Marcin Kresiński – „Criminal law protection of Police officers in Poland”

SUMMARY

Discussion of the issue of criminal law protection of policemen in Poland has been included in six chapters of dissertation.

The first chapter concerns a Police officer as an entity under special legal protection. The essence of the criminal law protection of a police officer is including him among the group of public officials within the meaning of the Penal Code, therefore the considerations in this respect began with the approximation of the definition of a public official within the meaning of this legal act.

The next part of the first chapter is devoted to the specificity of the service relationship of a Police officer, with particular emphasis on the tasks performed by him. The extensive judicial decisions concerning the administrative nature of the relationship between the service of a police officer were also discussed.

The rules of professional ethics of Police officers are discussed in the further part of the first chapter. The nature of the tasks of the Police requires the maintenance of specific, increased ethical standards of its officers.

The special status of a policeman implies the need to provide him with appropriate legal protection measures. Police officers, according to the oath, in their daily service they guard the security of the state and its citizens risking his life. Such a demanding and dedicated service requires the protection of policeman's rights in a manner adequate to the importance of the tasks performed. The next subchapter concerns the ratio legis of introducing special legal protection for policemen.

Subsequently, three levels of policeman protection were distinguished: criminal law, civil law and administrative law. Such a list is the starting point for considering the fundamental issues related to criminal law protection, but shown against the background of the other two levels of protection.

The first chapter ends with the issue of a countertype as a means of criminal law protection of Police officers. The essence of the count was discussed, the conditions for excluding the unlawfulness of actions under statutory rights and obligations, and the scope of excluding the criminal liability of a Police officer for actions undertaken as part of his service.

The second chapter of the work is entitled "Evolution of the legal protection of Police officers in Polish criminal law ". It presents legal regulations on criminal law protection in the penal codes of 1932 and 1969. The following part of the chapter compares the scope of criminalization of acts against Police officers in these codes and the penal code in force, which is intended to illustrate how they have evolved over the years.

The third chapter concerns crimes committed to the detriment of Police officers in the Criminal Code of 1997.

First, the crimes in which a Police officer acts as the subject of an executive act are characterized, and thus falls within the features of the subject of the prohibited act. On the other hand, the good protected by the provisions in question is the good of a Police officer.

Later in the third chapter, the temporal aspect of the criminal law protection of Police officers is discussed. The results of the examination of court cases files concerning the structure of crime to the detriment of Police officers were also presented. The research concerned, in particular, the types of crimes committed to the detriment of police officers, their circumstances, place of commission and the manner in which the perpetrators of these crimes acted.

The last part of the third chapter is devoted to other crimes committed to the detriment of Police officers due to the specific nature of their tasks. A Police officer does not act as the subject of an executive act of these crimes, he does not belong to the objective side of the criminal act, however due to the tasks performed, it is particularly exposed to them. Due to the exceptional nature of these tasks, Police officers belong to the category of persons with high victimological potential of the indicated crimes. Attention was also paid to the special nature of crimes of giving false testimony and notifying about an incomplete crime, which a police officer cannot be a victim of, as the provisions defining the features of these crimes do not protect individual rights. However, these two crimes were also discussed in the context of their particular nuisance towards police officers.

The next, fourth chapter of the trial was entitled "Penal-procedural measures of legal protection of Police officers". The considerations began with the issue of the modes of prosecuting crimes committed to the detriment of Police officers. The next part also focuses on initiating criminal proceedings in cases of crimes committed to the detriment of police officers.

Subsequently, the trial status of the injured Police officers was discussed, pointing to their most important procedural rights, defined in the Code of Criminal Procedure.

The next part of the fourth chapter deals with the specificity of the taking of evidence in cases of crimes to the detriment of policemen.

An important issue is also the importance of consensus institutions for the protection of the legal interest of a Police officer.

Chapter four also describes the issues of penal measures, compensation measures and probation duties aimed at protecting the interests of a Police officer, participation of a social organization representing the interests of Police officers in court proceedings and the issue of protection of the injured Police officer on the basis of the Act of 28 November 2014 on the protection and assistance for the victim and a witness.

The fourth chapter ended with a discussion of the results of examination of court case files concerning the scope of using penal-trial legal protection measures for Police officers.

The fifth chapter presents an outline of non-criminal levels of legal protection of Police officers. It discusses measures to protect Police officers under civil and administrative law.

Chapter six is entitled “Effectiveness of criminal law protection in the light of the opinion of Police officers ”. It presents the results of the survey. The research was conducted among a group of 300 Police officers from various divisions, which ensured a reliable research result.

Among the issues covered by the survey are, among others questions about the occurrence of crimes committed to the detriment of the respondents and crimes of giving false testimony and notifications of an offense they have not committed, as well as the scope of use of their rights in connection with the indicated crimes, as well as o the reasons for any minor use of them.