

AGNIESZKA SADŁO-NOWAK¹

ORCID: 0000-0001-6252-6161

DYNAMICS AND STRUCTURE OF OFFENCES AND THE WAYS THE POLICE RESPOND TO REVEALED CRIMES

One of the main tasks of public administration bodies, which are instituted, among others, to meet the social expectations, is to maintain a high level of order, public order and security of citizens. It is the duty of the state to ensure the sense of security of citizens, inter alia, by initiating and organising activities aimed at preventing offences and preventing any criminogenic and pathological phenomena. For proper implementation of this objective, it is important to create a coherent algorithm of activities of all entities operating in the area of counteracting various types of threats.

The theory and practice connected with the misdemeanours law – broadly understood – point to a number of key problems, which result particularly from the specific nature of the misdemeanours law, which on the one hand remains a special category of the criminal law sensu largo, while on the other hand – often coinciding with the norms of the

¹ Since 2006, Lieut.-Col. Agnieszka Sadło-Nowak PhD. has worked at the Police Academy in Szczytno, currently serving as Deputy Dean of the Faculty of Security and Legal Studies at the Police Academy. A graduate of law studies at the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin, the Military University of Police and the Warsaw School of Social Sciences and Humanities. In 2012, at the Faculty of Law and Administration of the University of Warmia and Mazury in Olsztyn, she was awarded the academic degree of Doctor of Law. Author of over 100 Polish and foreign publications (monographs, chapters in monographs, articles in periodicals, commentaries to codes and academic textbooks) in the field of law and proceedings in criminal cases, criminal law and criminal executive law. Her scientific and research work focuses mainly on misdemeanour procedure, which also involves participation in numerous scientific conferences at the national and international level. Participant of national and international training and professional development courses. Multiple Erasmus+ scholarship holder.

Contact with the author through the editorial office.

administrative law. The misdemeanour law is currently a dynamically changing field. However, the aetiology of these changes is not homogeneous. Some of the amendments to the substantive law on offences originated from the need to implement European Union directives into the Polish legal system, while others resulted from the need to update the norms of this law to the changing conditions of social life and changing reality.

The modifications of the procedural law of misdemeanours, which have been made in recent years, result mainly from the postulates to guarantee the basic rights of the participants of explanatory activities and parties involved in the misdemeanour proceedings. The manner in which police officers react to offences detected in the course of their official tasks, which constitute an important induction detail for the citizens' sense of security, is also of considerable importance in relation to these citizens with regard to the rule of law in general². Respect and appreciation of the citizens for both the legal norms of the state and the generally accepted social norms is of strategic value for the public order policy. Despite the properly formed conviction, the number of offences is increasing year by year. At the same time, the reaction of institutions, which are by law responsible for combating and counteracting offences, is unfortunately often at the level of routine. It may seem that one of the reasons of social and partly institutional disregard for the problem of offences is the lack of knowledge and evaluation of the real state of risk. A detailed picture of the structure of offences in our country cannot be established. There are no nationwide statistics of offences which would make it possible to genuinely diagnose the scale of the threat posed not only to society, but also to internal security³.

Taking into consideration the fact that there are many authorities responsible for the detection of offences and prosecution of their perpetrators, as these are the tasks included in the acts defining their activities – and as indicated above, the scale of the overall threat of offences is not known due to the lack of a collective compilation of data of all these authorities – this article will only discuss the activities of the Police which constitute a reaction to offences.

When we talk about the safety of people, it is the police that first comes to mind. It is a uniformed and armed formation serving the public

² Tatarkiewicz Cz, Poblążliwość policjantów wobec ujawnianych wykroczeń i ich sprawców. Kilka uwag nad szkodliwością braku odpowiedniej reakcji funkcjonariuszy na czyny kształtujące poczucie bezpieczeństwa obywateli i ich szacunek dla praworządności [in:] Nowicka I, Sadło-Nowak A, (Eds), *Współczesne problemy wykroczeń*. Szczytno, 2013, p. 435.

³ Dziubek I, Lekceważenie obowiązujących norm prawnych — problem społeczny, karny czy resortowy? [in:] Nowicka I, Sadło-Nowak A, Tunia A, (Eds), *Współdziałanie organów bezpieczeństwa i porządku publicznego w zakresie wykrywania wykroczeń i ścigania ich sprawców*. Lublin, 2012, p. 271.

and intended to protect people's safety and maintain public security and order. Its basic tasks include: protection of human life and health and property against unlawful attacks violating these goods, protection of public security and order. Another task is to initiate and organise activities aimed at preventing offences and criminogenic phenomena and to cooperate in this respect with state and local government authorities and social organisations.

In scientific studies describing a wide range of tasks which have been assigned to the police, it is pointed out that the police play a significant role in the process of applying the law, especially in proceedings concerning offences⁴. At the same time, the Act on the Police, as well as the Code of Conduct in Offence Cases⁵ unambiguously indicate that it is the Police that is the fundamental body for detecting and prosecuting offenders, authorised to perform this task.

The police have a dual role in proceedings involving misdemeanours. At the pre-trial stage, *i.e.* the investigation stage, and thus the detection of offences, it is a procedural body (prosecuting body), whereas at the trial stage it is an active procedural party, playing the role of a public prosecutor, appearing before the court against the defendant on behalf of the public interest.

Thus, the police in misdemeanour cases perform the following functions⁶:

- is an authority undertaking explanatory actions on its own,
- it is an authority with the power to impose fines,
- is an authority entitled to detain a person,
- it is the main public prosecutor, as well as the body carrying out the instructions of the court and, in certain situations, of the public prosecutor⁷.

The misdemeanour law, as well as the criminal law, should manifest its intervention role in social life only in the final situation⁸.

The reaction to offences must, therefore, be adequate to the degree of social harmfulness of the act in question. Hence, misdemeanour proceedings have two principles, which are characteristic only of these

⁴ Eichstaedt K, *Rola Policji w postępowaniu w sprawach o wykroczenia*. p. 2, *Electronic source*: <http://isp.policja.pl/download/12/663/K_Eichstaedt_Rola_policji_w_postepowaniu_w_sprawach_o_wykroczenia.pdf>, accessed: 16.05.21.

⁵ Ustawa z 24 sierpnia 2001 — Kodeks postępowania w sprawach o wykroczenia (consolidated text: Dz.U., 2021, item 457 as amended).

⁶ Gałązka M, *Przepisy ogólne* [in:] Nowicka I, (Ed.), *Komentarz do Zarządzenia nr 323 KGP z dnia 26 marca 2008r. w sprawie metodyki wykonywania przez Policję czynności administracyjno-porządkowych w zakresie wykrywania wykroczeń oraz ścigania ich sprawców*. Szczytno, 2009, p. 7.

⁷ Eichstaedt K, *Rola...*, *op.cit.*, p. 3.

⁸ Bafia J, Egierska D, Śmietanka I, *Kodeks Wykroczeń. Komentarz*. Warsaw, 1980, p. 89.

proceedings. The first and foremost principle of misdemeanour proceedings is the principle of purposefulness, also known as the principle of opportunism, which is opposed to the principle of legalism found in criminal proceedings.

This rule is addressed to the procedural authorities, and according to it, the authorised entity, taking into account the specific offence and the offender's attitude to the act, assesses whether in this particular case:

- to stop at applying non-penalty measures [measures of educational influence (Article 41 of the Code of Penal Procedure) or measures of social influence (Article 39(4) of the Code of Penal Procedure)],
- impose a fine by means of a penalty notice (Art. 95–102 of the Code of Criminal Procedure),
- apply for a punishment to the court (Art. 57 of the Code of Criminal Procedure).

This principle requires further consideration on which of the listed response measures should be applied and which would be appropriate in a given situation. However, the regulations do not regulate how and by what criteria the situation should be assessed. The second principle which is characteristic for proceedings concerning offences, namely the principle of preference for non-custodial measures, will be helpful here.

According to this principle, measures of non-custodial impact should have priority over penalties and punitive measures if there is a positive prediction about the offender. Such measures can be applied if there is a conviction that if they are stopped, it will be a sufficient reaction to the offence and will make the offender comply with the law (respect the law and observe the rules of social coexistence)⁹.

Effective prevention and combating of detected offences therefore requires ongoing analysis of available statistical data, the data, as already mentioned, resulting from the statistics kept by the Police. This article will compare data from 2019 with data from 2020.

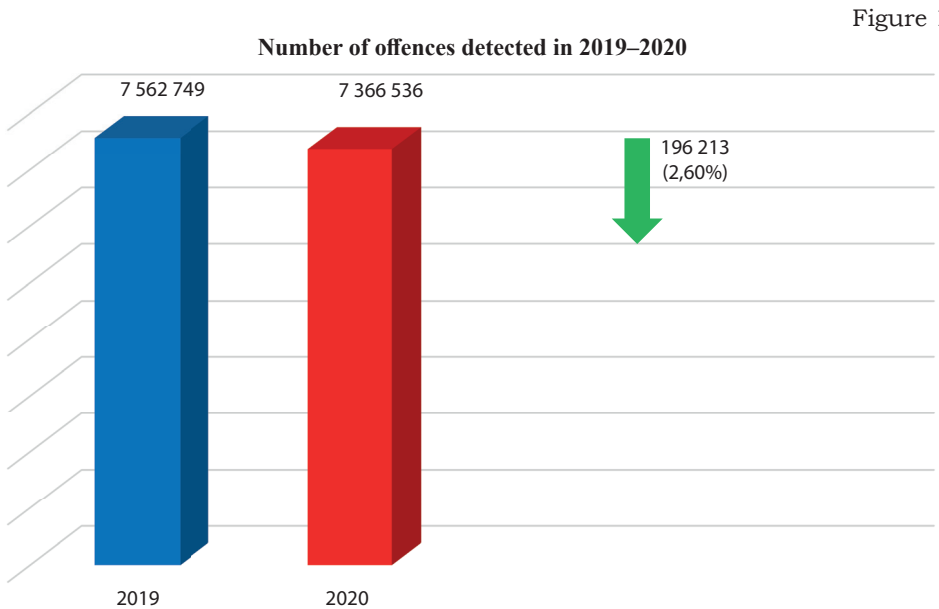
Conducting such analyses allows to diagnose threats and trends, and consequently to implement appropriate countermeasures effectively preventing threats. Eliminating possible threats will result in strengthening the sense of security among the society, while predicting phenomena or events leads to the development of organisational solutions aimed at maintaining the desired state of security both at the local and national level. A high level of professional training of police officers, including an effective and appropriate response to offences, results in satisfactory results in preventing and combating offences¹⁰.

⁹ Sadło-Nowak A, *Zasada oportunisty w postępowaniu w sprawach o wykroczenia* [in:] Dudzik B, Kosowski J, Nowikowski I, (Eds), *Zasada legalizmu w procesie karnym*. Lublin, 2015, pp. 395–396.

¹⁰ Introduction to the statistical data sent by the Police Headquarters by letter l.dz. 418/21 of 2 February 2021.

The analysis of the data we have on offences committed between 1 January and 31 December 2020 allows us to conclude that there was a decrease in the number of such offences in the aforementioned period in relation to the same period in 2019, the question is whether there was an actual decrease in the offences committed or just a decrease in the detections.

In 2020, there were 7,366,536 offences detected, which is a decrease of 2.60% in comparison to 2019. The decreasing trend is illustrated in Figure 1.



Source: statistical data of the National Police Headquarters (hereinafter: KGP)

The structure of detected offences in 2020 is presented in Figure 2, while the scale of the threat of offences in individual categories, against the total number of offences in the examined period, is presented in Table 1.

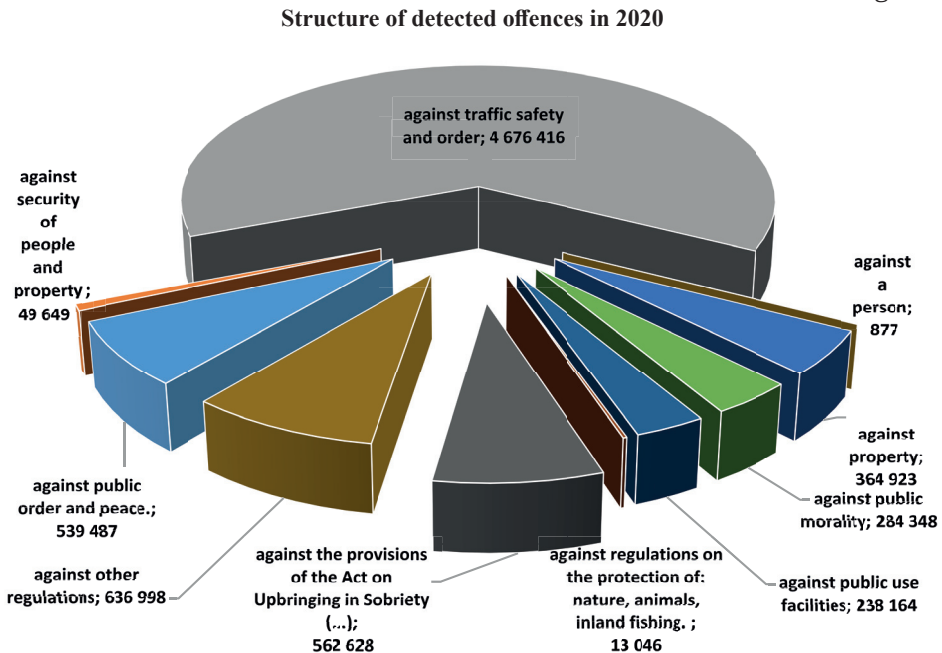
Table 1

Offences in particular categories detected in 2019–2020

Offences against	2019		2020	
	number of detected offences	% share in the total number of detected offences	number of detected offences	% share in the total number of detected offences
public order and peace	335 632	4,43	539 487	7,32
security of people and property	42 825	0,56	49 649	0,67
traffic safety and order	5 318 943	70,33	4 676 416	63,48
person	750	0,009	877	0,01
property	377 883	4,99	364 923	4,95
public morality	290 945	3,85	284 348	3,86
public use facilities	251 252	3,32	238 164	3,23
regulations on: environment protection, protection of animals, inland fishing	14 580	0,19	13 046	0,18
regulations of the Act on Upbringin in Sobriety (...)	664 318	8,78	562 628	7,64
other regulations	265 621	3,51	636 998	8,65
total /dynamics/	7 562 749	106,28	7 366 536	97,40
total except for offences against safety and order in traffic /dynamics/	2 243 806	103,15	2 690 120	119,89

Source: KGP statistics

Figure 2



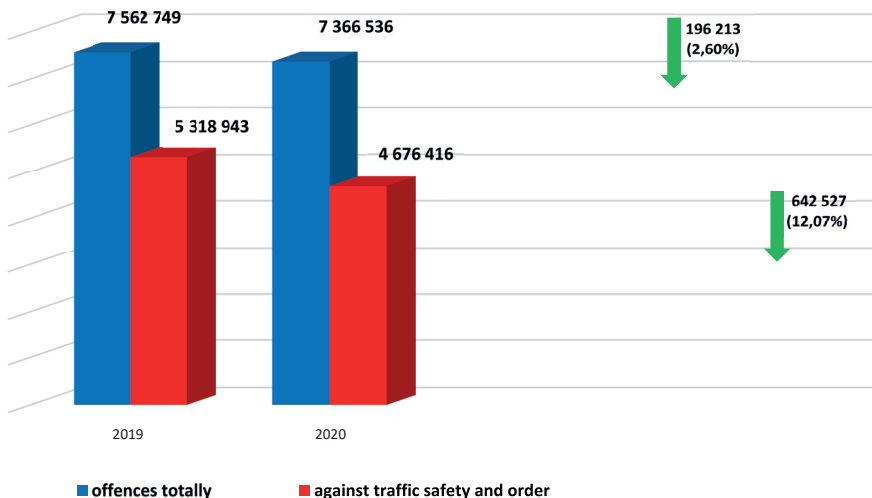
Source: KGP statistics

Taking into account the data presented, it can be inferred that offences against traffic safety and order dominated in 2020. However, considering 2019, their number was lower, and so was the percentage share of these offences in the total number of detected offences. There was also a decreasing trend in offences against: property (4.95%); public morality (3.86%); public use facilities (3.23%); environmental protection, animal protection and inland fishing regulations (0.18%) or the provisions of the Act on Upbringing in Sobriety (7.64%). An increase in the percentage share in the total number of detected offences was observed in the categories of offences against: public order and peace (7.32%), other regulations (8.65%), safety of people and property (0.67%) and a person (0.01%). This is particularly noticeable in the first two of these categories, where there was an increase of 2.87 percentage points and 5.12 percentage points respectively. In 2020, compared to 2019, there was a decrease of 12.07% in the number of detected offences against traffic safety and order.

Figure 3 illustrates the dynamics and structure of offences recorded in this category over 2019–2020.

Figure 3

Offences against traffic safety and order compared to total offences detected in 2019–2020

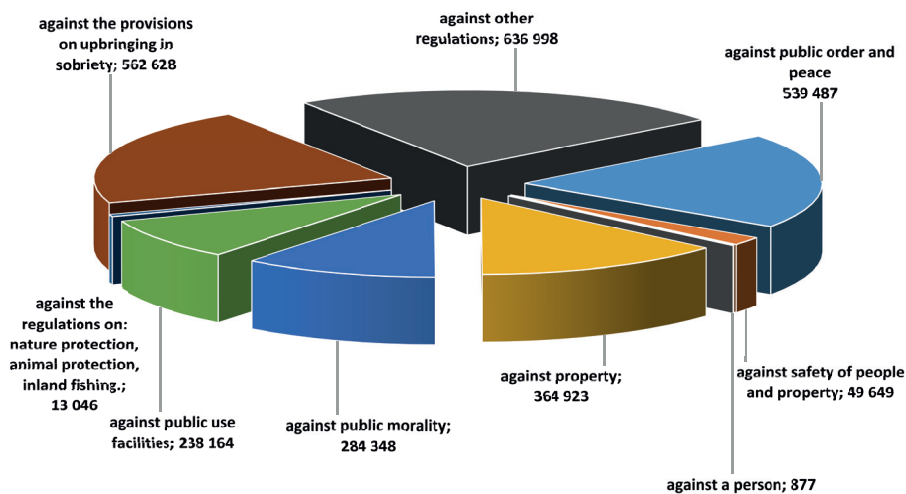


Source: KGP statistics

Since the number of detected offences, directed against the safety and order in traffic, has a significant share in the total number of revealed offences, in order to properly illustrate the scale of the phenomenon and the direction of the Police activity outside the traffic area, Figure 4 illustrates the proportions between individual categories of detected offences in 2020.

Figure 4

Structure of offences detected in 2020 (excluding acts against traffic safety and order)



Source: KGP statistics

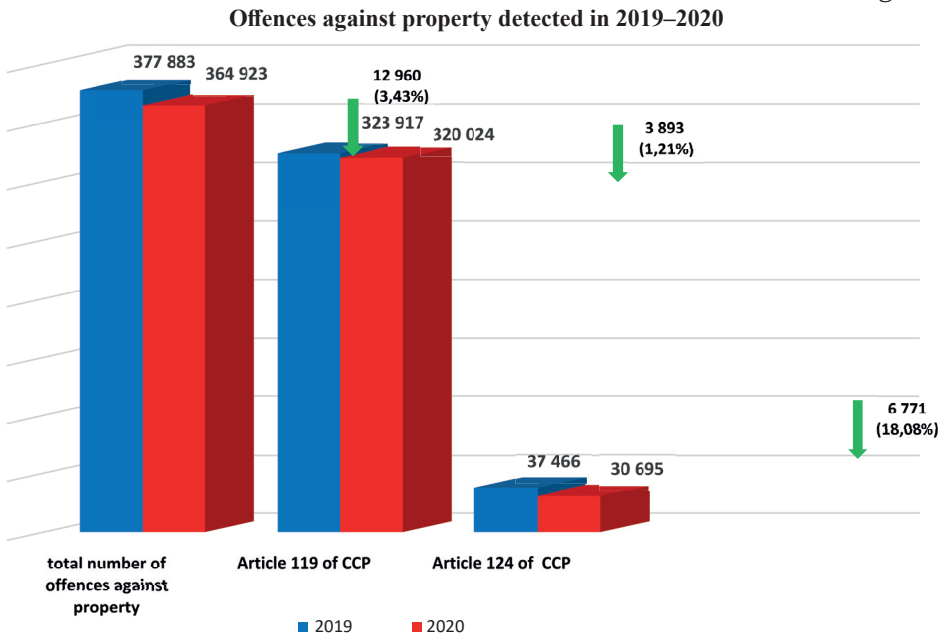
Without taking into account offences against traffic safety and order, in terms of their number, the following categories were dominated by offences against other regulations (23.68%), provisions of the Act on Upbringing in Sobriety and Counteracting Alcoholism (20.91%), public order and peace (20.05%), property (13.56%), public morality (10.57%), public use facilities (8.85%), safety of people and property (1.84%), provisions on: nature protection, animal protection, inland fishing (0.48%) and against the person (0.033%).

Taking into account the structure of offences indicated above, for many years definitely the most numerous categories include offences punishable under the Act on Upbringing in Sobriety and Counteracting Alcoholism, which in 2020 constituted 20.91% of all offences of this type detected. Nevertheless, in the assessed period there was a decrease in them in relation to 2019 by 15.31%. The four other categories of offences where there was a decrease over the period under study include offences against: property, public morality, public use facilities, regulations on: protection of nature, protection of animals, inland fishing.

The category of offences against property – despite the decrease – is the fourth largest category, as it accounts for 13.56% of all the offences of this type revealed in 2020.

Figure 5 shows the dynamics and structure of offences recorded in this category in 2019–2020.

Figure 5



Source: KGP statistics

In the presented category of offences, the vast majority are offences punishable under the Article 119 of the Penal Code, *i.e.* theft and theft of property, which constitute 87.69% of all offences against property, and the dynamics in 2020 compared to 2019 amounted to 98.79%. Offences described in Article 124 of the Penal Code, *i.e.* damage to property, constitute 8.41% of the total offences against property, while their dynamics was 81.92%.

In 2020, the most numerous category among detected offences (excluding offences against road traffic safety) were offences against other regulations, which amounted to 23.68%, with dynamics of 239.81%. The next category of offences in which a significant increase was recorded were offences against public order and peace (dynamics 160.73%).

An increasing tendency in the number of disclosed offences was also observed in the category of offences against: the safety of people and property (dynamics 115.93%) and a person (dynamics 116.93%).

In conclusion, in the structure of all offences detected in 2020, offences against traffic safety and order constituted the dominant category, which may result from proper implementation of tasks aimed at increasing the level of road traffic safety.

The second largest group in the structure of all offences revealed in the examined period were offences against other regulations.

It should be noted that both these categories constitute 72.13% of the total number of offences detected in 2020.

The most frequently used form of reaction to offences, similarly to the previous years, was the mandate procedure – imposing a fine by means of a penalty notice.

The fine procedure is the most simplified procedure in misdemeanour proceedings. It allows for settling the case on the spot where the offence was committed, or in justified cases, after carrying out activities to the necessary extent, and thus it reduces the burden on competent jurisdiction bodies, as it takes place without the participation of courts. This procedure, due to its immediate reaction to offences, also fulfils an important preventive and educational function.

However, the following principles are not implemented in these proceedings: adversarial, contradictory and principles directly related to court proceedings, there is no division of procedural functions here, and in these proceedings functions are accumulated in one body. The proceedings are of a substitute nature, they are conditional proceedings, as the consent of the offender to accept a fine is required. Issuing a penalty notice allows the case to be dealt with quickly. A great role is played here by the promptness and economy of the proceedings.

In 2020, police officers imposed a fine via a penalty ticket in 3,891,026 cases – 52.82%, an increase of 2.50% compared to 2019. In the previous year, *i.e.* 2019, police officers completed their response to an offence in this way in 3,793,667 cases. Thus, the dynamic was 102.56%.

Most penalty notices were imposed for offences against traffic safety and order, which is understandable considering the fact that they

constitute a dominant category of revealed offences in general. The dynamics in this area amounted to 96.10%.

An equally important category of offences for which fines were imposed were acts against the provisions of the Act on Upbringing in Sobriety and Counteracting Alcoholism. A dynamics of 93.84% was recorded in this area (in 2019 – 290,093 penalties) (in 2020 – 272,234 penalties).

Taking into account the analysed data, it can be concluded that the downward tendency in the number of detected offences (dynamics 97.40%) is not reflected in the number of imposed penalties, since the dynamics of the number of penalties imposed in 2020 amounted to 102.56%.

The reason for the general increase in the number of imposed penalties may be associated with the change in the manner of responding to identified violations.

The second most frequent form of reaction to offences used by police officers is the use of non-penal measures resulting from Article 41 of the Code of Criminal Procedure.

The measures of educational influence include, in particular:

- cautioning, by indicating to the perpetrator of the offence the inconsistency of his/her behaviour with the regulations in force, indicating these regulations;
- reminding or warning the offender, simultaneously threatening him/her with punishment in case of repeating the offence.

Educational measures can also be the ones of other nature, as long as they are not of a repressive, rather of an educational nature.

The provision of article 41 of the Code of Criminal Procedure, as opposed to article 39 § 4 of the Code of Criminal Procedure, does not indicate the objectives or any conditions which would make the application of these measures conditional. The provision of article 41 of the Code of Criminal Procedure states “...the clearest expression of the above-mentioned principle of preference for non-penal measures of influence. It is addressed to bodies entitled to submit requests for punishment, first of all to public prosecutors (including the Police) as well as state and social institutions”¹¹.

The use of non-penal measures is determined by the circumstances of the individual case and the purpose they are intended to serve, namely their educational impact.

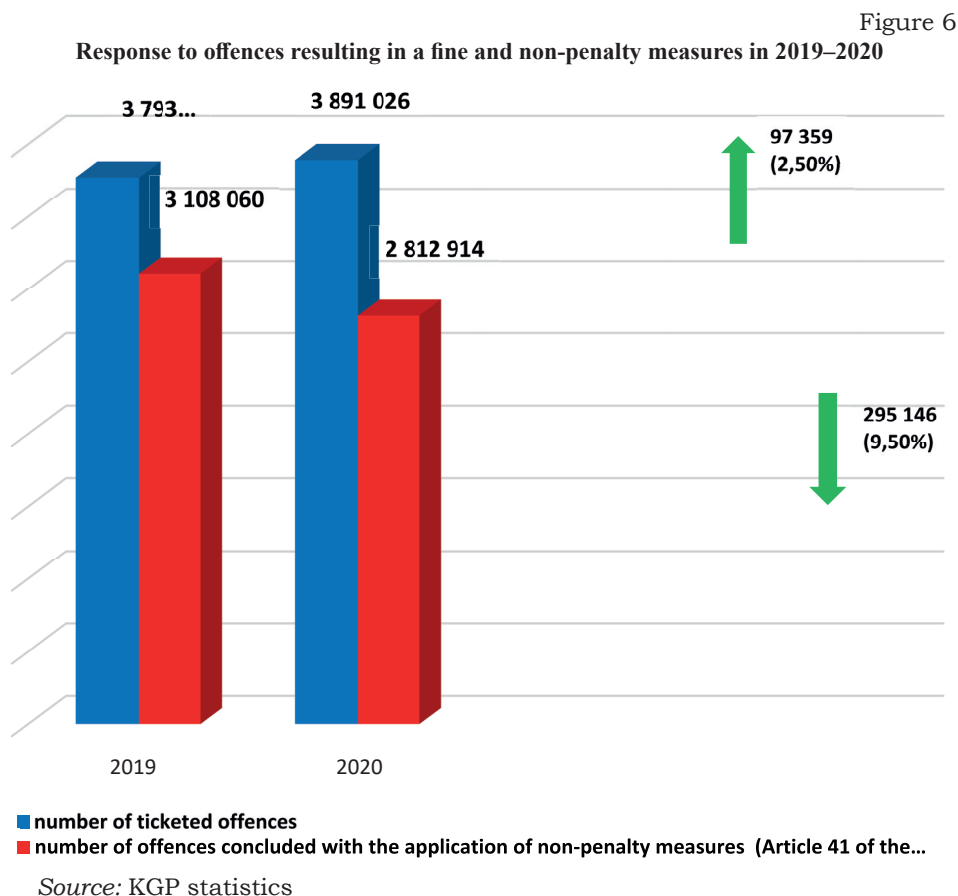
The use of educational impact measures, as a form of a response to offences, decreased by 9.50%, since in 2020, there were 2,812,914 responses to offences completed in this way, accounting for 38.18% of all offences detected, while in the corresponding period (2019) there were 3,108,060 offences. Thus, the dynamics amounted to 90.50%.

Taking into consideration the available data it should be stated that definitely the largest number of measures provided in Article 41 of the Code of Criminal Procedure were applied in the case of offences against traffic safety and order – 54.48% (1 532 707 “cautions”), as well as against

¹¹ Bojarski M, Radecki W, Kodeks wykroczeń. Komentarz. Warsaw, 2000, p. 204 ff.

other regulations – 11.53% (324 466), against public order and peace – 11.27% (317 179) and provisions of the Act on Upbringing in Sobriety and Counteracting Alcoholism – 9.79% (275 664) of the total number of cases solved in this way. The following categories, as far as the number of “cautions” is concerned, are offences against: public morality – 6.14% and public use facilities – 5.66%.

The overall trends in the response to offences which concluded with the imposition of a penalty notice and the application of non-penalty measures in 2019–2020 are shown in Figure 6.



On the basis of the data presented, it can be observed that in 2020 the number of responses to offences which have been fined by means of a penalty ticket has increased, while the number of offences in which a measure of non-penalty has been applied to the perpetrators has decreased.

The number of responses to offences which resulted in issuing a fine and applying non-penalty measures in selected categories of offences in 2019–2020 is shown in Table 2.

Table 2

Penalty notices and non-penalty measures in selected categories of offences in 2019–2020

Offences against	2019		2020	
	penalty notices	cautions	penalty notices	cautions
public order and peace	85 563	216 742	163 116	317 179
traffic safety and order	3 014 242	2 021 707	2 896 971	1 532 707
The provisions of the the Act on Upbringing in Sobriety (...)	290 093	362 219	272 234	275 664
property	132 977	9 581	142 795	7 199
public morality	92 185	179 899	88 303	172 954
public use facilities	73 245	169 275	68 419	159 486
other regulations	87 816	138 792	236 891	324 466

Source: KGP statistics

Based on the data presented, it should be concluded that in 2020 (in relation to 2019) the increase in the number of imposed fines occurred in the case of offences against public order and peace and against property, while the largest increase was recorded in the category against other regulations.

In the case of the applied measures of non-penalty impact, it should be indicated that there was an increase in the number of such responses to offences in the category of offences against public order and peace and in the category against other regulations, while there was a decrease in the number of these measures in all remaining categories analysed.

The third way to respond to the detected offences is to submit a motion for punishment to the court. In accordance with Article 57(1) of the Code of Criminal Procedure, the basis for instituting proceedings is a motion for punishment submitted both by the body authorised to act as a public prosecutor in a given case and by the aggrieved party in cases specified in Article 27(1–2) of the Code of Criminal Procedure. The motion for a penalty specifies the framework of the accusation, both subjective and objective (as to the defendant and his/her charges), which means that the court may rule only on the acts indicated in the motion for a penalty. The accusation cannot be extended to other acts committed by the same defendant, if they were not charged in the motion for punishment, as well as to other persons, who cooperated with the defendant in committing the alleged act, if no motion for punishment was filed against them.

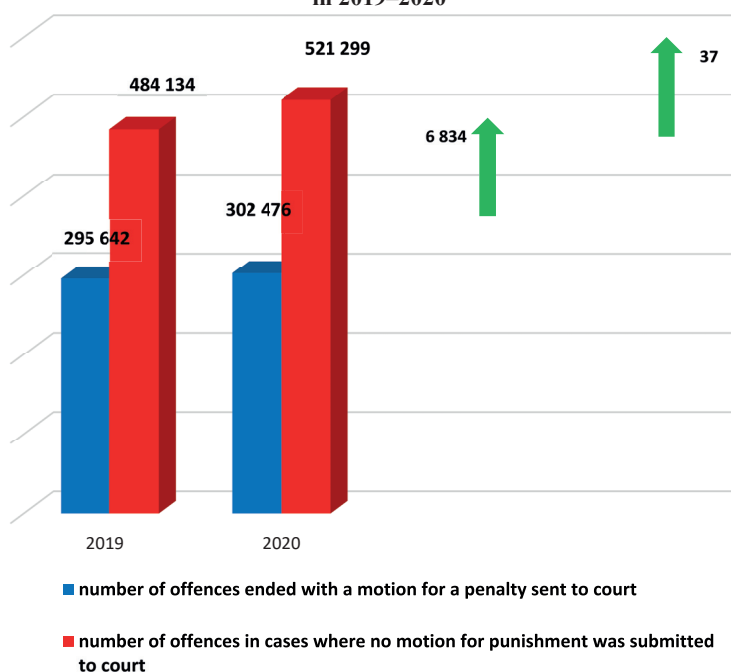
It is possible to submit one motion for punishment for accomplices, but not for aiders and abettors – in their case separate motions for punishment must be drawn up. Filing of a motion for a punishment imposes a number of actions, so that the motion complies with formal requirements. An

officer should secure evidence for the motion, which will make it possible to proceed with the case in court. In terms of a motion for penalty, the public prosecutors are faced with greater requirements than other citizens because as the bodies of public order, they are empowered with authority over the citizens, as well as with the assumption that these bodies should know the law. It should be borne in mind, however, that the aim of the explanatory proceedings is not to explain the case comprehensively, but only (one of the three aims) – to collect evidence providing grounds for submitting a motion for penalty.

The public prosecutor is obliged to notify the identified aggrieved party of sending the motion for punishment to the court, indicating the court, to which the motion has been sent, while the aggrieved party, pursuant to Article 26(3) of the Code of Criminal Procedure, has the right to join the accusation as an auxiliary prosecutor within 7 days from the notification, of which he/she should be instructed¹².

Figure 7 shows the number of responses to offences that resulted in motions to court and the number of offences in cases where no motions to court were brought in 2019–2020.

Figure 7
Number of responses to offences resulting in a motion for punishment to court and cases in which, after initial investigation, no motion for punishment to court was submitted in 2019–2020



Source: KGP statistical data

¹² Sadło-Nowak A, Komentarz do art. 54 [in:] Sakowicz A, (Ed.), Kodeks postępowania w sprawach o wykroczenia. Komentarz. Warsaw, 2020, pp. 340–341.

On the basis of the presented data it should be stated that in 2020 there was an increase both in the number of reactions to offences in which a motion for punishment was submitted to the court and in the number of offences in cases where no such a motion was submitted – a withdrawal was prepared. The percentage share of the number of offences ended with a motion to punish to the court in relation to the total number of detected offences was 4.1%, while in cases where no motion to punish was filed – 7.07%. In 2020, there was a decrease in the number of motions for punishment sent to court for offences against property. In 2020, there were 56,548 motions, while in 2019. there were 64 936 ones. Simultaneously, there was a decrease in the number of non-penalty measures applied against offenders, from 9 589 in 2019 to 7 199 in 2020, respectively. These trends are presented in Table 3.

Table 3

Number of responses to offences against property ending with a motion for punishment to court or application of Article 41 of the Code of Criminal Procedure in 2019–2020

Type of offence	2019		2020	
	motions for penalties	cautions	motions for penalties	cautions
Article 119 of the Code of Criminal Procedure.	52 511	8 157	46 281	6 173
Article 124 of the Code of Criminal Procedure.	6 812	336	5 617	231
Against property in total	64 936	9 581	56 548	7 199

Source: KGP statistics

Table 4

Percentage summary of the use of individual measures against offenders in 2019–2020 in selected offence categories

Offences against	2019			2020		
	penalty notices	cautions	penalty requests	penalty notices	cautions	penalty requests
public order and peace	25,49	64,58	6,38	30,23	58,79	7,87
traffic safety and order	56,66	38,00	2,71	61,95	32,77	2,58
The provisions of the Act on Upbringing in Sobriety (...)	43,66	54,52	1,65	48,38	48,99	2,42
property	35,19	2,53	17,18	39,13	1,97	15,49
public morality	31,68	61,83	5,61	31,05	60,82	7,14
public use facilities	29,15	67,37	2,07	28,73	66,96	2,64
other regulations	33,06	52,25	8,57	37,18	50,93	5,29

Source: KGP statistics

The data presented in Table 4 show that in 2020, apart from offences against traffic safety and order and property, in all the categories mentioned, the predominant method of responding to offences was the application of measures of non-penalty impact, which would seem to indicate a softening of the punishment policy towards offenders. A fine issued in a form of a penalty ticket dominated as a means of reaction to offences against traffic safety and order – 61.95% and against the provisions of the Act on Upbringing in Sobriety and Counteracting Alcoholism – 48.38%. However, a motion to punish was the dominant form of reaction to offences against property – 15.49%. The next categories with the highest percentage of cases ended with a motion to prosecute are offences against public order and peace – 7.87% and public morality – 7.14%.

The changes that the Polish Police underwent in the process of administrative reform brought its activities closer to the tasks of local administration, especially when it comes to preventing crimes and offences. In this area, the Police are supposed to be an instrument for providing the local community with a sense of security and public order¹³.

Paragraph 2 of Article 1 of the Police Act¹⁴ specifies that the basic tasks of the Police include: initiating and organising activities aimed at preventing the committing of crimes, offences as well as criminogenic phenomena and cooperating in this respect with state and local government bodies and social organisations, also detecting crimes and offences and prosecuting their perpetrators.

One of the tasks of the Police is then to react to committed offences. An exceptionally important element is the policy of combating offences, which should be oriented on the conscious enforcement of the law carried out by the institutions established for this purpose. The policy of combating offences should determine a formal police response to offences by defining the subject of the response, *i.e.* legal norms, in which the police are obliged to react without delay and obligatory counteraction¹⁵.

Proper functioning of police officers, no matter how it may look like, is a direct condition for the actual exercising of public and private rights by citizens. Public confidence in the police as well as the effective conduct of activities required by law in order to detect and apply the appropriate means of reaction to an offence require from police officers the utmost diligence in carrying out their duties. It also seems necessary, for the effectiveness of preventive and prophylactic activities, to create a common system of accounting for offences, so as to learn their true scale, as far as possible, taking into account the fact that competences of some entities authorised to detect and prosecute offences coincide.

¹³ Letkiewicz A, Kierunki i metody doskonalenia organizacji pracy Policji. Rzeszów, 2007, p. 227.

¹⁴ Ustawa z 6 kwietnia 1990 r. o Policji (consolidated text: Dz.U., 2020, item 360 as amended).

¹⁵ Gierszewski J, Reakcja Policji na wykroczenia — istotny element porządku publicznego czy realizacja służebnej roli wobec społeczeństwa? [in:] Nowicka I, Sadło-Nowak A, (Eds), Współczesne problemy wykroczeń. Szczytno, 2013, p. 451.

References

1. Bafia J, Egierska D, Śmietanka I, Kodeks Wykroczeń. Komentarz. Warszawa, 1980.
2. Bojarski M, Radecki W, Kodeks wykroczeń. Komentarz. Warszawa, 2000.
3. Dziubek I, Lekceważenie obowiązujących norm prawnych — problem społeczny, karny czy resortowy? [in:] Nowicka I, Sadło-Nowak A, Tunia A, (Eds), Współdziałanie organów bezpieczeństwa i porządku publicznego w zakresie wykrywania wykroczeń i ścigania ich sprawców. Lublin, 2012.
4. Eichstaedt K, Rola Policji w postępowaniu w sprawach o wykroczenia. *Electronic source*: <http://isp.policja.pl/download/12/663/K_Eichstaedt_Rola_policji_w_postepowaniu_w_sprawach_o_wykroczenia.pdf>, accessed: 16.05.2021.
5. Gałązka M, Przepisy ogólne [in:] Nowicka I, (Ed.), Komentarz do Zarządzenia nr 323 KGP z dnia 26 marca 2008 w sprawie metodyki wykonywania przez Policję czynności administracyjno-porządkowych w zakresie wykrywania wykroczeń oraz ścigania ich sprawców. Szczytno, 2009.
6. Gierszewski J, Reakcja Policji na wykroczenia — istotny element porządku publicznego czy realizacja służebnej roli wobec społeczeństwa? [in:] Nowicka I, Sadło-Nowak A, (Eds), Współczesne problemy wykroczeń. Szczytno, 2013.
7. Letkiewicz A, Kierunki i metody doskonalenia organizacji pracy Policji. Rzeszów, 2007.
8. Sadło-Nowak A, Komentarz do art. 54 [in:] Sakowicz A, (Ed.), Kodeks postępowania w sprawach o wykroczenia. Komentarz. Warszawa, 2020.
9. Sadło-Nowak A, Zasada oportunisty w postępowaniu w sprawach o wykroczenia. [in:] Dudzik B, Kosowski J, Nowikowski I, (Eds), Zasada legalizmu w procesie karnym. Lublin, 2015.
10. Tatarkiewicz Cz, Poblężliwość policjantów wobec ujawnianych wykroczeń i ich sprawców. Kilka uwag nad szkodliwością braku odpowiedniej reakcji funkcjonariuszy na czyny kształtujące poczucie bezpieczeństwa obywateli i ich szacunek dla praworządności, [in:] Nowicka I, Sadło-Nowak A, (Eds), Współczesne problemy wykroczeń. Szczytno, 2013.
11. Ustawa z 20 maja 1971 — Kodeks wykroczeń. (consolidated text: Dz.U., 2021, item 281).
12. Ustawa z 24 sierpnia 2001 — Kodeks postępowania w sprawach o wykroczenia (consolidated text: Dz.U., 2021, item 457. as amended).
13. Ustawa z 6 kwietnia 1990 o Policji (consolidated text: Dz.U., 2020, item 360 as amended).
14. Introduction to the statistical data sent by the National Police Headquarters by letter L. Dz. 418/21 of 2 February 2021.

DOI: 10.5604/01.3001.0015.4801**<http://dx.doi.org/10.5604/01.3001.0015.4801>**

Keywords: reaction to offences, police, penalty notice, request for penalty, caution

Summary: Citizens' sense of security depends on the activities of entities whose task is to provide this security to citizens. A citizen feels safe if his/her immediate environment is safe. These seemingly minor acts of misconduct have a very large impact on the sense of security of citizens, because it is with them that citizens most often come into contact. That is why a proper police activity in diagnosing offences, their detection and quick reaction to them is so important. Quick reaction to an offence gives a feeling that a citizen is not left alone with the problem, but also awareness and warning that anyone who commits an offence will suffer the consequences. The article presents the ways of reacting to an offence and shows, on the basis of statistical data of the National Police Headquarters, the tendencies of reaction to offences, their scale and dynamics.

