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ETHICS AND PATHOLOGY IN THE POLISH POLICE – PROFESSIONAL AND POLITICAL ASPECTS

Summary

Based on political changes initiated in 1989 and on moral and legal patterns stipulated in the Act on the Police of 6 April 1990, this paper brings closer the development of the Police Forces in Poland up to the present day. The analysis is carried out in the context of criminal behaviour and other shameful acts performed by police officers. Most of them generally discredited the professionalism and fundamental ethical principles of the Police. However, at the same time, the Police regularly receives new legal instruments such as "the crown witness" and the so called "small crown witness" to fight organized crime, and a number of specialized structures such as the Central Investigation Bureau. The Police is systematically developing contacts and cooperation with foreign institutions such as Europol, FBI or BKA. Unfortunately, around 2003 and 2004 internal criminal activities conducted by police officers started to intensify. Corruption spread among officers of all ranks, from local police stations to the General Head Quarters. The media are full of stories of lame investigations for example in murder of the Chief of the National Police Marek Papała or murder of a young businessman Krzysztof Olewnik. Cardinal professional errors committed during these investigations put the Police in an unfavourable light. Therefore, doubts regarding professionalism, ethical values and authority of the Police seem to be justified. The author also points to reckless development of relations between the Police Head Quarters and politicians who put the Police officers of the highest rank under their dubious supervision and command. The moral values and political neutrality so important for the founding fathers of the modern Police, now after 26 years, remain a mere theoretical legal record. As a conclusion, this paper suggests a consensus solution: an institution with high public authority for example the Ombudsman or the Supreme Bar Council, in order to establish a permanent practice of appointment of the head of the Police for a 5-year term of office with the possibility of renewal for the next 5 years.

Key words: *the Police, corruption, ethics and authority of the Police, politicians and the Police*

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1. From the Militia to the Police – new political and criminal reality

In the first period of transformation, following the Act of 6 April 1990, the Civic Militia was dissolved and the Police was re-established¹. On the logistic and personnel base of the liquidated CM new structures were being built. The new Police Forces were defined as: *uniformed and armed formation trained to safeguard the safety of citizens and to maintain the security of the State and public order*². The storms of the 1980s affected the thinking of legislators and the Police Act of 1990 emphasized that *officers on duty must always respect human dignity and protect human rights*³. The law makers clearly stated that the Police is an institution of public utility and a police officer –as a contemporary author A. Misiuk puts it – ‘a trustworthy guardian’.

The professional and ethical model for the Police Forces of the period after 1989 was the so called Navy-Blue Police of the Second Republic of Poland (the police in the German occupied territory of the WWII). The history and activities of the Blue Police were glorified and idealized, especially in the 1990s, its martyrological aspect was emphasized as a large number of blue officers were murdered in Katyń. However, it was not a complete and reliable picture of the Second Republic police forces⁴. Nevertheless, the authors of the Militia-Politia transformation did not dispose of anything better to offer to the new staff in terms of a moral standard to look up to. This dilemma of the period of transformation must be understood and accepted, however it should not be forgotten that the reality (history included) is never black and white, it has its glory but also the darker side.

Social life which was forming in the new political reality of the Third Republic of Poland turned out to be very violent and the criminal and economic crime rates rocketed. New types of crime emerged such as:

¹The term *police* comes from a Greek word *politeia* what in ancient Greece meant town management. Latin adopted the word as *politia*. The scope of meanings of this term was in Latin much wider and referred to all kinds of civil service. Such a functional meaning survived untouched till the 19th century when the term *police* started to be associated with activities aimed at provision of safety and public order. See: S. Pieprzny, *Policja Organizacja i funkcjonowanie*, Warszawa 2007.

²The Police Act of 6 April 1990 (Journal of Laws No 30, item 179).

³A. Misiuk, *Instytucje systemu bezpieczeństwa wewnętrznego*, Difin 2013, p. 120.

⁴See: A. Hempel, *Pogrobowcy kłęski Rzecz o policji „granatowej” w Generalnym Gubernatorstwie 1939-1945*, PWN 1990; A. Peplowski, *Policja Państwowa w systemie organów bezpieczeństwa drugiej Rzeczypospolitej*, Szczytno 1991.

offences with firearms and explosives, kidnapping for ransom, extortion of money for protection of restaurants or shops in big cities like Warsaw, hijacking of lorries loaded with commercial goods along motorways⁵, smuggling of spirits and cigarettes from Western Europe countries⁶ or extensive theft of cars in Germany. In those dynamic times many organised criminal groups with local scope of operations were formed. In the first year of transformation (1990) the number of recorded crimes was 60% higher than in the previous year⁷. *I saw fortunes being made- recalls general A. Rapacki – (...) when the Act on economic activity was passed the economy was thriving. In the meantime the uniformed services were busy with their own reorganisation and lustration. Naturally, the crime rate was immediately on the rise including the most dangerous – organized crime. For con men these were the golden years.*⁸

The times were turbulent but the Police was working hard to strengthen its level of professional efficiency, perfecting its structures and instruments allowing for fast reduction and liquidation of new types of offences such as: production and distribution of narcotics, corruption in privatisation of state businesses, dirty money laundering, malpractices in the banking sector etc. The consecutive governments, especially these with stable foundations of authority, recognized the threats mentioned above and their potential impact on internal security of the country. Efficient reaction to these threats came in the form of appropriate decisions of the legislator such as the decision of the Minister of the Interior to grant decision making powers to the Chief Commander of the Police. In January 1994 at the General Police Headquarters opened the Bureau for fighting organised crime. In February 1997 a highly specialized office on drugs and drug related crimes was created. New experiences in fighting organised crime laid foundation for the Central Bureau of Investigation which was opened on 15 April 2000. Local branches were established in all provinces and they report directly to the head of CBI in Warsaw⁹. In January 2003 in the Police HQ the general

⁵ TV sets, alcohol, white goods etc.

⁶ Italy, Spain, France, cigarettes from the east.

⁷ Cz. Grzeszczyk, *Etiologia polskiej przestępczości*, [in:] *Przestępczość w Polsce w latach 90*, (ed.) F. Prus, Warszawa 2002, p. 21.

⁸ E. Sitek-Wasiak, *Niepokorny – Rozmowa z generałem Adamem Rapackim*, Warszawa 2015, p. 48.

⁹ *Centralne Biuro Śledcze Komendy Głównej Policji Centralne Biuro Śledcze Policji (2000-2015) we wspomnieniach twórców i pracowników*, (ed.) W. Mądrzejowski, K. Wiciak, Szczytno 2015.

system of information was created with the intention of gathering, processing and sparing data which was hoped to contribute to detection of perpetrators of crimes or trigger other procedures vital for internal security¹⁰. The system is only available to legally authorized bodies¹¹ and supervisory organs such as: revenue and tax control offices, fiscal investigation and financial information¹².

The 1990s witnessed various criminal phenomena which gave rise to the so called social anxiety. The anxiety was cynically used by politicians, therefore the legislator decided to equip the Police and other organs involved in protection of public order with new legal instruments for protection against organised crime. As of 1 January 1998 the crown witness programme, previously unknown in Polish legal system, was initiated¹³. At the same time, pursuant to Article 60 § 3-5 and Article 61 of the criminal code, the so called ‘small crown witness’ programme was introduced¹⁴.

¹⁰National Crime Information Centre i.e. central database for tracking crime-related information; in operation since 2003.

¹¹ The Police, the Prosecutor’s Office, the Border Guards, the Government Protection Bureau.

¹² Act of 6 July 2001 on gathering, processing and sharing criminal information (Journal of Laws 2010, No 29, item 153 as amended). As of 2000 Poland can use Automated Fingerprint Identification System, which is constantly updated. Currently the system contains more than 4 million latent fingerprint and palmprint cards. Another system, Central Register of Vehicles and Drivers is in possession of the Ministry of Interior. The system is fed with data from 396 local government units, the contents of the register may be used by 33 authorised entities. The system processes more than 27 million requests annually. CRVD exchanges information with EUCARIS (European CAR and driving license Information System). The Police also has access to the Prüm system, which allows exchange of information between EU Member States on vehicles, their owners and liability insurance holders in order to fight terrorism and organized crime.

¹³Initially the legislator prescribed a 3 year period for this legal instrument. Subsequent amendments allowed for its permanent use. However, the programme still raises doubts and controversies among lawyers and opinion making bodies especially with respect to collecting evidence. The system of protection of crown witnesses is also ambiguous as well as the activity of witnesses in mass media (e.g. “Masa”). The Act of 25 June 1997 on crown witnesses (Journal of Laws 2007, No 36, item 232 as amended). See: D. Kowalska, *Barbara Piwnik w rozmowie z Dorotą Kowalską*, Warszawa 2015; E. W. Pływaczewski, *Świadek koronny jako instrument zwalczania przestępczości zorganizowanej*, Państwo i Prawo, no 7-8, 2010.

¹⁴ The Act – Criminal Code of 6 June 1997 (Journal of Laws No 88, item 553 as amended).

After the initial period of legal, structural and personal consolidation, the Police started to establish relationships with their counterparts in Western Europe, the USA and Canada. This policy of openness quickly translated in invitations for Polish officers to take part in trainings in international centres¹⁵ and at the same time Polish training centres (e.g. in Szczytno and Legionowo) started to be modernised often with active cooperation of experts from FBI, BKA, Scotland Yard. Of strategic importance for the development of the Police Forces in Poland was its entry into the Europol, on 1 November 2004, which was a consequence of Poland becoming a Member State of the European Union. From that day Polish Police can benefit from close cooperation with Europol and national police forces of the EU countries as well as with members of the Europol Convention¹⁶.

Thanks to new political, legal and educational conditions of the early years after 1989, a giant step forward in technological and information infrastructure was made. A new quality was introduced with respect to organization, management and in terms of professional relations and seniority. New generation of Police officers who entered the service in 1990s and in the following years, steadily and consequently climbed the professional career ladder in the 'firm'. The older personnel, officers with 20 years of seniority or more gladly accepted the privilege of early retirement and left the service. However, a number of excellent specialists, ethical people were dismissed from the Police or interior administration after many years of service due to the fact that they worked for the Polish People's Republic under the communist regime. The vetting actions were favoured by many politicians who unfortunately were unable to demonstrate the ability to build the public veil and the authority of the State and its organs.

In the Police and other forces of high risk for personal safety, where there are large doses of situational stress generated by the very nature of the service (contacts with criminals, investigation proceedings, undercover operational and exploratory activities) mutual trust between subordinates and seniors and within teams or squads cannot be overestimated. Another value important for functioning of the Police is

¹⁵ USA, Great Britain, Germany, France.

¹⁶See: T. Safiański, *Europejskie Biuro Europol. Główne aspekty działania Perspektywy rozwoju*, WoltersKluwes 2009.

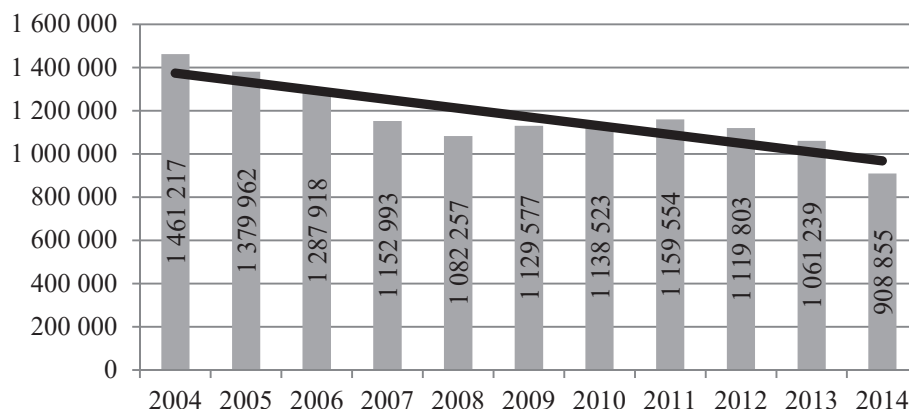
the so called culture and ethics of profession¹⁷. The Police as we know it today has already come of age. Twenty six years in service for ‘protection of people and property and maintaining civil order and safety’ is enough time to raise an entirely new generation of officers who are socially mature and professionally responsible. Unfortunately, these values are frequently missing in the attitude and conduct of contemporary Polish officers, which is frequently confirmed by the media reports and court sentences.

On the more bright side, statistics show that between 1989 and present day, the number of recorded offences has been steadily rising (in 1989 the number of recorded offences amounted to 547,589; in 1990 – 883,346; in 1995 – 974,941; in 2000 – 1,266,910; in 2003– 1,466,643) and the number of committed crimes has been going down due to legislative qualification of the offences, criminal policy of the country and the method of its statistical presentation¹⁸. Still, the studies on criminality in Poland after 2003 very often turn a blind eye on the phenomenon of massive migration of Polish citizens to the western Europe countries e.g. Germany, Norway, Sweden etc. The quantitative status of adults has been dramatically decreasing for many years because of migration and low birth rates. These demographic situation statistically explains the systematic decrease in the number of recorded offences.

¹⁷See: E. Wiszowaty, *Etyka Policji Między prawem, moralnością i skutecznością*, Warszawa 2014; I. Bogucka, T. Pietrzykowski, *Etyka w administracji publicznej*, Warszawa 2010.

¹⁸In two central databases of offences KSIP (National System of Police Information) and Polish Arbitration Association PSSP TEMIDA there are certain differences in data generation with respect to time and place of the committed offences. Another example: following intervention of the Ombudsman, from 1 January 2013 criminal offences committed by minors are entered into KSIP database after the family court decides to initiate proceedings. Before, upon submitting in court by the Police the evidence for a given offence, it was automatically qualified as a recorded crime. Moreover, changes in legal classification of certain offences from crimes to misdemeanor considerably impacted the statistical picture. As of 9 November 2013 following the amendment to the Act of 6 June 1997 Criminal code (Journal of Laws 2013, item 1247 as amended) incidents of riding a non mechanical vehicle under the influence of alcohol was qualified as a misdemeanor. At the culminating point of the fight for sobriety in road traffic led by the Police, Courts and the legislator, almost 2,000 cyclists, mostly from rural areas, were serving time in prisons.

Image 1. Number of committed crimes 2004 -2014.



Source: Report on safety in Poland 2014, Ministry of the Interior, September 2015.

The Police, on the day of 1 January 2015 disposed of 102,309 posts and employed 98,775 people. The year before 4,073 officers joined the service, 2,983 vacated their posts. Officers with seniority between 3 and 10 years constituted the most numerous group (37,6%); officers with 21-30 years on duty made 14,5%; and officers with 30 years of experience or more only 0,5%. As far as age factor is concerned, the dominant group were officers between 31 and 40 years of age (47%); officers who were in the 50+ age group constituted 3% of the total number of officers. 47,4% of Police officers had higher education degrees¹⁹. The generational change in the personnel is clearly visible especially that the process of natural wastage is well in progress, the functionaries who entered the force in 1990 or around this time retire leaving space for younger, better trained and educated staff²⁰.

The Police is as old as the third Republic of Poland, both will soon celebrate their 30th birthday. Such anniversaries stimulate reflection. Thus, it will be worthwhile to reflect upon the level of implementation of

¹⁹ Employment level as of 1 January 2015; www.info.policja.pl/organizacja/ (access 2 October 2015).

²⁰ Amendments to the Act on retirement of police officers implemented in 2012 extended the length of obligatory service to 25 years, it considerably speeded up the decision of many functionaries to take advantage of the still existing right of early retirement. It was then when a lot of officers who entered the forces in the early 1990s left the service. See: Act of 11 May 2012 amending the Act on retirement of police officers (Journal of Laws 2012, item 664).

the fundamental values and ideals written down in the founding Act on the modern Police. There are voices that the reality is still a long way from the vision of the founding fathers: *...the Police, created pursuant to Act of 6 April 1990, after 20 years on duty has little in common with the original concept. The legal act was amended so many times, that, so to say, only the name Police remained unchanged. The Police has been constantly evolving and transforming. The old manpower has been replaced with new — mainly for biological reason. (...). On the material side almost everything has changed; what remained stable is however, the ambition to create a formation which would be apolitical, transparent, efficient and friendly to the citizen. Of course these values are very difficult to implement. Nevertheless, elimination of any weaknesses is the challenge the Police should strive to overcome in the third decade of its existence.*²¹

2. Work in the Police as an opportunity to pursue one's own financial interests – from the local Police Station to the Head Quarters

The internal affairs bureau (BSW) with its seat at the General Police HQ, operates in association with local departments at provincial headquarters as a fully specialized structure. It is involved in detecting crimes committed by functionaries and personnel of the Police and prosecuting the offenders. This structure is commonly referred to as 'the Police within the Police'. In 2011 BSW handed over to the Prosecutor's Offices files of 376 criminal cases with Police officers as perpetrators. Prosecutors issued indictment against 294 functionaries²². In the previous year the number was 368. The most frequent charges were related to the incidents of corruption (65%). In this category 88% of incidents occurred during road traffic checks. BSW also discovered that surprisingly large number of functionaries belonged to organised crime groups specialising in motor insurance fraud. Such criminal activity was proved in case of nearly 300 people in the Silesian Province alone. The criminal groups were led by employees of insurance companies who collaborated with owners of towing companies, experts in road traffic accidents and... traffic Police officers who were cynically used in return for financial

²¹P. Majer, A. Misiuk, *Polska Policja*, wyd. II, Szczytno, www.info.policja.pl/historia/policja/ (access 5 December 2015).

²²E. Sitek, *Policja w Policji*, 'Policja 997', No 11/ 2012.

bonuses (bribes) that ranged from a couple of hundred PLN to more than ten thousand PLN. The role of police officers in the *modus operandi* was crucial as they reported fictitious courses of action, they even arranged fake road incidents or run 'errands' for their criminal principals. Banquets and other social events strengthened and fortified ties between the Police officers and the *bosses* of their criminal group. Majority of the corrupted officers felt quite comfortable in the double role of a guardian of public order and a criminal. Some of them even lived in the belief that as police officers they possessed absolute power. In Silesian region one officer himself created a criminal group involved in motor insurance fraud. In one year of its activity the group 'earned' 1.5 million PLN, in other words the group depleted the State budget in a criminal fashion. In the Silesian case 220 people were charged including 41 police officers²³.

Services of professionally disloyal police officers are more than welcome not only for criminal groups but also for many law firms, financial companies and business entities. Particularly valuable are these functionaries who have access to sensitive information (personal data, vehicles register etc.). The information is paid for with money or other services. Nevertheless, the police informers are only apparently treated as colleagues or business partners, criminals are well-aware of the fact that the servant of public order who abuses their professional ethics for financial benefits may not be trusted. The scale of the phenomenon described above should raise concern that so many functionaries were so greedy, dishonest as well as naive. This pathology could be observed on every level of the organisation what was broadly publicized by spokespersons of the HQ.

Relevant European institutions, such as OLAF (European Anti-Fraud Office), for some time, especially after 2009, were concerned about unreliability and cases of negligence in distribution of the European support funds in the Polish Police HQ and the Ministry of Interior and Administration. In the offices in Brussels there was a lot of talk about Polish incapability in managing the EU resources and weak supervision of the Polish government over their distribution²⁴. In July 2011 the

²³E. Sitek, *Policja...* op. cit.

²⁴Since 1 July 2003 pursuant to resolution of the Council of Ministers (Journal of Laws No 119 of 9 July 2003) in the Ministry of Finance there is a new government plenipotentiary responsible for tracking financial irregularities to the detriment of the Republic of Poland and the European Union. The existence of this plenipotentiary and results of his work are virtually unknown to the public opinion, professional and

European Commission imposed on Poland a penalty payment of 1 million Euro and this sum was paid to the European budget²⁵. This fact was very detrimental for the image of Poland, especially for the credibility of Polish government in the Brussels circles of the European administration²⁶. Polish public opinion became aware of the fact late in 2011. On 8 December news hit traditional and electronic media that CBA (Central Anti-Corruption Bureau) entered the Police HQ in order to carry out checks with respect to public tenders organized for purchase of software and IT services. The tenders were prepared, organized and supervised by director Andrzej M. former police officer and head of Communication and Information Department and IT Projects Centre at the Ministry of Interior and Administration²⁷. The problem was that

scientific circles. Thus, it seems sensible to raise a question about legitimacy of such a public post.

²⁵G. Zawadka, *Policja straciła milion euro. Dyrektor bez winy*, 'Rzeczpospolita', 8.12.2011.

²⁶Poland from 1 July to 31 December 2011 presided over meetings of the Council of Europe. It was the first Polish presidency. At the time Poland initiated a number of important undertakings such as: the Eastern Partnership Summit in Warsaw, signing the accession treaty with Croatia, giving Serbia the candidate status etc.

²⁷Later audit findings of the Supreme Audit Office revealed that in 2007 a group of Police HQ functionaries began illegal activities of corruptive character which started to be referred to as *infogate*. The 'IT crowd' operated in the Foreign Affairs Ministry, Central Statistical Office and the Ministry of Interior. Their corruption activities embraced public procurement, purchase of software, hardware and development of information systems. CBA and the Prosecutor put an end to this criminal activity in autumn 2011. The Chief Commander of the Police at that time was Andrzej Matejuk. This experienced officer (in the rank of superintendent since 2005) had worked before as the Chief of Provincial Police in Wrocław. He had already been in retirement since May 2007 but in March 2008 the Prime Minister appointed him to the post of Chief Commander of the Police. In August 2008 the President of Poland appointed him to the post of Inspector General of the Police. Between 2007 and 2009 the head of logistics at the General Police HQ was superintendent Henryk Tusiński, previously Chief of Provincial Police in Poznań (2002-2007) and before that deputy Chief of Provincial Police in Wrocław (1999-2002). Both superintendents had known each other before (they worked together in the provincial Police in Wrocław) but they were reluctant to cooperate. Both maintained good relationships with Grzegorz Schetyńa (Civic Platform political party) who was a politically decisive person in Wrocław of the early 1990s. On 16 November 2007 when Schetyńa became the Minister of Interior H. Tusiński was given the post of deputy Chief of the General Police HQ. The minister seemed to have put bigger trust in A. Matejuk, because it was him who became the Chief of the Police. Early in October 2009 some media revealed leaks of 'business talk' between a businessman from Wrocław (ex football player of Śląsk Wrocław club) with a number

Andrzej M. had been considered by his superiors as a loyal, prominent specialist in IT systems and infrastructure, so the fact that he also demonstrated entrepreneurial skills in pursuing illegal financial and material gains from public tenders and purchases at his workplace, came as a complete surprise. In these illegal activities participated also Andrzej M.'s wife and a group of police officers, officials of the Ministry of Interior, Ministry of Foreign Affairs and Central Statistical Office. Losses for the State budget and the EU budget that this group generated between 2008 and 2011 amounted to hundreds of millions of PLN. The police officers and government officials collaborated with representatives of Polish businesses which in terms of capital and ownership structure belonged to American corporations IBM and HP. As it was stated before, the whole practice started in the General Police HQ and then was transferred to the Ministry of Interior, Ministry of Foreign Affairs and Central Statistical Office. Some of the participants of these illegal dealings were retired policemen who returned to government administration as 'experts'. In October 2011 the Central Bureau of Investigation arrested Andrzej M. his wife, and Janusz J. - head of an IT company who offered bribes for the promise of winning tenders for purchase of software and tele-information equipment.

As said before, first media reports of the affair came to light on 8 December 2011. Some time before that a weekly left wing newspaper 'NIE' wrote: *...the General Police HQ is an ideal place for corruption. It is hard to believe that nobody has been caught while receiving a bribe there. This institution offers amazing opportunities to get on the gravy train. In recent years the Police HQ spent millions of PLN on new vehicles, clothing and communication devices. It seems that HQ management lost control over the expenditure...* The author of the article listed numerous examples of inefficiency and incompetence as well as lack of supervision over public procurement in the Police head office; e.g. 500,000 PLN was spent on an accounting system which did not have

of Civic Platform politicians from Wrocław constituency. In this group was also Grzegorz Schetyńa a very influential person in the party. This was the beginning of the 'Gambling Gate' scandal. On 13 November 2009 G. Schetyńa was dismissed from the ministerial post because at that time the Prime Minister had realized the scope of financial losses generated in the course of corruption activities which actually had started in the Police HQ ('infogate'). Legislation was amended and organizational changes introduced. The Ministry of Interior and Administration changed its name to the Ministry of Interior.

the legally required recommendation of the Polish Association of Accountants, the modernisation of teleinformation system was carried out following a loose conversation with one IT firm which quoted an exorbitant price of 30 million PLN and the Police HQ gladly accepted²⁸.

For the European Union this situation was very serious because in April 2012 the European Commission suspended funding of a part of projects within Operational Programme Innovative Economy²⁹. There were justified doubts with respect to seven projects of joint value 1.4 billion EUR. Five of these projects were implemented in the IT Projects Centre of the Ministry of Interior. In mid-May 2012 Michał Boni the Minister of Administration and Digitization went to Brussels to report to J. Hahn, an EU commissar for regional policy, on the progress in implementation of IT projects in Polish administration, by the end of May the recovery plan was prepared, in June 2012 a joint task force of officials from Poland and Brussels was appointed to monitor the process of implementation of the EU projects until 2015³⁰.

In light of the corruptive activities discovered in the Police HQ, the Supreme Audit Office carried out extensive checks with special emphasis on the period 2007-2012³¹. Having studied the planning and implementation phases of IT projects aimed at facilitating organization in the Police forces, it was found that software which had cost 19.4 million PLN was not fully implemented into the police practice and was only used occasionally. The management of the Police HQ did not have relevant knowledge about the application of this software and did not

²⁸A. Sikorski, *Korupcja w KGP*, 'Tygodnik NIE'. This publication appeared on 8 December 2011 on the website of the Police trade union of the Opole Province, and soon afterwards on several other websites. www.nszzp.opole.pl

²⁹*CBA weszła do Komendy Głównej Policji. Kontroluje przetargi*, 14.05.2012 www.polska.newsweek.pl (access: 3 March 2016).

³⁰*Korupcja w Komendzie Głównej Policji. CBA zatrzymała jednego z naczelników*, 16. 05. 2012 www.wprost.pl (access: 3 February 2016).

³¹In the context of financial abuses committed by organised groups of functionaries from the General HQ and Metropolitan Police in Warsaw, in light of criminal and working sanctions imposed on perpetrators it must be explained why the rules of professional conduct, ethical and moral values written down in the Act on the Police and other relevant normative documents, after 27 years, have not shaped the desired attitudes and patterns of behaviour in new generation of functionaries. In the period between 2000 and 2016 a number of officers on executive level (including chief commanders in HQ, their deputies, heads in provinces) demonstrated unlawful and unethical behaviour. See: *Autorytet w Policji*, (ed.) M. Hermanowski, S. Weremiuk, Poznań 2013.

monitor its implementation properly. Moreover, they had not been informed about financial, legal and technical aspects and capabilities of the purchased teleinformation tool³². From other media reports it could be learnt that tenders as well as development of the Central Register of Vehicles and Drivers had raised serious doubts with respect to its applicability by public administration including the Police. The main defendant in the *infogate* Andrzej M., former director of IT Projects Centre at the Ministry of Interior, was charged with taking 3 million PLN in bribes from IT firms. Initially all parties of the judicial process were in favour of accepting a sentence without legal proceedings (otherwise the court would have to hear 500 witnesses). The prosecution demanded for Andrzej M. a custodial sentence of 4 years and 6 months (with 8 year period of suspension); penalty payment of 100,000 PLN, ban on taking executive positions and forfeiture of financial benefits acquired in criminal fashion. In the beginning of December 2015, however, the Police HQ withheld its consent to end the case in such a way and addressed Andrzej M. with demand to return the sum of 2.6 million PLN of EU subsidy. This demand will probably never be satisfied as all financial benefits were forfeited³³.

The criminal activity in public procurement at the Police HQ and the Ministry of Interior was a massive failure in legal and moral terms it was also a failure of the authority of the State. In the context of social awareness such a giant fraud and corruption could have occurred anywhere but not in the Police, not in the Ministry of Interior. Similar embezzlement was detected in 2010 in the Ministry of Justice where 22.2 million PLN was spent, without a public tender, on a new accounting and HR system. The auditors from Public Procurement Office concluded that it was a serious breach of public procurement law. The case was forwarded to the prosecutor of financial discipline who imposed financial penalties on 3 ministry officials (the penalty was 327,81 PLN each)³⁴. OLAF estimated that in Poland 19-23% of the announced public tenders involved illegal activities, which means that 40 billion PLN on the Polish

³²*Sprawozdanie z działalności Najwyższej Izby Kontroli w 2013 roku*, Warszawa 2014, p. 200.

³³I. Kacprzak, G. Zawadka, *Policja blokuje szybki wyrok w infoaferze*, 'Rzeczpospolita', 2.12.2015.

³⁴S. Czubkowska, *Przetargi na święty spokój*, 'Dziennik Gazeta Prawna', 12-14.06.2015.

market of public procurement was spent following corruptive arrangements.

3. Moral and criminal scandals

In May 2013 a local paper 'Nowa Trybuna Opolska' reported that Leszek Marzec the Chief of Provincial Police in Opole was secretly recorded in his office while talking to a female officer. In the conversation work related topics intermingled with private, intimate matters. The media publicised it as 'sexgate in the Police'. The reaction of the Police HQ and the Minister of Interior was immediate. L. Marzec was forced to retire, his female colleague (in the rank of departmental head) was put under disciplinary proceedings. For a couple of weeks media were full of juicy bits and pieces from the sex talk at the police station. L. Marzec turned out to be very vulgar as he talked openly about his sexual preferences and expressed contempt for his subordinates. One night in the streets of Opole somebody hung a poster showing commander Marzec in the nude, holidaying under a palm tree wearing a police cap of superintendent; the poster read *Marzec on retirement*, and additional comment – *80,000 PLN golden handshake, 10,000 PLN pension a month*. It was also explained how Mr Marzec earned such a generous remuneration: *negligence on duty, affair with a subordinate, mobbing and nepotism*³⁵. Strangely though, not a single nationwide newspaper showed any interest in the story of commander Marzec and how he had got to the top in the organisation. Only 'Gazeta Wrocławska' informed its local readers that the hero of the sex scandal is 56 years old, on duty since 1980, comes from Wałbrzych where he had climbed the career ladder all the way to the position of Chief of Municipal Police in Wałbrzych which he took in 1999; later, in 2005, he was promoted to the post of deputy Chief of the Provincial Police in Wrocław³⁶.

In the centre of Wałbrzych on 16 March 2000, somebody murdered an antiquarian Henryk Ś. in his shop with antiquities. Henryk Ś. was a very well-known person in the town due to his business and collector activities. His shop was popular with visitors from Germany (former inhabitants of Wałbrzych and its vicinity), he had regular as well as

³⁵Plakat z generałem Marcem: co dała mu seksafera w policji? Odprawę i emeryturę. www.se.pl/wiadomości/ 3.06.2013, (access: 2 February 2016).

³⁶M. Rybak, S. Królikowska, *Seks afera w policji. Bohaterem były wiceszef komendy wojewódzkiej we Wrocławiu*, 'Gazeta Wrocławska' 23.05. 2013.

occasional customers. A particular group of his clients were priests who used to come to Wałbrzych for decanal meetings in the parish of Saint Guardian Angel, another professional group acquainted with Henryk Ś. were lawyers³⁷. The Municipal Police in Wałbrzych had been investigating the murder (committed in broad daylight, in a public place by means of a handmade, primitive weapon) for many months but no major breakthrough was achieved. On 30 October 2000 a weekly newspaper 'Wiadomości Wałbrzyskie' informed on its front page that the Police arrested a 17-year-old boy. The intention was to announce a great success of the Wałbrzych Municipal Police under command of Leszek Marzec and prosecutor Jarosław Dyka from District Prosecutor's Office in Świdnica. The indictment which was prepared in the following months stated that the antiquarian was murdered by a 16-year-old Patryk R. and 17-year-old Radosław K. The District Court in Świdnica (under authority of judge M. Jedliński) and the Court of Appeal in Wrocław, sentenced both young men to 25 years in prison. All institutions of public order involved in the case considered it as their professional victory in legal, moral as well as statistical context^{38 39}.

³⁷The antiquarian (a quiet, reserved, almost anti-social man) had maintained, under communist regime, close business and social ties with the security service functionaries, the State Protection Office as well as Militia and later the Police. Henryk Ś. must have possessed considerable knowledge about people, services, structures etc.

³⁸Early in the course of operational and investigative proceedings differences of opinion occurred with respect to evaluation of the collected evidence. The Police HQ in Warsaw was well-aware of it as such information reached the Police authorities not only through professional channels. On 11 September 2006 a national TV channel broadcast an intervention reportage in which it was clearly stated that both accused teenagers were sentenced on the basis of one single evidence i.e. a testimony of a 'silent witness' (superwizjer-tvn.pl, a reportage by Alicja Pawełek). Polish national newspapers suggested many irregularities in the evaluation of evidence in the Courts in Świdnica and Wrocław (www.bezprawie.pl, 19 April 2011). After the judgment was set aside twice by the Supreme Court, the Court of Appeal in Wrocław reduced the term to 15 years in case of both convicts. This case still remains in the media and in the public opinion as an infamous example of inefficiency of Polish judiciary system including the Police. See: A. Skibniewska, *I ty zostaniesz mordercą*, 'Nie' of 26 April 2013; TVN programme 'Państwo w Państwie' (18 October 2014) which featured former Chief Prosecutor J. Kaczmarek, an European MP of the Law and Justice party Janusz Wojciechowski and former head of criminal department of the Provincial Police in Wrocław Janusz Bartkiewicz. Mr Bartkiewicz, a retired policeman who participated in the murder investigation of Henryk Ś., admitted that in this particular case he had lost his faith in criminal justice.

In the years to follow in the local media of the same region there was more and more news about misconduct of police officers from Wałbrzych and Świdnica. Pathological and criminal incidents committed by functionaries while performing professional duties is always a hot topic, but at the end of the day such is the mission of mass media in contemporary society⁴⁰. In August 2013 a weekly magazine from Wałbrzych featured an article with an alarming title *What happened at the Police Station No 5?* The author of the article explains that one day after 5 p.m. a 35-year-old man was brought to the Police Station no 5 in Wałbrzych, after procedural duties were conducted he was released. At around 9 p.m. the same day a passer-by called the ambulance to a man lying on the pavement with weak vital signs of life. It turned out to be the same person who had recently been released from the Police Station no 5. The man died despite rescue attempts. Three days later the mother of the deceased reported to the prosecutor's office that her son died as the result of violent assault committed by the policemen of Police Station no 5. The post-mortem examination showed that the death was caused by extensive internal injuries⁴¹. After very long investigation the prosecution pressed charges against two police officers from Police Station no 5. In July 2014 in the Police Station no 1 in Wałbrzych the policemen on duty assaulted two workers from Konin who were visiting Wałbrzych on an assignment to perform some works for their employer. On a Saturday night they were drinking wine in the park and from that spot they were taken to the Police Station no 1 where they were beaten up with tonfa-style batons. One of the victims managed to record the incident on his mobile phone. There was also some other evidence⁴². In this case too the Prosecutor's Office

³⁹Another interesting fact about the case is that judge M. Jedliński as well as prosecutor J. Dyka were for years infamous heroes of the Polish media. They kept accusing a man who had been paralysed for 22 years of drug trafficking, money forgery and smuggling of uranium (in his trousers). They based their strong conviction of the guilt of the disabled man on testimonies of a crown witness. See: J. Skibniewska, *Parasprawiedliwość, Paraprokurator*, 'NIE' 20.09. 2012.

⁴⁰The role and impact of mass media is very often referred to as the fourth pillar in the contemporary system of exercising public and political power. The ability of appropriate application of this powerful tool is now necessary for each participant of public life. See: M. Castells, *Władza komunikacji*, PWN 2013; K. Jakubowicz, *Media a demokracja w XXI wieku*, Poltext 2013.

⁴¹ M. Wyszowski, *Co się stało w komisariacie policji nr 5?*, 'Tygodnik Wałbrzyski', 19.08.2013.

⁴² M. Wyszowski, *Bili czy zostali pobici?*, 'Tygodnik Wałbrzyski', 9.02.2015.

and the District Court in Wałbrzych took a very long time before the charges against aggressive police officers were levied⁴³.

In July 2012 Anna G. from Czeladź went missing, she was a wife of an officer from the Municipal Police in Sosnowiec. After two days the husband reported his wife missing and quickly lost interest in the matter. But Anna G.'s parents continued searching for their daughter, they published her photographs in the media, maintained close contacts with the Prosecutor's Office etc. The body of Anna G. has not been found so far but in September 2015 Anna G.'s husband was arrested and charged with murder of his wife and inducement to make false statements⁴⁴.

The District Court of Warszawa-Praga on 26 November 2015 declared Mariusz W., head of the Police Station in Białoleka, guilty of murder of 52-year-old Dariusz S., a businessman from the vicinity of Ciechanów, and imposed a life sentence on him. Mariusz W. a 45-year-old policeman from Legionowo, on 11 February 2011 while acting intentionally, killed Dariusz S. near the village of Wieliszewo with a firearm (2 shots in the head, 1 in the back), he then burnt and buried the body. The policeman, or to be more specific his wife, had been in a business relation with Dariusz S. Mrs W. rented retail space from Dariusz S. for her shop with second hand clothes; upon these grounds they had entered into a conflict situation⁴⁵.

Poland was also home to a scandal unprecedented on the global scale. In Warsaw in the evening hours of 25 June 1998 a former Chief of Polish Police, superintendent Marek Papała was killed in his car at the car park in front of his house as a result of a gunshot head wound from

⁴³J. Bartkiewicz, *Policjanci nie będą bezkarni?*, 'Tygodnik DB 2010', 25.02.2016. The author emphasizes sudden and very characteristic reaction of the District Prosecutor's Office in Świdnica to resume the examination of 23 case-files of dismissed preparatory proceedings (acts related to Article 231 of the Criminal Code) with police officers from Wałbrzych as perpetrators. The author of the article, who is also a former police officer, writes: *it is high time that random people who should never have been accepted into the Police forces stopped profaning its reputation and image, they do not belong here, their place is somewhere else.*

⁴⁴K. Kapusta, *Zarzut zabójstwa żony dla policjanta z Sosnowca*, 'Dziennik Zachodni' 1.10.2015.

⁴⁵M. Siebierska, *Dożywocie dla policjanta. Z zimną krwią zastrzelił, podpalił i zakopał?*, 'Gazeta Powiatowa. Jabłonna, Legionowo, Nieporęt, Serock, Wieliszew', 27.11.2015. On the website of this local newspaper an Internet user nicknamed *Radnyratusz* on 6 December 2015 posted what follows: *it is quite a family, on the premises in Batorego Street Mrs W. had an escort servicebusiness people for whom money does not stink.*

a silenced TT pistol⁴⁶. The crime scene immediately filled with police technicians, investigation teams, prosecutors, politicians, public figures as well as Polish and foreign TV, radio and press. The crime scene became the stage from which politicians and advocates of various political options mouthed possible motives behind the murder, and of course all the motives, more or less openly, pointed to the political opponents of the speakers as initiators of the crime. Superintendent Adam Rapacki recalls: *...the situation played into the hands of those who held the power at that time; it was a bargaining chip for all political parties. Had the investigation team been replaced an alarm would have been rung immediately that it was done to protect interests of one of the political groups or that the police officers knew too much and that was the reason they had to step aside...or such nonsense*⁴⁷. This case will always remain a classical example of how basic ethical values and respect for the law were subjugated to interests of political parties and other groups⁴⁸.

In 2005 the Minister of Justice and General Prosecutor following a testimony of a gangster A. Zirajewski (AKA 'Iwan'), led to the arrest in the territory of the USA of E. Mazur on the suspicion of murder of general Marek Papała. E. Mazur was an American citizen of Polish origin who maintained business relationships with Poland and other countries of Eastern Europe. Z. Ziobro the Minister of Justice (2005-2007) applied for extradition of E. Mazur but the American court while processing the application did not consider the collected evidence as relevant for the case – especially the most important act of indictment which stated that E. Mazur had commissioned the murder of M. Papała. The alleged executor was to be A. Zirajewski⁴⁹. In 2013, as a consequence of the

⁴⁶The new government formed by the coalition of the Government Electoral Action and the Freedom Union in October 1997 dismissed M. Papała from the post of the Chief of the Police and promised him an oversees placement in the USA.

⁴⁷E. Sitek-Wasiak, *Niepokorny Rozmowy z...*, p. 325.

⁴⁸Por. J. Stępień, *To system zepsuł sprawę Papały*, 'Dziennik Gazeta Prawna', 2-4.08.2013.

⁴⁹In America in favour of E. Mazur testified colonel Ryszard Bieszyński who later headed the investigating proceedings. Bieszyński from the very beginning did not believe in the version that E. Mazur could have inspired the murder. E. Mazur was a well-known person in the Polish business and political circles of that time. He was particularly well acquainted with left wing politicians from Democratic Left Alliance party. He was received by Aleksander Kwaśniewski - the President of Poland. Mazur met gen. Papała when he no longer was the Chief of Police. This fact did not prevent

decision of the American court two gangsters Ryszard Bogucki and Andrzej Z. (AKA 'Słowik') were found innocent of the murder of general M. Papąła. Bogucki and Słowik had been convicted following the testimony of a car-thief Igor Ł. (AKA 'Patyk') who was also doing prison sentence but had a status of a crown witness. According to the most current version (2015) developed by the Prosecutor's Office in Łódź, Igor Ł. is believed to have committed the murder. The inability to find the killer of general Papąła after more than 15 years of investigation is a disgrace for the State: *investigators hit bottom and the government has no idea how to get them out of there*⁵⁰. The hypothesis of the Prosecutor's Office in Łódź that Papąła died at the hands of car thieves and that the death was accidental, seems to be well-grounded. However, final court verdict has not been issued yet.

In the next infamous case of kidnap and murder of a young businessman Krzysztof Olejnik the sets of prosecutors and investigation police officers had to be changed five times. The murder had taken place on 27 October 2001 and although the kidnappers were caught in 2006 and sentenced in 2008, the case remains the symbol of inefficiency and lack of professionalism of Polish law enforcement agencies. The number of almost irrational mistakes committed by investigators (e.g. letting the kidnappers run off with ransom), irregularities in forensic examination, series of suicides of all three kidnappers-murderers in monitored prison cells⁵¹, arouses deepest amazement. J.W. Wójcik in 2011 remarked: *Was it really about the ransom? What were the true motives of the originators of the kidnap? Experts and ordinary people still ask questions about the role of some police officers and other functionaries of public order in*

him from being arrested in 2002. He was released soon after verification. It must not be forgotten that at that time the Law and Justice party had the power and they used the case of murder of gen. Papąła to fight the opposition (Democratic Left Alliance). Finding the murderer was not their priority. See: W. Czuchnowski, M. Jałoszewski, *Prokuratura: Edward Mazur nie podzegał do zabójstwa gen. Papąły*, 'Gazeta Wyborcza', 21.08.2014.

⁵⁰E. Radlińska, *Prokuratura nigdy nie ustali, kto zabił generała Papąłę*, „Dziennik Gazeta Prawna”, 1.08 2013.

⁵¹Until today it is not known what happened to 200,000 Euro out of the 300,000 Euro ransom handed over to the kidnappers under the Gdański Bridge in Warsaw. The circumstances of the crime really damaged the public reputation of the Polish Police as there were negative voices with respect to each and every consecutive team working to solve the mystery of Krzysztof Olejnik's death.

*recognition and protection of forensic material evidence*⁵². Before the kidnap the Olewnik family had maintained business and social relations with local authority members, politicians and police officers. W. Olewnik - senior of the family and a local business baron was said to have entered in a conflict with M. Książkiewicz, former head of the Police in Płock. The reason of the conflict was an intended hostile takeover of a meat processing business belonging to the Olewnik family. Behind the takeover was no other than M. Książkiewicz who allegedly died in 2003, not so long after the murder, in his mansion in the countryside near Płock. The media reported that Książkiewicz must have had something to do with the case and emphasized the inefficiency and helplessness of the investigators especially in early phases of the investigation⁵³.

Many years of struggle of consecutive investigation teams of prosecutors, police officers and also, the fact is less known to the public, some special services, strange suicides of executors of the kidnap and murder in monitored prison cells, suicide of a prison guard, unearthed the weaknesses and inefficiency of Polish law enforcement system. The case of Krzysztof Olewnik is yet another example of the urgent need to undertake radical systemic steps towards activation of educational processes in order to strengthen professional behavior and ethical attitude among police officers. Building of authority is a continuous and tedious process. The Olewnik case will be remembered in criminology as well as in public opinion as a rollercoaster of fundamental mistakes, negligence, wrong decisions and unsolved mysteries. The society expects from law enforcers a safe and friendly public space. It is in the context of the feeling of security that citizens assess the value and dignity of the Police. When the Police starts to effectively fight crimes and learns to act as guardians, attentive listeners and counselors, their role and mission will be fulfilled⁵⁴.

A short two-month-career at the top of the Police structures of Zbigniew Maj is the last example quoted in the paper of tarnishing the reputation of Polish Police. Commander Maj became the Chief of the Police on 11 December 2015. He was nominated by the Minister of newly created Law and Justice government. His first TV appearance was

⁵²J.W. Wójcik, *Przeciwdziałanie przestępczości zorganizowanej Zagadnienia prawne, kryminologiczne i kryminalistyczne*, Warszawa 2011.

⁵³B. Wróblewski, H. Woźniak, *Płockie księstwo komendanta*, 'Gazeta Wyborcza', 22, 23.02.2011.

⁵⁴J. Ćwieluch, *Jest robota na dzielnicy*, 'Polityka', 30.09.2015.

a performance of condemn for his predecessor. Commander Maj was followed by the camera when he was walking around head offices which had been recently renovated. He acted like a moralist calling a decently equipped bathroom and toilet 'Byzantium'. This TV show was aimed at propagating the picture of financial dissolution of the former Police management. Although some part of the audience (especially supporters of Law and Justice) received the broadcast as it was intended, a large part of public opinion including a considerable number of police officers was appalled⁵⁵. Clearly this was an attempt to publicly humiliate former management of the Police stirred up by the Law and Justice politicians. In this pathetic show of political propaganda participated the secretary of state Jarosław Zieliński who was in charge of the Police. On 15 February 2016 superintendent Z. Maj was dismissed from the post of the Chief of the Police. The Minister and politicians who had previously approved of all his decisions did not want to disclose the reasons behind this dismissal. The media speculations revealed some possible scenarios, none of them was confirmed though⁵⁶.

⁵⁵Exposure of devices of special police technology and infrastructure in the media (as it happened in the broadcast) is the breach of professional secrecy. In HQ offices and conference rooms important decisions are taken, and all conversations that are taking part there must be technically protected against wiretapping. If there is an official requirement for a conversation to be recorded, it is done on the highest level of security classification. See: *Nowy szef oskarża: „Bizancjum” w KGP. Poprzednik odpowiada*, www.tvn24.pl/wiadomości/ 14.01.2016, (access: 21 February 2016).

⁵⁶Commander Z. Maj announced that he was in possession of evidence that his predecessors had illegally tapped phones of 80 journalists, thus he gave credit to accusations made by members of the Law and Justice party against administration of the Civic Platform and Polish People's Party. The Law and Justice PM announced this information in the European Parliament to discredit previous administration. However, the prosecution, after examination of the provided evidence, did not find any constituent elements of criminal acts. As regards commander Maj he is said to have possessed financial assets worth 4 million PLN and taking into account the fact that work in the Police is his only source of income, it looks like quite an achievement. Other media revelations inform that CBA is in possession of materials with description of legally dubious behaviour of commander Maj. See: A. Stankiewicz, *Wojna w sercu polskiej policji*, Rzeczpospolita 12.02. 2016; M. Pietrzak, *Łubu-dubu!*, Dziennik Trybuna, 12.02.2016; P. Pytlakowski, *Inspektor Maj – dziwna nominacja, dziwna dymisja*, 'Polityka', 17.02.2016.

Conclusions

The mission of the Police is to ensure security and protect citizens against threats. Police officers are expected to be ‘guardians of public order’ that the citizens can turn to when in need. These are natural and logical expectations and demands reinforced in the mentality of modern societies. However, as it commonly happens, the citizens alone are perpetrators of unlawful and unethical acts. Such is the social reality which has to be dealt with by police officers on daily basis. Although misconduct and unethical behavior so often demonstrated by the guardians of public order cannot be in any way justified, it is worth taking a look behind the reasons of so frequent cases of breach of professional ethical code.

Police functionaries are in close contact with criminal world. They witness a lot of nerve racking situations, sometimes even their own life is in danger. After a few years on duty they start to have a good orientation in the criminal underworld, they observe as some people are getting richer and richer. They know that these people accumulated their fortune illegally and can live a comfortable life thanks to criminal activity (financial fraud, tax avoidance, corruption etc.) and somehow they manage to escape any consequences. Many officers in such a situation may have second thoughts about their own material situation and what they receive in return for being law abiding and loyal servants of the Police. In modern world money is the most important commodity, a symbol of social status. Sadly for the Polish officers money as well as recognition are really hard to get in their profession. In the Police of the so called new Poland neither university degree, knowledge of foreign languages, ethical references nor relevant experience are taken into account in the recruitment process or while considered for promotion. This is the brutal reality of the system which very soon makes young officers feel disillusioned, whereas to the top of the organisation get such individuals who are well-connected to politicians from ruling parties.

The author does not try to explain nor justify cases of misconduct and corruption. They should not have happened anywhere not at small local police stations, not at the General HQ nor at the Ministry of Interior and Administration. The intention was to show the internal situation in the Police and point to necessary changes that need to be introduced into the system of supervision and management. The present situation in the Police as regards salaries, social benefits, premises and technical

resources, especially in remote units (despite considerable improvements), does not motivate young generation of officers to work hard, respect moral values and trust the authority of the Police.

As stipulated by law a police officer must not be a member of any political party (Article 63 of the Act on the Police), which is a commonly accepted standard. In Poland, however, for each party that wins the parliamentary elections the Police is always an important prey which is immediately taken into possession⁵⁷. In reality this means appointment of people who will be easily moulded and manipulated by their political patrons and dismissal of all who were nominated by the descending administration. The wave of personnel exchange on executive levels after the change of power ranges down through provinces to poviats. A considerable number of dismissed functionaries aged 45-55 does not receive any job offers and is forced to retire. Such political roulette sends a very wrong moral message which is really badly received by the Police itself and by the wide public. Such practices are virtually unknown in the administration of countries of the civilized world.

The above mentioned methods of exercising political power (or political party power to be more specific) over the Police lead to moral decomposition and breakdown of integrity of its environment. In such a situation it is not uncommon that outstanding specialists, experts, people with passion are relegated from the service. What's even worse, some functionaries are forced to leave after brutal disregard, following prosecutor sanctions, slander and false accusations. In such a way two officers of the Central Bureau of Investigation Piotr Wróbel and Karol Prasolowski were eliminated and forgotten, also Dariusz Loranty from Metropolitan Police in Warsaw⁵⁸ had to leave the service in similar atmosphere. These are not desirable standards that would encourage young functionaries to be loyal, professional and ethical. They see it does not pay to be reliable, to raise qualifications as this will not take one up the career ladder. Only protection of a political patron guarantees promotion and recognition.

⁵⁷See: M. Otrębski, *Apolityczność Policji. Nakaz prawny czy zobowiązanie moralne władzy państwowej?* [in:] *Moralne problemy bezpieczeństwa*, (ed.) J. Konieczny, Kraków 2008.

⁵⁸See: P. Pytlakowski, *Mój agent Masa*, Poznań 2015; D. Loranty, *Spowiedź psa. Brutalna prawda o polskiej policji*, Fronda 2013; M. Kalińska-Dąbrowska, *Policjant po 10 latach udowodnił, że jest niewinny*, 'Gazeta Wyborcza', 10.01. 2013.

Appointing the Chief of the Police for the period of, say, 5 years would guarantee more stable and efficient functioning of the Police. Also introduction of an independent supervisory organ (similar to OLAF), e.g. a supervisory committee composed of just 5-7 members; people of authority and public trust, experts in law and other sciences who would be independent politically, can heal the problems of the Police. The committee should also be allowed to serve the office for a fixed tenure. Then it would be possible to transform the Police in an organization up to European standards that functions smoothly because it is efficiently managed⁵⁹. Heads of the Police would report annually to the committee and the committee would have an influence on internal problems and needs of the Police. Implementation of this proposal would eliminate political influences and manipulations which always intensify after parliamentary elections and change of power.

At this time with 100,000 functionaries, the Police is the biggest armed formation in Poland (even bigger than armed units of the Polish Army) with a number of highly specialized units of rapid reaction and crisis management. The Police is a paramilitary and professional group performing particularly important tasks in the system of internal security of the State, a formation always on duty for protection of legal order, in service for citizens and the society⁶⁰. Thus, in a democratic country the issues of internal security as well as mission and work of the Police are too sensitive to be dominated by interests of political parties.

⁵⁹The supervising committee should include representatives delegated by: the Ombudsman (it could be for example a former Ombudsman), the Constitutional Tribunal (preferably a former judge of the Tribunal), Supreme Bar Council, one former MP chosen by the parliamentary coalition, one former European MP chosen by the biggest opposition party, one former Police Superintendent chosen by the Association of the Police Generals and a representative of the National Council of the Judiciary. Maybe it would be a good idea to subjugate the supervising committee for example to the President of the Council of Ministers.

⁶⁰See: J. Maciejewski, *Grupy dyspozycyjne. Analiza socjologiczna*, Wrocław 2014.

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