to intrude into the privacy of citizens through the execution of operational and reconnaissance activities by formations appointed to ensure the protection of key personalities. Each state must also implement statutory as well as effective and efficient oversight of the conducted operational and reconnaissance activities.

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<sup>42</sup> *Security in the 21st Century: An Asymmetric World*, K. Liedel, P. Piasecka, T. Aleksandrowicz (eds.), Warszawa 2011.

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