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## RESEARCH ARTICLE

### DISCIPLINARY OFFENSES OF STATE POLICE OFFICERS IN THE YEARS OF THE SECOND POLISH REPUBLIC

**\*Dr. Bartosz Nieścior**

The Cardinal Stefan Wyszyński University in Warsaw, Poland

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**\*Corresponding Author:  
Dr. Bartosz Nieścior**

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#### ABSTRACT

The study presents the problem related to the misconduct of State Police officers during the Second Polish Republic. Personnel in the police corps undoubtedly had to have an impeccable character of service. In order to ensure such a state, appropriate legal regulations were introduced, to which each officer had to adapt. Unfortunately, there were frequent cases of insubordination, which resulted in adequate disciplinary or criminal liability. Such situations have been shown in the work. The research analysis of the indicated examples is a kind of novelty in science. Dogmatic-legal and historical methods were used to better illustrate the title issue. The work mainly uses archival sources, which is undoubtedly an indisputable research core.

## INTRODUCTION

The provisions of disciplinary proceedings in the interwar period acquired special importance. Legal acts regulating this issue introduced by the partitioned states were gradually superseded, and new norms adapted to the changed legal reality of the independent Polish state were enacted. In the early years of the Second Republic, disciplinary responsibility was primarily extended to those working in public administration. This was intended to ensure impeccable manpower for all state structures set up to rebuild the new regime. On February 17, 1922, the Law on the State Civil Service<sup>1</sup> and on the organization of disciplinary authorities and disciplinary proceedings against state officials was adopted<sup>2</sup> (org.). These were the basic acts for the issue at hand. In their provisions, they regulated, among other things, the penalties incurred by the accused, the stages of the disciplinary process, the bodies that hear complaints, or other detailed issues related to the trial of misconduct. They can be considered a kind of starting point for enacting legislation on the enforcement of liability of other professional groups, including, precisely, State Police officers. Since the State Police not only had the character of a central, strictly hierarchical unit, but also the highest organization responsible for ensuring the security of citizens, its structures had to include the most qualified people. As in any such institution, there were cases of insubordination, often very serious.

Before discussing specific examples of official misconduct, it is worth presenting the legal state of affairs at the time, relating to the operation of the State Police.

**The State Police in the light of the regulations of the interwar period:** The State Police was established on July 24, 1919<sup>3</sup>. It became a security service organization (Article 1). It was to be an executive body of state and local authorities to protect security, peace and public order (Article 2). It was supervised by the Minister of the Interior (Article 4). It was trained on a military model (Article 4) with a strictly hierarchical structure (Articles 5-7). Both the Chief of Police and senior officers were appointed by political authority (Articles 16-17). Lower officers were appointed or dismissed by district commanders on the proposal of county commanders (Article 18). Individuals working in the police force were given the rights accorded to government officials (Article 36). Cadet schools were established at each district command (Article 32). The prerequisites for admission to the police force were Polish citizenship, an impeccable record, age from 23 to 45, a healthy and strong physique, adequate height, and knowledge of the Polish language, both spoken and written, and the ability to count (Article 26). Candidates for higher positions should have an appropriate education (Article 27). Interestingly, the legislation presented referred, but very laconically, to the disciplinary responsibility of officers. This was a general outline of what was significantly developed in later years.

<sup>1</sup>Journal of Laws 1922, item 164.

<sup>2</sup>Journal of Laws 1922, item 165.

<sup>3</sup>Journal of Laws 1919, item 363.

Disciplinary penalties were imposed for official misconduct according to the procedure established by the Minister of the Interior, i.e., reprimand, detention for up to 7 days, transfer to an office with lesser function allowances, downgrading, and expulsion from service (Article 21). Another article grants the ability to suspend county government commissioners and administrative authority representatives subordinate to them to county chiefs and heads of police stations. It is worth mentioning that the above organizational structure given by the analyzed law survived practically until the outbreak of World War II. Over the following years, efforts were made to improve the functioning of the State Police organs. The investigative service was reorganized and the general, criminal and political departments were unified<sup>4</sup>. The biggest, and the last so far-reaching in terms of police reform, was the ordinance<sup>5</sup> on the State Police of the President of the Republic of Poland dated March 6, 1928. It regulated in more detail the rights and duties, service relationship, defense interaction and training of officers. It is worth pointing out that its provisions were only minimally amended until the end of the Second Republic. Of course, there were many more norms introduced by this legal act, however, for our subject matter, it is worth paying attention to the title responsibility of police officers. It was contained in articles 106 through 118, and was modeled after the liability provisions that were in effect in the laws indicated in the introduction of this study. It was enforced independently of criminal or civil court liability (Article 106), disciplinary punishments were divided into those for privates and officers (Article 107), it was successively stated that expulsion from service entailed forfeiture of all rights (Article 108), special disciplinary commissions were created to resolve such problems, and provisions for conducting hearings for misconduct were improved (Articles 109-113). The procedure for suspending subordinate police officers for all relevant supervisors has been amended (Articles 115-118). Gross misconduct in the performance of duty, especially at the time of committing an intentional crime or intentionally disobeying an order, was subject to criminal liability, which was regulated in detail in Chapter 2 of the law in question. As already mentioned, these norms were modeled on civil service laws and remained in this form until the end of the interwar period. They were the basis for the imposition of appropriate penalties for the accused. A final regulation, but one that does not relate more to the liability of police officers<sup>6</sup>, was issued on April 17, 1936, the decree of President of the Polish Republic, introducing preparatory service. The same was true for civil servants. It is worth mentioning that the Minister of the Interior could issue appropriate regulations with guidelines for cases of misconduct, and that State Police Commanders had the right to pass instructions/circulars for disciplinary proceedings to subordinate units. However, everything had to be carried out in accordance with the applicable statutory provisions.

**Cases of disciplinary offenses of State Police officers:** It should be noted that it is not possible to indicate all or even most of the official violations committed by officers, however, outlining the most significant ones and reflecting the background of such behavior seems necessary. The resolution of such cases has always had to be done in the spirit of the legal acts described earlier. Those performing service in the State Police were often exposed to various types of danger. Especially when it came to recruitment by other countries. Most such situations can be seen in the first decade of the independent state. The State Police Headquarters of Vilnius County in 1924 had a case of

abduction of a senior private, who happened to be on duty at one of the designated unit's subordinate posts on the country's border. While performing his duties, he was abducted by Bolshevik guards. A search was decided. When his life record was traced in detail during the investigation, it was concluded that he might be an alleged collaborator of the Bolshevik operative group. His search was called off and he was expelled in absentia from service<sup>8</sup>. Police officers who are not on duty also have a responsibility to uphold all the rights of the profession they serve. During a christening ceremony, a constable working at the State Police Station in Kalisz joined the brawling individuals. He began to threaten and brandish his service weapon. This resulted in complaints from other brawlers to his superior. A disciplinary investigation was conducted, which found him guilty. He was charged with misbehavior and drunkenness, for which the Commander punished him with a disciplinary penalty amounting to a one-day detention along with a warning for the future. The insignificance of the punishment was due to the fact that the constable was considered a good police officer, and during all his years on duty no other professional offenses had occurred to him<sup>9</sup>.

Often the offenses were of a very varied yet serious nature. The Tarnopol Regional Police Headquarters initiated disciplinary proceedings against a senior constable for suspected espionage. The defendant's story was extremely interesting. After receiving confidential information that he was being accused, he fled to Russia for some time. Again, after a few months, he returned to Poland to carry out his mission. He was detained in a hotel in Tarnopol. He was carrying a firearm. He was transferred to the Exposition of the Independent Information Desk of the Tarnopol Regional State Police. During interrogation, he confessed to the charges against him and stated that it was Russian intelligence that forced him into this activity under threat of physical aggression. Such a serious act could not go unpunished. He was expelled and deprived of all emoluments, moreover, criminal proceedings began against him<sup>10</sup>.

The officer, who was a member of the Investigation Department of the Tarnopol Regional State Police, collected undue monetary benefits, which were due to the so-called "confidants" who cooperated with the unit<sup>11</sup>. The procedure was very complex. He created the fiction of false persons recruited to pass on the right information, recorded false data in his diaries and then asked his superiors for payments to fictitious confidants. At one time suspicion was acquired against him. A disciplinary investigation was launched and the above situation was established. In his defense, he indicated that he was very poor and ill, that he had also fallen into huge debts, and the behavior presented was a last resort for him and his family. The case was so serious that it was decided not to publicize it in the unit in question and was transferred to the locally competent prosecutor's office for consideration. Thus, he will be tried under the provisions of criminal procedure<sup>12</sup>. Another interesting case was the misconduct of a senior constable working at the Lagisza State Police station. It is worth noting at the outset that his act was so serious that it was decided to prosecute him immediately in accordance with Article 287 par.1 of the Criminal Code of July 11, 1932<sup>13</sup>. It stipulated that an official who certifies an untruth about a circumstance of legal significance is liable to imprisonment for up to 5 years, and in par. 2 it

<sup>8</sup>Letter to the State Police Headquarters of the 16th District dated September 20, 1924, No. 9340, Complex of the Provincial Police Headquarters in Vilnius, Archive of New Records in Warsaw, sign. 3, p. 52.

<sup>9</sup>Order of the Commander of the State Police Station in Kalisz dated April 24, 1931, No.3182, Complex of the State Police District Headquarters in Kalisz, State Archives in Kalisz, sign. 2, p. 25.

<sup>10</sup>Letter from the Provincial Police Headquarters in Tarnopol, dated October 22, 1936, No. 102/tjn/36. Temopil Provincial Police Headquarters Complex, Archive of New Files in Warsaw, sign. 13, pp. 1-2.

<sup>11</sup>A copy of the investigation dated September 24, 1937 sent to the Head of the Socio-Political Department of the Provincial Office, No. 119/Tj./US/37, Complex of the Provincial Police Headquarters in Tarnopol, Archive of New Records in Warsaw, sign. 13, p. 9.

<sup>12</sup>Letter to the Ministry of Internal Affairs dated October 4, 1937, No.B. 139/Taj/37, Complex of the Provincial Police Headquarters in Tarnopol, Archive of New Files in Warsaw, sign. 13, p. 4.

<sup>13</sup>Journal of Laws 1932, item 571.

<sup>4</sup> Mariusz Mohyluk, "Z dziejów policji Państwowej w II Rzeczypospolitej" (*From the History of the State Police in the Second Republic*) In Strong State, edited by Maria Szyszowska (Białystok: Temida 2 Publishing House of the Association of Graduates of the Faculty of Law, University of Białystok, 1999), 288.

<sup>5</sup>Journal of Laws 1928, item 257

<sup>6</sup>It is worth mentioning that on April 21, 1938, a more detailed Decree of the Minister of the Interior on Disciplinary Liability and Disciplinary Proceedings in the State Police was issued. OJ. 1938, item 353. Some provisions were expanded, but overall it was similar and related to the aforementioned Decree of the President of the Republic of Poland on the State Police of March 6, 1928, Journal of Laws. 1928, item 257.

<sup>7</sup>Journal of Laws 1936, item 226.

indicated that if the perpetrator acts for the purpose of gaining a pecuniary or personal benefit for himself or another person, he may even be given 10 years' imprisonment. The situation for this officer was not favorable. His act concerned the fact that he wrote down a purported registration report submitted by a named person, also providing his personal information. He ordered her spouse to sign this document. In reality, the testimony was completely fictitious. The police officer forged the entire protocol without actually having any justification for the act he committed. He confessed to the charges. The result was that he was charged under Article 287 par.1 of the Criminal Code, and the whole case was redirected to the District Court in Sosnowiec<sup>14</sup>. The senior constable was convicted according to the above article and simultaneously expelled from service. The prosecutor was the deputy prosecutor of the Sosnowiec District Court. The defendant was served with a copy of the indictment on October 25, 1938, which in essence obligated him to immediately submit to punishment<sup>15</sup>.

Discipline while on duty had to be impeccable. Unfortunately, this was a big problem for some officers. There was a case at the State Police Headquarters in Krakow where a senior investigator was punished for repeated drunkenness while on duty. This policeman received his first warning on the so-called "red paper" for being on duty under the influence of alcohol. He did not comply, and in a dozen days or so he was again caught in a similar condition. Disciplinary proceedings were initiated against him and he was sent on 7-day house arrest. The case did not end there. As a result of the disciplinary proceedings, the competent committee issued a ruling and imposed a penalty of dismissal from service in the State Police, along with a reduction in pension emoluments and severance pay by 1 percent. Significantly, the defendant did not have the right to appeal<sup>16</sup>. Superiors had the right to impose appropriate disciplinary punishments. It is worth pointing out some interesting cases and good examples of such situations, e.g. cases of abuse by an Assistant Commissioner of the State Police from the Investigation Department in Częstochowa. Before he was sent to the indicated unit, he had numerous problems with discipline. Several times such punishments were imposed on him. He received, among other things, a reprimand for losing official files and concealing this fact from his superior, this was during his work at the Lviv Provincial State Police Headquarters, also he was sent to a 7-day detention for non-instructional conduct on duty and misbehavior towards a janitor, and this was already at the Provincial State Police Headquarters in Warsaw<sup>17</sup>. Despite his numerous offenses, he continued to work in the department indicated earlier. All of the above sanctions were imposed in accordance with the legal acts in force at the time by his immediate superiors. The Deputy Commissioner of the State Police, who was also the Deputy District Commander in the village of Pinsk, was blamed for borrowing money from his subordinate privates. The circumstances of this practice were as follows. While inspecting other posts subordinate to him, he asked the people working there to hand over a fixed amount. He always promised a timely return. These were different amounts, e.g. 50 zloty, 100 zloty. Unfortunately, he did not give them back on time. The lenders were courting him for repayment. It was often the case that he sent installments through the mail. There were numerous complaints about his behavior to the Provincial Commander. Disciplinary proceedings were initiated. It was established on the basis of the relevant evidence, along with the exact dates and places when he asked for loans, that the testimonies of those who denounced him were true and had hard substantiation.

<sup>14</sup>Deed of indictment against a senior constable of the State Police, dated September 30, 1938, No.II.Do.470/38, Complex of the District Police Headquarters in Kielce, State Archives in Kielce, sign. 76, p. 1.

<sup>15</sup>Served copy of indictment dated October 25, 1938, II.K. 779/38, Complex of the State Police District Headquarters in Kielce, State Archives in Kielce, sign. 76, p. 4.

<sup>16</sup>Letter to the accused Commander-in-Chief, dated June 12, 1938, No.III.8672, State Police Headquarters Complex Department III Personnel - Disciplinary Desk, Archive of New Files in Warsaw, ref. 2312, p. 4.

<sup>17</sup>Document showing disciplinary penalties imposed. The State Police Headquarters Complex in Warsaw, Archives of New Records in Warsaw, sign. 63, pp. 6-7.

Guilt was therefore confirmed. Disciplinary decision<sup>18</sup> was pronounced on August 30, 1939. He was sanctioned with a 7-day disciplinary house arrest. He could not appeal against the sanction presented. It seems that the punishment was not that severe. Noting his high position and cyclical borrowing from various people, he could even have been expelled from service in the State Police. It was imperative for police officers to maintain official secrecy, especially in the performance of their duties. A senior constable of the State Police District Headquarters in Kielce violated the law by giving an outsider a list of foreigners, organizations and associations that were under surveillance by the unit in question. Such action is unlawful and endangers the safety of other officers, as well as those who cooperate with the State Police. He was unable to provide rational arguments to justify his behavior. In the end, he was reprimanded<sup>19</sup>, that is, he was given a disciplinary punishment. Despite the passage of several decades, today's police officers also have to comply with all rights and obligations under the disciplinary codes and laws that apply to them. Referring to the examples indicated, the current offenses of police officers are sometimes very similar. It should be stated that a uniformed officer serving on behalf of other citizens and guarding the security of the country must be of impeccable character and unquestionably conform to proper standards. Otherwise, he may pose a threat to the country, and the consequence of this is expulsion from the police corps.

## CONCLUSION

Summarizing the above discussion, it should be noted that cases of violations occurred to officers who were at different levels of their careers, i.e. a constable or senior constable, among others, or even such individuals who were commanders. The nature of these abuses varied widely. From the lesser, as it might seem, degree of offenses typical of the service, such as threatening someone with a gun while not performing police duties and failing to carry out a superior's order, losing documents, drunkenness, to the much more serious ones, i.e. actions to the benefit of another state, so-called espionage, revealing a vital official secret where the security of the state and others could be compromised, or finally committing forgery. The relevant disciplinary penalties for the milder cases were not the only sanctions. At the time of the commission of a criminal act having the characteristics of a crime, criminal provisions applied. Such a person was not tried by the relevant disciplinary committee, but his case was redirected to the locally appropriate court. The public prosecutor also participated in the hearings having the indicated characteristics. The bodies deciding on the examined cases had to rely on the relevant legal regulations. It should be noted, which was tried to show during the analysis, that the norms in force at the time fulfilled their role, the relevant laws or regulations, regulating the issue of disciplinary responsibility were not so often amended, and the practice in this regard also looked correct. The Minister of Internal Affairs and the Chief of Police were given the power to issue disciplinary guidelines, by way of circulars or other instructions. However, these recommendations had to have a basis in the normative acts described. The State Police, despite the fact that its representatives were nominated by political power, tried to be treated independently. After the May Coup, it unfortunately became a political tool in the hands of the Sanation camp. However, it should be recalled that at the time of the attack itself, police officers took a passive stance and did not participate in the forcible change of government<sup>20</sup>. It is impossible to indicate all cases of abuse of service, but the situations described above, help to better illustrate what problems affected the institution of the State Police in the interwar period, and to a large extent they are still relevant today.

<sup>18</sup>Disciplinary ruling dated August 30, 1939 III-274/tjn. State Police Headquarters Complex in Warsaw, Archives of New Records in Warsaw, sign. 63, p. 33.

<sup>19</sup>Letter to the Provincial Commander in Kielce, dated August 3, 1939, No. 2697/39, State Police District Headquarters Complex in Kielce, sign. 75, p. 23.

<sup>20</sup> Andrzej Pełoński, *Policja Państwowa w systemie organów bezpieczeństwa Drugiej Rzeczypospolitej* (Szczytno: Police Academy Publishing House, 1991), 67.

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