Organised crime in Poland

The signs of organised crime, which appeared in the written form, first came to light after the World War II, when Polish institutions were re-established. However, it should be noted that then Polish authorities tended to marginalise the problem. This was due to the fact that political crimes became more engaging and they were the main focus of interest. There are references suggesting that the political system of the Polish People’s Republic (PRL) contributed to the increase in economic crime. This resulted in large losses for business entities. They began to deal with this phenomenon after 1989. Then real organised crime began to take its toll. This period was associated with many changes in the social and party-political system. It functions in history as a period of political transformation.  

The multi-market economy led to an increase in crime, created a fertile soil not only for entrepreneurship, resourcefulness, initiatives, but also for criminals. The first years of the political breakthrough revealed a  

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huge increase in alcohol smuggling in Poland. There were very high fiscal burdens for legally imported alcohol in the country, which gave criminals room for action. There were also other illegal practices, such as drugs, theft, human trafficking and murders. The fight against the mafia had to be undertaken, starting with some system actions. A decision was taken to establish in Poland a unit fighting the most dangerous criminals, based on the American FBI model. On April 15, 2000, the Central Bureau of Investigation at the National Police Headquarters was established. Economic crime started to grow as legal loopholes were well exploited. Criminal groups wanted to seize the moment, they also knew what kind of methods to use to make quick profits.

The country’s accession to the European Union on May 1, 2004 also had a significant impact on the development of organised crime in Poland. As a consequence, Poles could travel around the Member States within the Schengen area. It provided ideal conditions for the rise of new international criminal groups, dealing with drug trafficking, human trafficking and many other crimes. The opening of Poland’s borders caused an increase in corruption among customs guards, and the problem increased in mid-2005.\(^4\) Due to a large increase in tobacco prices, crime in cigarette smuggling and the establishment of all types of illegal factories increased. This applied to both tobacco products and alcoholic beverages. Poland was perceived as a country producing these goods as well as a transit country for these goods. Undoubtedly, in addition to the illegal production, supply and smuggling of alcohol and cigarettes, there were other criminal acts combined with smuggling, document forgery or all types of customs and fiscal offences.

Strengthening departmental and international cooperation became a major challenge for Poland. An inter-ministerial group was established to fight with fuel crime. It should be highlighted that the Central Bureau of Investigation (CBŚ) confiscated assets exceeding PLN 1.5 billion. It is known that in 2007 the CBŚ, observing 348 criminal groups, cracked down on 179 of them.\(^5\)

It was 2007 that became the year when the best crime detection rate was recorded. Since 1990, the year when the police were established, the number of burglaries, extortion, forgery, rape and all kinds of economic crimes has been decreasing steadily.\(^6\) On the other hand, murders, car thefts, assaults and fights have increased. The top “most dangerous cities” at that time were: Katowice, Wrocław, Kraków and Opole, while Białystok was the safest.\(^7\)

Contemporary organised crime groups operate mainly in the economic, political and hedonistic sphere, i.e. of a sexual nature. In general, it is


\(^5\) Raczkowski K, Narkotyki..., op. cit., p. 41.

\(^6\) Act of 6 April on the Police, DzU 1990 No. 30 item 179.

\(^7\) Komenda Główna Policji, Przestępczość Kryminalna w miastach wojewódzkich, Warsaw, 2008.
very dangerous due to the fact that groups operate very effectively, have various means, are strong and have a lot of influence. Due to the fact that Poland is a transit country for international criminal groups, drug trafficking and refugee smuggling are currently common criminal activities. Additional threats arise from the fact that foreigners move freely. Some people migrating to Poland do not assimilate; foreigners often form closed groups and the development of closed immigrant communities in Poland contributes to the growth of criminal risks. 8

Another field where more and more threats appear is cyberspace, currently one of the basic channels for information exchange. Frequently, crimes committed over the Internet have an international character, as this happens thanks to a loose network structure. Economic crime seems to be the most attractive for criminals in cyberspace. The most important threat is gathering personal data via the Internet, which allows criminals to use other people’s bank accounts. A similar risk is the theft of credit card numbers, which allows for identity theft. Obviously, dangerous arms dealing is also conducted over the Internet. Intellectual property is also stolen, and tax-evasive sales are carried out. Crimes involving electronic technology have been reported for a long time. In addition, it is worth highlighting that pornography or the sale of drugs also happen on the Internet. 9 The opportunities for raising money with the use of the Internet are plentiful, but more importantly, they offer a relatively high degree of anonymity.

Illegal income constitutes the main problem of contemporary crime in Poland, closely connected with the current criminal situation and the grey economy. The most important threats of organised crime in Poland include: 10
— criminal offences - robbery, murder, arms dealing, trafficking in human beings, drug production and trafficking, car theft, burglary, blackmail;
— economic crimes - fraud and forgery (customs, tax, stock exchange, credit, pyramid scheme, shadow banking systems, computer crimes, piracy, eavesdropping, sabotage, destruction of information, hacking), espionage and unfair competition (aggressive intelligence related to economic, technological, commercial, financial, scientific and military activities).

Polish organised crime has certain characteristic features, such as the constant improvement of operating methods, the search for legal loopholes and the internationalisation of crime. Polish criminal groups are very active, moreover, they operate on many different grounds. What distinguishes them is that they undertake any profitable activity, not just focusing on one particular area. 11

Another characteristic feature of the Polish crime is the ease of legalising income, called money laundering. In addition, corruption of

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9 Ibid., pp. 106-107.
11 Zubrzycki W, Przez PZ... op. cit., p. 45.
government officials is frequent and very popular in Poland. Criminals skilfully identify so-called weak points. The weak points can be exploited to force law enforcement agencies to cooperate. Such actions effectively paralyse the state apparatus, which is unable to function properly and administer justice because of the corruption involved.12

One of the typologies of criminal groups operating in Poland divides them into four groups, which include:13

— gang groups, usually a dozen or so members with one leader, having a limited scope of activity;
— pseudo-mafia groups of a dozen to several hundred members. They have a hierarchical structure, internal subordination and strictly defined principles of profit distribution, sometimes bringing together smaller groups;
— groups of a national character whose main characteristics are strictness, ruthlessness, a hermetic approach and brutality;
— so-called “white collar organisations” dealing exclusively with economic crimes, strongly associated with legal institutions and political groups.

The organisational structure of criminal groups in Poland has general criteria which include: range of activity, ethnic composition, scope of activity, position of the leader or of several persons.14

The relevant literature indicates four areas which are the most popular in terms of the scope of crime in recent years in Poland, and these are:15 economic and drug-related crime, advanced criminal activity and corruption.

Drug trafficking is an example of a crime committed by organised crime groups. The very long evolution of this crime has brought the substances to the present day, where they are almost universally used. The following terms are used in the literature: drugs, narcotics, psychotropic substances and psychoactive substances. The common term is drugs.16 The change in the economic situation caused that the distribution of drugs in Poland has become profitable since the beginning of the 90s.17 In addition, in 1997 there was a change in regulations, temporary ambiguities arose regarding drug offences, specifically regarding supply and trafficking - the complexities guaranteed almost impunity for criminals. The new Act of April 24, 1997 on Counteracting Drug Addiction18 was passed by the Sejm by an overwhelming majority of votes with cross-party support.

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15 Zubrzycki W, Przez PZ... op. cit., p. 92.
18 DzU of 1997, No. 75, item 468.
The law penalised the possession of any quantity of an illegal psychoactive substance, however, it introduced a provision stating that the possession of an insignificant amount for personal use could only result in confiscation of the substance. The waiver of the penalty was obligatory and depended on the decision of the prosecutor’s office or the court. Unfortunately, illegal drug trafficking and the related problem of drug abuse have become a global social problem. Nowadays, drugs are available everywhere - both traffickers and smugglers have succeeded in making drugs such as cocaine, heroin and cannabis available in every part of the world. In addition, they are combined with crime, violence and corruption.

Combatting and reducing drug-related crime is a very important issue. It should be treated as a priority political objective all over the world. It should be acknowledged that the issue of drug-related crime is very high on the European policy agenda. The European Union has a specific anti-drug strategy that deals with all kinds of activities and the methodology of social security measures applied.

Another area of activity of organised crime groups is human trafficking, which is the fastest growing criminal form of activity. The term trafficking in human beings is used interchangeably and it involves recruitment, transport, handing over, capturing or taking somebody hostage by force or threat. Undoubtedly, this is a criminal activity that is a big business and is constantly growing. The victims are most often women and children. This problem is evident all over the world, and it seems that people are being trafficked regardless of their age and gender. Human trafficking is a very serious crime which must be prosecuted and punishable. The legal regulation which addresses this phenomenon is the penal code.

In Poland, trafficking in human beings has been mainly controlled by organised groups, which employ citizens from other countries, mainly from the East (e.g. Russia, Bulgaria), but also from Turkey or Germany. It should be emphasised that the fight against human trafficking, as a complex process of broad international scope, cannot be limited only to actions taken within the framework of the European Union countries. The European Commission cooperates closely with numerous international organisations, mainly with the United Nations and the Council of Europe.

Another equally dangerous area of activity for organised crime groups is arms trafficking. Generally speaking, arms trafficking is combined with terrorist activities. Contrary to a common belief, terrorism is not a separate ideology or philosophy, nor is it a separate international phenomenon.

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20 „An insignificant amount” was not specified, however, this provision was intended to give flexibility but, in practice, posed a problem for the police and prosecutors and, as a result, was deleted three years later.
In fact, terrorism is a specific modus operandi - a means that can be used to achieve any political goal. In general, all terrorists and extremists use firearms to intimidate and kill. As a consequence, huge numbers of firearms are trafficked, usually through theft or illegal import from third countries. In the fight against the constantly growing phenomenon of illegal arms trafficking, the actions taken were based on the following priorities:24

- maximum protection of the legal firearms market (this mainly concerns civilian firearms; this objective can be achieved by introducing and applying new EU standards with regard to the types of firearms, marking, and issuing gun permits to the authorised persons);
- necessary standards for the possession and safe storage of firearms (this will help to prevent firearms from entering the illegal market);
- continuous observation of criminal markets by means of joint cross-border operations (this includes customs, border guards and police, the application of common procedures, common regulations or the level of criminal penalties);
- improving the flow of information on crime, the transactions and the training for the proper institutions and officers.

Money laundering is another area of activity for organised crime groups. Criminal groups conduct criminal activities in a variety of ways. Their activities cover many profitable areas, such as trafficking, fraud and counterfeiting. The main assumption of the mafia is to achieve maximum financial benefits quickly in order to conceal the illegal income arising from smuggling, trafficking or fraud. Criminals seek to have their assets sold off, and they need a legitimate business to do so. In general, money laundering is one of the most difficult activities to be detected in organised crime. Detection is not easy because the entire financial-economic sphere has numerous opportunities to launder money. In this respect, various measures need to be applied in every financial institution. This should be reflected in a continuous risk analysis, as the possibility of money laundering is high. As far as the financial sector is concerned, nowadays there are many security measures, among them: identification and checking the identity of customers, obtaining information on the objectives, ongoing monitoring of the business relations with the customer.25

Poland has a major problem with money laundering. We can see that the scale of this phenomenon is still growing. This is because the Polish legal system has major inaccuracies, loopholes, poor controls and a high level of privatisation. As a result of the fact that Poland has opened up to foreign investments, large amounts of dirty money are deposited and invested in the country. The system for preventing and combating money laundering requires the cooperation of various institutions. These

25 Ibid., p. 95.
include: General Inspector of Financial Information, foreign financial intelligence units, cooperating units, supervisory bodies and institutions, Internal Security Agency, Police, Intelligence Agency, tax and customs control authorities, Military Information Services, prosecutor’s office, courts.

There is also the phenomenon of corruption, which is the main problem relating to the honesty of officials. Unfortunately, this social phenomenon can be observed since the beginning of time, ever since the state was formed. Generally speaking, corruption is understood as accepting or demanding financial or personal benefits from an official of a state or local government institution in exchange for performing an official action or breaking a law. This results in mutual benefits, both for the official and the customer. Unfortunately, corruption incurs huge economic and social costs. The most common corrupt activities include bribery or kickbacks, individual use of budget funds and public assets for private or personal gain and various types of paid patronage. Trading in influence is well known and an ideal example of it is gaining support in elections. This also includes any irregularities relating to public procurement or court decisions favourable to criminals. Activities related to evading customs and tax obligations are serious offences. Other minor forms of corruption can be favouritism, nepotism or cronyism.

The losses as a direct consequence of corruption are, of course, gigantic, but what is more distressing for society is the strong breach of trust in the law and in the authorities of each state, resulting in a general feeling of insecurity. The most important moral principles, namely responsibility, honesty and loyalty, are lost. At the same time corruption is difficult to detect and even more difficult to prove because both sides try to cover up their actions. Additionally, the social acceptance of this phenomenon has a negative impact.

Robberies and extortion are another example of the activity of organised criminal groups. Robbery consists in taking someone else’s property using one of three methods. These may be: direct use of violence, use of threats of violence or make a person defenceless, vulnerable or unconscious. Robbery developed most rapidly in the 1990s. At that time banks were most at risk, followed by various types of convoys, post offices, exchange offices, petrol stations and large wholesalers. These crimes took the form of extortion, racketeering, robberies and assaults. While committing the latter, perpetrators are often aggressive or show lack of self-control. More and more frequently robberies are committed under the influence of alcohol and drugs. As a general rule, the perpetrators are stronger and outnumber the victim. Robberies account for a large proportion of criminal offences and increase fear and anxiety in the community.

27 Ibid., pp. 195-196.
Summary

Are there effective methods for combatting organised crime? When you consider how easy it is for organised crime groups to operate, you might think that there is no country in the world that is well-protected against organised crime.

However, there are methods to control this negative phenomenon effectively. First of all, these are legal regulations, which should be designed in such a way as to prevent criminals from making free use of illegally acquired profits. All regulations and legal standards, whether commercial, fiscal or customs, should be clearly and transparently defined, and should leave no room for interpretation. The active cooperation of all authorities, from local, national to international levels, is of great importance.

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**Summary:** Organised crime, in view of its nature, is very dangerous, and its extensive structure not only in Poland, but all over the world causes a great threat to ordinary people. In Poland, the main service established to fight crime, including organised crime, is the police. The fight against organised crime (of an economic, drug, criminal, terrorism-related nature, including cross-border crime) is handled by the police organisational unit set up in 2000 - the Central Bureau of Investigation. The purpose of the article is to present the police as a competent service in the field of recognising, combatting and preventing organised crime.