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POLAND

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CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS (CCPE)

Questionnaire for the preparation of the Opinion No. 10 of the CCPE on the relationship between prosecutors and police and/or other investigation bodies

A. Relationship between prosecutors and the police

1. Please briefly describe the relationship between prosecutors and the police or other investigation body in your country.

Prosecutors and the police are two separate state authorities.

Prosecutors and police officers, as well as officers of other organs¹ authorized to conduct preliminary proceedings (hereinafter: other authorized bodies) are not subordinated to one another from the organizational point of view. There is no official relationship between them.

Mutual relations between those authorities are in the nature of legal – procedural relations.

According to the Polish criminal procedure, in preliminary proceedings, i.e. at the stage of the process preceding judicial proceedings, a prosecutor serves a managerial and monitoring role, in other words he is a host of this stage of proceedings. Such positioning of the prosecutor in the criminal procedure determines his relations with other procedural authorities.

According to the code of criminal procedure (Law of 6 June 1997), a the prosecutor may conduct or supervise all preliminary proceedings, and, to the extent stipulated by law, such proceedings are conducted by the police.

¹ Preliminary proceedings may be conducted by the following authorities: Border Guards, Internal Security Agency, Central Anti-Corruption Office, Revenue Office, Fiscal Control Inspector, Customs Office, Military Police, Business Inspection, State Sanitary Inspection, Forest Guards, Hunting Guards.

The police is the most (after prosecutors) significant and involved state institution at the stage of preliminary proceedings.

Preliminary proceedings bodies are entities authorized (obliged) to conduct such proceedings **in the matters and in the form stipulated by the relevant provisions of law** (more on this in point 14)

Preliminary proceedings - depending on the type of offence which constitutes the subject of the proceedings - may be conducted in two forms, namely as:

- 1) **an inquiry or**
- 2) **an investigation.**

Such a division affects the shape of legal - procedural forms of co-operation between the prosecutor, police officers and officers of other authorized bodies.

An inquiry – is a form of preliminary proceedings implemented in the case of matters with high gravity due to the subject of the offence, the identity of the victim or perpetrator.

An inquiry may be obligatory, which means that proceedings must be conducted in the form of an inquiry, and optional, which occurs when the prosecutor decides that the matter in which an investigation is to be conducted should be covered by an inquiry due to the importance or complexity of the case.

An inquiry is conducted by the prosecutor. The prosecutor may entrust the police with the conduct of the inquiry in whole or in a certain part, or he may delegate certain tasks to the police.

An investigation is conducted by the police or by bodies which hold the authority of the police, unless it is conducted by the prosecutor. This form of preliminary proceedings is anticipated mainly for matters with lesser gravity, which are less complicated, both from the actual and legal points of view.

If the prosecutor does not conduct an inquiry or investigation in person, he supervises such proceedings.

The prosecutor is obliged to oversee proper and efficient conduct of the whole proceedings he supervises. This concerns the correctness of individual procedural activities, correctness of collection, security and evaluation of evidence, as well as of actual findings and relevance of procedural decisions. Supervision of proper and efficient work also means monitoring of activities performed by persons exercising their authority, as well as of duties of participants in the proceedings, including, in particular, parties to the proceedings.

2. Is there any dialogue with the prosecutor concerning the work of the police or other investigation body ?

As stated in point 1, **the prosecutor is the host of preliminary proceedings, which means that any decisions, regulations and guidelines issued by him in the course of the proceedings are binding for the police and other authorized bodies. This does not, of course, overrule, a working dialogue regarding the conduct of the proceedings.** Official meetings are organized on a regular basis of the heads of prosecutor's offices of different levels with the heads of relevant police units, during which key issues are discussed. Also, individual consultations are held between the prosecutor working on the case and the officer conducting the case. Nevertheless, it is the prosecutor's prerogative to take decisions which are of key importance for the proceedings, in particular with regard to the scope, direction and forms of the proceedings, contents of any charges and the method of completing the proceedings. In this regard, the prosecutor's decisions may be verified by means of application of procedurally-admitted remedies, but they may not form an object of a dialogue with other procedural authorities involved in preliminary proceedings.

The enactment of the Code of Criminal Procedure which will come into force on 1 July 2015 has a significant impact on the shape of relations between prosecutors and the police and other authorized bodies in this dialogue between the said bodies (more on this in point 18 of the questionnaire).

3. Is the prosecutor involved in training the police or other investigation body?

Both initial training and continuous training for prosecutors, the police and other authorized bodies is conducted separately for each of those authorities.

This is the consequence of organizational separation between prosecutors, the police and other authorized bodies.

This does not mean that joint training is excluded, police officers are invited as lecturers or participants in training organized for prosecutors, and, similarly, prosecutors are invited as lecturers and participants in training organized within the organizational structure of the police or other authorized bodies.

On a regular basis, at the initiative of prosecutors conducting or supervising proceedings, a regional training is organized for police officers regarding general rules of substantive and procedural criminal law, as well as a training devoted to specific problems of co-operation, taking into account the categories of most-commonly encountered forms of criminality in a given

territory. For example, in 2014, a total of 4638 meetings and training sessions were organized.

Officers of the police and other authorized bodies also participate, together with prosecutors, in training sessions and conferences organized by various international organizations.

For example, co-ordination meetings organized by Eurojust also have a training character. In 2014, 18 such meetings were organized with participation of prosecutors, police officers, officers of the Boards Guards and the Internal Security Agency, during which general issues were discussed concerning certain institutions of law, as well as specific actions and forms of co-operation were discussed regarding pending trans-border proceedings.

The problem of common training becomes particularly valid in connection with the changes introduced by the amendment to the Code of Criminal Procedure coming into force on 1 July 2015 (more on the topic of the amendment in point 18 of the questionnaire).

B. Existing legal provisions and regulations

4. Is any relationship between prosecutors and investigation bodies determined by law or other provisions? Please describe briefly.

The legal - procedural framework of co-operation between prosecutors, the police and other authorized bodies is set at the level of legal acts having the rank of statutory law. The fundamental legal acts in this regard include:

- the Law of 6 June 1997 - **the Code of Criminal Procedure**,
- the Law of 10 September 1999 - **the Fiscal Criminal Code**,
- the Law of 24 August 2001 – **the Code of Proceedings in Misdemeanour Cases**.

At the level of executive proceedings, the most important legal act is the Regulation of the Minister of Justice of 11 September 2014 - Regulations of office of common organizational units of prosecutor service. Moreover, the method of implementation of certain procedural institutions of preliminary proceedings is also regulated at the level of other regulations of the Minister of Justice, issued on the basis of statutory delegation.

The prosecutor also enjoys the authority of supervision of performance of certain operational-investigative activities of the police and other authorized bodies (i.e. at the stage preceding the institution of preliminary proceedings). In this regard, the amended provisions of the Law on the Police apply (which entered into force on 11 June 2011) and of the Regulation of the Minister of Justice of 9 June 2011 regarding prosecutor's supervision of operational–investigative activities.

It is believed that this regulation contributed significantly to an improvement of the quality of the level of applications for operational supervision submitted by the Police, Border Guards, Central Anti-Corruption Bureau, Internal Security Agency, General Fiscal Control Inspector or by the Military Police or the Military Counterintelligence Service.

The status of the prosecutor in preliminary proceedings is determined by the provisions of the Law of 20 June 1985 on the Prosecutor's Service, and as far as the Police is concerned, this is the Law of 6 April 1990 on the Police.

Other authorized bodies are governed, respectively, by the relevant aforementioned procedural regulations and system statutory laws regulating their status and merits of their competence (more on this topic in point 11).

C. *Responsibility of the prosecutor for setting priorities for investigating offences*

5. How are priorities in starting criminal investigations in your country determined?

In the Polish law, **the principle of legality applies**. Pursuant to Art. 10 of the Code of Criminal Procedure, the body responsible for prosecuting offences shall have the duty to institute and conduct the preparatory proceedings, and the public prosecutor shall also be obliged to bring and support charges, with respect to an offence prosecuted ex officio. With an exception of the cases specified by the statutory law or by international law, no-one may be released from liability for a committed offence.

In view of the adopted model of the criminal process, this question is irrelevant.

6. Do prosecutors or the prosecution service in a direct way have an influence on this?
as above

D. *Responsibility of the prosecutor during the investigation*

7. Are prosecutors responsible for the conduct of investigations in your country? If no, who is responsible for that?

According to the Polish criminal procedure, the prosecutor is responsible for the conduct of preliminary proceedings.

In addition to the serving of the function of a public prosecutor in judicial proceedings - according to the provisions of law - the prosecutor institutes and conducts preliminary proceedings or orders the conduct of such proceedings to another authorized body. The prosecutor supervises

preliminary proceedings conducted by another body authorized in this regard, and any dispositions of the prosecutor in preliminary proceedings are binding.

This does not mean that only the prosecutor is authorized to institute criminal proceedings in the form of an investigation. A procedural body which is most involved in initiation of preliminary proceedings is, of course, the police.

As described in detail in point 1 of the questionnaire, the prosecutor is obliged to conduct preliminary proceedings in the form of an inquiry and he may entrust the police or another authorized body with the conduct of the inquiry in whole or in certain parts, or may delegate certain activities to it. The police or another authorized body may be entrusted with the conduct of the inquiry, in whole or in a certain part, in particular in the situation when a need arises to use, to a wide extent, the operational-technical means which are at the disposal of such bodies.

In the event of preliminary proceedings conducted in the form of an investigation, the role of the prosecutor concentrates on the supervision of the proceedings conducted by the police or another authorized body. However, there are no obstacles for an investigation to be conducted by the prosecutor as well.

8. When does the prosecutor receive a complaint (as soon as the complaint is filed, or after the investigation has been conducted by the police)?

A complaint (notification of an offence) may be submitted directly to the prosecutor and then it is the prosecutor that issues a decision on an institution of preliminary proceedings. However, in practice, in the event of investigations, the police is the authority to which complaints are files and the police issues decisions on institution of preliminary proceedings.

The currently-binding procedural provisions do not require the notification of the prosecutor of an institution of the investigation. This means that throughout the investigation the prosecutor may not be informed of the course thereof. In such situation, the prosecutor serves the post-factum supervisory function, e.g. in connection with an issue of a decision on refusal of institution of proceedings or discontinuation of proceedings, such decisions - according to the current legal procedure - require the approval by the prosecutor.

If the investigation does not end within a period 2 months set by the law, then the duration thereof should be extended, and the body authorized to extend

the same is the prosecutor. In practice, this is exactly the time when the prosecutor usually finds out about the conducted investigation.

The amendment of the Polish penal procedure which will come into force on 1 July 2015 will change the regulations in this regard. **According to the new provisions, immediately upon the institution of an investigation, police officers or officers of other authorized bodies will be obliged to provide the prosecutor with information about initiated procedures.**

9. What is the degree of autonomy of the police or other investigation body, if any, during the investigation?

So far, according to the procedural provisions, the prosecutor, unless he conducted the inquiry himself or assumed the conduct of the investigation, exercised the supervision over such proceedings.

However, as was stated in point 8, in practice, it is very often the police or another authorized body that independently conducts the investigation, and the prosecutor's supervision has the post-factum nature.

It is at the discretion of the police to take procedural decisions under the binding law, in the form of decisions and dispositions and to independently perform procedural activities which are not reserved for other authorities.

The police has a high degree of freedom at the stage of verification proceedings which precede the institution of preliminary proceedings. According to the code of criminal procedure, a duty to extend prosecutor's supervision to the verification proceedings is of an optional character, and the authority undertaking certain actions aimed at verifying the reliability of a complaint is not obliged to notify the prosecutor of this fact.

The amendment to the penal procedure which will come into force on 1 July 2015 will increase the level of independence of the police in the conduct of investigations. According to the amendment, decisions issued by the police on refusal to institute an investigation or on discontinuation of an investigation in the matter (in rem) will not require the approval by the prosecutor.

The solution proposed in the amendment is an object of quite common criticism of practitioners and representatives of the doctrine.

10. Does the prosecutor have the power to prevent or stop an investigation?

As has been stated in the preceding points, according to the Polish criminal procedure, the prosecutor, unless he performs activities under preliminary proceedings in person, supervises the course thereof.

As part of such supervision, the prosecutor may, in particular:

- 1) review the intentions of the person conducting the proceedings, indicate the directions of the proceedings and issue relevant dispositions regarding the same;
- 2) request submission of the materials gathered in the course of preliminary proceedings; participate in activities performed by the persons conducting the proceedings, perform such activities in person or take over the matter to conduct it himself; issue decisions, dispositions or instructions and **amend and revoke decisions and dispositions issued by the person conducting the proceedings. This means, among other things, that the prosecutor may take a decision on refusal to institute the proceedings, as well as on an amendment or revocation of a decision of the police or another authority, ending the proceedings.**

This situation will change in connection with the amendment to the criminal procedure which will come into force, as indicated in the preceding point, decisions on refusal to institute an investigation or discontinue an investigation in the matter (in rem), issued by the person conducting the proceedings in the form of an investigation, will not require an approval by the prosecutor, which means that they will be subject to verification, if any, only on the basis of a general procedure of an appeal against a procedural decision.

11. How is it decided which service of the police or other investigation body, if any, is competent to investigate?

The principle is such that preliminary proceedings are conducted or supervised by the prosecutor, and to the extent specified by the statutory law, they are conducted by the police (the Laws referred to in point 4).

It is stated directly in the code of the criminal procedure that the rights of the police are vested in the Border Guards, Internal Security Agency, the Customs Agency and the Central Anti-Corruption Office **within the scope of their respective competences.**

For instance, the exercise of the rights of the police vested in the authorities of the Border Guards, within the scope of their competence, means that the Border Guards may conduct an investigation, as well as any tasks of the inquiry entrusted by the

prosecutor only in the matters which, according to the law governing such authority, i.e. the Law of 12 October 1990 on Border Guards, fall within the scope of its competence. A similar situation applies in the case of the Internal Security Agency (the authority competent for protection of internal security of the state and the constitutional order). The officer of ISA perform activities with the scope of their **substantive** competence, as specified by the Law of 24 May 2002 on the Internal Security Agency.

Executive acts of a lower rank regulate the framework of co-operation between certain levels of prosecutor's offices and the police or other authorized bodies, as indicated by the code of criminal procedure. Namely, in the majority of cases, regional prosecutor's offices co-operate with heads of police units competent for the same region. Incidentally, co-operation is established with other authorities and police units. Prosecutors from district prosecutor's offices and organized crime and corruption divisions of appeal prosecutor's offices co-operate, on a regular basis, with the Central Investigation Bureau of the Main Police Headquarters, the Internal Security Agency, the Central Anti-Corruption Office and the Internal Affairs Bureau of the Main Police Headquarters, depending on the type of cases conducted and supervised by those prosecution units. +

Other authorities authorized, in addition to the police, to conduct investigations, are specified by the Regulation of the Minister of Justice, issued on the basis of statutory delegation (of the Code of Criminal Procedure), dated 13 June 2003.

In the case of those entities, the determining factor is the **substantive scope of competence of such authorities**.

Co-operation of prosecutors with authorities which have the rights referred to in the aforementioned Regulation of the Minister of Justice depends on whether authorized bodies function within the territory of the prosecution's competence and on their activity with regard to institution of preliminary proceedings. Such co-operation, in addition to supervisory functions of the proceedings, mainly has the consultation-instructing and training character. Moreover, on-going business contacts are maintained with such authorities, and this is expressed by prosecutors' participation in meetings and training organized by such bodies.

12. If the prosecutor leads the police or other criminal investigation in your country, does the prosecutor have the power to monitor compliance with his/her instructions? If so, please briefly describe.

If the police or another authorized body is entrusted with the conduct of an inquiry in whole or to a certain extent, the prosecutor issues guidelines and specifies the deadline by which the inquiry plan has to be presented if there is a needs of drawing-up the same, or a plan of activities covered by the inquiry. The plan is subject to the prosecutor's control, who, in the event of such necessity, makes relevant corrections and additions thereto and indicates procedural activities which he will perform himself or in which he wishes to participate.

The prosecutor, while exercising supervision over the justification, legality and correctness of activities undertaken by police officers and other authorized bodies, may amend their decisions issued in the course of preliminary proceedings.

An important means of supervision and co-operation between the supervising body and the procedurally-subordinate body entrusted with the inquiry or conducting the investigation, is the institution of **guidelines**. Guidelines are aimed at giving a proper direction and conduct of the procedural activities. In particular, they serve to indicate a proper concept, focus evidence activities or criminal-procedural evaluations concerning identified acts. At the same time, they provide for on-going supervision of the matter and enforcement of execution of the instructions issued by the prosecutor.

E. Responsibility of the prosecutor for the respect of the law

13. Is it a responsibility of the prosecutor to control respect for the law by the police or other investigation body, if any? If yes, at which stage and by which means of control?

The prosecutor is obliged to oversee the compliance of the course of preliminary proceedings with the provisions of law, throughout the duration thereof, and in particular to oversee the respect of the rights of the suspect, victim and other participants in the proceedings and to provide prosecuting bodies with assistance in settlement of legal issues.

A duty to undertake the measures provide by law and aimed at ensuring proper and uniform application of the law in the conducted criminal proceedings derives directly from the Law on Prosecution Service. One of the forms of exercising such supervision is, for instance, monitoring, at the level of the General Prosecutor's Office, of preliminary proceedings conducted in matters concerning certain types of crimes and co-ordination of activities of common prosecutor units with regard to overcoming certain categories of crime.

The prosecutor, while undertaking the activities specified in the law, is obliged to follow the principle of impartiality and equal treatment of all citizens. Being a body of preliminary proceedings, it is obliged to follow the principle of objectivity and the principle of free evaluation of evidence.

As has already been noted, in the course of preliminary proceedings, the prosecutor supervises the activities of the police by issue of decisions, dispositions, instructions or guidelines. A failure to perform them or material misperformance thereof by an officer may entail the prosecutor's application for an institution of official or

disciplinary proceedings. In the event that such breach constitutes an offence, the prosecutor may institute criminal proceedings against such officer.

F. Common principles concerning the police

14. Are there written regulations concerning the conduct of criminal investigations by the police or other investigation body ?

The rules of conduct of criminal proceedings by the police or other authorized bodies **are precisely specified at the level of statutory laws and executive acts** in the form of regulations (see point 4).

General recommendations concerning the conduct of certain categories of matters or implementation of legal institutions may be issued in the form of guidelines of the Prosecutor General. The guidelines of the Prosecutor General are binding for procedural bodies involved in preliminary proceedings.

The guidelines, of a general character, addressed to police officers, are also issued by the Chief Commander of the Police and by the heads of other authorized bodies.

15. What are these regulations about? (for instance, the way to carry out interrogations, deprivation of liberty etc.)

All basic procedural institutions are regulated at the level of statutory laws, e.g. all regulations concerning the application of preventive measures. **At the level of regulations, executive provisions are given regarding statutory dispositions.** They may not constitute duties and rights which are independent of the law. For instance, the Regulation of the Minister of Justice of 11 September 2014 Regulations of office of common organizational units of prosecutor service constitutes an executive act to the provisions of the Code of Criminal Procedure and provides for practical implementation of the statutory institutions.

On the other hand, general guidelines constitute a group of recommendations concerning individual categories of procedural activities, e.g. recommendations concerning the method of interviewing juvenile victims or, generally, the conduct of certain category of cases, e.g. hate crimes.

The guidelines of the Prosecutor General often constitute a reaction to judgements of the European Court of Human Rights. For instance, in consequence of an analysis of judgements of ECHR and an analysis of the results of the conducted monitoring of preliminary proceedings, on 27 June 2014, the Prosecutor General issued *Guidelines regarding the conduct by prosecutors of proceedings in matters concerning crimes of deprivation of life and inhuman or abusive treatment or punishment, committed by police officers or other public officers*. The guidelines are aimed at unification of the

practice and elimination of any irregularities occurring therein in connection with the conduct of preliminary proceedings in this type of matters.

In the case of the police, an example of such guidelines of a general nature may be the guidelines of the Chief Commander of the Police *regarding the performance of investigative-inquiry activities by policemen* (guidelines of 15 February 2012).

G. General control over police

16. What is the general control system of the police or other investigation body, if any (internal/external?) Does the prosecutor play a role in this system?

The observations and remarks deriving from the supervision of the work of the police authorities or other authorized bodies conducting the investigation or entrusted with the conduct of the inquiry, are notified by the prosecutor to the head of the relevant organizational unit of the police, and in particularly severe cases of failure to follow the prosecutor's instruction in preliminary proceedings, the prosecutor applies to the superior of such officer with a request for an institution of official or disciplinary proceedings against him, and, the superior office is obliged to notify the prosecutor of the outcome of such proceedings.

The rules of exercising supervision over the investigative work of the police apply, respectively, to the prosecutor's supervision of the work of other bodies authorized to conduct the investigation. The regional prosecutor or a prosecutor appointed by him carries out, at least once a year, a control of investigations conducted by state authorities which have the rights of a public prosecutor and, if necessary, provides such authorities with the required instructions.

Any irregularities identified by prosecutors in pending preliminary proceedings are discussed and solved on an on-going basis during individual consultations between the prosecutor working on the case and the officer conducting the case, they also form the subject matter of instruction letters and comments submitted on an on-going basis to superior officers of relevant policemen, and they are discussed during official meetings with the Police.

17. Is the prosecutor competent to take sanctions?

We should emphasize that **the prosecutor's supervision of preliminary proceedings is only of a procedural nature. The prosecutor does not exercise any official supervision of police officers and officers of other authorized bodies.** That is because a characteristic feature of official supervision is that there is

organizational hierarchy and an official relationship between the supervised and supervising party.

Official supervision has the nature of internal control. Under this supervision, disciplinary or official proceedings may be implemented, and, in consequence, sanctions are imposed.

The prosecutor is not authorized by law to apply any sanctions against police officers. As stated in point 16, the prosecutor is only capable of launching an official or disciplinary proceedings.

H. Conclusions

18. What are the major challenges in relations between prosecutors and investigation bodies in your country?

In the current year, the greatest challenge for the relations between prosecutors and another procedural body of preliminary proceedings is connected with the enactment of the new criminal procedure.

The Polish criminal procedure is currently undergoing very significant modifications. A decision was taken on re-modelling the judicial proceedings in the direction of a higher degree of contradictoriness of criminal proceedings.

The amendments which will come into force on 1 July 2015, introduced by means of the Law of 27 September 2013, as well as their essence and scope, have a significant impact on the conduct of preliminary proceedings by the police and performance of activities in the course of criminal proceedings.

Starting on 1 July 2015, the purpose of preliminary proceedings will not be - as so far - collection, securing and consolidation of evidence for the court, but, according to the principles of contradictoriness - **for the public prosecutor to whom, to a great extent, responsibility will be shifted for the outcome of the proceedings.** This means that the police will collect evidence for the prosecutor, so that he, acting as the public prosecutor, can prepare the bill of indictment.

The prosecutor, in consultation with the person conducting the proceedings will take a decision on limitation of the scope of preliminary proceedings to the evidence which gives grounds for verification whether a given act which is an object of the process is an offence and for gathering basic evidence which will provide for the lodging of the bill of indictment. As far as less relevant evidence is concerned, it will be possible to submit the same only at the stage of court proceedings. Such solution is aimed at concentration of the evidence material in the court room.

To sum up, the achievement of the underlying assumptions of the reform of the criminal procedure at the stage of preliminary proceedings will require **the tightening of co-operation of the prosecution with the police and determination of the rules thereof, with regard to:**

- 1) a change of the methodology of conducting proceedings in individual cases,
- 2) learning to formulate motions concerning evidence by police officers,
- 3) consultation of a selection of materials attached to the bill of indictment, reaching an agreement regarding withdrawal from some of the activities - so that they are performed before the court, thanks to which the case may reach the court sooner.

It is obvious that the achievement of the anticipated goal will require a number of training sessions, some of which have been conducted already, some are pending and some are planned. It is necessary to develop a new model of co-operation between the prosecution and the police.

Prosecutor General appointed a special Team composed of representatives of all levels of the prosecution service, judges, representatives of the National Prosecution Council and representatives of the Minister of Justice – whose task is to prepare the prosecution service, and indirectly also the police and other authorized bodies to forthcoming changes.

The co-operation with the police has also taken the shape of a platform of official co-operation and exchange of information between the General Prosecutor's Office and the Main Police Headquarters with regard to preparation of those authorities to implementation of the tasks deriving from the Law of 27 September 2013. The effect of this co-operation was, in particular, the development by the General Prosecutor's Office of a position concerning legal problems raised by the plenipotentiary of the Chief Commander of the Police responsible for the implementation of changes in criminal procedure within the police, including, in particular, the permitted participation of the police in inquiries conducted personally by the prosecutor, a duty to inform the prosecutor of an institution by the police of the investigation and the method of preparation of files of the case by the body conducting the investigation, before such files are submitted to the prosecutor, depending on the manner of completion of preliminary proceedings.

Another, still valid challenge and problem of preliminary proceedings, both for the police and the prosecutors, is the conduct of cases characterised by a complicated legal and actual status, in particular as far as large financial cases are concerned **as** well as trans-border crime connected, in particular, with money laundering, cybercrime and drug crimes.

It is justified to try to conduct mutual workshops and training sessions aimed at professional development in the conduct of such cases and looking for common solutions and establishment of algorithms of conduct of such cases. They are challenges exceeding the scope of national co-operation and they require the commitment both from prosecutors and the police of many states.

With the present level of international co-operation in criminal matters, a problem is often not the knowledge of regulations of the convention, but difficulties connected with a lack of knowledge concerning mutual solutions implementing international law within the framework of the national law, or a need of development of common prevention mechanisms or mechanism fighting a certain type of trans-border crime.

Another challenge faced by Polish preliminary proceedings is to find a solution for a problem prevailing for years and connected with the inefficiency of forensic laboratories and restriction on cases when experts may be appointed who do not work for laboratories operating at the Main Police Headquarters and provincial police headquarters. The waiting time required to obtain opinions prepared by forensic laboratories was different in different police headquarters, but it amounted to a few months on average. On the other hand, finding experts who guarantee an appropriate level and reliability of opinions, within the limits of the finances which the prosecution may allocate for such opinions is not an easy task.

Another challenge **is also the continuation of database construction. Even though a significant progress may be noted in this regard**, the problem is the functioning of a large number of databases characterized by a similar scope of gathered information and no synchronization of data gathered by the prosecutors and the police. **A solution would be to create central registers having a legible and comprehensible scope of access to information.**