



Research Article

Changes in Public Entities Caused by the Crisis. A Case Study of the Polish Public Prosecutor's Office

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Abstract

Public organizations are in a state of crisis at the moment of significant institutional changes in their structures (Boin and t'Hart, in: Wagnedaar, 2000, pp. 9-31), and the greater the number of people affected - the more the crisis in the organization is felt. In connection with the ordinance of the Minister of Health of 13 March 2020 (Journal of Laws of 2020, item 433), announcing the state of epidemic threat in the territory of the Republic of Poland, common units of the prosecutor's office faced a new challenge regarding a quick and effective response to crimes arising in connection with the use of the state of emergency for unlawful purposes. Certainly, for people who act against the law, this is a typical opportunity, a situation that can be used to generate spectacular profits. On the other hand, for law-enforcing organizations, the state of epidemic threat is, if not a crisis, certainly an emergency situation. Apart from the specific dichotomy that emerged as part of the analysis carried out for this article (the relationship between opportunity and crisis), the actions taken in the public entity during the crisis caused by COVID-19 are worth presented. What is the purpose of this study? The study analyses the actions taken by the Polish Public Prosecutor's office in reaction to the crisis, which aim to minimize the spread of not only the virus, but also the criminal activity in Poland. The study consists of 4 parts. The first part is theoretical and describes the issues from management and quality sciences related to both crises and emergency situations. The second part describes the strategic and operational actions taken by organizations in a crisis environment. Part three and four are practical and they describe the activities of the Polish public prosecutor's office in the face of the crisis caused by the emergence of COVID-19 in Poland.

Keywords: crisis, crisis management, Polish Public Prosecutor's Office, COVID_19.

The essence of crisis and emergency situations

Crises can be defined as unexpected, difficult to solve and predict¹ situations that have a significant impact on organizations and stakeholders (Tokakis, Polychroniou and Boustras, 2019, p. 37). A crisis is a state in which the organization loses the ability to properly respond to stimuli and, as a consequence, to perform its basic functions. The crisis is a special condition in the life of an organization, constituting either a deadly threat or a source of growth and development opportunities (Skalik, 2003, p. 145). In the literature on the subject, the notion of crisis permanently coexists with the phenomenon of an emergency situation, and the terms are often wrongly used interchangeably. The difference between these concepts lies mainly in their final effect. Namely, an emergency situation does not directly threaten the existence of an individual, unlike a crisis. One can venture to say that the emergency situation is the sum of specific crisis-forming events. Therefore, it is a state in which the organization deviates from a certain adopted state, and may consequently lead to a crisis. Chronologically speaking, crisis events occur first, followed by an emergency situation, the direct consequence of which may be a crisis (Skalik, 2003, p. 146). The current situation related to the economic crisis caused by COVID-19 questions the current knowledge of organization management, according to which the most common causes of crises are external factors of a macroeconomic nature related to a competitive environment (Urbanowska-Sojkin, 1999, p. 21). The appearance of a new element in the model of the further environment of both business and non-profit entities - a biological factor - will forever change the way organizations operate around the world.

The crisis and changes at strategic and operational levels

Managing an organization in crisis is a difficult task, especially considering the amount of stress experienced by employees at all levels of management. Under crisis conditions, management shifts its attention and focus from implementing strategies to

responding to turbulence in the environment, which may implicate a change in the relationship between strategy and structure. In a bull market, you work on a strategy that determines the structure, while the crisis creates the need to reverse these actions. This results in structural changes, consisting in adapting structures to the existing conditions, which in practice may entail dismissals of employees. The natural results are promoting flexibility of structures (Nogalski and Marcinkiewicz, 2004, p. 230), but it also results in a decrease in employee morale and an increase in opportunistic behaviors.

From the perspective of strategic changes in the conditions of crisis, the implementation of the organization's mission is losing significance, because completely different goals become important. The pursuit of growth and development is marginalized for survival.

At the operational level, in crisis conditions, the recommended actions cover seven elements (Slatter and Lovett, 2001) of restructuring. One of them is crisis stabilization. In the case of COVID-19, this factor is beyond control, and the only possible activities are those based on the attempts to minimize the impact of entities building the business ecosystem on organizational reality. Another factor is leadership, which is particularly meaningful in times of crisis. The role of the leader changes towards initiating creative thinking, undertaking and implying risky actions to negate the status quo of the crisis, tolerating the diversification of strategic options and promoting various solutions to similar problems in the organization. Leaders become influencers of change to the extent that is possible in the environment in which they make decisions (Paglis and Green, 2002, p. 220) (e.g. top management, or the resources at their disposal). Other activities include supporting interest groups (e.g. obtaining a loan, implementing the anti-crisis shield by the government), focusing on strategic issues (strong product orientation on industries affected by the crisis to a lesser extent, cost reductions), and thus identifying the existing resources and specifying those that are fundamental

to the survival of the organization, implementing organizational changes, as well as improving key processes and financial restructuring.

The sources of the crisis can be perceived both inside and outside the organization. In the case of the analyzed economic crisis caused by COVID-19, the source is outside the entities, causing consequences inside both enterprises and public entities. Nevertheless, the crisis resulting from the changes taking place in the environment makes it necessary to reformulate the existing ways of functioning, including the structural solutions used, the method of resource allocation (Cyfert, 2004, p. 72) and the architecture of processes.

Practical actions during the crisis: structural changes

The strategic activities of the public prosecutors' offices, i.e. public entities that are realizing investigation and public prosecution in criminal proceedings (Act of 28 January 2016. Law on the Public Prosecutor's Office. Journal of Laws of 2016, item 177), in the face of the COVID-19 pandemic, have not changed. Prosecutors continue to carry out activities in cases brought before the courts and perform tasks in the prosecution of criminals and upholding the law. In turn, operational activities² in the case of the Polish public prosecutor's office acquired the features of crisis management, thus determining structural and procedural changes.

On the 16th of March 2020, according to the Ordinance No. 28/20 of the National Public Prosecutor (Ordinance No. 28/20 of the National Public Prosecutor from 16 March 2020), a team of prosecutors was appointed in the National Public Prosecutor's Office to coordinate the fight against economic crimes in connection with the state of epidemic threat. The creation of the team was a reaction to the registered increase in crimes which employed the panic of part of the society and information chaos in the face of a pandemic, including, e.g., access to protection measures against COVID-19, supplying necessary products, including groceries, medical articles and disinfectants,

and disposing of accumulated funds and financial instruments.

The team's main goal is to coordinate fraud-related proceedings related to:

- Economically unjustified trade in goods, particularly food products, medicines, medical articles and disinfectants, through the resale of purchased goods with an excessive profit without an economic basis, which harms the transaction party;
- Causing people to dispose of their properties by misleading them as to the quantity, quality, suitability, actual value of the purchased goods, particularly food products, medicines, medical products and disinfectants;
- Causing people to dispose of their properties via the Internet by misleading them as to the need to dispose of their accumulated financial resources and financial instruments;
- Causing people to dispose of their properties by misleading them as to the operation of sanitary, control and public order services of the country;
- Concluding contracts exploiting the forced position of the people, imposing the obligation of disproportionate considerations.

The team's tasks include:

- Collecting and analyzing information on ongoing proceedings that are the subject of the team's activities in order to assess the nature, growth dynamics and scale of this type of crime;
- Ongoing coordination and supervision of such proceedings carried out in individual organizational units of the public prosecutor's office;
- Assessing the legitimacy of the procedural actions taken in the most serious proceedings, including adopted legal qualifications and applied preventive measures, in order to standardize the practice of proceedings and increase their effectiveness.

In addition, due to the state of epidemic threat, the management of common prosecutor's offices were obliged to take

steps to ensure the safety of prosecutors, other employees of the prosecutor's office in the performance of their duties, as well as parties and participants in proceedings, when carrying out procedural activities in the individual prosecutor's offices. For example, the Regional Prosecutor's Office in Wrocław, by letter of 31 March 2020. ref. RP III 013.42.2016, ordered that if necessary to leave the place of residence to the place of the incident, the prosecutor would use, with the consent of the Regional Prosecutor, a private car in order to avoid any contact with other people present at the place of the incident.

Practical actions during crisis: procedural changes

From the point of view of the procedural changes, it is important to provide guidelines for examining the corpses at the place of their disclosure, in the event of obtaining information about a sudden death covered by the order of §169 of the Regulation of the Minister of Justice of 7 April 2016. Regulations of the internal office of common organizational units of the prosecutor's office (Journal of Laws 2017.0.1206) i.e. in cases of murder, communication and construction disaster, and an accident at work with a fatal outcome, as well as in other more serious cases, which result in the death of a person. In particular, prosecutors carrying out activities at the scenes of the above-mentioned events were obliged to determine information on the potential threat of coronavirus at the site of inspection, and in the event of such a threat, to immediately notify the competent sanitary inspector. The prosecutor performing on-site inspections of activities should also use adequate individual protection measures suitable for the conditions at the place of the incident and the needs of the procedural step. Recommendations were also made regarding the examination and opening of the corpse of a person who may have been a carrier of the coronavirus. In this case, the body was ordered to be transported to a facility enabling the operations to be carried out in conditions ensuring protection against threats, giving the prosecutor the

opportunity to perform activities from a room behind the glass or using audio-video transmission. If it is necessary for the prosecutor to be personally present in the room in which the autopsy is performed, the prosecutor should absolutely use personal protective equipment.

In addition, in order to continue the on-call duty, decisions were made to provide protective packages containing the suits, the so-called helmets, protective masks and disposable gloves. A position was also prepared at the Regional Prosecutor's Office in Wrocław to enable interrogation without any personal contact with the participants of the activities.

By letter of 1 April 2020. ref. PK I BP 024.8.2020 The First Public Prosecutor General's Deputy, The National Public Prosecutor issued guidelines applicable to all public prosecutor's offices. In particular, the National Public Prosecutor recommended taking actions adapted to the location, organizational and technical capabilities of common prosecutor's offices, limiting the spread of the SARS-CoV-2 coronavirus. This resulted in the decision to use the method of conducting procedural activities remotely via videoconferencing, if the person who was to participate in the activity was an infected person or suspected of being infected with coronavirus. If it is necessary to directly interrogate procedural activities involving a person suspected of being infected with coronavirus, the activities are to be carried out in a specially designated and secured room, while equipping the persons participating in the activities with adequate personal protective equipment and maintaining all sanitary services recommendations (including maintaining the recommended distance, disinfecting rooms, etc.). An emphasis was also placed on directing employees to work remotely, minimizing the number of people performing work in the prosecutor's office buildings. To this end, it was pointed out that the number of people rendering work in the prosecutor's office buildings should not exceed 30% of the employees. Exceptionally, employees may stay at the prosecutor's office beyond the assumed percentage of employees in the case of

performing activities in which remote work does not guarantee the possibility of performing key duties.

The heads of organizational units of the prosecutor's office were also obliged to organize the work of prosecutors and other employees so as to limit the spread of the SARS-CoV-2 coronavirus. In particular, it was recommended to organize the working places in a way that would allow a distance of not less than 1.5 meters between them. It was also indicated that it is possible to direct employees to overdue holiday leaves, which are to be granted in not less than a weekly period and within a time limit, as far as possible, in coordination with the employees. Employees were required to use gloves and were given access to disinfectant fluids. It was recommended to secure appropriate individual protection measures for prosecutors carrying out emergency duties, participating in autopsies and performing other potentially dangerous procedural activities, and to determine the area at the premises of individual prosecutor's offices, Departments of Forensic Medicine or other facilities where it would be possible to safely conduct a visual inspection and autopsy. It was also recommended to use maximum electronic correspondence, also in internal contacts and to secure employees who have contact with incoming correspondence in paper form.

In addition, a permanent cooperation with competent court presidents, commanders of police units, sanitary inspectors and other services was required. To this end, the need for ongoing contact and regular meetings with representatives of the above mentioned services were pointed out, in order to implement organizational actions allowing for an efficient performance of activities, while minimizing the risks of COVID-19 transmission.

The activities described are aimed, despite the spread of the SARS-CoV-2 coronavirus, to ensure continuity in the implementation of tasks of common prosecutor's offices as organs appointed to uphold the law and prosecute crimes, as well as to perform ongoing tasks specified in legal regulations,

and to fulfil the official duties incumbent on prosecutors.

Conclusion

According to the literature on the subject, organization's problems begin with a strategy crisis that has a negative impact on day-to-day operations (Wawrzyniak, 1999). In the case of public organizations, here: the analyzed case of the Polish public prosecutor's office, the emergence of an economic crisis caused by the COVID-19 coronavirus pandemic did not interrupt or even disrupt the implementation of its strategic goals. The top management implemented a set of conservative actions to secure the functioning of the employees of prosecutor's offices. The organization operates steadily, has not lost control or business continuity, and the implemented procedures and structural changes have secured both the employees and recipients in this public organization.

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End Notes

¹Although, as practice shows, economic crises appear in 10-year cycles, and the economic crisis of 2020 should have happened accordingly in 2018 (the last one took place in 2008-2009), the situation in Poland has been shifted due to a huge bull market in the automotive and real estate markets. However, as it turned out, the global factor, which is the COVID-19 virus, caused a global crisis that could not have been stopped by the accelerating economy. Therefore, a bizarre situation emerges and a new element of the further environment model influencing the enterprise emerge appears, namely: biological factors.

²From the perspective of management and quality sciences - operational activities concern the implementation at the lowest

levels of management, in contrast to the activities of prosecutors, which concern the activities undertaken as part of control over the reconnaissance activities of the authorized services.

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