

**Dz. U. of 2002 No 7, item 58 as amended**

**ACT**

of 6 April 1990

**on the Police.**

**Chapter 1**

**General provisions**

**Article 1.** 1. The Police shall hereby be established as a uniformed and armed force serving the society and aiming at the protection of people's safety and the maintenance of public safety and order.

1a. The name "Police" shall apply solely to the force referred to in Paragraph 1.

2. The main tasks of the Police shall comprise the following:

- (1) protection of people's life and health and protection of property against lawless assaults which might cause damage to those goods,
- (2) protection of public safety and order, including ensuring peace in public places and in public means of transport, road traffic and on waters allocated for common use,
- (3) initiation and organisation of activities aimed at preventing crimes and petty offences and crime-related events, and cooperation with state authorities, local governments and social organisations in that regard,
- (4) detection of crimes and petty offences and prosecution of perpetrators thereof,
- (5) supervision of gmina (municipal) guards and specialised armed security forces within the scope laid down in separate provisions,
- (6) controlling whether administrative provisions and codes of order related to public activity or binding in public places are observed,
- (7) cooperation with Police forces from other countries and their international organisations on the basis of agreements and international treaties and separate regulations,
- (8) gathering, processing and forwarding criminal information,
- (9) (repealed),
- (10) running a database with information on the results of the analysis of deoxyribonucleic acid (DNA).

3. The Police shall also perform the tasks resulting from international treaties and agreements, on conditions and within the scope specified thereof.

**Article 2.** The tasks of the Police in the Armed Forces of the Republic of Poland and in relation to soldiers shall be performed by the Military Police and military police authorities, according to provisions and on terms laid down in separate regulations.

**Article 3.** The voivod and the head of the gmina authority (town or city mayor) or the head of the powiat authority acting in their general administration capacity and the gmina, powiat and

voivodship local government authorities shall perform the tasks within the scope of the protection of public safety or order as specified in the relevant acts.

## **Chapter 2**

### **Organisation of the Police**

**Article 4.** 1. The Police shall consist of the following services: criminal service, prevention service and the service providing support for the Police activities in the field of organisation, logistics and technology.

2. The Police shall include the court police. The detailed scope of activities and the organisational rules of the court police shall be defined, by way of ordinance, by the Minister competent for internal affairs in agreement with the Minister competent for justice.

3. The Police shall also include the following:

- (1) Higher Police Training School, training centres and Police schools,
- (2) separate prevention units and anti-terrorist subunits,
- (3) research and development units.

3a. The organisation and the scope of activities of the Higher Police Training School in Szczytno as the higher school as well as the procedure for appointing and dismissing the rector and appointing, selecting and dismissing the vice rectors shall be regulated by the Act of 27 July 2005 – Higher education law (Dz.U. No 164, item 1365).

4. The Police Commander in Chief, with the approval of the Minister competent for internal affairs, may in justified cases establish the services other than those listed in Paragraph 1, setting forth their territorial competence, organisation and scope of activities.

**Article 4a.** The employees on administrative, technical and auxiliary posts in the Police headquarters and stations, excluding the posts specified by the Police Commander in Chief, shall be employed on terms laid down in the regulations on the employees of the state agencies.

**Article 5.** 1. The Police Commander in Chief, reporting to the Minister competent for internal affairs, shall be the central government administration authority competent for issues related to the protection of people's safety and maintenance of public safety and order.

2. The Police Commander in Chief shall have command over all Police officers hereinafter referred to as "police officers".

3. The Police Commander in Chief shall be appointed and dismissed by the President of the Council of Ministers at the request of the Minister competent for internal affairs.

4. The Deputy Commander in Chief shall be appointed and dismissed by the Minister competent for internal affairs at the request of the Police Commander in Chief.

5. In the event of vacancy in the post of the Police Commander in Chief, the Minister competent for internal affairs shall entrust the responsibilities of the Police Commander in Chief to one of his deputies for a period not longer than three months, until a new Commander in Chief is appointed.

6. If the Police Commander in Chief is temporarily unable to exercise his functions, the Minister competent for internal affairs shall entrust the duties of the Police Commander in Chief to one of his deputies for a period not longer than six months, until the obstacles to the performance of functions by the present commander cease to exist.

**Article 6.** 1. The government administration authorities on the territory of the voivodship as regards matters referred to in Article 5 (1) shall be the following:

- (1) the voivod assisted by the Voivodship Police Commander acting on his behalf or the Voivodship Police Commander acting on his own behalf in matters regarding:
  - (a) preliminary investigation, criminal investigation and activities related to the prosecution of petty offences,
  - (b) issuance of individual administrative orders if so required by the relevant acts,
- (2) the Poviats (Municipal) Police Commander,
- (3) the Police Station Commander.

2. The territorial scope of activities of the authorities referred to in Paragraph 1 (1) and (2) shall correspond to the state administrative division, subject to Paragraphs 3 to 5.

3. The area of the capital city of Warsaw and the following poviats: grodziski, legionowski, miński, nowodworski, otwocki, piaseczyński, pruszkowski, warszawski zachodni and wołomiński shall be excluded from the territorial competence of the Voivodship Police Commander for Mazowieckie voivodship.

4. The Warsaw Metropolitan Police Commander shall exercise the tasks and powers corresponding to the tasks and powers of the Voivodship Police Commander on the territory referred to in Paragraph 3.

4a. The tasks and powers corresponding to the tasks and powers of the Poviats (Municipal) Police Commander on the territory of the capital city of Warsaw shall be performed by the locally competent District Police Commander.

4b. The Minister competent for internal affairs shall specify, by way of ordinance, the territorial competence of District Police Commanders, shall establish and liquidate the district Police headquarters and shall specify their names. The territorial competence of District Police Commanders shall cover the area of one or several districts.

5. The Warsaw Metropolitan Police Headquarters shall aid the Metropolitan Police Commander in executing his duties in the area referred to in Paragraph 3.

**Article 6a.** 1. Where administrative proceedings are instituted on matters related to the tasks and powers of the Police, the Poviats (Municipal) Police Commander, and in the area of the capital city of Warsaw – the District Police Commander, shall be the competent authority, unless other regulations require otherwise.

2. Where administrative proceedings are instituted concerning the cases referred to in Paragraph 1, the following shall represent the higher authorities:

- (1) in relation to the Poviats (Municipal) Police Commander – the Voivodship Police Commander,
- (1a) in relation to the District Police Commander – the Metropolitan Police Commander,
- (2) in relation to the Voivodship Police Commander – the Police Commander in Chief.

**Article 6b.** 1. The Voivodship Police Commander shall be appointed and dismissed by the Minister competent for internal affairs at the request of the Police Commander in Chief submitted after obtaining the opinion of the voivod.

2. The Warsaw Metropolitan Police Officer shall be appointed and dismissed by the Minister competent for internal affairs at the request of the Police Commander in Chief submitted after obtaining the opinion of the Mayor of the capital city of Warsaw.

3. The Police Commander in Chief shall, at the request of the Voivodship Police Commander or the Metropolitan Police Commander respectively, appoint and dismiss up to three deputies of

the Voivodship Police Commander or the Metropolitan Police Commander, including the first deputy.

4. The Voivodship Police Commander and the Metropolitan Police Commander as well as their deputies shall be appointed from among senior police officers.

5. In the event that the post of the Voivodship Police Commander or the Metropolitan Police Commander is vacant, the Police Commander in Chief shall entrust the duties of the Voivodship Police Commander or the Metropolitan Police Commander to one of their deputies or the designated senior police officer for a period not longer than six months, until a new commander is appointed.

6. In the case of failure to receive the opinions referred to in Paragraph 1 or 2 the Minister competent for internal affairs may appoint the Voivodship Police Commander or the Metropolitan Police Commander after 14 days following the submission of the request to issue an opinion.

**Article 6c.** 1. The Poviats (Municipal) Police Commander shall be appointed and dismissed by the Voivodship Police Commander having obtained the opinion of the head of the poviat authority. Article 35 (3) (1) of the Act of 5 June 1998 on poviat local government (Dz.U. of 2001, No 142, item 1592, as amended) shall not apply.

2. The District Police Commander shall be appointed and dismissed by the Metropolitan Police Commander having obtained the opinion of the Mayor of the capital city of Warsaw. Article 35 (3) (1) of the Act of 5 June 1998 on poviat local government shall not apply.

3. The Voivodship Police Commander shall, at the request of the Poviats (Municipal) Police Commander, appoint the first deputy and other deputies of the Poviats (Municipal) Police Commander.

4. The Metropolitan Police Commander shall, at the request of the district Police commander, appoint the deputies of the District Police Commander.

5. The Poviats (Municipal) Police Commander and the District Police Commander and their deputies shall be appointed from among senior police officers.

6. In the event that the post of the Poviats (Municipal) Police Commander is vacant, the Voivodship Police Commander shall entrust the responsibilities of the Poviats (Municipal) Police Commander to one of his deputies or a designated senior police officer for a period not longer than six months, until a new Poviats (Municipal) Police Commander is appointed.

7. If the post of the District Police Commander is vacant, the Metropolitan Police Commander shall entrust the responsibilities of the District Police Commander to one of his deputies or a designated senior police officer for a period not longer than six months, until a new District Police Commander is appointed.

8. In the case of failure to receive the opinions referred to in Paragraph 1 or 2, the voivodship Police commander or the Metropolitan Police Commander may appoint the Poviats (Municipal) Commander or the District Police Commander after 14 days following the submission of the request to issue an opinion.

**Article 6d.** The Police Station Commander shall be appointed and dismissed by the Poviats (Municipal) Police Commander having obtained the opinion by the locally competent head or heads of the gmina authority (town or city mayor). The requirement to obtain an opinion shall not refer to the specialist police station commanders.

2. The deputies of the Police Station Commander shall be appointed by the poviat (municipal) Police commander at the request of the Police Station Commander.

3. The Police Station Commanders and deputies of the Police Station Commanders shall be the senior Police officers or ensigns.

4. In the event that the post of the Police Station Commander is vacant, the Poviats (Municipal) Police Commander shall, having obtained the opinion of the head or heads of the gmina authority (town or city mayor), entrust the duties of the Police Station Commander to one of his deputies or, if there are no deputies, to another police officer, for a period not longer than three months, until a new Police Station Commander is appointed.

5. If the Police Station Commander is temporarily unable to exercise his functions, the Poviats (Municipal) Police Commander shall entrust the duties of the Police Station Commander to one of his deputies or, if there are no deputies, to another police officer, until the obstacles to the performance of functions by the present commander cease to exist.

6. In the area of the capital city of Warsaw the provisions of Paragraph 1 and Paragraphs 3 to 5 shall apply respectively to the appointment and dismissal to the Police Station Commander by the District Police Commander having obtained the opinion of the Mayor of the capital city of Warsaw.

7. In the area of the capital city of Warsaw the provisions of Paragraph 2 and 3 shall apply respectively to the appointment of the deputies of the Police Station Commander by the District Police Commander.

8. If the opinion referred to in Paragraphs 1 or 6 is not received:

- (1) the Poviats (municipal) Police Commander may appoint the Police Station Commander after 14 days following the submission of the request to issue an opinion,
- (2) the District Police Commander may appoint the Police Station Commander after 21 days following the submission of the request to issue an opinion.

**Article 6e.** 1. The dismissal from posts specified in Article 6b (1), (2) and (5), Article 6c (1)-(4), (6) and (7) and Article 6d (1) and (2) may be effected at any time by the authority authorised to make appointments for those posts.

2. Where there is a lack of opinions referred to in Article 6b (1) and (2), Article 6c (1) and (2) and Article 6d (1) and (6), the authority authorised to make appointments for the post of a commander may dismiss the Voivodship and Metropolitan Police Commander, Poviats (Municipal), District or Police Station Commander after 14 days from the submission of the request to issue an opinion.

3. A dismissed police officer shall be placed under the authority of the police officer superior to him and authorised to make dismissals, but a dismissed Voivodship Police Commander and a Metropolitan Police Commander shall be placed under the authority of the Police Commander in Chief. The police officer shall be entitled to receive the remuneration in the amount he received before the dismissal for a period of six months.

**Article 6f.** The Voivodship Police Commander and the Poviats (Municipal) Police Commander shall be superiors to all police officers in the area of their territorial competence.

**Article 6g.** The Police Commander in Chief, the Voivodship Police Commander and the Poviats (Municipal) Police Commander shall fulfil their tasks with the assistance of their headquarters and the Police Station Commander with the assistance of his station.

**Article 6h.** (repealed).

**Article 7.** 1. The Police Commander in Chief shall specify:

- (1) detailed organisational rules and the scope of activity of headquarters, police stations and other organisational units of the Police,
- (2) methods and forms of the performance of tasks by individual Police services to the extent not covered by other regulations issued on the basis of the Act,
- (3) (deleted),
- (4) (repealed),
- (4a) professional training programmes for police officers,
- (5) detailed principles for training animals used in the performance of the Police tasks, as well as their nutrition standards,
- (6) detailed terms and conditions of health and safety at work, having consulted the State Labour Inspectorate,
- (7) principles of police officer professional ethics, having consulted the police officers trade union.

2. The Voivodship Police Commander shall determine the territorial competence of police stations within his area.

3. The Police Commander in Chief may establish training centres and Police schools and specify their curricula.

4. The rules and regulations of Police headquarters, police stations and other Police organisational units shall be established by the competent Police commander in agreement with the relevant superior. The rules and regulations of the Voivodship Police headquarters shall not constitute a part of the voivodship authority rules and regulations.

**Article 8.** 1. The Voivodship Police Commander in consultation with the Police Commander in Chief may establish, if necessary, railway, water, airport or other specialist police stations. The commanders of specialist police stations shall report to the locally competent Voivodship Police Commander.

2. The Commanders of specialist police stations shall be appointed and dismissed by the Voivodship Police Commander.

3. (deleted).

**Article 8a.** 1. The Poviats (Municipal) Police Commander may establish district police officers' beats and police stations on conditions specified by the Police Commander in Chief.

2. The chief beat police officer and the head of a police station shall be appointed and dismissed by the Poviats (Municipal) Police Commander after consultation with the head of the gmina authority (town or city mayor), unless the gmina's auxiliary entity's executive body has been authorised to provide such consultation.

3. The chief beat police officer and the head of a police station shall be responsible for, in particular:

- (1) identification of risks and counteracting the reasons for their occurrence,
- (2) initiating and organising local communities' actions to prevent crime and petty offences and other criminal phenomena,
- (3) administration and order-keeping activities as well as other urgent procedures connected with notification of a crime and securing the scene of crime.

**Article 9.** (deleted).

**Article 10.** 1. Subject to Paragraph 1a, the Police Commanders shall submit annual performance reports and information about the condition of public order and safety to appropriate voivods, heads of poviats, heads of gmina authorities (town or city mayors) and to poviats and gmina councils. In case public security is threatened or public order is disturbed, the reports and information shall be immediately submitted to the said authorities whenever requested.

1a. The Metropolitan Police Commander shall submit the report and information referred to in Paragraph 1 to the Voivod of Mazowieckie voivodship and, as regards the Police activities in the area of the capital city of Warsaw, to the Mayor of the capital city of Warsaw and the Council of the capital city of Warsaw. The District Police Commanders shall not submit separate reports.

2. As regards detection of crime and prosecution of perpetrators thereof, the reports and information referred to in Paragraph 1, may be disclosed only to courts and prosecutors, at their request.

3. On the basis of the reports and information referred to in Paragraph 1, the poviats (municipal) council and the gmina council, may, by way of a resolution, define the threats for public safety and order that the local government community may be exposed to.

4. The resolution referred to in Paragraph 3 cannot concern the performance of a specific activity or define how the Police should perform its duties.

5. The Poviats (Municipal) Police Commanders shall make available to the safety and order committee, whenever so requested by its chairman, documents and information about the Police work in the poviats, except for employee and police officer files, preliminary investigation materials or criminal investigation materials and the files on individual administrative matters.

**Article 11.** 1. The head of the gmina authority (town or city mayor) or poviats authority may demand that the appropriate Police commander restore legal order or undertake actions to prevent the violation of law and intended to remove threat to public safety and order.

2. The demand referred to in Paragraph 1 shall not be made with respect to the activities related to preliminary investigation, criminal investigation and petty offence prosecution. No such demand shall be made with respect to a specific police activity or a method of performance of a specific task by the Police.

3. The head of the gmina (town or city mayor) or the poviats authority shall be solely responsible for the demand referred to in Paragraph 1.

4. If the demand referred to in Paragraph 1 was communicated orally it shall be confirmed in writing.

5. The competent Police commander shall promptly inform the Police Commander of a higher rank, when he is unable to comply with the demand referred to in Paragraph 1.

6. If the demand referred to in Paragraph 1 violates the law, it shall be deemed invalid. The invalidity of a demand shall be decided upon by the voivod.

**Article 12.** 1. The Minister competent for internal affairs shall determine, by way of ordinance:

- (1) armament of the Police,
- (2) uniforms, insignia of rank and ID badges worn by police officers,
- (3) rules and manner of wearing uniforms and orders, decorations, medals and badges,
- (4) uniform standards,
- (5) design and procedure of awarding banners to the Police organisational units,

(6) specimen of police badges and detailed rules and procedure of awarding them to police officers.

2. The Police Commander in Chief shall lay down the rules to determine the number and type of jobs in the Police.

**Article 13.** 1. All costs related to the operation of Police shall be covered from the state budget, from the part: internal affairs.

2. The Police jobs shall be specified in the Budget Act.

3. Local government entities, state organisational units, associations, foundations, banks and insurance companies may cover some of the expenditure for investments, modernisation or repairs and the costs of maintenance and operation of the Police organisational units as well as the purchase of necessary goods and services.

3a-3c. (repealed).

4. At the request of the poviats or gmina council, the number of police officers in district beats and police stations within the poviats or the gmina may be increased to exceed the number determined pursuant to Article 12 (2), provided that those bodies shall ensure that the costs of the police officer jobs shall be covered for at least 5 years, on terms specified in the agreement signed between the poviats or gmina authority and the competent Voivodship Police Commander and approved by the Police Commander in Chief.

4a. Pursuant to the agreement between the poviats or gmina executive authority and the competent Poviat (Municipal) Police Commander, the poviats or gmina council may provide the funds being the poviats or gmina own revenues to the Police to be used for the following:

- (1) pay for service time in excess of the standard specified in Article 33 (2),
- (2) service accomplishment awards for police officers of locally competent poviat (municipal) headquarters and police stations, who are involved in prevention activities.

4b. The agreement referred to in Paragraph 4a shall determine in particular:

- (1) types of the Police statutory tasks which are financed under the agreement and:
  - (a) are performed in excess of the standard time specified in Article 33 (2),
  - (b) may be eligible for a service accomplishment award,
- (2) the amount, the procedure and dates of transferring the funds referred to in Paragraph 4a,
- (3) method of evaluating the correctness of the agreement execution.

4c. The Police Support Fund hereinafter referred to as the "Fund" is hereby established and shall comprise the central fund, the voivodship funds and the Police schools fund.

4d. The Fund shall be a state special purpose fund.

4e. The funds obtained by the Police pursuant to the procedure and terms specified in Paragraph 3 and 4a on the basis of agreements and arrangements concluded by:

- (1) the Police Commander in Chief shall be the revenues of the central fund,
- (2) the competent Voivodship Police Commanders or the Metropolitan Police Commander or their subordinate Poviat (Municipal, District) Police Commanders shall be the revenues of the voivodship funds,
- (3) the Commander of the Higher Police Training School and the commanders of Police schools shall be the revenues of the Police schools fund.

4f. The resources of the Fund shall be allocated for:



- (1) expenditure for investments, modernisation or repairs and the costs of maintenance and operation of the Police organisational units as well as the purchase of necessary goods and services,
- (2) pay for service time in excess of the standard specified in Article 33 (2),
- (3) service accomplishment awards.

4g. The resources of the Fund shall be administered by:

- (1) the Police Commander in Chief – with regard to the central fund,
- (2) Voivodship Police Commanders or the Metropolitan Police Commander – with regard to the voivodship funds,
- (3) the Commander of the Higher Police Training School and the commanders of Police schools – with regard to the Police schools fund.

4h. The Police Commander in Chief shall draw up a total financing plan and financial statement of the Fund.

4i. The Minister competent for internal affairs in agreement with the Minister competent for justice shall define, by way of ordinance, the detailed rules of the financial management of the Fund and the procedure and dates for drawing up its plans and financial statements, taking into account the provisions of the agreements and arrangements and the rational management of the resources.

5. The Minister competent for internal affairs in agreement with the Minister competent for justice shall define, by way of ordinance, detailed terms of the agreements referred to in Paragraph 4.

**Article 13a.** 1. Funds amounting to 20% of proceeds received by the State Treasury in respect of the forfeiture of goods or other benefits coming from crimes and offences against property, fiscal crimes and offences detected by the Police, shall be allocated for the motivation fund to be spent on awards for police officers who were directly involved in the detection of such offences.

2. The Minister competent for internal affairs shall determine, by way of ordinance, the rules for granting and paying the awards referred to in Paragraph 1, taking into account the relation of the amount of individual award to the revenues obtained, amount of work and the circumstances of performing the action by the police officer.

**Article 13b.** July 24 is hereby proclaimed as the Police Day.

### **Chapter 3**

#### **Scope of the Police powers**

**Article 14.** 1. Within the scope of their duties, the Police shall carry out the following activities in order to identify, prevent and detect crimes and petty offences: preliminary investigation, criminal investigation and administration and order-keeping activities.

2. The Police shall also carry out tasks on instruction of the court, prosecutor, state administration and local government authorities to the extent this obligation was set forth in separate regulations.

3. In the course of performing official duties, police officers shall be obliged to respect human dignity, as well as observe and protect human rights.

4. In order to fulfil their statutory duties the Police may utilise personal data, including electronic data, obtained by other authorities, services and state institutions in the course of preliminary investigations and may process the data within the meaning of the Act of 29 August 1997 on the protection of personal data (Dz.U. of 2002, No 101, item 926, as amended) without the knowledge or consent of the individual concerned.

5. The administrator of the data referred to in Paragraph 4 shall make personal data available, subject to Paragraph 7, on the basis of a personal authorisation issued by the Police Commander in Chief, Voivodship Police Commanders or an authorised police officer and presented by the police officer along with the Police ID card. The disclosure of the data shall be protected pursuant to the Act of 22 January 1999 on the protection of qualified information (Dz.U. of 2005, No 196, item 1631).

5a. The Police may use criminal information of the National Criminal Information Centre to the extent necessary to perform their statutory duties.

6. The President of the Council of Ministers shall determine, by way of ordinance, the specimen of the authorisation referred to in Paragraph 5 so as to include only the necessary data of the authorised police officer and detailed terms and conditions of issuing such authorisations on behalf of the Police Commander in Chief or Voivodship Police Commanders to other police officers.

7. The President of the Council of Ministers shall determine, by way of ordinance, the scope, terms, conditions and procedure for providing the Police with personal information obtained by bodies authorised to perform preliminary investigations in the course of such activities, with due regard to the requirements of regulations on the protection of qualified information.

**Article 15.** 1. Police officers performing activities, referred to in Article 14, shall have the right to:

- (1) request identity cards from people in order to ascertain their identity,
- (2) detain people according to the procedure and in cases laid down in the Code of Criminal Procedure and other acts,
- (2a) detain people deprived of liberty who left the custody or prison pursuant to a consent of a competent authority, and failed to return within the determined deadline,
- (3) detain persons posing direct threat in real terms to human life or health, as well as to property,
- (3a) collect swabs from cheek mucous membrane of persons:
  - (a) under the procedure and in cases determined in the provisions of the Code of Criminal Procedure,
  - (b) for the purpose of identification of persons of undetermined identity and persons attempting to conceal their identity, if identity determination is impossible otherwise,
- (3b) collect biological material from human body of undetermined identity,
- (4) search persons and premises according to the procedure and in cases laid down in the Code of Criminal Procedure and other acts,
- (5) perform personal checks as well as search through baggage and inspect cargo in ports and stations, as well as in means of land, air and water transport, in case of justified suspicion that a forbidden act subject to penalty has been committed,
- (5a) observe and record, using technical means, events in public places, and in the case of preliminary investigations and administrative and order-keeping activities undertaken under the Act – also the sounds accompanying the events,

- (6) request necessary assistance from State institutions, central and local government authorities and economic units carrying out public utility activity; the institutions, authorities and units referred to are obliged, within their scope of activity, to provide assistance within the provisions of law in force,
- (7) request necessary assistance from other economic units and social organisations, and from any person to provide temporary assistance in cases of emergency under the legal provisions in force,
- (8) check the type of fuel used by collecting samples of fuel from a motor vehicle tank.
  2. Pursuant to Paragraph 1 (3) the detained person shall have the rights available to a detainee under the Code of Criminal Proceedings.
  3. Person may be detained only when other means proved to be pointless or ineffective.
  4. The detained person referred to in Paragraph 1 (3) may be exposed, photographed or subject to dactyloscopy only when his/her identity cannot be determined otherwise.
  5. The detained person should be immediately – in justified cases – given medical examination or provided with first medical aid.
  6. Actions referred to in Paragraph 1 should be performed in such a way as to infringe personal interest of the person subject to the actions to the least possible extent.
  7. Procedure for taking actions referred to in Paragraph 1 may be appealed to the prosecutor with territorial competence.
  8. The Council of Ministers shall determine, by way of ordinance, the procedure for exercising rights referred to in Paragraph 1 (1), (2a), (3), (3a) (b), (3b) and (5)-(7) and model documents used in such cases, bearing in mind the assurance of effectiveness of actions taken by the Police and respect for rights of persons subject to actions.
    - 8a. Where the use of fuel oils for driving purposes is established, the Police shall immediately notify the Director of the Customs Chamber competent for the place of control.
    - 8b. Minister competent for internal affairs, after consultation with the Minister competent for public finance, shall establish, by way of ordinance, detailed procedure of control referred to in Paragraph 1 (8), taking account of the procedure for check and examination of samples of fuel type found in the vehicle tank.
  9. Minister competent for internal affairs, after consultation with the Minister competent for health, shall establish, by way of ordinance, the procedure for medical examination referred to in Paragraph 5, taking account of the cases justifying the necessity of providing immediate first medical aid to the detained person or the need of that person to be examined by a doctor, time and organisation of the examination and mode of keeping documentation.
  10. Minister competent for internal affairs shall determine, by way of ordinance, the conditions to be met by the rooms at organisational units of the Police allocated for the detained persons or persons taken in to become sober, and the rules of their stay in such rooms, taking account of their location and equipment, necessary components and technical conditions of the rooms and their equipment.

**Article 16.** 1. In cases of failing to observe orders issued pursuant to law by Police authorities or police officers, police officers may apply the following means of direct coercion:

- (1) physical, technical and chemical means used for overpowering or escorting people and stopping vehicles,
- (2) truncheons,
- (3) liquid incapacitating agents,
- (4) police dogs and horses,

(5) non-explosive bullets shot from firearms.

2. Police officers may only apply means of direct coercion meeting the needs of a situation and necessary to have people obey orders given.

3. (deleted).

4. The Council of Ministers shall, by way of ordinance, determine the detailed cases and conditions and ways of application of means of direct coercion referred to in Paragraph 1.

**Article 17.** 1. Should the means of direct coercion referred to in Article 16 (1) appear insufficient or their use, due to the circumstances of a given situation, be impossible, the police officer shall have the right to use firearms only:

(1) to defend against direct and unlawful assault against life, health or freedom of the police officer or other person and to counteract actions leading directly to such assault,

(2) against a person who ignores the call to immediately drop weapon or other dangerous tool, the use of which may threat life, health or freedom of the police officer or other person,

(3) against a person who attempts lawlessly and by force to seize firearms from the police officer or other person authorised to carry weapon,

(4) to defend against dangerous direct, violent assault against facilities and devices important for the country's safety and defence, on the seats of principal authorities, principal and central state administration authorities or the judiciary, on facilities of economy and national culture and on diplomatic missions and consular offices of foreign countries or international organisations, as well as facilities supervised by armed protection unit established pursuant to the separate provisions,

(5) to defend an assault against property posing direct threat to human life, health of freedom,

(6) in direct pursuit of a person, against whom the use of arms was permissible in cases determined in Subparagraphs (1)-(3) and (5), or in relation to a person reasonably suspected of homicide, terrorist attack, kidnapping a person for ransom or specific behaviour, robbery, robbing with violence, racket, intentional serious body injury, rape, arson or otherwise intentionally bringing public danger to life or health,

(7) to detain a person referred to in Subparagraph 6, if that person took shelter in a place difficult to access, and the concurrent circumstances prove that the person may use firearm or other dangerous tool, the use of which may threat life or health,

(8) to defend against violent, direct and unlawful assault against escort of persons, documents containing state secret messages, money or other valuables,

(9) to detain a person or prevent escape of a detainee, remandee or a person serving a sentence of imprisonment, if:

(a) escape of a person serving a sentence of imprisonment poses threat to human life or health,

(b) there is justified suspicion that a detainee may use firearm, explosives or a dangerous tool,

(c) detention took place in relation to a justified suspicion or determination of crime referred to in Subparagraph 6.

2. In actions of Police units and sub-units firearms may be used only upon the order of their commander.

3. Firearm should be used in a way doing the least possible damage to the person against whom the firearm was used.

4. The Council of Ministers shall establish, by way of ordinance, detailed conditions and procedure for using firearms, and the principles of using firearms by the units referred to in Paragraph 2.

**Article 18.** 1. In case of threat to public safety or public disturbance, in particular by causing:

- (1) public danger to life, health or freedom of citizens,
- (2) direct threat to property of significant volume,
- (3) direct threat to facilities or devices referred to in Article 17 (1) (4),
- (4) threat of an offence of terrorist character or committing such offence in relation to facilities of special significance to the country's safety or defence, or offence which may result in danger to human life

- The President of the Council of Ministers, on the request of the Minister competent for internal affairs, may order the use of Police armed units or sub-units to ensure public safety or to restore public order.

2. In cases of the utmost urgency, as referred to in Paragraph 1, decisions shall be made by the Minister competent for internal affairs, who shall notify the President of the Council of Ministers immediately.

3. In cases referred to in Paragraph 1, if the use of Police armed units or sub-units proves to be insufficient, they may be supported by units and sub-units of the Armed Forces of the Republic of Poland, hereinafter referred to as the "Armed Forces", pursuant to the resolution of the President of the Republic of Poland issued on the request of the President of the Council of Ministers.

4. Assistance referred to in Paragraph 3 may be provided also in the form of preventing threat or crime, referred to in Paragraph 1 (4), by independent units or sub-units of the Armed Forces, in case the Police units or sub-units are unable to prevent the threat effectively.

5. In cases of the utmost urgency referred to in Paragraph 3 and 4 decisions to provide assistance are made by the Minister of National Defence, on the request on the Minister competent for internal affairs, who immediately notifies the President of the Republic of Poland and the President of the Council of Ministers, stating the scope and form of assistance.

6. President of the Republic of Poland shall immediately issue a resolution accepting or repealing the decision referred to in Paragraph 5.

7. Soldiers of units and sub-units of the Armed Forces directed to provide assistance to the armed Police units and sub-units are entitled to authorisations of the police officers, referred to in Articles 15-17, in the scope necessary to perform their tasks in relation to all persons. Exercise of that authorisations is based on the principles and under the procedures determined for police officers.

8. The Council of Ministers shall determine, by way of ordinance:

- (1) detailed conditions and procedure of use of Police and Armed Forces units and sub-units,
- (2) procedures for the coordination of actions taken by the Police and the Armed Forces in the form determined in Paragraphs 3 and 4,
- (3) mode of information exchange and logistic assistance to Police actions taken with the support of the Armed Forces units and sub-units.

9. Ordinance referred to in Paragraph 8 should account for:

- (1) level of threat to public safety or public disturbance, including terrorism, and the forecast situation development,
- (2) preservation of continuity of command, including the Armed Forces,
- (3) protection of information exchange and scope of logistic support to the Police.

**Article 18a.** 1. In case of threat to safety and public order, if the Police forces are insufficient to perform their tasks of safety and public order protection, the President of the Council of

Ministers, upon request of the Minister competent for internal affairs, following consultation with the Minister of National Defence, may order the use of soldiers of Military Police to provide assistance to the Police.

2. In case referred to in Paragraph 1, soldiers of the Military Police are entitled, in the scope necessary to perform their tasks, towards all persons, to the same authorisations as the police officers, defined in Articles 15-17. The exercise of such authorisations shall be based on the principles and under procedures defined for police officers.

**Article 19.** 1. In case of preliminary investigation carried out by the Police to prevent, detect, establish perpetrators and to obtain and record evidence of the perpetrators prosecuted on indictment, of intentional crime:

- (1) against life, as defined in Articles 148-150 of the Penal Code,
- (2) defined in Article 134, Article 135 Paragraph 1, Article 136 Paragraph 1, Article 156 Paragraphs 1 and 3, Article 163 Paragraphs 1 and 3, Article 164 Paragraph 1, Article 165 Paragraphs 1 and 3, Article 166, 167, 173 Paragraphs 1 and 3, Article 189, 204 Paragraph 4, Articles 223, 228, 229, 232, 245, 246, 252 Paragraphs 1-3, Articles 253, 258, 269, 280-282, 285 Paragraph 1, Article 286, 296, 299 Paragraphs 1-6 and in Article 310 Paragraphs 1, 2 and 4 of the Penal Code,
- (3) against economic turnover defined in Article 297-306 of the Penal Code, resulting in property loss or directed against property, if the damage is in excess of the multiple of fifty minimum wages, defined on the basis of separate provisions,
- (4) Fiscal crimes, if the value of the subject of offence or reduction of public private amount due is in excess of the multiple of fifty minimum wages, defined on the basis of separate provisions,
- (5) illegal manufacture, possession or turnover in arms, ammunition, explosives, intoxicants, psychotropic substances and their precursors, as well as nuclear and radioactive materials,
- (6) defined in Article 8 of the Act of 6 June 1997 – Provisions implementing the Penal Code (Dz. U. No 88, item 554, as amended),
- (7) defined in Article 43-46 of the Act of 1 July 2005 on collection, storage and transplantation of cells, tissues and organs (Dz. U. No 169, item 1411),
- (8) prosecuted under international contracts and agreements,

when other means appeared ineffective or there is significant probability of the means being ineffective or useless, the district court, upon a written request of the Police Commander in Chief, submitted after a prior written consent of the general Public Prosecutor or a written request of the Voivodship Police Commander, submitted after prior written consent of the district prosecutor with territorial competence, may, by way of resolution, order operational control.

2. The provision referred to in Paragraph 1 shall be issued by the district court with territorial competence on account of the seat of the Police authority submitting the request.

3. In cases of the utmost urgency, where any delay could result in the loss of information or the obliteration or destruction of the evidence of a crime, the Police Commander in Chief or the Voivodship Police Commander may order, upon a written consent of the competent prosecutor referred to in Paragraph 1, operational control, submitting also a request for resolution in that matter to the district court with territorial competence. Should consent not be granted within 5 days from the day of ordering operational control, the managing authority shall withhold the operational control and perform destruction of materials collected during the control in the presence of a committee to be evidenced by a report.

4. The district court may permit the abandonment of destruction of materials referred to in Paragraph 3, on written request of the Police Commander in Chief or the Voivodship Police Commander, following a written consent of the competent prosecutor, if the materials are evidence or indicate intention to commit crime, which can be detected by way of operational control or preliminary investigation.

5. Should the need arise to order operational control in relation to a suspect or person charged, the request of the Police authority, referred to in Paragraph 1, to order operational control should be accompanied by information about the proceedings against that person.

6. Operational control is performed secretly and consists in:

- (1) control of the content of correspondence,
- (2) control of the content of parcels,
- (3) use of technical resources, which facilitate obtaining of information and evidence in secret as well as recording thereof, especially the content of telephone conversations and other information submitted via the telecommunications networks.

7. The request of the Police authority, referred to in Paragraph 1, to operational control ordered by the district court, should include in particular:

- (1) case number and cryptonym, if applicable,
- (2) description of the crime, stating, if possible, its legal qualification,
- (3) circumstances justifying the need to perform operational control, including stated or possible ineffectiveness or uselessness of other means,
- (4) personal data or other data facilitating unambiguous determination of the entity or object subject to operational control, stating the place or procedure for undertaking the control,
- (5) objective, time and type of operational control referred to in Paragraph 6.

8. Operational control shall be ordered for a period not exceeding 3 months. The District court may, upon written request of the Police Commander in Chief or the Voivodship Police Commander, following a written consent of the competent prosecutor, for a period not exceeding 3 subsequent months, issue a resolution on single extension of operational control, if the reasons for ordering the control have not been established.

9. In justified cases, when new circumstances important to prevent or detect crime or establish perpetrators and obtain evidence of crime appear, the district court may, upon a written request of the Police Commander in Chief, following a written consent of the General Public Prosecutor, issue a resolution on operational control for the period determined also after the periods referred to in Paragraph 8.

10. The provision of Paragraph 7 shall apply to requests referred to in Paragraphs 3, 4, 8 and 9 respectively. The court, prior to issuing the resolution referred to in Paragraphs 3, 4, 8 and 9, may wish to see the materials justifying the request, which were collected during operational control ordered for that case.

11. Requests referred to in Paragraphs 1, 3-5, 8 and 9 shall be examined by the district court individually, at the same time court proceedings relating to examination of the requests should be performed under conditions foreseen for submission, storage and provision of secret information and adequate application of the regulations issued pursuant to Article 181 § 2 of the Code of Criminal Procedure. The court sitting may be attended only by a prosecutor and a representative of the Police authority requesting the order of operational control.

12. Entities carrying out telecommunications activity and entities providing postal services shall ensure, at their own expense, technical and organisational conditions facilitating the operational control carried out by the Police.

13. Operational control should be completed immediately when the causes of its institution no longer exist, at the latest, however, upon the expiry date.

14. The Police authority referred to in Paragraph 1 shall notify the competent prosecutor about the results of operational control upon its completion, and upon his request also about the course of control.

15. Should evidence be obtained facilitating the institution of criminal proceedings or significant to the criminal proceedings in progress, the Police Commander in Chief or the Voivodship Police Commander shall provide the competent prosecutor with any and all materials collected during operational control, if necessary, with the request for institution of criminal proceedings. Provisions of Article 393 Paragraph 1 first sentence of the Code of Criminal Proceedings shall apply accordingly to proceedings before a court in respect to the materials.

16. The person subject to operational control shall not be provided with materials collected during the control. The provision is not in violation of the rights under Article 321 of the Code of Criminal Proceedings.

17. Materials collected during operational control, which do not include evidence facilitating the institution of criminal proceedings, shall be stored after the conclusion of control for the period of 2 months. They shall then be destroyed in the presence of a committee and the process evidenced in a report. The destruction of materials shall be ordered by the Police authority, which requested the operational control.

18. Procedures referred to in Paragraphs 1-11 shall not apply, if operational control is carried out following a written consent of the sender or recipient of information.

19. In cases referred to in Paragraph 18, operational control is ordered by the Police authority competent preliminary investigation of the case.

20. The ruling of the court concerning operational control referred to in Paragraphs 1, 3, 8 and 9, and the ruling concerning abandonment of destruction of materials collected during operational control referred to in Paragraph 4 may be appealed against by the Police authority, which requested such ruling. Provisions of the Code of Criminal Proceedings shall apply accordingly to the appeal.

21. The Minister competent for internal matters, upon consultation with the Minister of Justice and the Minister competent for communications, shall determine, by way of ordinance, mode of record of operational control and storage and submission of requests and orders, as well as storage, submission, processing and destruction of materials obtained during control, taking account of the necessity to ensure secret character of measures taken and materials obtained, and models of forms and registers used.

22. The General Public Prosecutor shall provide the lower (Sejm) and upper (Senat) chamber of the Parliament with information about the activity defined in Paragraphs 1-21, including information and data referred to in Article 20 (3).

**Article 19a.** 1. In cases on crime defined in Article 19 (1), criminal police activities aimed to check previously obtained reliable information about the crime and to establish perpetrators and obtain evidence of crime may consist in secret purchase, sale or takeover of objects relating to crime, subject to forfeiture, or the manufacture, possession, transportation or turnover of which is prohibited, as well as to takeover or awarding financial benefits.

2. Preliminary investigations referred to in Paragraph 1 may also involve a proposal to purchase, sell or takeover objects from crime, that are subject to forfeiture or objects, manufacture, possession, transport or sale of which is illegal, as well as the acceptance or giving of financial benefit.



3. The Police Commander in Chief or the Voivodship Police Commander may institute, for a definite period of time, the activities determined in Paragraph 1, following a written consent of the appropriate district prosecutor who shall be kept to date about the results of the activities. The prosecutor may stop the activities at any time.

4. The activities referred to in Paragraph 1 shall be instituted for not longer than 3 months. The Police Commander in Chief or the Voivodship Police Commander may, following a written consent of the competent prosecutor, order a onetime extension of the activities for a period not longer than 3 months, if the causes shall persist.

5. Where, in the course of activities determined in Paragraph 1, reasonably justified by new circumstances that are critical for the examination of credible information about a crime and the detection of perpetrators and securing evidence, the Police Commander in Chief or the Voivodship Police Commander may following a written consent of the competent prosecutor order the continuation of activities, even when the periods referred to in paragraph 4 have elapsed.

6. The activities referred to in Paragraph 1 may be secretly recorded using image or sound recording devices.

7. Where evidence is obtained that justifies the institution of criminal proceedings or is significant for the criminal proceedings in progress, the Police Commander in Chief or the Voivodship Police Commander shall pass on to the district prosecutor all materials collected in the course of the activities referred to in Paragraph 1, and, if applicable, with a request to initiate criminal proceedings. Court proceedings in relation to the materials shall be subject to Article 393 § 1, sentence one of the Code of Criminal Proceedings.

8. Any materials collected in the course of the activities referred to in Paragraphs 1 and 2 that do not justify the institution of criminal proceedings shall be stored for 2 months following the completion of the control. They shall then be destroyed in the presence of a committee and the process evidenced in a report. The destruction of materials shall be ordered by the Police authority, which requested the operational control.

9. Minister competent for internal affairs, upon consultation with the Minister of Justice, shall determine, by way of ordinance, mode of record of activates referred to in Paragraph 1, as well as submission, processing and destruction of materials obtained in the course of the activities, giving due regard to the secrecy of these activities and materials, as well as models of forms and records to be used.

**Article 19b.** 1. To document crimes referred to in Article 19 (1) or establish the identity of those involved in the crimes or take over the objects of crime, the Police Commander in Chief or the Voivodship Police Commander may institute a secret surveillance of the manufacture, transport, storage and turnover in crime objects, provided this does not involve a threat to human life or health.

2. The district prosecutor competent for the seat of the Police authority in charge of the activities shall be notified of such institution immediately. The prosecutor may order the abandonment of the activities at any time.

3. The Police authority referred in Paragraph 1 shall keep the district prosecutor informed about the results of the activities.

4. In accordance with the order referred to in Paragraph 1, public authorities and institutions and entrepreneurs shall allow further transport of a parcel containing crime objects in the original condition or, if removed or replaced, in whole or in part.

5. Where evidence is obtained that justifies the institution of criminal proceedings or is significant for the criminal proceedings in progress, the Police Commander in Chief or the Voivodship Police Commander shall pass on all materials collected in the course of the activities referred to in Paragraph 1 to the district prosecutor, and, if applicable, with a request to initiate criminal proceedings. Court proceedings in relation to the materials shall be subject to Article 393 Paragraph 1, sentence one of the Code of Criminal Proceedings.

6. Minister competent for internal affairs, upon consultation with the Minister of Justice, shall determine, by way of ordinance, procedure for undertaking and recording activities referred to in Paragraph 1, giving due regard to the secrecy of these activities and materials, as well as models of forms and records to be used.

**Article 20.** 1 The Police, within the limits provided for in Article 19, may obtain information, *inter alia* secretly, as well as store, check and process this information.

2. The Police may collect, process and use for detection and information purposes information, including personal data of persons suspected of crimes prosecuted on indictment, of juvenile offenders who have committed crimes prohibited under the Act as crimes prosecuted on indictment, of persons of unknown identity or persons who try to conceal their identity, persons wanted, with or without their awareness and consent, and in particular the following:

- (1) personal data referred to in Article 27 (1) of the Act of 29 August 1997 on the protection of personal data, with the reservation that in the case of genetic code data, non-coding regions of the genome only,
- (2) fingerprints,
- (3) photos and descriptions of appearance,
- (4) features, distinguishing marks, pseudonyms,
- (5) information about the following:
  - (a) place of permanent or temporary residence,
  - (b) education, profession, workplace, and the post occupied,
  - (c) ID documents used,
  - (d) the way the perpetrator acts, his/her background and contacts,
  - (e) the perpetrator's attitude towards the aggrieved persons.

3. Where necessary for effective prevention of crimes specified in Article 19 (1), detection thereof, or establishment of perpetrators and collection of evidence, the Police may use information included in insurance contracts, in particular data which are processed by insurance companies and which concern the entities or individuals that signed insurance contracts, as well as privileged information processed by banks.

4. The information and data referred to in Paragraph 3 and information related to passing these information and data shall be protected as provided for in the provisions on the protection of secret information, and shall be disclosed only to police officers involved in a particular case and their superiors authorised to execute supervision over preliminary investigation carried out by their subordinates. Moreover, records containing such information and data shall be made available only to courts and prosecutors, if such a necessity occurs due to criminal prosecution.

5. Information and data referred to in Paragraph 3 shall be made available on the basis of an resolution issued at the written request of the Police Commander in Chief or Voivodship Police Commander by a district court that has the territorial competence for this particular case owing to the location of the seat of the authority that has lodged the request.

6. The request referred to in Paragraph 5 shall:

- (1) specify the number and cryptonym, if any, of the case,
- (2) describe the offence, specifying, if possible, its legal qualification,
- (3) specify the circumstances which justify the need to disclose the information and data,
- (4) indicate the entity that the information and data relate to,
- (5) indicate the entity obliged to disclose the information and data,
- (6) define the type and scope of the information and data.

7. Having examined the request, the court shall, by way of resolution, give the consent to disclosing the information and data of the entity concerned, defining their type and scope, the entity obliged to disclose them, and the police authority entitled to request them; or refuse to give the consent to disclosing the information and data. Article 19 (11) shall apply accordingly.

8. The Police authority that has lodged the request to issue a resolution is entitled to appeal against the resolution referred to in Paragraph 7.

9. The police authority authorised by the court shall provide the entity obliged to disclose the information and data with a written notification which shall communicate the type and scope of information and data to be disclosed, the entity that the information and data relate to, and the name of the police officer authorised to collect them.

10. Notwithstanding Paragraphs 11 and 12, the Police shall, within 90 days of the date the information and data referred to in Paragraph 3 are collected, notify the entity referred to in Paragraph 6 (4) about the court resolution giving consent to disclosing the information and data.

11. The court that has issued a resolution ordering to disclose information and data at the request of the Police Commander in Chief lodged after obtaining the written consent of the General Public Prosecutor, may, by way of resolution, suspend, for a certain period with the possibility of prolongation, the obligation referred to in Paragraph 10, if it has been reasonably demonstrated that notification of the entity referred to in Paragraph 6 (4) may affect the results of preliminary investigation. Article 19 (11) shall apply accordingly.

12. If preliminary proceedings are instituted within the period specified in Paragraph 10 or 11, the prosecutor, or the Police, if so ordered by the prosecutor, shall notify the entity referred to in Paragraph 6 (4) about the court resolution giving consent to disclosing the information and data prior to the termination of the preliminary proceedings or immediately after discontinuance thereof.

13. If the information and data referred to in Paragraph 3 do not provide sufficient evidence to initiate preliminary proceedings, the authority that has requested the resolution shall notify this fact in writing to the entity that provided the information and data.

14. The State Treasury shall be liable for damages following from the violation of the provisions of Paragraph 4 as provided for in the Civil Code.

15. In order to prevent or detect crimes or identify persons, the Police may obtain, store and process information, including personal data from records kept by public authorities pursuant to separate provisions, in particular from the National Criminal Register and the Electronic System of Population Records. Administrators of data stored in these registers shall make them available free of charge.

16. Public authorities that keep registers referred to in Paragraph 15 may, by way of decision, consent to disclose the information stored in these registers by means of telecommunications devices for the benefit of Police organisational units without the necessity to submit written requests, provided that:

- (1) these units have devices at their disposal that can record in the system who used the data, when, and for what purpose, as well as which data have been disclosed,
- (2) these units have technical and organisational measures for prevention of illegal use of data,

(3) it is justified owing to the specificity or scope of the tasks or activities carried out.

17. Personal data collected with the view to crime detection shall be stored as long as the Police will need them to perform its statutory tasks. Police authorities shall verify these data, disposing of redundant items, at least once every 10 years starting from the date the information is obtained.

18. Personal data that disclose race or ethnicity, political views, religious or philosophical attitudes, religion, party or trade union membership, data about health, addictions or sexual relations of persons suspected of crimes prosecuted on indictment who have not been convicted for these crimes, shall be destroyed immediately after adequate ruling enters into force.

19. The Minister competent for internal affairs shall determine, by way of ordinance, the methods for processing the personal data referred to in Paragraph 2 in databases, specify which police forces are allowed to use the databases, and set out models of the documents to be used in data processing, with due regard given to the need to protect data from unauthorised access.

**Article 20a.** 1. On account of carrying out the tasks referred to in Article 1 (2) the Police shall ensure protection for the forms and methods of task performance, information, its own facilities and the particulars of police officers.

2. In the course of preliminary investigation, police officers may use documents which prevent determination of their particulars and the measures applied when performing official duties.

3. In special cases, Paragraph 2 may apply to persons referred to in Article 22 (1).

3a. A person shall not be guilty of a crime, if they:

- (1) order the documents referred to in Paragraphs 2 and 3 to be drawn up or oversee drawing up of such documents,
- (2) draw up the documents referred to in Paragraphs 2 and 3,
- (3) assist in drawing up of the documents referred to in Paragraphs 2 and 3,
- (4) are a police officer or the person referred to in Paragraph 3 if they use the documents referred to in Paragraphs 2 and 3 for the purposes of preliminary investigation.

3b. Government administration authorities and local government authorities shall, within the scope of their competence, assist the Police in issuing and securing the documents referred to in Paragraphs 2 and 3.

4. The Minister competent for internal affairs shall, by way of ordinance, lay down detailed rules and procedure for issuance, use and storage of the documents referred to in Paragraphs 2 and 3, with due regard given to the types of documents and the purpose for which they are disclosed, the authorities and persons authorised to issue, use and store the documents, the period for which they are made available, measures ensuring protection of the documents, and the rules for storing and recording these documents.

**Article 20b.** Disclosure of information about detailed form, principles and organisation of preliminary investigation, activities being carried out, as well as applied measures and methods of their implementation shall be allowed only in the case of justified suspicion that a crime prosecuted on indictment has been committed in relation to performance of these activities. In such a case, information shall be disclosed in accordance with the procedure laid down in Article 9 of the Act of 21 June 1996 on some powers of the personnel of the office servicing the Minister competent for internal affairs and the personnel of offices supervised by this minister (Dz.U. No. 106, item 491, as amended).

**Article 20c.** 1. Data that identify a telecommunications network subscriber, termination points of a network or telecommunications device, data about completed or attempted connections between specific telecommunications devices or network termination points, and the circumstances and type of the connection may be disclosed to the Police and processed by the Police only with the view to crime prevention or detection.

2. The data referred to in Paragraph 1 may be disclosed:

- (1) at a written request of the Police Commander in Chief or a Voivodship Police Commander,
- (2) verbal request of a police officer being in possession of a written authorisation issued by the persons referred to in Subparagraph 1 above.

3. Telecommunications network operator shall notify disclosure of the data referred to in Paragraph 2 (2) to the territorially competent Voivodship Police Commander.

4. Telecommunications network operators shall disclose the data referred to in Paragraph 1 to the police officers specified in the request lodged by a Police authority.

5. The data referred to in Paragraph 1 may be disclosed via a telecommunications network.

6. The Police shall forward the materials obtained as a result of activities provided for in Paragraph 2 and containing information important for criminal proceedings to the territorially and technically competent prosecutor.

7. Materials obtained as a result of the activities provided for in Paragraph 2 and not containing any information which could be important for criminal proceedings shall be immediately destroyed in the presence of a committee, the fact being officially recorded.

8. The costs of disclosure of the data referred to in Paragraph 1 shall be incurred by the telecommunications network operator.

**Article 20d.** 1. Data concerning persons who use postal services or data concerning the fact and circumstances of providing or using such services may be disclosed and processed by the Police only with the view to crime prevention or detection, as well as identification of offenders.

2. The data referred to in Paragraph 1 may be disclosed:

- (1) at a written request of the Police Commander in Chief or a Voivodship Police Commander,
- (2) verbal request of a police officer being in possession of a written authorisation referred to in Subparagraph 1.

3. Entities authorised to provide postal services pursuant to the Act of 12 June 2003 – Postal Law (Dz.U. No. 130, item 1188, as amended) shall be obliged to disclose the data referred to in Paragraph 1 to police officers specified in a Police authority request.

**Article 21.** 1. Disclosure of personal information obtained in the course of preliminary investigation in accordance with the procedure referred to in Article 14 (4) shall be allowed only at the request of the court or prosecutor, and such information may be used only for the purposes of criminal prosecution.

2. The prohibition laid down in Paragraph 1 shall not apply if the Act lays down the obligation to disclose such information to a particular authority or if such an obligation results from international agreements or arrangements, as well as if concealment of such an information poses a threat to life or health of other persons.

**Article 21a.** 1. The Police Commander in Chief shall keep a database containing information on the results of deoxyribonucleic acid (DNA) analysis, hereinafter referred to as “the DNA database” and he/she shall be its administrator within the meaning of the Act of 29 August 1997 on the protection of personal data.

2. The following items shall be stored and processed in the DNA database:
- (1) information referred to in Paragraph 1 in respect of the following:
    - (a) persons enlisted in Article 74 and 192a of the Code of Criminal Proceedings,
    - (b) persons of unknown identity and persons who try to conceal their identity,
    - (c) human corpses of unknown identity,
    - (d) tracks of unidentified offenders,
  - (2) data of persons referred to in Article 74 and 192a of the Code of Criminal Proceedings, including the following:
    - (a) first names, surnames or pseudonyms,
    - (b) first names and family names of parents,
    - (c) date and place of birth,
    - (d) marking and characteristics of ID document,
    - (e) address,
    - (f) personal ID number (PESEL),
    - (g) nationality and sex.

3. Alongside the DNA database, samples shall be collected from a person or human corpse in order to carry out deoxyribonucleic acid (DNA) analysis in the form of cheek, blood, hair root or discharge smears, and in the case of human corpses – biological material in the form of tissue samples, hereinafter referred to as biological samples.

4. The Police Commander in Chief shall verify the data gathered in the DNA database in accordance with Article 20 (17).

**Article 21b.** The information referred to in Article 21a (1) shall be inputted into the DNA database on the basis of an order issued by:

- (1) the authority which carries out preliminary proceedings or the court – in the case of deoxyribonucleic acid (DNA) analysis performed in relation to criminal proceedings or juvenile delinquency proceedings,
- (2) territorially competent Police authority – in the case of persons of unknown identity and persons who try to conceal their identity, as well as human corpses of unknown identity.

**Article 21c.** Information stored in the DNA database shall be made available free of charge to authorities conducting criminal proceedings and Police authorities engaged in identification activities.

**Article 21d.** Biological samples and information concerning the results of deoxyribonucleic acid (DNA) analysis shall be stored in the DNA database for 20 years and shall be used to combat crimes and identify persons and corpses.

2. Biological samples and information concerning the results of deoxyribonucleic acid (DNA) analysis of persons suspected, accused or condemned in respect of murder or offences provided for in Chapters XVI-XX, XXV and XXXV of the Penal Code, as well as persons referred to in Article 94 (1) of the Penal Code may be stored in the DNA database for 35 years.

**Article 21e.** The information referred to in Article 21a (1) may be deleted from the DNA database, and biological material may be destroyed only by a commission which shall be appointed by the Police Commander in Chief and which shall draw up a protocol of these activities, as to the following persons:

- (1) persons who have been acquitted or in whose cases criminal proceedings have been discontinued – immediately after appropriate ruling comes into force,
- (2) persons in whose cases the criminal proceedings have been conditionally discontinued – after 6 months from the end of the probationary period set by the court,
- (3) persons in whose cases the proceedings have been discontinued pursuant to the key witness provisions - after a year of the date the discontinuance ruling enters into force,
- (4) persons referred to in Article 15 (1) (3a) (b) and human corpses of unknown identity.

**Article 22.** 1. While performing its tasks, the Police may be assisted by persons who are not police officers. It shall be prohibited to disclose the particulars of persons who assist the Police in preliminary investigation activities.

1a. The particulars of persons referred to in Paragraph 1 may be disclosed only in cases and in accordance with the procedure laid down in Article 9 of the Act referred to in Article 20b.

1b. The particulars of persons referred to in Paragraph 1 may be disclosed at the request of the prosecutor in the case of justified suspicion that a crime prosecuted on indictment has been committed in relation to performance of preliminary investigation activities. The particulars shall be disclosed in accordance with the procedure laid down in Article 9 of the Act referred to in Article 20b.

2. Persons who are not police officers may be remunerated for the assistance referred to in Paragraph 1.

2a. The costs of Police preliminary investigation in respect of which it is not possible to apply the regulations on public finances and accounting due to safety considerations referred to in Article 20a (1)-(3), as well as remuneration of persons referred to in Paragraph 1, shall be covered from a special operational fund.

3. The Minister competent for internal affairs shall determine, by way of ordinance, the rules for establishment and management of the operational fund.

4. In case of death of the persons referred to in Paragraph 1, injury to their health, or damage of their property as a result of or in the course of helping the Police, compensation shall be granted according to the rules and procedure laid down in ordinance of the Minister competent for internal affairs.

## **Chapter 3a**

### **Flag and identification marks**

**Art. 22a.** Police water crafts shall raise the national flag bearing the emblem of the Republic of Poland, as defined in separate regulations.

**Art. 22b.** 1. During the performance of their statutory tasks, Police water crafts shall raise the Police flag alongside the national flag. to be

2. The Minister competent for internal affairs shall set out, by way of ordinance, the model of the Police flag, define the circumstances and conditions for raising it, and the method of marking water crafts and aircraft, as well as the identification marks to be used by the Police at night, the way the flags should be placed on water crafts, as well as determine which water crafts shall raise the Police flag, define the marking of Police aircraft and specify which of them shall bear the Police identification mark.

**Chapter 4**  
(deleted)

**Chapter 5**

**Service in the Police**

**Article 25.** 1. To serve in the Police a person has to be a Polish citizen with impeccable opinion, with no criminal record, enjoying full civil rights, having at least secondary education, as well as physical and mental fitness to serve in the armed forces subject to a special service discipline to which he/she is ready to surrender.

2. The Voivodship Police Commander may agree to admit to the service in the Police prevention squads a candidate with no secondary education if it has been found in the course of the qualification procedure, that this candidate has an exceptional predisposition to serve in the Police.

3. The Minister competent for internal affairs shall specify, by way of ordinance, detailed rules for admitting Police force candidates, including persons referred to in Paragraph 2.

**Art. 26.** 1. The physical and mental fitness for service shall be determined by medical commissions reporting to the Minister competent for internal affairs.

2. The Minister competent for internal affairs shall specify, by way of ordinance, the rules of evaluation of the physical and mental fitness for the service, as well as the procedure for declaring this fitness and the powers and procedures of medical commissions in this respect.

**Art. 27.** 1. Before he/she commences the service, each police officer shall make the following oath:

“I, the citizen of the Republic of Poland, being aware which duties of a police officer I am about to undertake, solemnly swear: to serve faithfully to the Nation, protect the legal order established under the Constitution of the Republic of Poland, protect the security of the State and its citizens, even at risk to my life. While executing the duties I am entrusted with, I solemnly swear to thoroughly abide by the law, be faithful to the constitutional organs of the Republic of Poland, comply with the service discipline and execute the orders and instructions of my superiors. I swear to protect the state and service secrets, as well as the honour, dignity and good name of the Service, and to observe the rules of professional ethics.”

2. The oath ceremony shall be determined, by way of ordinance, by the Minister competent for internal affairs, including the conditions, procedure and time of making the oath by police officers, the bodies authorised to accept the oath, the course and manner of documenting the oath and the model of the oath act.

**Article 28.** 1. The service relationship of a police officer shall be appointment-based, following voluntary application for the service.

1a. The appointment referred to in Paragraph 1 may last:

- (1) for the period of preparatory or candidate service,
- (2) for the period of contract service,
- (3) for unspecified period.



1b. The appointment in contract service may take place after concluding an agreement, hereinafter referred to as "the contract", between a service candidate and the superior referred to in Paragraph 1.

1c. The contract shall be concluded for the period of 3 to 5 years. One person may enter into the contract only twice.

2. The date specified in the order of appointment of a Police officer shall be considered the date of service commencement.

3. The appointment has to be preceded by completion of the basic military service or transfer to reserve.

4. The condition provided for in Paragraph 3 shall not apply to women, police officers in candidate service, and persons who commence studies or vocational training in schools of the internal affairs department.

5. The Minister competent for internal affairs shall specify, by way of ordinance, the types and models of police ID cards and other documents used by police officers, as well as authorities authorised to use such documents, and the rules for making entries in such documents.

**Article 28a.** 1. The appointment in contract service may effect to a basic position, provided that the person appointed has secondary education, completed basic police training or candidate service and will commit himself/herself to complement the basic training within the period specified in the contract.

2. A person without secondary education may be appointed to the position referred to in Paragraph 1 if the admittance procedure shows that the person is exceptionally predisposed to police service.

3. A police officer in contract service shall work for the first 12 months of service under the first contract on a trial basis.

4. A police officer or the superior referred to in Article 32 (1) may file, not later than one month prior to the end of the trial period, a written statement communicating his/her intention to terminate the contract. If this is the case, the police officer shall be dismissed from service on the last day of the trial period.

5. If no statements referred to in Paragraph 4 are lodged, the police officer shall continue working in contract service with no separate appointment.

6. At least six months prior the expiry of the contract, the police officer or the superior referred to in Article 32 (1) may request conclusion of a new contract. If a new contract is signed, the police officer shall continue the contract service.

**Article 29.** 1. An applicant for the service in the Police shall be appointed as a police officer in preparatory service for the period of three years.

2. After the expiry of the preparatory service period, the police officer shall be given appointment for unspecified period.

3. In special cases, the superior referred to in Article 32 (1), except for the Poviast (Municipal) Police Commander, may shorten the period of a police officer's preparatory service or exempt a police officer from this service.

4. If a police officer has a break in performing his/her service duties which lasts for more than 3 months, the superior may extend the period of his/her preparatory service.

**Article 30.** 1. A recruit willingly directed to the service in the Police prevention squads shall be appointed as a police officer in candidate service for a period referred to in Article 56 (1a) of

the Act of 21 November 1967 on the general obligation to defend the Republic of Poland (Dz.U. of 2002, No. 21, item 205, as amended).

2. A police officer in candidate service shall perform his duties in barracks.

3. Police officers in candidate service shall be assigned only administrative and policing duties.

4. The period of candidate service shall be considered part of the period of preparatory service if the interval between candidate service and the commencement of preparatory service is not longer than three months.

**Art. 31.** 1. Persons who pursuant to the provisions on the general compulsory military service participate in manoeuvres in organisational units reporting to the Minister competent for internal affairs on the basis of organisation and mobilisation assignments shall, within the scope of their assignments, enjoy the powers of police officers referred to in Articles 15, 16 and 17.

2. The scope of powers and responsibilities of the persons referred to in Paragraph 1 arising from the service relationship shall be defined in separate regulations.

**Art. 32.** 1. The following superiors shall have the authority to appoint police officers to service positions, transfer and dismiss them from these positions: the Police Commander in Chief, Voivodship Commanders, Poviats (Municipal) Commanders, and commanders of police schools.

2. A police officer may appeal against the decisions referred to in Paragraph 1 to a higher superior.

3. If the Act stipulates that the decision referred to in Paragraph 1 may be taken only by the Police Commander in Chief, appeal against this decision shall be lodged to the Minister competent for internal affairs.

**Art. 33.** 1. Duration of police officer's service shall depend on the scope of his/her responsibilities, including the right to holidays.

2. The duties of a police officer shall be assigned in such a way that it is possible to discharge them within 40 hours a week in 3-month-long settlement period.

3. Where service duration exceeds the standard referred to in Paragraph 2, the police officer shall be granted a leave of corresponding length, except for the case referred to in Article 112 (3), or cash compensation referred to in Article 13 (4a) (1).

4. Paragraph 3 shall not apply to police officers entitled to function-related benefits.

5. The number of hours in excess of the standard referred to in Paragraph 2 for which cash compensation referred to in Article 13 (4a) (1) has been granted shall not exceed  $\frac{1}{4}$  of a police officer's weekly working time in the 3-month-long settlement period.

6. The Minister competent for internal affairs shall determine, by way of ordinance, working time schedules, specifying weekly and daily working times, including cases of overtime, and the introduction of shift work schedule. The ordinance should also specify police officers' on-call time and the rules and procedures for granting time off or cash compensation referred to in Article 13 (4a) (1), as well as groups of police officers exempted from duty at night, on Sundays and during holidays.

**Article 34.** 1. Nomination or appointment to a service post shall depend on the police officer's educational background, professional qualifications and service seniority.

2. In special cases, the Police Commander in Chief may give permission to appoint a preparatory service police officer to a service post, prior to the completion of professional training or the required seniority, if the educational requirements are met. A police officer must obtain professional qualifications before a permanent appointment can be made.

3. To obtain professional qualifications, a police officer must complete:

- (1) basic vocational training;
- (2) specialist vocational training;
- (3) vocational training for university graduates
- (4) Higher Police Training School.

4. The Minister competent for internal affairs shall determine, by way of ordinance:

- (1) the requirements in relation to education, professional qualifications and seniority to be met by police officers in the posts of Police Commanders and other posts, whereby professional qualifications shall be deemed to have been completed upon the completion of police rank training or passing of the police rank examination,
- (2) detailed conditions of police training, types of vocational courses, forms, conditions and procedures for such training, organisation and training and supervision over training programme implementation.

**Article 35.** 1. Police officers shall be subject to periodical performance evaluation.

2. Police officers shall have the right to review his/her performance evaluation within 14 days of the date thereof; s/he may appeal against it to a higher superior within 14 days as of the review thereof.

3. The Minister competent for internal affairs shall determine by way of ordinance the specimen of performance evaluation form, detailed rules and procedure for police officer evaluation, the causes of evaluation and its frequency, the criteria considered, the powers of the superiors in evaluating, procedure for presenting the evaluation to police officers and procedure for filing and reviewing appeals.

**Article 36.** 1. Police officers may be transferred or temporarily re-assigned to serve in another locality ex officio or upon his/her own request.

2. The following officials shall have the authority to transfer or re-assign police officers: Police Commander in Chief within the whole country, Voivodship Police Commander within a given voivodship, Poviat (Municipal) Police Commander within a given poviat (town). If the inter-voivodship transfer occurs under an agreement reached by the superiors and the police officer, the transfer shall be authorised by the Voivodship Police Commander, competent for the voivodship where the police officer is to be transferred to.

3. The duration of any re-assignment may not be longer than six months. In exceptional cases, the Police Commander in Chief may extend the time of re-assignment to twelve months.

4. The Police Commander in Chief may assign a police officer, if s/he agrees, to perform the service outside the Police in or out of the country, for a specified period of time.

5. The Minister competent for internal affairs, shall determine, by way of ordinance, the rules and procedure for re-assignment, salary and other benefits a police officer is entitled to during re-assignment, taking into consideration the nature of work outside the police force the police officer may be re-assigned to, the authorities that have the authority to request police officer's re-assignment, police officer's consent to re-assignment, procedures for changing the terms and conditions of re-assignment, the rights and benefits a police officer is entitled to during re-assignment, in particular, the determination and payment of salary and the right to days off, and

the rules and procedures for reinstatement of the police officer to his previous post, and termination of the police officer's employment by the entity he worked for during re-assignment.

**Article 37.** A police officer may be requested to perform service duties in another post in the same locality for a period not longer than 12 months; in such a case his/her remuneration cannot be reduced.

**Article 38.** 1. A police officer may be transferred to a lower service post if s/he is subject to a disciplinary punishment consisting in the transfer to a lower post.

2. A police officer may be transferred to a lower service post in the following cases:

- (1) if the medical commission has ruled that s/he is permanently unable to serve in the current post, if there is no possibility to appoint him/her to another equivalent post,
- (2) when his/her unsuitability for the post held was stated in the performance evaluation prepared during the preparatory service,
- (3) in case of failure to perform duties relating to the post held during the regular service indicated in two consecutive performance evaluations, separated by the period of at least six months; or
- (4) abolition of the post held or for other reasons due to reasonable organisational needs, if there is no possibility to appoint him/her to another equivalent post.

3. A police officer may also be transferred to a lower service post upon his/her request.

4. A police officer who has refused to be transferred to a lower service post for reasons set forth in Section 2, may be dismissed from service.

**Article 39.** 1. A police officer shall be suspended, however for not longer than three months, if criminal proceedings in case of intended crime or fiscal crime prosecuted by a public prosecutor, have been instituted against him/her.

2. A police officer may be suspended, however for not longer than three months, if criminal proceedings in case of unintended crime or fiscal crime prosecuted by a public prosecutor, or disciplinary proceedings, have been instituted against him/her, or if it would be advisable in view of the interest of the proceedings or the service.

3. In particularly justified cases, the period of suspension may be extended until the termination of such criminal proceedings.

4. The Minister competent for internal affairs shall define, by way of ordinance, the procedure for suspending police officers by their superiors, the authorities that have authority to suspend police officers, procedure for appealing against the suspension and cases when suspension is withdrawn or expires prior to the completion of the criminal proceedings.

**Article 40.** A police officer may be directed, ex officio or upon his/her request, to a medical commission under the jurisdiction of the Minister competent for internal affairs, in order to establish the state of his/her health, physical and mental fitness for the service, as well as the connection between the service and respective ailments.

**Article 41.** 1. A police officer shall be dismissed from the service in the following cases:

- (1) if the medical commission ruled that s/he was permanently unable to serve,
- (2) unsuitability for the post held was stated in the performance evaluation prepared during the preparatory service,
- (3) sentencing to a disciplinary punishment consisting in the expulsion from the service,

- (4) sentencing with a valid court verdict for intended crime, prosecuted by a public prosecutor,
- (4a) if a court sentenced him/her with a valid sentence to punitive measure consisting in the prohibition to perform police functions,
- (5) renouncement of Polish citizenship or acquiring the citizenship of another state;
- (6) expiry of the contract if the contract is not renewed or a permanent appointment effected,
- (7) expiry of the trial period of contract service, if the police officer or superior exercised their right specified in Article 28a (4).

2. A police officer may be dismissed from the service in the event of:

- (1) failure to perform duties during the regular service or contract service, as indicated in two consecutive performance evaluations, separated by the period of at least six months,
- (2) sentencing with an valid court verdict for crimes other than those mentioned in Paragraph 1 (4),
- (3) appointment to another state service or election to an elective office in a local government authority or associations,
- (4) acquisition of a right to the retirement pension after 30 years of service,
- (5) when an important service interest requires so,
- (6) if a given Police unit is to be wound up or re-organised, entailing the reduction of staff, if there is no possibility to transfer such a police officer to another unit or to a lower ranking post,
- (7) 12 months of no service due to an illness,
- (8) commitment of an criminal act or act of the nature of a fiscal crime, if such commitment is obvious and makes it impossible for the police officer to remain in police service.

3. A police officer shall be dismissed from the service within three months after the submission date of a written request for dismissal

3a. (repealed).

3b. (repealed).

4. In cases set forth in Paragraph 2 (6), the dismissal from service shall be effected after six months, and in case of preparatory service - after three months as of the decision to wind up or re-organise a given Police unit.

**Article 42.** 1. Where a decision to dismiss from the Police force is withdrawn or declared invalid because of its defectiveness, the reinstatement shall be to an equal post.

2. Where a dismissed police officer fails to report to service within 7 days after reinstatement, the employment relationship shall be terminated pursuant to Article 41 (3).

3. If after reinstatement it should be found that despite reporting to service the police officer may not resume it on grounds of new incapacitating circumstances that occurred after the dismissal, the employment relationship shall be terminated under Article 41 (3), unless there is another ground for dismissal.

4. The right to salary is vested on the first day of service, unless after reporting to service new circumstances appeared that justify failure to resume service.

5. For the time out of service a reinstated police officer shall be entitled to a cash benefit equal to the salary applicable to the post prior to the dismissal, not more however, than for 6 months and not less than for one month. The same benefits shall be payable to a person referred to in Paragraph 3.

6. With regard to benefits other than those referred to in Paragraphs 1-5 resulting from employment, the period for which cash benefit was granted shall be treated as if in service. The

time out of service for which the cash benefit was granted shall be deemed as if in service and shall not result in the loss of benefits that are conditional upon uninterrupted service.

7. Provisions of Paragraphs 1-6 shall be applicable also to police officers dismissed from service on the grounds of Article 41 (2) (8), where the criminal proceedings have been completed with a valid acquittal verdict or a dismissal of proceedings due to non-commitment of a crime or fiscal crime or lack of statutory traits of such forbidden act.

**Article 43.** 1. A police officer may not be dismissed from service pursuant to Article 38(4) and Article 41 (1) (1) and (2) and Paragraph 2 (1) and (4) sooner than 12 months as of the date of ceasing to serve due to an illness, unless such a police officer submits a written request for dismissal from the service.

2. (deleted).

3. A police officer may be dismissed from service on the basis of Article 41 (2) (5) following consultations with the Police officers trade union.

**Article 44.** 1. A policewoman may not be dismissed from service during pregnancy and maternity leave, except in cases referred to in Article 41 (1) (3) and 4, and Paragraph 2 (2), (3), (5) and (6).

2. In the event a policewoman is dismissed from service on the basis of Article 41 (2) (5) and (6), she shall have the right to receive remuneration until the end of her maternity leave.

**Article 44a.** A policewoman dismissed on the basis of Article 41 (2) (5) and (6), during the parental leave shall be eligible for the following until the end of the period of such a leave:

- (1) cash benefits disbursed in accordance with the rules of paying child-care benefits,
- (2) other benefits provided for female employees dismissed from work when on parental leave for reasons due to the employing institution.

**Article 45.** 1. Dismissal under Article 41 (2) (5) shall be effected by the appropriate Voivodship Police Commander.

2. Continuation of service by a police officer referred to in Article 41 (2) (2) shall require the permission of the competent Voivodship Police Commander.

3. In other cases the decisions on matters specified in Articles 37-41 shall be made by the superior specified in Article 32 (1).

**Article 46.** 1. A police officer dismissed from service shall immediately receive his/her service certificate and, upon his/her request, a copy of the performance evaluation.

2. A police officer may request a rectification of his/her service certificate and appeal to a higher superior against the performance evaluation within seven days after the receipt of such evaluation.

3. Detailed data to be stated in the service certificate and in the performance evaluation, as well as the procedure for issuing and rectifying service certificates and appealing against performance evaluation shall be set forth by the Minister competent for internal affairs in regulations issued on the grounds of Article 81.

**Article 46a.** The Police Commander in Chief shall determine, by way of ordinance, the rules for keeping files on matters related to police officers employment and rules for keeping personal files.

## Chapter 6

### Police Corps and Ranks

**Article 47.** 1. The Police corps and ranks shall be in the following order of priority:

- (1) in the corps of commissioned Police officers:
    - (a) Inspector General of Police ,
    - (b) Super-inspector of Police,
    - (c) Police inspector,
    - (d) junior Police inspector,
    - (e) Police sub-inspector,
    - (f) Police super-commissioner,
    - (g) Police commissioner,
    - (h) Police sub-commissioner,
  - (2) in the corps of Police ensigns:
    - (a) Police staff ensign,
    - (b) senior Police ensign,
    - (c) Police ensign,
    - (d) junior Police ensign,
  - (3) in the corps of non-commissioned Police officers:
    - (a) Police staff sergeant,
    - (b) senior Police sergeant,
    - (c) Police sergeant,
  - (4) in the corps of Police constables:
    - (a) senior constable,
    - (b) constable.
2. (deleted).

3. The Minister competent for internal affairs shall, in agreement with the Minister of National Defence, specify in detail, by way of ordinance, which military ranks correspond to which police ranks.

**Article 48.** 1. Constables and senior constables shall be appointed by the superior specified in Article 32 (1). The appointment to constable shall be effected upon appointment to a post in the force.

2. In the corps of non-commissioned officers and in the corps of Police ensigns appointments shall be made by the superior specified in Article 32 (1), except for the Poviát (Municipal) Police Commander.

3. Appointments to the first officer's rank, subject to Article 56 (3), and to General Inspector of Police and to Super-inspector of Police shall be made by the President of the Republic of Poland at the request of the Minister competent for internal affairs. Appointments to the other senior officer ranks shall be made by the Police Commander in Chief.

**Article 49.** 1. A non-commissioned police officer shall be a police officer who meets the requirements specified in Article 25 (1) or (2), completed basic training and passed an examination for non-commissioned officers.

2. A Police ensign shall be a police officer who meets the requirements specified in Article 25 (1), completed specialist training and passed an examination for ensigns.

**Article 50** A person may be promoted to the first senior officer rank if s/he meets the requirements referred to in Article 25 (1) and graduated from Higher Police Training School or meets the requirements referred to in Article 25 (1), completed university education, graduated from a course for university graduates and passed an examination for officers.

**Article 51** (deleted).

**Article 52.** 1. The promotion to a higher rank shall take effect accordingly to the service post held and depending on the performance evaluation. However, the promotion to such a rank may not take effect earlier than having served in the former rank for:

- constable	- 1 year,
- senior constable	- 1 year,
- sergeant	- 2 years,
- senior sergeant	- 2 years,
- staff sergeant	- 2 years,
- junior ensign	- 3 years,
- ensign	- 3 years,
- senior ensign	- 2 years,
- staff ensign	- 4 years,
- sub-commissioner	- 3 years,
- commissioner	- 4 years,
- super-commissioner	- 4 years,
- sub-inspector	- 3 years,
- junior inspector	- 4 years,
- inspector	- 4 years.

2. (deleted).

3. In special cases, the Minister competent for internal affairs may, upon recommendation of the Police Commander in Chief, promote any police officer to a higher rank, under consideration of restrictions specified in the provisions of Article 48 (4), and Article 49 and Article 50 (1).

**Article 53.** 1. The ranks specified in Article 47 shall be for life.

2. Police officers who were dismissed from service may continue to use the ranks referred to in Article 47, qualifying them with the word "retired".

3. The rank referred to in Article 47 may be lost in the event of:

- (1) loss of the Polish citizenship, or
- (2) sentencing with a valid court verdict to additional punishment of deprivation of public rights, or
- (3) sentencing with a valid court verdict to imprisonment for a criminal act committed out of base motives.

**Article 54.** 1. Reduction in rank shall be decided by competent superior having authority to appoint to that rank.

2. The forfeiture of officer ranks shall be decided by the Commander in Chief of the Police.

3. The reduction in or forfeiture of the ranks of Chief Police Superintendent and Assistant Chief Police Superintendent shall be decided by the President of the Republic of Poland, upon recommendation of the Minister competent for internal affairs.



**Article 55.** 1. A rank of a police officer shall be reinstated in the event of repealing:

- (1) a valid court sentence to additional of punishment of deprivation of public rights, or
- (2) a valid court sentence to imprisonment for a criminal act committed out of base motives, or
- (3) the decision of the forfeiture of the rank, or
- (4) disciplinary punishment of rank reduction.

2. The decision on the reinstatement of officer ranks shall be taken by the Police Commander in Chief. In other cases, the decision to reinstate to rank shall be made by the superior competent for the appointment to that rank.

**Article 56.** 1. A person to be admitted to service, who has a military rank, shall be appointed to the corresponding police rank.

2. The appointment referred to in Paragraph 1 may be contingent upon obligatory vocational training specified in Article 34 (3).

3. When a person in the military rank of junior lieutenant is to be admitted to the service, the Police Commander in Chief shall appoint him/her to the corresponding first officer rank.

**Article 57.** The Minister competent for internal affairs shall lay down, by way of ordinance, detailed rules and procedures for taking examinations and appointment of police officers to police ranks, police units competent for conducting police ranks examinations, dates of appointments to police ranks and the conditions for the appointment to a police rank.

## **Chapter 7**

### **Rights and Duties of Police Officers**

**Article 58.** 1. A police officer shall be obliged to follow obligations ensuing from the text of the oath sworn.

2. A police officer shall be obliged to refuse to carry out an order or instruction of his/her superior, as well as an instruction of any prosecutor, state administration authority or local government authority, if the execution of the said order or instruction involves committing a crime.

3. A police officer should report his/her refusal to carry out an order or instruction referred to in Paragraph 2 to the Police Commander in Chief, bypassing regular channels.

**Article 59.** 1. The superior of a police officer who is unable to carry out an order of the court or prosecutor within the specified time limit or the scope referred to in Article 14 (2), must apply for the extension of such limit or the change or repealing of the instruction.

2. In the event of unjustified failure to carry out an instruction within the specified time limit or scope, the superior of such a police officer shall, upon request of the court or prosecutor, institute disciplinary proceedings against him/her. The court or prosecutor shall be notified of the outcome of such proceedings accordingly.

**Article 60.** 1. A police officer on duty shall be obliged to wear a regulation uniform and equipment.

2. The Police Commander in Chief shall specify in which cases a police officer on duty does not have to wear uniform.

**Article 61.** 1. In cases specified in Article 60 (2), a police officer performing investigation/inquiry activities, as well as activities set forth in Article 14 (2) and Article 15 (1) (2)-(4), shall be obliged to present his/her Police ID card so that any interested party could read and note down the Police ID card number and the issuing authority thereof, as well as the name of the police officer.

2. While performing other administrative and order-keeping duties, a non-uniformed police officer shall be obliged to present, upon the citizen's request, his/her Police ID card and badge in the manner specified in Paragraph 1.

**Article 62.** 1. A police officer cannot take up paid employment outside the service without the consent of the relevant superior.

2. A police officer shall, at the instruction of the superior, submit a financial disclosure statement.

3. The Minister competent for internal affairs shall determine, by way of ordinance the detailed rules and procedure for granting permission to take up paid employment, submitting financial disclosure statements, and the superiors competent for these matters.

**Article 63.** 1. A police officer may not be a member of a political party.

2. The membership in any political party shall terminate upon the admission of a police officer to the service.

3. A police officer shall be obliged to notify his/her superior of membership in any national associations outside the service.

4. Any membership in foreign or international organisations or associations shall require the consent of the Police Commander in Chief or a superior authorised by him.

**Article 64.** A police officer shall be obliged to notify his/her immediate superior of any foreign trip planned to take longer than three days.

**Article 65** (deleted).

**Article 66.** A police officer is eligible for protection provided for in the Penal Code for civil service officials in respect of the fulfilment of service duties.

**Article 67.** 1. Police officers may belong to a Police officers trade union.

2. The provisions on trade unions act shall apply accordingly, with the reservation that there may be only one Police officers trade union and this union does not have the right to strike.

3. Detailed principles of co-operation between the Police officers trade union and the Minister competent for internal affairs and the Police Commander in Chief shall be set forth in the statute of that union to be registered by the court.

**Article 68.** A police officer who suffered from a case of service-related injury to health or damage to property shall be entitled to compensation according to provisions and on terms set forth in a separate act. In case of the death of a police officer when on duty, the surviving family members shall receive relevant compensation.

**Article 69.** 1. A police officer shall become entitled to a police retirement pension after 15 years of service.

2. A police officer who became disabled shall be entitled to a police disability pension.

3. The surviving family members of deceased police officers shall be entitled to a police survivor's pension.

4. The procedure for awarding benefits referred to in Paragraphs 1-3 shall be provided for in regulations on retirement pension for officers of the Police, the Office for State Protection, Border Guards, State Fire Brigade and Prison Guards, and their families.

**Article 69a.** 1. If a police officer, who has been dismissed from service does not meet the requirements for obtaining the right to police retirement pension or police disability pension, the remuneration paid to the police officer after 31 December 1998 until the day for the dismissal from service, from which contributions for retirement and disability pension have not been paid, contributions for that period shall be transferred to the Social Insurance Institution in accordance with the Act of 13 October 1998 on social insurance system (Dz.U. No. 137, item 887, as amended).

2. The remuneration, constituting the base for the calculation of contributions for retirement and disability pension, as referred to in Paragraph 1, shall consist of:

- (1) the amount of the minimum wage determined on the grounds of separate provisions – for the period of candidate service before the day of 1 January 2003.
- (2) the amount of the minimum wage in force in December of the preceding year, determined on the grounds of separate provisions – for the period of candidate service after the day of 31 December 2002.
- (3) basic salary, fringe benefits, annual and discretionary bonuses and remuneration for additional tasks paid in accordance with Article 112, calculated in compliance with Article 110 of the Act specified in Paragraph 1 - for the remaining service periods.

3. Contributions shall be transferred also in those cases, when the police officer meets only the requirements for obtaining the right to police disability pension. Transfer of contributions shall be made upon the request of the police officer.

4. Contributions shall be subject to indexation with a contribution indexation rate established on the grounds of the Act of 17 December 1998 on the Old Age Pensions and Disability Pensions from the Social Security Fund (Dz.U. No. 162, item 1118 as amended).

5. When calculating the amount of contributions due, subject to indexation in accordance with Paragraph 4, Article 19 (1) and Article 22 (1) (1) and (2) of the Act on Social Insurance system shall apply accordingly.

6. Provisions of Paragraphs 1-5 shall apply also to a police officer, who remained in service before 2 January 1999 if after his/her dismissal from service, despite meeting the requirements for obtaining the right to police retirement pension, requested granting the retirement pension under social insurance system.

7. In cases referred to in Paragraph 6, the amount of due indexed contributions shall be transferred immediately on the grounds of a notification of the Social Insurance Institution on the establishment of a right to retirement pension for the police officer in accordance with provisions referred to in Paragraph 4.

8. The amount of due, indexed contributions constitutes the proceeds of the Social Security Fund.

9. The Minister competent for internal affairs in agreement with the Minister competent for social security shall determine, by way of ordinance, procedure and dates of transferring the contributions referred to in Paragraphs 1, 3, 4 and 7 to the Social Insurance Institution and units responsible for the transfer, taking into account the need to provide for a correct and immediate conduct of activities related to the procedure of transferring these contributions.

**Article 70.** 1. A police officer shall receive uniforms free of charge.

2. The Minister competent for internal affairs in agreement with the Minister competent for public finance shall define, by way of ordinance, the amount and terms of granting the cash equivalent for uniforms, including:

- (1) elements of the uniform that constitute the basis for determining the amount of the cash equivalent,
- (2) method of determining the amount of the equivalent,
- (3) procedure of and cases when the equivalent shall be granted, returned and suspended,
- (4) deadlines for paying or returning the equivalent.

**Article 71.** 1. The units and sections of the Police as well as police officers shall receive equipment necessary to perform service duties.

2. The standards of the equipment referred to in Paragraph 1 and the detailed principles for the provision and use thereof shall be determined by the Police Commander in Chief.

**Article 72.** 1. A police officer on duty shall receive meals or a cash equivalent in place of the meals.

2. The Minister competent for internal affairs shall determine, by way of ordinance, cases when a police officer receives meals, the standard meals, including types of standard meals and their determination, the persons authorised to receive additional standard meals or parts thereof.

3. The Minister competent for internal affairs in agreement with the Minister competent for public finance shall define, by way of ordinance, the cases when a cash equivalent will be given in place of meals, the amount of the equivalent, cases when a police officer receives the equivalent, method of determining the amount of the equivalent and the authorities authorised to pay out the equivalent.

**Article 73.** 1. A police officer and the members of his/her family shall be entitled to a round-trip, once a year, at the expense of the competent Police authority, by means of public transport, to one selected locality within the country.

2. The Minister competent for internal affairs shall determine, by way of ordinance, the rules of exercising the right specified in Paragraph 1, including the procedure for travel costs settlement.

3. In the event the said right to a round-trip has not been exercised, the eligible person shall receive a lump-sum cash equivalent thereof.

4. The Minister competent for internal affairs, shall determine, by way of ordinance, the rules for granting the cash equivalent, referred to in Paragraph 3, including the procedure for determining the amount of the equivalent and handling the trip unused by a police officer.

5. The reimbursement of travel costs or the lump-sum financial equivalent thereof referred to in Paragraphs 1 and 3 shall not be available to a police officer during the calendar year for which charge-free travel permits for public means of transport were purchased on the basis of separate provisions.

6. Persons referred to in Paragraph 1 may also receive other welfare and social benefits.

7. The Minister competent for internal affairs in agreement with the Minister competent for social security, shall determine, by way of ordinance, the type and scope of benefits referred to in Paragraph 6, including the terms under which these benefits can be exercised, and in the case of financial benefits – the amount, method of calculation, deadlines of settlement and payment.

**Article 74.** (repealed).

**Article 75. 1.** *A police officer and members of his/her family shall be eligible for free medical care provided by the health service of the Ministry of Internal Affairs, on terms and conditions laid down by the Minister of Interior.*

2. *A police officer and members of his/her family may also use free medical services provided by institutions of public health service, to the extent and on terms defined, by way of ordinance, by the Minister of Health and Social security and the Minister of Interior, or medical services by other institutions of health service on terms defined by the Minister of Interior in agreement with other Ministers concerned.*

3. *The services referred to in Paragraphs 1 and 2 shall also be available to persons eligible for the retirement pension on terms provided for in regulations on retirement pensions for officers of the Police, the Office for State Protection, Border Guard, State Fire Brigade and Prison Guard, and their families.*

4. *The provision of medicines free of charge, medicines sold at a fixed rate or against partial payment, as well as provision of sanitary goods shall be regulated under a separate act.*

**Article 76. 1.** *A police officer who has acquired the right to a police disability pension attributable to a non-service disability, and eligible members of his/her family, as well as people entitled to receive pension after a late police officer who did not die on duty, shall be eligible for free of charge medical services at institutions of the public health service.*

2. *The provision of medicines free of charge, medicines sold at a fixed rate or against partial payment, as well as provision of sanitary goods shall be regulated under a separate act.*

3. *A police officer who was dismissed from service before becoming eligible for the retirement pension as laid down in regulations on retirement pensions for employees of the Police, the Office for State Protection, Border Guard, State Fire Brigade and Prison Guard and their families, as well as members of his/her family shall be eligible for medical services at institutions of public health service to the extent and on terms provided for employees whose employment relationship was terminated.*

**Article 77. 1.** The spouse and children shall be deemed members of a police officer's family who are eligible for benefits provided for in Articles 73, 75 and 76.

2. Children shall be understood as own children, the spouse's children, adoptees and children brought up in such a family, who:

- (1) are below 18 years of age and - in case they continue to study - 24 or 25 years if they study in a higher school and are 24 years of age on the last or second last year of studies; or
- (2) have been classified to the *I* or *II* disability group before they reached the age specified in Subparagraph 1.

**Article 78.** The period of police officer's service shall be deemed work of a special nature in the meaning of the provisions *on retirement pensions for employees and their families*.

**Article 79.** A policewoman shall enjoy special rights provided for female employees under labour regulations, unless this Act provides otherwise.

**Article 80.1.** A police officer who has taken up another job within one year as of the date of his/her dismissal from service, and if he/she was in the preparatory service - within three months

as of the said day, the period of such service shall be included in his/her period of employment in respect of all rights resulting from the labour regulations.

2. The provision of Paragraph 1 shall not apply if under the labour regulations the elapse of periods referred to in Paragraph 1 does not thwart the employee's eligibility for certain benefits.

3. If a police officer cannot commence a new job within the time limit set forth in Paragraph 1 due to an illness resulting in inability to work or disability, he/she shall retain the rights specified in Paragraph 1 in case of starting a new job within three months after the day on which the inability to work or disability ceased to exist.

4. The provisions of Paragraphs 1 and 2 shall not apply to police officers who were dismissed from service as a result of being sentenced by judgment with force of law or a disciplinary punishment consisting in the dismissal from service.

**Article 81.** 1. The Minister competent for internal affairs shall determine, by way of ordinance, detailed rights and obligations, the course of police officers' service, including the features and specific character of police work, the procedure for initiating, changing and terminating a police officer employment relationship, the duties of managers of organisational units competent for personnel matters, contents of appointment orders to a given post or of termination orders, procedures for issuing service certificates and police officer evaluation, the specimen, deadlines for demanding a rectification of a certificate and evaluation and the deadline for making the rectification.

2. The service procedures for police officers shall be laid down in orders, rules of procedure and orders of the Police Commander in Chief.

**Article 82.** 1. Police officers shall be entitled to annual paid holiday leave of 26 working days.

2. A police officer is entitled to a holiday six months into the service. The holiday shall be half of the time a police officer is entitled to after a year of service.

3. A police officer shall be entitled to a full holiday after a year of service. This holiday shall include the holiday specified in Paragraph 2.

**Article 83. 1.** A police officer may be ordered to come back from his/her holiday leave on account of important service interest, or the entire or part of his/her leave may be suspended. The leave may also be re-scheduled upon a police officer's request, provided that some reasonable explanation is given.

2. A police officer who was ordered to come back from the leave shall be entitled to the reimbursement of travel expenses related to the said order to come back, pursuant to the rules set forth in regulations concerning the reimbursement of transfer or reassignment expenses, as well as other costs.

2a. The Minister competent for internal affairs shall determine, by way of ordinance, the procedures for reimbursement of travel costs and other costs a police officer is entitled to upon being recalled from leave, taking account of standards defined for police officers being transferred or reassigned, documented costs incurred by the police officer which were not used due to the interruption of the leave as well as costs incurred to pay for family members specified in Article 77, if recalling the police officer caused family members to return as well.

3. The superior of such a police officer must agree to order him/her to come back for some service-related reasons.

4. A police officer who failed to use the holiday leave during a given calendar year should be granted this leave within the first three months of the next calendar year.

**Article 84.** The Minister competent for internal affairs may, by way of ordinance, grant additional paid leaves of up to 13 working days a year for those police officers who serve in conditions that are exceptionally onerous or harmful to health, or have reached specified age or service seniority, or if it can be justified by the particular nature of their service.

**Article 85.** A police officer may be granted a paid sick leave or a special leave, as well as an unpaid leave attributable to important reasons.

**Article 86.** The Minister competent for internal affairs shall define, by way of ordinance, the detailed rules and procedure of granting leaves, as well as the duration of leaves referred to in Article 84 and Article 85, taking account of seniority, age of the police officer, conditions that are exceptionally onerous and harmful to health and the degrees of severity that define the length of additional leave.

**Article 87.** 1. A police officer who fulfils his/her duties in an exemplary fashion, displays initiative in the service and upgrades professional skills may be awarded the following:

- (1) commendation,
  - (2) short-term additional leave of up to 10 working days,
  - (3) decoration by the appropriate Ministry,
  - (4) promotion to a higher police rank ahead of the official schedule,
2. The police officer is awarded by an authorised superior referred to in Article 32 (1).
3. Award is not given to the following police officers:
- (1) punished with disciplinary punishment before its cancelling,
  - (2) sentenced by a court judgment or with respect to which criminal proceedings have been conditionally dismissed for a year period from the day the ruling is rendered final and valid.

4. The Minister competent for internal affairs shall define, by way of ordinance, the detailed mode of conduct in case of awarding police officers, taking account of the scope of authorisations of the superiors to award and form of awarding.

## **Chapter 8**

### **Housing for police officers**

**Article 88.** 1. A regular police officer shall be entitled to a flat in the locality where he/she serves or in a nearby locality, providing for the number of family members and their rights under separate provisions.

2. A police officer serving in the preparatory service may be provided with temporary quarters.

3. A police officer shall lose the right to a flat upon disciplinary dismissal from service.

4. A locality referred to in Paragraph 1 shall be a town/village from which the time to commute to the place of service and back using public transport, that runs on schedule, including changing the means of transport, shall not exceed two hours cumulatively, starting from the station (stop) closest to the place of residence to the station (stop) closest to the place of service, excluding the time to travel to and back from the station (stop) within the city/town/village from which the police officer travels to the locality where he/she performs his/her duties.

**Article 89.** The following members of a police officer's family, to be taken into consideration while allocating the flat, shall be the following people sharing such a police officer's household:

- (1) spouse,
  - (2) children (own or spouse's, adoptees or brought up in as in a foster family) supported by him/her, however only until they reach the age of 25,
  - (3) parents of a given police officer or his/her spouse, for whom he/she is the sole provider, or if they are unable to work due to old age or *disability* or other circumstances; the term "parents" also includes a stepfather, a stepmother and adopters.
- court rulings

**Article 90.1.** Flats for police officers shall be allocated from the housing stock at the disposal of the Minister competent for internal affairs or the agencies under his/her jurisdiction, acquired through investments or from local offices of the general state administration, being the gmina property or owned by employing institutions, and also those vacated by people who received them from the units under the jurisdiction of the Minister competent for internal affairs.

2. Owners of single family houses, residential and motel-like houses and flats constituting a separate real estate shall have the right to reside in their houses and premises, vacated as a whole or in part.

3. An owner of a block of flats shall have the right to reside in a vacated flat in such a building.

4. In case a separate flat in the house referred to in Paragraphs 2 and 3 and a flat constituting a separate real estate become vacant, the owner shall have the right to rent it or let it for use free of charge.

5. If, due to important reasons, the owner fails to exercise the right referred to in Paragraph 4 within three months, the Minister competent for internal affairs or an authority under his jurisdiction, may allocate such vacated premises.

**Article 91. 1.** A police officer shall be entitled to a cash equivalent for the renovation of the flat occupied by him/her, taking account of the number of family members and their rights under separate provisions.

2. The Minister competent for internal affairs in agreement with the Minister competent for public finance, shall determine, by way of ordinance, the amount and detailed rules for granting, refusing, withdrawing and returning the equivalent referred to in Paragraph 1, taking account of the entities entitled to it, specimen of required documents, the authorities competent to grant, refuse, pay, withdraw or demand the return of the equivalent and the procedure to be followed upon the coincidence of rights to receive the equivalent.

**Article 92. 1.** A police officer shall be entitled to a cash equivalent if he/she or members of his/her family do not have any flat in the locality where such a police officer serves, or in the nearby locality.

2. The Minister competent for internal affairs in agreement with the Minister competent for public finance, shall determine, by way of ordinance, the amount and detailed rules for granting, refusing, withdrawing and returning the equivalent referred to in Paragraph 1, taking account of the entities entitled to it, specimen of required documents, the authorities competent to grant, refuse, pay, withdraw or demand the return of the equivalent and the procedure to be followed upon the coincidence of rights to receive the equivalent.



**Article 93.** 1. A police officer who lives in an apartment in a locality nearby the place where he/she serves, shall be entitled to the reimbursement of costs of commuting to the place where he/she serves, equal to the price of railway or bus tickets.

2. The reimbursement of costs referred to in Paragraph 1 shall not apply during a calendar year for which charge-free travel permits for public means of transport were purchased on the basis of separate provisions.

**Article 94.** 1. A police officer who has not received any flat on the basis of an administrative decision, shall be entitled to financial assistance for the acquisition of a flat from a housing co-operative or a single-family house or a flat constituting a separate real estate.

2. The Minister competent for internal affairs shall determine, by way of ordinance, the procedures and detailed rules for granting, withdrawing and returning the financial assistance referred to in Paragraph 1, taking account of cases when the assistance is granted, withdrawn or returned, and the method of calculating the amount of financial assistance to be granted or returned and the type of documents required when applying for the assistance.

**Article 95.** 1. No flat shall be allocated to a police officer on the basis of an administrative decision, if:

- (1) he/she has used the financial assistance referred to in Article 94,
- (2) he/she owns a flat in the locality where he/she serves or in the nearby locality, which at least corresponds to the dwelling space that he/she is entitled to, or a single-family house or a residential and motel-like house,
- (3) his/her spouse owns the flat or house referred to in Paragraph 2,
- 4) he/she or his/her spouse sells the ownership title to a flat owned by a co-operative constituting a separate real estate or the house referred to in Subparagraph 2, except for cases referred to in Article 96 (3).

2. The order to vacate the flat specified in Article 90 (1) shall be issued, if the police officer:

- (1) sublets or gives for free use the flat or part of it,
- (2) uses the flat in a manner contrary to the contract of tenancy or contrary to the intended purpose, neglects his/her responsibilities thus causing damage or damages communal facilities,
- (3) glaringly or persistently violates the house rules making living in other flats onerous,
- (4) is in default in payment of the rent or other fees relating to flat use for at least two full payment periods despite a written caution of the intention to evict and setting an additional extension period of a month to pay the overdue and current fees;
- (5) has received financial assistance specified in Article 94 (1),
- (6) has been transferred to work in another locality where he has been allocated another flat,
- (7) has not vacated an earlier flat within a time specified under separate provisions,
- (8) has renounced his rights to the flat.

3. The decision to vacate the flat shall also be applicable:

- (1) if the police officer or spouse is entitled to a legal title to another flat as specified in Article 90 (1); in which case these persons may choose one of the flats,
- (2) when a police officer dismissed from service or members of his family occupy a flat located in a building designated for service purposes or one within a restricted area and these persons have been granted a standard size flat in the same or nearby town/village,
- (3) when the flat referred to in Article 90 (1) is occupied by a police officer or members of his family or other persons who do not hold a legal title to it.

4. The eviction decision shall apply to all persons in the flat.

**Article 96.** 1. A police officer who was transferred to serve in another locality who owns a flat, single-family house or a residential and motel-like house in the previous place where he/she served, may be granted a flat, on the basis of an administrative decision, in the new place where he/she serves, if he/she:

- (1) shall vacate the previously occupied flat or house,
- (2) shall return financial assistance received for the purpose of:
  - (a) making a down-payment for a flat or a house in the amount valorised by the cooperative,
  - (b) payment of other amounts due - in the amount granted.

2. A police officer who used financial assistance may receive a flat on the basis of an administrative decision, if he/she vacates the occupied flat or a house referred to in Paragraph 1 and returns the financial assistance on terms defined therein.

3. The Minister competent for internal affairs shall determine, by way of ordinance, the procedure for allocating flats in cases referred to in Paragraphs 1 and 2, the detailed principles for returning any financial assistance received, as well as the principles for vacating occupied flats or houses referred to in Paragraph 1, including the reasons for allocating a flat to a police officer transferred to another locality, procedure to be applied if the police officer has used financial assistance to obtain a flat and the types of documents confirming that a police officer has vacated the previous flat.

4. A police officer who was transferred to serve in another locality who failed to vacate the flat or house, referred to in Paragraph 1, occupied in the previous locality where he/she served, may be allocated temporary lodgings according to applicable standards, excluding family members that live with him/her. Accommodation costs shall be borne by Police budget not longer, however, than for 2 years from the allocation date.

5. A police officer delegated to serve in another locality shall be granted temporary lodgings. Accommodation costs shall be borne by Police budget.

**Article 97.** 1. The Minister competent for internal affairs, in agreement with the Minister competent for spatial planning and construction, shall determine, by way of ordinance, the detailed principles for allocating and vacating flats and the standards of populating referred to in Article 90, as well as detailed principles of allocating a flat or temporary lodgings to a police officer, vacating or exchanging the flat and temporary lodgings and the authorities competent for issuing administrative decisions on the ground, the standards of populating and how they should be established.

2. The Minister competent for internal affairs, in agreement with the Minister competent for spatial planning and construction and the Minister competent for public finance, shall determine, by way of ordinance, the terms and conditions for renting flats in buildings owned by the State Treasury and managed by organisational units of the Police, and the method for calculating the rent, the rights and obligations of the tenant and the lessor and the components of rent and circumstances that determine its amount.

3. Extra standards of populating, determined pursuant to Paragraph 1 and corresponding to the held post or rank, shall also apply when allocating to police officers other flats than those referred to in Article 90.

4. Any disputes arising from the lease of flats referred to in Paragraph 2, shall be resolved by common courts.

5. The allocation and vacating of flats as well as handling matters referred to in Articles 91, 92 and 94 (2)-(4) shall be based on administrative decisions.

**Article 98.** A police officer who was dismissed from the service and does not hold any title of ownership to any flat on terms set forth in provisions on retirement pensions for police officers, the Office for State Protection, Foreign Intelligence Agency, Border Guard, State Fire Brigade and Prison Guard and their families, shall retain his/her right to the allocated flat in accordance with general standards or may be relocated to another alternative flat.

## **Chapter 9**

### **Police officer's salary and other pecuniary performances**

**Article 99. 1.** A police officer shall acquire the right to salary upon the appointment to a service post.

2. As a remuneration for the service, a police officer shall receive one salary and other pecuniary performances set forth in the Act.

3. The average pay of police officers shall be the multiple of the base amount determined under separate rules in the budget act.

4. The multiple of the base amount referred to in Paragraph 3 shall be determined by the Council of Ministers, by way of ordinance.

**Article 100.** The salary of a police officer shall consist of base pay plus allowances and benefits.

**Article 101. 1.** A police officer's base pay shall correspond to the service post category and seniority.

2. The Minister competent for internal affairs in agreement with the Minister competent for labour shall determine, by way of ordinance, detailed rules of police officer's base pay and its amount, taking account of the categories and the matching salaries, the posts included in the respective categories with matching full-time service posts, terms and conditions of pay rises and seniority related pay rises.

**Article 102.** The Minister competent for internal affairs shall establish, by way of ordinance, detailed rules of determining seniority conditioning the base pay increases, accounting for the types of service and work periods, and other periods that determine seniority, the required documents and procedures of conduct.  
implementing acts

**Article 103. 1.** A police officer transferred to a service post in a lower base pay group shall retain the right to the rate of pay received while holding the former post, until he/she obtains a higher rate of pay for the new post held.

2. In especially justified cases, the Minister competent for internal affairs may agree that a police officer, who was transferred to a service post in a lower base pay group, shall retain the right to the rate of pay received while holding the former post, at the same time maintaining the rank associated with that post.

3. The provision of Paragraph 1 shall not apply to police officers transferred to a lower service post pursuant to Article 38, (1) or (2) (2) and (3), as well as police officers transferred at their own request.

**Article 104.** 1. A police officer shall be entitled to a rank benefit corresponding to the rank held.

2. A police officer in a managerial or independent post shall be entitled to a function benefit.

3. In posts other than those specified in Paragraph 2, a police officer may receive a service benefit for proper service.

4. Irrespective of the benefits specified in Paragraphs 1-3, a police officer may receive benefits due to special characteristics, qualifications, conditions or place of service.

5. Permanent benefits shall be determined in monthly rates.

6. The Minister competent for internal affairs in agreement with the Minister competent for labour shall determine, by way of ordinance, detailed rules of granting benefits referred to in Paragraphs 1-4 and their amounts, accounting for the type and nature, reasons for granting or raising permanently or temporarily, reasons for reducing or withdrawing and the posts eligible for a function benefit.

**Article 105.** 1. The salary and other benefits and pecuniary performances shall be paid directly and personally to the police officer, subject to Paragraph 5.

2. The salary and other benefits of permanent nature shall be paid monthly and in advance on the first working day, subject to Paragraphs 3 and 5.

3. The Minister competent for internal affairs may determine, by way of ordinance, other payment deadlines of regular benefits, accounting for the fact, which of them are paid monthly after completing the task.

4. Payment deadlines of other benefits and pecuniary performances and allowances not specified in Paragraph 2 shall be defined in relevant regulations.

5. The salary and other benefits and pecuniary performances may be paid in non-cash form under terms and conditions established in a written agreement between the payer and police officer, no earlier however, than specified in Paragraphs 2-4.

**Article 106.** 1. The salary shall be changed as of the day on which circumstances justifying such a change occurred.

2. If the right to salary was acquired or the change in salary took place within a month, such a salary shall be calculated for the remainder of the month in the amount of 1/30 of monthly salary per each day, unless special provisions provide otherwise.

3. The right to salary shall expire as of the last day of the month during which a police officer was dismissed from the service or if other circumstances justifying the expiration of that right arose.

**Article 107.** 1. Any claims based on the right to salary and other benefits shall be barred after three years of the day the claim becomes payable.

2. The authority competent for processing claims may disregard the limitation if the delay in pursuing the claim is justified by exceptional circumstances.

3. The period of limitation of claims arising from the right to salary and other benefits shall be discontinued in the case of:

- (1) any action before the head of an organisational unit reporting to the Minister competent for internal affairs and for processing claims, undertaken indirectly with the view to pursuing, determining or discharging a claim;
- (2) acknowledgement of a claim.

**Article 108.** 1. A police officer shall be entitled to the following cash benefits:

- (1) household allowance;
- (2) performance-related bonuses and financial assistance;
- (3) anniversary bonuses;
- (4) remuneration for additional tasks falling beyond the scope of official duties;
- (5) reimbursement of business trip costs and relocation expenses;
- (6) severance payments.

1a. Police officers may receive performance-related bonuses covered from the funds referred to in Article 13 (4a).

2. In case of death of a police officer or a member of his/her family, the following benefits shall be payable:

- (1) funeral benefit;
- (2) post-death severance payment.

**Article 109.** 1. A police officer who on account of regular appointment is entitled to a household allowance in the amount equal to the basic monthly salary with regular benefits payable on the day the appointment is made.

2. The allowance referred to in Paragraph 1 shall not be payable to a police officer serving in the Police after he/she has been dismissed from professional military service or other service during which he/she was receiving such an allowance.

**Article 110.** 1. A police officer may be granted annual bonuses, cash or material discretionary bonuses and financial assistance.

1a. Discretionary bonuses shall be granted by the superior referred to in Article 32 (1).

2. The Minister competent for internal affairs shall determine, by way of ordinance, the rules for awarding police officers annual bonuses, discretionary bonuses and financial assistance, including the required period in service before an annual bonus can be awarded, the amount of the bonus, reasons for reducing it and cases when no bonus is to be paid, the schedule of paying annual bonuses, the circumstances in which a discretionary bonus and financial assistance are awarded, competences of the superiors and procedures governing the above issues.

3. The Minister competent for internal affairs in consultation with the Minister competent for labour and the Minister competent for social security shall determine, by way of ordinance, the budget for annual bonuses, discretionary bonuses and financial assistance, including Police units in which such budget is to be established, the method for determining the amount of the financial resources for bonuses and financial assistance, conditions to be fulfilled for the budget to be increased and the methods of determining the amount of funds at the disposal of heads of organisational units earmarked for bonuses.

**Article 111.** 1. A police officer shall be entitled to anniversary bonuses calculated as follows:

- |                           |         |
|---------------------------|---------|
| after 20 years of service | - 75%,  |
| after 25 years of service | - 100%, |

after 30 years of service	- 150%,
after 35 years of service	- 200%,
after 40 years of service	- 300%

of the basic monthly salary with regular benefits.

2. 2. The Minister competent for internal affairs, in consultation with the Minister competent for labour, shall specify, by way of ordinance, the periods to be included in the service record that shall condition the eligibility for the anniversary bonus, as well as the rules for calculation and payment thereof, including the types of periods of service, work and study that the right to an anniversary bonus is conditional upon, the required documents and procedures to be followed if several rights to bonus coincide with each other, and the date of bonus payment.

**Article 112.** 1. A police officer shall receive extra pay for accomplishment of tasks falling beyond the scope of his/her regular duties.

2. The Minister competent for internal affairs shall determine, by way of ordinance, the requirements to be met for receiving extra pay referred to in Paragraph 1, including the types of tasks, amount of pay, method of calculation and payment procedure.

3. A police officer directly involved, pursuant to the agreement referred to in Article 5a of the Act of 22 August 1997 on mass event security, in securing safety and public order at a mass event at the time referred to in Article 33 (3) shall receive extra pay for each hour started amounting to 2/170 of average basic monthly salary with regular benefits as fixed for June of the previous year and announced by the Police Commander in Chief in the Bulletin of the General Headquarters of Police.

**Article 113.** 1. If a police officer is transferred to serve in another locality or temporarily reassigned, he/she shall be entitled to reimbursement of travel costs and relocation expenses.

2. The Minister competent for internal affairs in consultation with the Minister competent for labour shall determine, by way of ordinance, the amount, conditions and procedure for granting the reimbursement referred to in Paragraph 1, including methods of calculating business trip duration and the types of expenses to be reimbursed, method of determining the amount and dates, and payment procedure.

**Article 114.** 1. A police officer dismissed from service shall, subject to Paragraphs 2-4, receive the following:

- 1) severance payment,
- 2) cash equivalent of unused leave and unused time off service granted pursuant to Article 33 (3);
- 3) refund of travel costs incurred by a police officer and members of his/her family, the costs of moving to a new place of residence in the country; within the scope and in accordance to the rules applicable to ex officio transfers.

2. A police officer shall be entitled to the benefits referred to in Paragraph 1 (3), if on the day of service termination he/she meets the requirements for being granted a pension.

3. A police officer dismissed from service on the basis of Article 41 (1) (3) and (4a), and Article 41 (2) (8) shall receive 50% of severance payment and cash equivalent of unused leave he/she was entitled to in the years preceding the year of his/her dismissal from the service.

4. In special cases when justified by the needs of a police officer's family, the Police Commander in Chief or a superior authorised by the Police Commander in Chief may grant the

police officer dismissed from service on the basis of Article 41 (1) (4) and Article 41 (2) (2) severance payment not higher than 50%.

**Article 115.** 1. The amount of severance payment for a police officer in regular service shall be equal to three basic monthly salaries with regular benefits he/she was entitled to while occupying his/her last post. The severance payment shall be increased by 20% of the basic salary pay with regular benefits per each full year of service in addition to five years of uninterrupted service, but not higher than six basic monthly salaries with regular benefits. For calculation purposes, the period of service longer than six months shall be considered a full year.

2. Periods of uninterrupted professional military service shall be taken into account while calculating the amount of the severance payment if a soldier was admitted to serve in the Police immediately after his/her dismissal from military service, and has not received severance payment on account of his/her former service.

3. Paragraph 2 shall apply accordingly to persons who start serving in the Police after having been dismissed from other services in which benefits of this kind apply.

4. The amount of severance payment for a police officer in preparatory service shall be equal to one basic monthly salary with regular benefits he/she was entitled to while occupying his/her last post.

**Article 115a.** Cash equivalent of one day of unused leave and each started 8 hours of unused time off that a police officer is entitled to pursuant to Article 33 (3) shall amount to 1/30 of the monthly basic salary with regular benefits he/she was entitled to while occupying his/her last post. .

**Article 116.** 1. In case of death of a police officer, members of his/her family shall be entitled to a post-death severance payment in the same amount as would be payable if the police officer were dismissed from the service, as well as benefits referred to in Article 114 (1) (2) and (3).

2. The spouse of the police officer (in the case of joint property of husband and wife), and then the police officer's children and parents, shall be entitled to the benefits referred to in Paragraph 1 provided that on the day of the police officer's death they qualified for a survivor's pension in terms of the provisions *on the retirement pension scheme for police officers and their families*.

3. Paragraphs 1 and 2 shall apply also to missing police officers. The Minister competent for internal affairs shall declare a particular police officer missing and determine whether his/her missing is related to the service.

**Article 117.** 1. A police officer in regular service who is dismissed from the service pursuant to Article 41 (1) and Article 41 (2) (4) shall receive each month a cash benefit in the amount equal to his/her basic salary with regular benefits he/she received while occupying his/her last post.

2. A police officer entitled to the benefit referred to in Paragraph 1 who acquired the right to pension shall have the right to choose one of these benefits.

3. A police officer dismissed from service pursuant to Article 41 (2) (5) and (6) who is unable to work due to persistent illness shall receive each month the cash benefit referred to in Paragraph 1 during the period of his/her illness, but for a period not longer than three months,

unless before the end of this period a medical commission issues a disability statement which constitutes the basis for establishing the right to the disability pension.

**Article 118.** The severance payment referred to in Article 114, as well as the benefits specified in Article 117 shall not be payable to a police officer who, immediately after being dismissed from the service, was admitted to professional military service or other service in which benefits of this kind apply.

**Article 119. 1.** In the event of a police officer's death, the funeral benefit referred to in Article 116 shall be payable. The amount of this funeral benefit shall be calculated as follows:

- (1) three basic monthly salaries with regular benefits the police officer was entitled to while occupying his/her last post, if the costs of the funeral are incurred by the spouse, children, grandchildren, siblings or parents;
- (2) the actual costs incurred, but not more than the amount specified in Paragraph 1, if the costs of the funeral are incurred by another person.

2. If a police officer dies as a result of a service-related accident, the costs of the funeral shall be covered from the funds of the General Headquarters of Police. The Police Commander in Chief may consent to covering the costs of the funeral of a police officer who died as a result of a service-related disease.

3. If the costs of the funeral of a police officer are covered from the funds of the General Headquarters of Police, the persons specified in Paragraph 1 (1) shall be entitled to 50% of the funeral benefit.

**Article 120. 1.** In the event of death of a family member, a police officer shall be entitled to the funeral benefit amounting to:

- (1) two basic salaries with regular benefits the police officer was entitled to while occupying his/her last post, if the costs of the funeral are incurred by the police officer;
- (2) the actual costs incurred, but not more than the amount specified in Paragraph 1, if the costs of the funeral are incurred by another person.

2. The Minister competent for internal affairs shall determine, by way of ordinance, the rules for covering the costs of a police officer's funeral from the funds of the competent police authority, and specify the death of which family members qualifies for the funeral benefit, including the types of expenditure covered as part of funeral costs and their amounts, the cases and method of calculating the amounts, the procedure for paying the funeral benefit or funeral benefit compensation upon the death of a family member, as well as the documents required for the payment to be effected.

3. If the rights to the funeral benefit referred to in Paragraph 1 coincide with the rights to the funeral benefit under separate regulations, a police officer shall be entitled to a higher benefit and, if he/she has already received a lower benefit, he/she shall be entitled to adequate compensation.

**Article 121. 1.** In the event of illness, leave, discharge from official duties, as well as in the period when a police officer is not assigned any service, he/she shall receive basic salary with regular benefits and other cash benefits he/she was entitled to while occupying his/her last post, with account taken of any changes that occurred in this period and that might have affected the right to salary and other cash benefits or their amount.



2. The Minister competent for internal affairs in consultation with the Minister competent for labour may, by way of ordinance, abolish or reduce payment of some benefits at the time of illness, compassionate leave or lack of assignment, including the types and amounts of benefits that are subject to reduction or liquidation at the time of illness, compassionate leave or lack of assignment, as well as competences of various authorities in this respect.

**Article 122.** 1. A police officer who is delegated to receive education or training at the territory of Poland shall receive salary and other benefits due.

2. The Minister competent for internal affairs shall determine, by way of ordinance, the amount of the salary and other benefits referred to in Paragraph 1, including the circumstances which qualify a police officer delegated to receive education or training for being paid a salary, the method for calculating lump sum cash equivalent to cover travel costs, as well as the rules for settlement of costs related to education or training.

3. The Minister competent for internal affairs in consultation with the Minister competent for public finances and the Minister competent for labour shall determine, by way of ordinance, the amount of salary and other cash benefits to be paid to a police officer delegated to an academy or other schools (courses) abroad, including the requirements for receiving such payments and the time when such payments are to be effected.

**Article 122a** If a police officer is delegated to work as a liaison officer at Polish diplomatic missions, his/her right to salary and other benefits shall be governed solely by regulations applicable to the employees of Polish diplomatic missions.

**Article 123.** 1. If a police officer receives remuneration provided for in the provisions on remuneration of persons holding senior state posts, he/she or members of his/her family shall receive salary and cash benefits on account of the service as set forth herein, excluding the benefits referred to in Article 72.

2. The salary and cash benefits referred to in Paragraph 1 shall be paid in the amount fixed with account taken of the remuneration the police officer received while occupying his/her last post or calculated at the rate applicable on the day of his/her dismissal from service or death.

**Article 124.** 1. In the case of a suspended police officer, 50% of his/her salary shall be withheld starting from the nearest payment date.

2. Upon termination of criminal or disciplinary proceedings which caused suspension of a police officer, the police officer shall receive the withheld portion of the salary and obligatory pay rises introduced in the period of suspension, unless he/she is convicted by way of a valid court judgment or punished with the disciplinary penalty of dismissal.

**Article 125.** 1. In the case of a police officer in provisional detention, 50% of his/her salary shall be suspended starting from the nearest payment date.

2. If the criminal proceedings are discontinued or a police officer is acquitted by way of a valid court judgment, the police officer concerned shall receive the withheld portion of his/her salary, and obligatory pay rises introduced in the period of suspension, even if discontinuance or acquittal occurs after the police officer is dismissed subject to Paragraph 3.

3. Paragraph 2 shall not apply if the criminal proceedings are discontinued as a result of statutory limitation or amnesty, or in the case of conditional discontinuance of such proceedings.

**Article 126.** 1. In the case of a police officer who has wilfully abandoned the place where he/she was to perform his/her duties, remained outside this place, or has not undertaken his/her service, his/her salary shall be withheld starting from the nearest payment date. If the police officer has already collected salary for the period of unjustified absence, a relevant portion thereof shall be deducted from his/her next salary.

2. If such absence is deemed justified, the police officer shall receive the salary withheld. In the case of unjustified absence, the police officer shall forfeit 1/30 of the monthly salary for each day of such absence.

3. Paragraphs 1 and 2 shall apply accordingly to cases of culpable inability of a police officer to perform his/her official duties.

4. A police officer whose unpaid leave begins in the middle of a calendar month shall be entitled to salary amounting to 1/30 of his/her monthly salary per each day preceding the beginning of the unpaid leave. If the police officer has already collected salary for the period of unpaid leave, a relevant portion thereof shall be deducted from his/her next salary.

**Article 127.** 1. Deductions from a salary of a police officer shall be made within the limits and in accordance with the rules laid down in the labour law and other regulations applicable to remuneration, unless otherwise stated in this Act.

2. The salary referred to in Paragraph 1 shall have the meaning of the salary referred to in Article 100, severance payment on account of dismissal and benefits specified in Articles 112 and 117, subject to Paragraph 3.

3. Severance payment shall become enforceable only for the purpose of covering outstanding alimony, subject to restrictions provided for in Paragraph 1.

**Article 128.** Article 127 (1) and (2) shall not apply to advances taken for settlement, and in particular to advances on the costs of business trips and relocations. Such amounts due shall be deducted in full from the salary, regardless of deductions made for other reasons.

**Article 129.** <sup>(113)</sup> The entitlements provided for in Article 12, 101 (2), 102, 104 (6), 105 (3), 110 (1), 112 (1), 113 and 120 (2) shall be executed by the Minister competent for internal affairs after consultation with the Police Trade Union.

**Article 130.** (deleted)

**Article 131.** 1. The provisions of Chapters 7-9 of this Act concerning police officers in preparatory service shall also apply to police officers in candidate service, with the exception of the provisions of Article 88 (2) and Article 115 (4).

2. Paragraph 1 shall apply accordingly to police officers in contract service.

## Chapter 10

### Disciplinary and criminal liability of police officers

**Article 132.** 1. A police officer shall bear disciplinary liability for disciplinary offences which consist in infringement of service discipline or non-compliance with professional ethics.

2. Any act of a police officer which consists in culpable contravention of his powers or failure to discharge duties imposed by legislation in force or by orders given by his/her superiors

authorised to do so pursuant to legislation in force shall be considered infringement of service discipline.

3. The following deeds shall be in particular considered as infringement of service discipline:

- (1) refusal to execute or failure to execute an order given by a superior or an authority which, pursuant to an agreement, is authorised to give orders to police officers, except for orders referred to in Article 58 (2);
- (2) forbearing from an official task or performing it in an incorrect way;
- (3) default of official duties or abuse of powers defined in legislation in force;
- (4) misleading a superior or another police officer if this was or might have been harmful to the service, the police officer or another person;
- (5) superior's behaviour which contributes to loosening of discipline in the organisational unit subordinate to him/her;
- (6) turning up for service after having consumed alcohol or other substance that has similar effects; consumption of alcohol or other substance that has similar effects while on duty or in facilities or on the territories belonging to the Police;
- (7) loss of service fire arms, ammunition or Police ID card,
- (8) loss of an object which was part of service equipment and which was later used by unauthorised persons to the detriment of a citizen or posed danger to public order and safety;
- (9) loss of a document which contained privileged information.

4. A police officer guilty of a disciplinary offence which is at the same time a crime, fiscal crime or fiscal offence shall bear disciplinary liability regardless of criminal liability.

**Article 132a.** A disciplinary offence shall be considered culpable if the police officer:

- (1) intends to commit this offence, i.e. wants to commit it or, having foreseen the possibility that such a deed may be committed, consents to it.
- (2) does not intend to commit such a deed but commits it as a result of not taking adequate precautions required in such circumstances, although he/she has foreseen such a possibility or could or should have foreseen it.

**Article 132b.** 1. A police officer shall bear disciplinary liability if he/she commits a disciplinary offence on his/her own or in collaboration with another person, as well as if he/she directs the process of such a deed being committed by another police officer.

2. A police officer shall bear disciplinary liability if he/she urges another police officer to commit a disciplinary offence or facilitates committing of such a deed.

3. Each of the police officers referred to in Paragraph 1 and 2 shall be liable adequately to their guilt, regardless of the liability of other persons.

**Article 133.** The function of disciplinary superior shall be fulfilled by the superior referred to in Article 32 (1) subject to Paragraphs 2 and 3. The same scope of disciplinary powers shall be vested in a police officer who has been assigned duties in the official post referred to in Article 32 (1).

2. The function of disciplinary superior of a police officer delegated to temporary service, assigned official duties, or delegated to professional training, studies in the Higher Police Training School, or vocational training in a police school or an education centre of the Police shall be fulfilled by the disciplinary superior at the place of service, training or education, with the reservation that this person is not authorised to impose punishments provided for in Article 134 (3-6), which shall be imposed by the superior referred to in Article 32 (1).

3. The function of disciplinary superior of a police officer delegated to serve abroad shall be fulfilled by the commander of the police contingent in which the police officer serves, with the reservation that this superior is not authorised to impose punishments provided for in Article 134 (3-6), which shall be imposed by the superior referred to in Article 32 (1).

4. If a police officer is transferred to another organisational unit of the Police and as a result his/her superior changes, disciplinary proceedings instituted against this police officer shall be taken over and a ruling issued in the first instance by the new disciplinary superior.

5. A police officer delegated to carry out official tasks outside the Police shall be under the disciplinary power of the superior referred to in Article 32 (1).

6. Disciplinary superior may authorise his/her deputies or other police officers from the Police organisational unit he/she heads up to handle disciplinary issues on his/her behalf within the limits specified.

7. Any doubts concerning determination of superior's competence in disciplinary issues shall be settled by a higher disciplinary superior by way of decision.

8. The function of higher disciplinary superiors in disciplinary proceedings shall be fulfilled by the following persons:

- (1) Voivodship Police Commander – for Poviats (Municipal) Police Commanders;
- (2) Metropolitan Police Commander – for Poviats (Municipal) and District Police Commanders;
- (3) Police Commander in Chief - for Voivodship Police Commanders, Metropolitan Police Commander, police school commanders and police contingent commanders.

**Article 134.** Disciplinary punishments shall include the following:

- (1) reprimand;
- (2) prohibition to leave specified location;
- (3) warning of inadequate fitness for the service in the post presently occupied;
- (4) degradation to a lower post;
- (5) rank reduction;

(6) dismissal from service.

**Article 134a.** Reprimand shall consist in disciplinary superior's pointing out to a police officer his/her improper behaviour.

**Article 134b.** 1. Prohibition to leave specified location shall mean prohibiting a police officer who serves in the barracks from leaving specified place. This punishment shall be imposed for a period from 3 to 14 days.

2. A person serving the punishment of the prohibition to leave specified location shall:

- (1) stay in his/her spare time in the Police organisational unit where he/she serves or in another place specified by his/her superior;
- (2) report to his/her superior or another designated police officer at fixed time intervals, but not more often than four times per 24-hours.

**Article 134c.** Warning of inadequate fitness for the service in the post presently occupied shall mean pointing out to a police officer his/her improper behaviour and warning him/her that next time he/she commits a disciplinary offence, he/she may be degraded to a lower post under the disciplinary procedure or punished with a more severe disciplinary punishment.

**Article 134d.** 1. Degradation to a lower post shall mean recalling or dismissing a police officer from the post occupied and appointing him/her to a lower post. If the punishment of degradation to a lower post is imposed, the entitlements referred to in Article 6a (3) and Article 103 (2) shall be revoked.

2. Before cancellation of the punishment of degradation to a lower post, the police officer concerned shall not be appointed to a higher post.

**Article 134e.** 1. Rank reduction shall mean reducing the police rank presently held by the punished police officer.

2. The punishment of rank reduction may be imposed only together with the punishment of degradation to a lower post or the punishment of dismissal.

**Article 134f.** The punishment of dismissal from service shall mean termination of the police service of the punished police officer.

**Article 134g.** 1. A police officer who has committed one disciplinary offence shall receive one disciplinary punishment.

2. A police officer who has committed several disciplinary offences shall receive one disciplinary punishment but adequately more severe.

3. Paragraphs 1 and 2 shall apply subject to Article 134e (2).

**Article 134h.** 1. The punishment imposed shall be commensurate with the disciplinary offence committed and the level of guilt, in particular it should take account of the circumstances of the disciplinary offence, its results and consequences for the service, the type and extent of infringement of duties, reasons for police officer's action, his/her behaviour before and after the disciplinary offence, and his service to date.

2. Punishment may be aggravated if the disciplinary offence has been committed:

- (1) for reasons which deserve particular condemnation; or after having consumed alcohol or another substance that has similar effects;
- (2) before cancellation of previously imposed disciplinary punishment;
- (3) with serious consequences, in particular if it caused serious disruption to the performance of police tasks or besmirched the Police's good name;
- (4) in the presence of a subordinate, in collaboration with a subordinate, or to the detriment of a subordinate.

3. Punishment may be mitigated if:

- (1) the disciplinary offence has been committed unintentionally;
- (2) the police officer has made effort to reduce its consequences;
- (3) the police officer had no due professional experience or insufficient professional skills;
- (4) the police officer has reported to his/her superior that he/she committed a disciplinary offence before the institution of disciplinary proceedings.

4. Disciplinary superior shall take into consideration the circumstances referred to in Paragraphs 1-3 only with respect to the police officer they concern.

**Article 134i.** 1. If there is justified suspicion that a police officer has committed a disciplinary offence, his/her disciplinary superior:

- (1) shall institute disciplinary proceedings;
  - (a) on his own initiative;
  - (b) at the request of the immediate superior of the police officer concerned;
  - (c) at the demand of a higher superior;
  - (d) at the demand of the court of prosecutor;
- (2) may institute disciplinary proceedings at the request of the aggrieved person.

2. Higher disciplinary superior may institute or take over disciplinary proceedings before the ruling is issued if he/she is of the opinion that it is necessary owing to the nature of the case.

3. In the case referred to in Paragraph 1 (1) (d) and Paragraph 1 (2) disciplinary superior shall notify respectively the court, prosecutor or aggrieved person about the initiation of disciplinary proceedings and the result of these proceedings by sending a copy of the ruling or decision. Materials delivered by the court, prosecutor or aggrieved person shall be included in the disciplinary proceedings records.

4. If there are any doubts as to whether the disciplinary offence has been committed, as to its legal qualification or the offender's identity, disciplinary superior shall order explanatory proceedings to be carried out before disciplinary proceedings are instituted. Explanatory proceedings shall be completed within 30 days.

5. Disciplinary proceedings shall be instituted on the day the resolution of institution of disciplinary proceedings is issued. A police officer who is the object of a resolution of institution of disciplinary proceedings shall be considered alleged offender.

6. Resolution of institution of disciplinary proceedings shall include the following:

- (1) symbol of disciplinary superior;
- (2) date of resolution's issuance;
- (3) rank, first name, surname and post of the alleged offender;
- (4) description of the disciplinary offence the alleged offender is accused of; and legal qualification of this offence;
- (5) factual justification of the disciplinary offence the alleged offender is accused of;
- (6) symbol of disciplinary spokesman who conducts the proceedings;
- (7) signature of disciplinary superior alongside the specification of his/her rank, first name and surname;
- (8) instruction on the rights the alleged offender has in the course of disciplinary proceedings.

**Article 135.** 1. Disciplinary proceedings shall not be instituted and the instituted disciplinary proceedings shall be discontinued:

- (1) if the explanatory proceedings do not confirm occurrence of a disciplinary offence,
- (2) after the terms specified in Paragraphs 4 and 5 expire,
- (3) in case of police officer's death,
- (4) if for the same case a valid disciplinary decision was issued or disciplinary proceedings are being conducted.

2. A resolution on the refusal to institute disciplinary proceedings and decision on discontinuation of disciplinary proceedings shall be delivered to the aggrieved party if the aggrieved party has applied for the institution of disciplinary proceedings. The aggrieved party is entitled to lodge a complaint or appeal against resolution on refusal to institute disciplinary

proceedings and against decision on discontinuation of disciplinary proceedings within 7 days following the day of delivery of the decisions.

3. Disciplinary proceedings shall not be instituted after the elapse of 90 days as of the day on which the disciplinary superior received a notice of disciplinary offence.

4. No disciplinary punishment may be inflicted after the elapse of one year as of the commitment of the disciplinary offence. Stay of disciplinary proceedings shall restrain the period.

5. Where the disciplinary offence entails a criminal act or act of the nature of a fiscal crime or fiscal offence, the expiry of the period specified in Paragraph 4 shall not precede expiry of the punishability limitation time for such a crime or offence.

6. Where the decision on imposing a punishment in the first instance is issued before the elapse of one year as of the day on which the disciplinary proceedings were instituted, the proceedings are deemed completed before the expiry of the deadline for lodging the appeal, and if the appeal has already been lodged, they are deemed completed at time of issuing the decision by the higher disciplinary superior.

**Article 135a.** 1. Disciplinary proceedings and explanatory proceedings, referred to in Article 134i(4) shall be conducted by a disciplinary spokesman.

2. Disciplinary superior shall appoint a disciplinary spokesman for a period of 4 years selecting them from among the regular service police officers.

3. Disciplinary superior shall appoint the disciplinary spokesman with the below listed ranks for conducting the disciplinary proceedings and explanatory proceedings, referred to in Article 134i(4).

- (1) at least junior ensign, where the proceedings concern the police office with rank in the corps of police constables, non-commissioned police officers or ensigns,
- (2) at sub-commissioner, where the proceedings concern the police office with rank of sub-commissioner, commissioner or super-commissioner or the police officer with rank referred to in Subparagraph 1,
- (3) at least sub-inspector, where the proceedings concern the police office with rank of sub-inspector or higher or the police officer with rank, referred to in Subparagraph 2,

**Article 135b.** 1. Disciplinary superior shall recall a disciplinary spokesman in the following cases:

- (1) after occurrence of circumstances which constitute the basis for dismissal of the officer from the service in Police,
- (2) where the valid disciplinary punishment has been imposed on the spokesman,
- (3) where the officer is transferred to other organisational unit of the Police which does not directly report to the disciplinary superior.

2. A disciplinary spokesman, with the approval of the disciplinary superior, may use the assistance of the other disciplinary spokesman in conducting of evidence proceedings.

**Article 135c.** 1. Disciplinary superior or disciplinary spokesman shall be subject to exclusion from the participation in the disciplinary proceedings when:

- (1) the case directly concerns the superior/spokesman,
- (2) the superior/spokesman is a spouse, kinsman or relative of the accused person or the aggrieved person within the meaning of the provisions of the Code of Criminal Proceedings,
- (3) the superior/spokesman was a witness of the act,

(4) between the superior/spokesman and the accused person or the aggrieved person there is a personal relation bringing doubts related to impartiality of the superior/spokesman.

2. Disciplinary superior and disciplinary spokesman may be excluded from the participation in disciplinary proceedings also due to other justified reasons.

3. Disciplinary superior and disciplinary spokesman shall immediately notify a competent higher disciplinary superior and disciplinary superior on circumstances which justify exclusion from the participation in disciplinary proceedings.

4. Exclusion of the disciplinary superior and disciplinary spokesman from the participation in disciplinary proceedings may also take place at the request of the accused person or the defender of the accused person, if appointed.

5. Disciplinary superior shall issue a decision on exclusion or refusal of exclusion of the disciplinary spokesman from the participation in disciplinary proceedings.

6. A higher disciplinary superior shall issue a decision to exclude or refuse to exclude the disciplinary superior from the participation in disciplinary proceedings.

**Article 135d.** 1. In case of exclusion of the disciplinary superior from the participation in disciplinary proceedings, pursuant to Article 135c (1) and (2), the disciplinary proceedings shall be taken over by the higher disciplinary superior or the higher superior shall appoint a disciplinary superior from a parallel organisational unit of the Police.

2. In case of exclusion of the Police Commander in Chief from the participation in disciplinary proceedings, pursuant to Article 135c(1) and (2), the disciplinary proceedings shall be taken over by one of the deputies of the Police Commander in Chief.

3. In case of exclusion of the disciplinary spokesman from the participation in disciplinary proceedings, pursuant to Article 135c(1) and (2), disciplinary proceedings shall be taken over by the other disciplinary spokesman appointed.

4. By the time the disciplinary superior issues a decision on exclusion, the disciplinary spokesman shall undertake only the urgent proceedings.

**Article 135e.** 1. A disciplinary spokesman shall collect the evidence and undertake the proceedings necessary for solving the case. The disciplinary spokesman, in particular, shall interrogate witnesses, accused persons, hear the statement of the accused person, and carry out examination. After conducting these actions the disciplinary spokesman shall prepare protocols. Moreover, the spokesman may order performance of proper examinations.

2. Actions other than these specified in Paragraph 1, shall be included in the protocol if required by a special provision or if disciplinary superior or disciplinary spokesman finds it necessary. In other cases it is possible to prepare only an official note.

3. A protocol shall include:

(1) symbol of actions, place and time, persons participating and present at actions and the nature of that participation,

(2) description of the course of actions,

(3) if necessary:

(a) recognition of other circumstances concerning the course of actions,

(b) declarations and conclusions of the participants of actions,

(c) instruction on rights and obligations.

4. Explanations, testimonies, declarations and conclusions and recognitions of certain circumstances by the disciplinary spokesman or the head of organisational unit of Police, referred to in Paragraph 8, shall be included in the protocol in detail and the persons participating in the



proceedings shall be entitled to request for indicating in protocol, in a great detail, of everything that concerns their rights and interests.

5. Persons participating in the proceedings included in the protocol and the persons present at the proceedings shall sign each page of the protocol after the review. Refusal to get acquainted with the content of protocol as well as refusal to sign it or lack of signature of any of the persons should be indicated in the protocol.

6. A disciplinary spokesman shall issue a resolution in the course of proceedings unless the issuance is reserved for the competent disciplinary superior.

7. The resolution issued in the course of proceedings, excluding the resolution on institution of disciplinary proceedings, should include:

- (1) symbol of the disciplinary spokesman or the disciplinary superior who issued the resolution,
- (2) date of issuance of the resolution,
- (3) legal basis for issuance of the resolution,
- (4) rank, name and post in service of the accused person,
- (5) settlement,
- (6) factual and legal justification,
- (7) instruction on the right to lodge a complaint and on the mode for lodging the complaint,
- (8) signature including rank and name of a person issuing the resolution.

8. Where the procedures are necessary to be performed outside the location in which disciplinary proceedings take place, disciplinary superior may submit a request to the head of the organisational unit of the Police, competent for the location in which the procedure is to be performed, for conducting the proceedings.

9. Where the act being a subject to disciplinary proceedings is or was a subject to a different proceedings, including the preparatory proceedings, the disciplinary superior may request a competent authority for disclosure of files of this proceedings in whole or in part. After approval of this authority, the necessary copies or extracts from the disclosed files are included to the files of disciplinary proceedings.

10. Where justified by the collected evidences, the disciplinary superior shall issue a resolution on amendment or supplement of accusations.

**Article. 135f.** 1. In the course of disciplinary proceedings the accused person shall have the right to:

- (1) refuse to give a statement,
- (2) submit a motion as to evidence,
- (3) have access to disciplinary proceedings files and to prepare notes on the basis of the files, notwithstanding Paragraph 2,
- (4) appoint a defender from among the police officers after approval of the prospective defender,
- (5) lodge complaints to disciplinary superior against resolutions issued in the course of proceedings by the disciplinary spokesman, within 3 days following the day of delivery and in cases indicated in the Act; the accused person shall be entitled to lodge a complaint concerning resolutions issued by the disciplinary superior only to the higher disciplinary superior, notwithstanding Article 165k(4).

2. A disciplinary spokesman may, by way of resolution, refuse to disclose files, if it is not in interest of the proceedings. The resolution may be subject to complaint.

3. The act of appointment of defender shall entitle the defender to act in the entire disciplinary proceedings, including the procedures after the decision enters into force, if it does not include limitations. The accused person shall immediately inform the defender and

disciplinary spokesman on the change of scope of powers allowing for acting in disciplinary proceedings or on revoke of powers.

4. Defender shall not undertake actions against the accused person. Defender may resign from representation of the accused person in the course of disciplinary proceedings, by way of notice submitted to the accused person and disciplinary spokesman. By the time the new defender is appointed, however, not longer than for 14 days following the day of notice submitted to the accused person, the defender shall undertake the necessary activities.

5. Participation of the defender in disciplinary proceedings shall not exclude the personal activity of the accused person in these proceedings.

6. Decisions, resolutions, notifications and other documents issued in the course of disciplinary proceedings shall be delivered to the accused person and the defender, if appointed. Where a letter, which may be subject to appeal or complaint, was submitted to the accused person and the defender in different terms, the deadline for lodging the appeal or complaint shall be counted from the day of the earlier delivery.

7. A motion as to evidence shall be submitted in writing by the accused person to the disciplinary spokesman, who settles whether to consider the motion or to refuse, in the course of proceedings, consideration of the motion if:

- (1) the circumstance, which is to be evidenced, is not relevant for settlement of case or has already been evidenced in accordance with the statement of the person submitting of a motion,
- (2) the evidence is not useful for recognition of the given circumstance or it is not possible to evidence it,
- (3) evidencing is illegal.

8. The resolution on non-consideration of the motion as to evidence may be subject to complaint.

9. Unjustified absence of the accused person from the service, exemption of the accused person from the service duties due to illness and unjustified failure to appear at the summons of disciplinary spokesman, shall not result in restraint of the course of proceedings, and the activities in which the participation of the accused person is foreseen shall not be performed or shall be performed in place of stay of the accused person.

10. Participation in evidence proceedings and getting acquainted with the disciplinary proceedings files of the accused person exempted from the service duties due to illness shall require approval of a medical doctor who decided on the temporal inability to perform the service. In case of lack of possibility to contact the medical doctor or in case of change of a medical doctor, the approval can be issued by a medical doctor who currently treats the accused person and, if required, the medical doctor with the same specialization.

**Article 135g.** 1. disciplinary superior and disciplinary spokesman shall examine and consider circumstances being in favour or against the accused person.

2. The accused person shall be found innocent until the guilt is proved and stated in a valid decision. Doubts which are impossible to be dispelled shall be settled in favour of the accused person.

**Article 135h.** 1. Evidence proceedings in disciplinary proceedings should be completed within one month following the institution of these proceedings. Higher disciplinary superior may, by way of resolution, prolong the term of evidence proceedings up to 2 months.

2. The Police Commander in Chief may, by way of resolution, prolong the term of evidence proceedings up to 2 months.

3. Disciplinary superior may stay disciplinary proceedings due to occurrence of long-lasting obstacle hindering the conduction of proceedings. The resolution on stay of disciplinary proceedings may be subject to complaint within 7 days following the day of delivery of the resolution. Where the disciplinary proceedings are instituted on the initiative of the aggrieved party, the complaint may also be lodged by the aggrieved party.

4. Disciplinary superior shall issue a resolution on reinstatement of the stayed disciplinary proceedings when the obstacles, referred to in Paragraph 3, cease to exist.

**Article 135i.** 1. Disciplinary spokesman shall, after performing evidence proceedings and after stating that all the circumstances relevant for the case have been clarified, disclose the disciplinary proceedings files to the accused person.

2. Defender may get acquainted with disciplinary proceedings files, referred to in Paragraph 1, not later than by the time when the accused person gets acquainted with these files.

3. The action of getting acquainted with the disciplinary proceedings files shall be subject to a protocol.

4. The refusal to get acquainted with proceedings files or to provide signature confirming such circumstances shall not result in the restraint of the proceedings. Disciplinary spokesman shall enter a note on refusal in proceedings files.

5. The accused person shall be entitled to request for a supplementation of the disciplinary proceedings files within 3 days following the day of getting acquainted with the files. The accused person shall be entitled to lodge a complaint against a resolution on refusal of supplementation of the disciplinary proceedings files issued by the disciplinary spokesman.

6. The accused person shall be entitled to request for a supplementation of the disciplinary proceedings files in the scope resulting from the performed evidence proceedings supplementing the files of these proceedings within 3 days following the day of getting acquainted with the files.

7. Disciplinary spokesman, after disclosing the files of disciplinary proceedings to the accused person, shall issue a resolution on completion of evidence proceedings and prepare a report which:

- (1) indicates a person conducting the proceedings and a disciplinary superior, who issued a resolution on the institution of disciplinary proceedings,
- (2) indicates the accused person and determines disciplinary offence of which he is accused, including description of facts determined on the basis of the evidence collected,
- (3) presents conclusions concerning the acquittal, refraining from imposing the punishment or infliction of punishment or discontinuation of proceedings.

**Article 135j.** 1. On the basis of assessment of the evidence collected in the course of proceedings, disciplinary superior shall issue a decision on:

- (1) acquittal, or
- (2) refrain from imposing the punishment, or
- (3) imposing of punishment, or
- (4) discontinuation of proceedings.

2. The decision should include:

- (1) symbol of the disciplinary superior,
- (2) date of issuing of the decision,
- (3) rank, name and post in service of the accused,

- (4) description of disciplinary offence imposed on the accused with legal qualification,
- (5) settlement on acquittal, declaration of guilt and refraining from imposing the punishment or infliction of disciplinary punishment or discontinuation of disciplinary proceedings,
- (6) factual and legal justification of the decision,
- (7) instruction on the right to lodge the appeal as well as on the deadline and mode for lodging the appeal,
- (8) signature including rank and name of disciplinary superior and the seal of organisational unit of Police.

3. Disciplinary superior shall repeal the resolution, referred to in Article 135i(7) and shall forward the files to disciplinary spokesman for supplementing, where not all of the circumstances relevant for the case have been clarified.

4. Disciplinary superior shall discontinue disciplinary proceedings in cases, referred to in Article 135(1) or where it has become irrelevant for other reasons.

5. Disciplinary superior may refrain from imposing the punishment if the extent of guilt or the extent of harm of disciplinary offence for the service is significant and the features and personal conditions of the police officer and the previous course of service justify the assumption that even if no punishment is imposed, the police officer shall observe the service discipline and principles of police officer professional ethics.

6. The decision, referred to in Paragraph 1 complete with the justification shall be prepared in writing not later than within 14 days of adopting the resolution on the completion of evidence proceedings.

7. The decision, referred to in Paragraph 1 shall be submitted to the accused person immediately.

8. Where the disciplinary superior, referred to in Article 133(2) and (3), shall find it necessary to impose the disciplinary punishment, but does not have the authority to impose such punishment, he shall forward the request in this case with the disciplinary proceedings files to the disciplinary superior authorised to imposing the punishment.

9. In case of an intention to impose the punishment in the form of dismissal from the service in Police, the disciplinary superior shall, prior to issuing the disciplinary decision, summon the accused person to report for a hearing in disciplinary proceedings. Disciplinary spokesman shall also participate in that hearing. The management of a competent unit Police officers trade union should be informed on the day and time of hearing. The representative of the management may participate in the hearing unless the accused person does not agree for his participation. The accused person is provided with the report in term allowing for getting acquainted with it before the hearing.

10. Provision of Paragraph 9 shall not apply in case of:

- (1) provisional detention of the accused person,
- (2) refusal of the accused person to appear for the hearing, or unjustified absence in the appointed date and time of the hearing,
- (3) occurrence of other obstacle preventing the accused person from appearing for the hearing within 14 days following the day of the delivery of the decision on the completion of evidence proceedings.

**Article 135k.** 1. Disciplinary proceedings are subject to the two-instance system. The accused person shall have the right to lodge an appeal against the decision issued in the first instance within 7 days following the day of the delivery of the decision.

2. The appeals shall be lodged to a higher disciplinary superior through the superior who issued the decision in the first instance.

3. The higher disciplinary superior shall refuse to accept the appeal, by way of resolution, if it has been lodged after the time limit set or by an unauthorized person or is unacceptable. The resolution in that case is final.

4. Where the decision or resolution in the first instance is issued by the Police Commander in Chief, the appeal or complaint may not be lodged. However, the accused person may submit a request to the Police Commander in Chief for reconsideration of the case within the time, referred to in Paragraph 1; provisions concerning appeals against the decision shall apply directly to the request.

**Article 135l.** 1. Recognition of case in the appeal proceedings shall take place on the basis of facts determined in the course of disciplinary proceedings. Where necessary to issue a decision, the higher disciplinary superior may supplement the evidence, by ordering the disciplinary spokesman who conducts the disciplinary proceedings, to undertake evidence proceedings, upon determining the extent thereof.

2. Disciplinary spokesman shall disclose materials collected in the course of evidence proceedings, referred to in Paragraph 1 to the accused person. The accused person shall have the right to submit remarks concerning the evidence proceedings conducted to a higher disciplinary superior within 3 days of getting acquainted with the materials. Provisions of Article 135i(1)-(4) shall apply accordingly.

**Article 135o.** 1. Decision or resolution becomes valid:

- (1) with the expiry of the time for lodging an appeal or complaint, if not lodged,
- (2) on the day of issuing the decision or resolution by the appellate authority.

2. Disciplinary superior, after the decision or resolution becomes valid, shall execute the sentenced punishment immediately. When sentencing to a punishment of the prohibition to leave specified location/quarters, disciplinary superior shall determine the time of commencement and termination of the punishment and notifies the punished police officer.

3. A superior competent for personnel, after the decision becomes valid, shall execute the punishment of warning of inadequate fitness for the service on the post held immediately.

4. Superior referred to in Paragraph 3, after the decision becomes valid, shall immediately execute the punishment of: degradation to a lower service post, reducing in rank or expulsion from the service by making a personnel order, respectively on: dismissal of the punished police officer from the post held and appointment or degradation to a lower service post, reducing in rank or expulsion of the police officer from service. The provisions of Article 134e (2) shall apply accordingly.

5. A valid decision on refraining from imposing a punishment or on punishing, as well as a valid resolution on refraining from instituting disciplinary proceedings shall be appended to the police officer's file.

**Article 135p.** 1. Within the scope not covered by the present Act, disciplinary proceedings shall be governed by the Code of Criminal Proceedings accordingly, as regards summons, deadlines, delivery and witnesses, with the exception of the possibility of imposing punishment for breach of order. In disciplinary proceedings, Article 184 of the Code of Criminal Proceedings shall not be applicable to witnesses.

2. Disciplinary spokesman shall decide on the release from the deposition or answering questions by a person remaining in a close personal relationship with the accused police officer. Refusal to release from deposition or answering questions may be subject to an appeal, which is to be lodged within 3 days of the delivery of the resolution.

**Article 135q.** 1. Cancelling a disciplinary punishment means that the punishment shall be considered null and void.

2. Disciplinary punishments shall be cancelled after:

- (1) 6 months of the day, when the decision on imposing the punishment of reprimand or punishment of the prohibition to leave specified location/quarters becomes valid,
- (2) 12 months of the day, when the decision on imposing the punishment of warning of inadequate fitness for the service on the post held becomes valid,
- (3) 18 months of the day, when the decision on imposing the punishment of degradation to a lower service post becomes valid,

3. In case of impeccable duty stated in the performance evaluation, disciplinary superior referred to in Article 32 (1), may cancel a disciplinary measure before the elapse of the time specified in Paragraph 2, however not earlier than:

- (1) 3 months of the decision on imposing the punishment of reprimand or punishment of the prohibition to leave specified location/quarters,
- (2) 6 months of the decision on imposing the punishment of warning of inadequate fitness for the service on the post,
- (3) 12 months of the decision on imposing the punishment of degradation to a lower service post.

4. For presenting exceptional courage and for significant success in the performance of duties, disciplinary superior referred to in Article 32 (1) may at any time cancel a disciplinary punishment.

5. If a police officer is punished for the second time before a disciplinary punishment is cancelled, the period required for cancelling of a punishment, which has not been exercised yet shall run anew as of the day of the decision on imposing the new punishment.

6. If a police officer serves more than one punishment, these punishments shall be cancelled as on the elapse of the time for the more severe punishment.

7. Cancelling a disciplinary punishment results in the removal of the decision to impose a punishment from the personal file of the police officer. Decision on refraining from imposing a punishment shall be removed from personal files after 6 months of the day of the decision becoming valid, provisions of Paragraphs 3 and 4 shall apply accordingly.

**Article 135r.** 1. Disciplinary proceedings, which have been closed under a valid decision, shall be re-instituted, when:

- (1) evidence, which constituted grounds for the establishment of circumstances important for the case, has proven to be false,
- (2) circumstances of particular importance for the case, which have not been known during disciplinary proceedings have been disclosed,
- (3) decision has been issued under the violation of provisions in force, if it could have had any influence on the decision,
- (4) decision has been issued basing on other decision or resolution of the court, which have been repealed or changed.

2. Disciplinary proceedings shall be re-instituted upon request of the accused police officer, or in case of his/her death, upon request of a family member eligible for police family pension, if as a result of a decision of the Constitutional Tribunal, a provision, which constituted the grounds for the disciplinary decision, lost its power or was changed.

3. In cases referred to in Paragraph 2, the request to re-institute proceedings shall be lodged within one month of the decision of the Constitutional Tribunal coming into force.

4. Disciplinary proceedings shall not be re-instituted for the disadvantage of the punished police officer after the elapse of the punishability time of the disciplinary offence.

5. Disciplinary proceedings shall not be re-instituted after the elapse of 5 years of the decision becoming valid.

6. Disciplinary superior, who issued a valid disciplinary decision, shall re-institute the disciplinary proceedings ex-officio or upon request of the punished or accused police officer, or in case of his/her death, upon request of a family member eligible for police family pension. The fact, that the disciplinary proceedings are re-instituted ex-officio shall be notified to the punished or accused police officer, or in case of his/her death, to a family member eligible for police family pension.

7. The request to re-institute disciplinary proceedings shall be lodged to the disciplinary superior, who issued the decision in the first instance within 30 days of the accused person coming to knowledge of the circumstances constituting the grounds for re-instituting the proceedings.

8. If the cause for re-instituting proceedings is the activity of the disciplinary superior referred to in Paragraph 6, higher disciplinary superior shall be responsible for re-instituting proceedings.

9. The punished police officer or family member eligible for police family pension referred to in Paragraph 6, may lodge a complaint against the decision to refuse re-instituting disciplinary proceedings within 7 days of the delivery of that refusal, whereas in cases, where the decision has been issued by the Police Commander in Chief, within that time, the interested parties may only lodge a request for reconsideration of the case.

**Article 135s.** 1. After re-instituting disciplinary proceedings, evidence proceedings shall be commenced, but limited only to the causes for re-instituting the proceedings, and after the completion thereof, appropriate for established facts, a decision shall be made:

- (1) to repeal the previous decision and to acquit punished police officer or discontinue proceedings, or
- (2) to change the previous decision and impose a different disciplinary punishment, or
- (3) to refuse to repeal the previous decision.

2. Change of the previous decision and imposing a different disciplinary measure may not take place after the elapse of the punishability time of the disciplinary offence.

3. Decision to impose a more severe punishment than before is possible only when the re-instatement effects ex-officio and the punishment imposed is strikingly disproportionate to the disciplinary offence committed.

4. If, as a result of the re-instatement of proceedings, a more lenient punishment is imposed, the effects of the previous punishment shall be repealed, and of a more severe punishment is imposed, its execution shall start on the day it is imposed.

5. The punished or accused police officer or family member eligible for police family pension, may lodge an appeal or complaint against the decision or resolution taken in the course of re-instituted disciplinary proceedings to higher disciplinary superior within 7 days of the

delivery thereof, whereas in cases, where the decision or resolution has been issued by the Police Commander in Chief, within that time, the interested parties may only lodge a request for reconsideration of the case. The provisions of Article 135n (4)-(6) shall apply accordingly.

6. The period for cancelling of the punishment changed as a result of re-instituted proceedings shall run as of the day of the decision imposing a new punishment becoming valid. The period for the cancellation, which has elapsed from the date of the previous decision becoming valid shall be included for the period of cancellation of the new punishment.

**Article 135m.** 1. Higher disciplinary superior, within 7 days of lodging an appeal may appoint a commission to examine and investigate the decision appealed against, hereinafter referred to as "commission". If an appeal is made from the decision on imposing a punishment referred to in Article 134 (4)-(6), higher disciplinary superior shall be obliged to appoint the commission.

2. The commission shall consist of three senior police officers in regular service, of which two are designated by the higher disciplinary superior, and one by Voivodship board of the Police union, notwithstanding Paragraph 3.

3. Higher disciplinary superior shall be notified of the designation of the representative of Police union to the commission by the president of the board of the Voivodship Police union within 3 days of the delivery of the notification of the appointment of such commission. If a representative of Police union is not designated, the third member of the commission shall be designated by the higher disciplinary superior.

4. Higher disciplinary superior shall appoint the president from among the members of the commission.

5. Provisions of Article 135c (1)-(3) shall apply to the members of the commission accordingly.

6. The commission may hear the disciplinary spokesman, the accused police officer or his defender.

7. Non-appearance of the disciplinary spokesman, the accused police officer or his defender, who have been properly notified, shall not result in the discontinuance of the examination of the case.

8. Commission may apply to the higher disciplinary superior to complement the evidence in accordance with Article 135l (1).

**Article 135n.** 1. On the grounds of actions taken, the commission shall develop a report complete with a notion referring to the resolution of the appeal.

2. The commission shall present the higher disciplinary superior with the report referred to in Paragraph 1, within 21 days of the appointment of the commission.

3. The decision regarding the appeal shall be taken by the higher disciplinary superior shall effect within 14 days of the receipt of the appeal, and in case of the appointment of the commission – within 7 days of the receipt of the report referred to in Paragraph 1.

4. Higher disciplinary superior may:

- (1) sustain the decision appealed against,
- (2) repeal the decision appealed against in whole or in part and within that scope acquit the accused police officer, refrain from imposing the punishment or impose a different punishment, or, by repealing the decision – discontinue disciplinary proceedings in the first instance, or



(3) repeal the decision appealed against in whole and direct the case for re-consideration by the disciplinary superior, where the resolution of the case requires undertaking evidence proceedings in whole or to a large extent.

5. Appeal proceedings shall be discontinued if an appeal is withdrawn.

6. In the appeal proceedings, the higher disciplinary superior may not impose a more severe disciplinary punishment, unless the decision appealed against significantly violates the law or the interest of the service.

**Article 136.** (deleted).

**Article 137.** (deleted).

**Article 138.** A police officer may lodge a complaint against the decision or resolution terminating disciplinary proceedings to the administrative court.

**Article 139.** The Minister competent for internal affairs shall specify, by way of ordinance, detailed procedure for activities related to disciplinary proceedings against police officers, including document flow related to disciplinary proceedings, correction of textual and accounting errors and other evident mistakes, and shall specify model decisions and other documents developed during disciplinary proceedings, taking into account the efficiency of those proceedings.

implementing acts

court decisions

**Article 140.** (repealed).

**Article 141.** (repealed).

**Article 141a.** Provisions of Article 115 Paragraph 18 and Articles 318 and 344 of Penal Code shall apply to police officers accordingly.

**Article 142-144** (repealed).

**Article 144a.** Duly authorised person, who takes actions referred to in Article 19a Paragraphs 1 and 2 does not commit a crime. The same refers to a person who takes actions referred to in Article 19b Paragraph 1.

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**Article 145** (repealed).

## **Chapter 10a**

### **Police Quota Designated for Assignments Abroad**

**Article 145a.** 1. A police officer may be assigned to work out of the country as part of the responsibilities specified in Article 1 Paragraph 2 Subparagraph 7 and Paragraph 3, in a police quota selected to take part in

- (1) peace-keeping missions,
- (2) assignments aimed at preventing acts of terror or humanitarian assignments,
- (3) rescue, search or humanitarian efforts,
- (4) training and police exercise ,
- (5) representative operations.

2. Assignment to work abroad and extending the assignment in cases specified in Paragraph 1 Subparagraphs 1 and 2 shall require the written consent of the police officer

**Article 145b. 1.** The appointment and dissolution of a police quota shall be the decision of:

- (1) Council of Ministers - by way of resolution, in case, referred to in Article 145a Paragraph 1 Subparagraph 1,
- (2) Minister competent for internal affairs - by way of order, in cases referred to in Article 145a Paragraph 1 Subparagraphs 2 and 3,
- (3) The Police Commander in Chief - by way of decision, in cases, referred to in Article 145a Paragraph 1 Subparagraphs 4 and 5.

2. The resolution, order or decision, referred to in Paragraph 1, shall specify, in particular :

- (1) the name and size of the quota and how long it will stay abroad,
- (2) the purpose for sending the quota, the scope of activities and area of operations,
- (3) system of control and command and the body of the international organisation that the quota will report to during the operation,
- (4) bodies of government administration responsible for the co-operation with the management bodies of the appropriate international organisation in controlling the operations of the quota on assignment abroad,
- (5) the weapons and special measures and equipment provided to the quota,
- (6) the routes and time of transit.

**Article 145c. 1.** The police quota may include police staff, subject to paragraph 2.

2. To ensure that certain posts are filled by persons with specialist qualifications, those may be employed under the Labour Code provisions.

**Article 145d. 1.** When on the territory of a foreign state, police officers and police staff within a police quota shall be subject to disciplinary and order-keeping regulations of the Republic of Poland.

2. Persons, referred to in Paragraph 1, shall abide by the law of the receiving state and international law that is binding on the Republic of Poland .

**Article 145e. 1.** While on assignment in a police quota abroad, a police officer shall receive base pay, benefits and other cash benefits payable in the recent service post, including any changes that may have taken place during that time thus affecting the amount of salary and other benefits.

2. A police officer specified in Paragraph 1 may receive extra benefits, travel benefits and other cash benefits in connection with the assignment paid in Polish or foreign currencies .

**Article 145f.** The Council of Ministers shall determine, by way of ordinance:

- (1) the rules for receiving the benefits, the currency and the amounts of the benefits referred to in Article 145e Paragraph 2, including the types and scope in light of the risks occurring, the strain or place of service and the police officer's function; ,

- (2) the rights and obligations of police officers on assignment abroad, including the conditions and procedures of assignment, cases of earlier termination of the assignment and extending the time of the assignment, and the superiors competent for these matters,
- (3) detailed rules for employing and remunerating staff referred to in Article 145c in police quotas, including the provisions of the labour law and the specifics of work in a police quota working abroad, in particular the right to the international mission benefit, travel allowances and other cash benefits in connection with the assignment, including compensatory benefits under separate Acts ,
- (4) the conditions for the payment of medical treatment benefits referred to in Article 42 Paragraph 2 of the Act of 27 August 2004 on medical treatment financed from the public resources (Dz.U. No. 210, item 2135, as amended) to police officers and police staff referred to in Article 145c as a result of injuries, which occurred during their service abroad, as well as procedure and manner of financing the costs, taking into account principles and rules for public resources expenditure,
- (5) detailed rules and procedures of funding and the operations of a police quota, including the equipment and transit, including the regulations on public finance.

**Article 145g** 1. The expenses incurred by police quota abroad shall be covered by the state budget from the part managed by the Minister competent for internal affairs.

2. When no funds have been provided for in the budget of the Minister competent for internal affairs and administration, these shall be provided by the Council of Ministers.

## **Chapter 11**

### **Transitional and final provisions**

**Article 146** 1. The Civic Militia shall be dissolved upon the establishment of the Police.

2. The Minister of Interior shall hand over any and all documents, property and job posts that have been so far at the disposal of the Civic Militia, to the newly established central agencies, in accordance with their powers.

3. In voivodships where the division of movable and immovable property referred to in Paragraph 2 between the Police and the Office of State Protection might incur especially high costs or technical difficulties, such property shall be taken over by the Police units that will render services for the Office of State Protection for the period up to one year.

4. The Minister of Interior, by way of ordinance, shall determine the principles of gradual handing over of powers and property referred to in Paragraph 2 to the units of the Police and the Office of State Protection.

**Article 147** 1. The Minister of Interior shall organise the Police within three months of the present Act coming into force.

2. Once the Police has been organised, the offices of internal affairs shall be dissolved.

**Article 148** 1. The passport departments formerly operating in the Voivodship offices of internal affairs shall continue to operate in Voivodship Police Headquarters under the direct supervision of the Minister of Interior, until passport-related issues are transferred to the jurisdiction of voivods.

2. The powers to issue decisions in passport matters specified in the Passport Act of 17 June 1959 (Dz.U. of 1967 No. 17, item 81, as amended) and vested in agencies under jurisdiction of the Minister of Interior shall be vested in managers of passport departments, until passport issues are transferred to the jurisdiction of Voivods.

3. The Voivodship Police Commanders shall provide such units with financial services, premises and supplies. Any expenses incurred in respect thereof shall be reimbursed from the funds of the Ministry of Interior.

**Article 149.** 1. Once the Civic Militia has been dissolved, its employees shall become police officers.

2. The provision of Paragraph 1 shall not apply to those employees of the Civic Militia who had worked in the Security Service until 31 July 1989 .

3. The Minister of Interior shall award police ranks to police officers within three months as of the present Act coming into force; up to that date, police officers shall retain their former ranks of the Civic Militia .

**Article 150.** 1. The former employees of the Civic Militia or the Security Service who commence the service relationship with the Police or are employed in the organisational units under the jurisdiction of the Minister of Interior, shall duly retain the continuity of service or employment.

2. With regard to a specially qualified officer who holds a post in the health service reporting to the Minister of Interior, the Minister of Interior may extend the time of applying police regulations on employment and the resulting rights and obligations and the retirement regulations for police officers and their families until 31 December 1991 at the latest.

**Article 151.** 1. Employees who were dismissed from the service in the Civic Militia and who fail to commence any service or employment in any organisational units under jurisdiction of the Minister of Interior, shall retain the rights provided for employee dismissed from the service on the basis of Article 41, Paragraph 2, Subparagraph 5, unless they acquired the right to be dismissed from the service on more favourable terms.

2. Employees referred to in Paragraph 1 shall acquire the right to the salary differential referred to in the Act on special rules for terminating the employment relationship with employees for reasons due to the employing institution and amendment of certain acts, of 28 December 1989 (Dz. U. of 1990 No 4, item 19 as amended).

3. Any expenses related to disbursement of the salary differential to such officers shall be covered from the funds of the Ministry of Interior.

**Article 152.** Membership of any police officers in any political parties they used to belong to shall be annulled as of the day of the present Act coming into force.

**Article 153.** Whenever regulations mention the “Civic Militia” and “employees of the Civic Militia”, it should be understood as the “Police” and “ police officers”.

**Article 154.** The Trade Unions Act of 8 October 1982 (Dz.U. of 1985 No. 54, item 277 as amended) shall be amended to read as follows: (changes omitted).

**Article 155.** The Mandatory Military Service Act November 21, 1967 (Dz.U. of 1988 No. 30, item 207 as amended) shall be amended to read as follows: (changes omitted).

**Article 156.** Until 31 December 1990, the Minister of Interior, in cooperation with the Minister of National Defence, shall review any and all current organisational and mobilisation assignments to the units under the jurisdiction of the Minister of Interior, providing for the requirement set forth in Article 181, Paragraph 2 of the Act referred to in Article 155 .

**Article 157.** 1. The Act of 31 July 1985 on the Security Service and the Civic Militia of the People's Republic of Poland (Dz. U. of 1985 No 38, item 181, as amended) shall vacated in the part referring to the Civic Militia.

2. Until implementing provisions are adopted as provided for in this Act previous provisions shall remain in force, provided that they are not contrary to this Act, however not longer than for one year.

3. Provisions of Article 75 shall be in force until the adoption of a different regulation for organisational rules, operation and financing of health care system.

**Article 158.** The Act comes into force on the day of its publication.