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Criminological and Forensic Aspects of Selected Areas of Organized Crime in Poland

Aspekty kryminologiczno-kryminalistyczne wybranych obszarów przestępczości zorganizowanej w Polsce

ABSTRACT

The article presents a criminological and forensic analysis of selected forms of contemporary organized crime in Poland, with particular emphasis on criminal terror, human trafficking, car crime, money laundering and cross-border crime. The study indicates the most important methods used by offenders in the analyzed areas from the perspective of criminology and forensics. The article aims at presenting the phenomenology (also known as symptomatology) of organized crime, including the dynamics and structure of crime in general, the methods of committing particular crimes and some elements of how the criminal world is organized. The author also points to the etiology of the characterized criminal activities. Among others, the reports on the activities of the Central Police Investigation Bureau have been used during the research. As a result of the analysis, several remarks have been formulated. First of all, the character of the presented forms of organized crime in Poland changes with time. Secondly, groups that demonstrate strictly criminal activities are still present in the public space. Thirdly, crime becomes more interdisciplinary and the criminal groups enter new areas of criminal activities. The article may form a contribution to further research in this area, including especially the development of effective mechanisms for the prevention of organized crime.

Keywords: organized crime; criminology; forensics; criminal terror; human trafficking; car crime; cross-border crime; money laundering

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INTRODUCTION

The subject of considerations in this article are the criminological and forensic issues of selected forms of contemporary organized crime in Poland. It should be emphasized that alongside groups operating in the sphere of economy and drug trafficking market, a prominent place in the arena of organized crime is held by groups of criminal character. In 2018,[1] the Central Police Investigation Bureau was interested in 122 groups showing strictly criminal activity (136 in 2017,[2] 143 in 2016,[3] 190 in 2015,[4] 155 in 2014,[5] 148 in 2013,[6] 181 in 2012,[7] 113 in 2011,[8] 90 in 2010[9]). Within this area, the activity in the field of, i.a., criminal terror, human trafficking and car crime should be distinguished. Moreover, an important meaning for organized crime has money laundering and cross-border crime whose examples are presented in the final part of the study. This article focuses on the most characteristic manifestations of organized crime group activities in the presented planes, therefore it may be a contribution to an in-depth analysis and discussion of experts.[10]

CRIMINAL TERROR

In the area of criminal terror, the most serious acts are commissioned murders, assaults, extortions, and batteries. The use of force in committing crimes is intended to manifest the power of criminal groups and may be associated with the leaving

[1] *Sprawozdanie z działalności Centralnego Biura Śledczego Policji za 2018 rok*, Warszawa 2019, p. 3.

[2] *Sprawozdanie z działalności Centralnego Biura Śledczego Policji za 2017 rok*, Warszawa 2018, p. 3.

[3] *Sprawozdanie z działalności Centralnego Biura Śledczego Policji za 2016 rok*, Warszawa 2017, p. 3

[4] *Sprawozdanie z działalności Centralnego Biura Śledczego Policji za 2015 rok*, Warszawa 2016, p. 3

[5] *Sprawozdanie z działalności Centralnego Biura Śledczego Policji za 2014 rok*, Warszawa 2015, p. 3.

[6] *Sprawozdanie z działalności Centralnego Biura Śledczego Komendy Głównej Policji za 2013 rok*, Warszawa 2014, p. 3.

[7] *Sprawozdanie z działalności Centralnego Biura Śledczego Komendy Głównej Policji za 2012 rok*, Warszawa 2013, p. 3.

[8] *Sprawozdanie z działalności Centralnego Biura Śledczego Komendy Głównej Policji za 2011 rok*, Warszawa 2012, p. 3.

[9] *Sprawozdanie z działalności Centralnego Biura Śledczego Komendy Głównej Policji za 2010 rok*, Warszawa 2011, p. 3.

[10] More broadly, see E. Wojewoda, *Tendencje i prognozy w zakresie zagrożenia zorganizowaną przestępczością kryminalną w Polsce*, "Przegląd Policyjny" 2015, no. 1, pp. 121–133; P. Łabuz, *Zorganizowana przestępczość porachunkowa*, "Jurysta" 2011, no. 1, pp. 12–16.

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of prisons by the heads of criminal groups arrested at the end of the 20th century. Spectacular killings and explosions are the domain of large urban agglomerations, where interests of the most powerful criminal groups clash.[11] In 2018, there were 11 cases of explosions, three of which were signs of criminal terror (in 2017 respectively 20 and 8, in 2016 – 28 and 8, in 2015 – 15 and 4, in 2014 – 19 and 5, in 2013 – 25 and 4, in 2012 – 12 and 4, in 2011 – 25 and 7, in 2010 – 38 and 12).[12] The number of such crimes is falling, which indicates a higher awareness of group leaders who understand that the "media noise" associated with such events was unfavourable to their activities, and it was extremely popular in the late 1990s.

The first explosions in Poland date back to the early 1990s, which is related to the formation of organized crime and criminal settlements. The detonations were to be a warning to victims, they were related to competition and settlements. The motives of the perpetrators were ultimately material benefits. Most of the bombings took place in public space, which posed a real threat to bystanders and caused an atmosphere of intimidation.[13]

Criminal settlements are currently dominated by using physical violence and firearms. One can see an increase in brutality in the activities of organized criminal group members (including batteries, mutilations), which are forced by the struggle for spheres of influence and profit. Brutalization also applies to groups of car thieves who use weapons and batter with fleeing cars the police officers trying to thwart their criminal practice. In the sphere of criminal terror, a profitable occupation is extorting goods from small entrepreneurs, forcing tributes and assaults. Another observed activity is kidnapping and extortion of ransom from persons with significant financial assets.[14] Detaining a person has the purpose to intimidate the addressees of the kidnappers' requests and to strengthen their demands. Abduction for ransom is always caused by low motives, and the instructions are addressed

[11] B. Hołyst, *Współczesne problemy przestępczości zorganizowanej w Polsce*, [in:] *Człowiek w obliczu prawa*, ed. B. Pastwa-Wojciechowska, Kraków 2008, pp. 259–260. More broadly, see E. Ornacka, P. Pytlakowski, *Nowy alfabet mafii. Najnowsze losy polskiej przestępczości zorganizowanej*, Poznań 2013.

[12] *Sprawozdanie z działalności Centralnego Biura Śledczego Policji za 2018 rok*, Warszawa 2019, p. 9.

[13] J. Gołębiewski, *Terror kryminalny w Polsce*, [in:] *Przestępczość zorganizowana. Fenomen, współczesne zagrożenia, zwalczanie. Ujęcie praktyczne*, eds. W. Jasiński, W. Mądrzejowski, K. Wiciak, Szczytno 2013, pp. 216–217. Cf. K. Nawrocki, W. Daniel, *Czym była przestępczość zorganizowana w PRL*, [in:] *Brudne wspólnoty. Przestępczość zorganizowana w PRL w latach siedemdziesiątych i osiemdziesiątych XX wieku*, eds. K. Nawrocki, W. Daniel, Gdańsk–Warszawa 2018, pp. 7–15. More broadly, see K. Kagan, *Crime Scene as a Source of Information in the Process of Profiling the Unknown Perpetrator of Homicide*, "Studia Iuridica Lublinensia" 2020, vol. 29(5), pp. 81–102.

[14] J.W. Wójcik, *Główne problemy przestępczości w Polsce z początkiem XXI wieku*, "Zeszyty Naukowe Wyższej Szkoły Informatyki, Zarządzania i Administracji w Warszawie" 2011, no. 3(16), p. 10.

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to a relatively narrow group of persons close to the hostage.[15] A phenomenon that is difficult to detect, because of the attitude of the victims, is "taxing" of smaller criminal groups and kidnapping of their "family" members for ransom.[16] Owners of enterprises operating in the "grey zone", who generate large profits, are obviously not interested in cooperation with law enforcement agencies. A paralysis of law enforcement agencies is also caused by intimidation of potential witnesses by members of organized crime groups. Activities in this area are a kind of compensation for organized crime after limiting the number of kidnappings and extortions of ransom from businesses conducting legal activity, which, similarly to the phenomenon described above, were characterized by unfavourable publicity and the possibility of unmasking. Effective activities of law enforcement officers played a significant role in this respect.[17]

Dealings that became a kind of showcase of organized criminal groups, continuously until the beginning of the 21st century, were robbery extortions. Criminals, by intimidating their victims, forced them to transfer sums of money to the criminals, to transfer their property or close their businesses. The perpetrators exploited mainly wealthy people prone to various harassment methods. The criminals, using sometimes sophisticated methods, created a real threat situation, reinforcing their demands with it. A practice that brought similar consequences for victims, and in addition to robbery extortions became an important source of illegal income for organized criminal groups in the indicated period, were tributes. Also in this respect, the basis for action was a permanent intimidation, an atmosphere of terror and the reality of threats. The activity of criminals in this dimension covered the territory of the whole country, accumulating in large urban centres. Among the victims were individual entrepreneurs keeping shops, providing services, and running catering establishments, as well as sellers from bazaars and marketplaces. Tributes also covered the sphere of illegal activities. One example is the enforcement of illegal payments from pimps. Over time, tributes became a form of an additional informal tax. In return, perpetrators of extortion often offered "protection services" against criminal activities of unspecified persons. Refusal to use their services always had repercussions in the form of property damage or burglary. In this way, criminals mobilized victims to make regular payments in exchange for ensuring peace in doing business.[18]

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[15] J. Gołębiewski, *op. cit.*, p. 224.

[16] More broadly, see J. Kaczmarek, *Przestępstwo wzięcia i przetrzymywania zakładnika. Aspekty prawne i kryminologiczne*, LEX/el. 2013.

[17] See W. Mądrzejowski, *Przestępczość zorganizowana. System zwalczania*, Warszawa 2008, p. 44.

[18] J. Gołębiewski, *op. cit.*, pp. 219–221. More broadly, see M. Cichomski, A. Fraj-Milczarska, P. Suchanek, *Bezpieczeństwo prowadzenia działalności gospodarczej a zagrożenie przestępczością zorganizowaną – wyniki badań*, [in:] *Przestępczość w XXI wieku. Zapobieganie i zwalczanie. Problemy prawno-kryminologiczne*, eds. E.W. Pływaczewski, W. Filipkowski, Z. Rau, Warszawa 2015, pp. 755–775.

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HUMAN TRAFFICKING

The 1990s were a time of intensification of human trafficking in Poland. Among the existing reasons, firstly, the border opening of the former socialist countries, the geographical location of Poland in Europe and its membership in the European Union should be mentioned. It seems that Poland can take over from Germany the role of a buffer country from which victims of the crime will be "distributed" to Europe. At present, Poland performs three functions in these dealings. It is the country of the victims' origin, and the transit or destination country. Polish victims of human trafficking mainly go to Germany, the Netherlands, Italy, Spain, Belgium, Austria, Switzerland, the Nordic countries, and the Arab countries. The data show a great involvement in the dealings of organized crime. The functioning mechanism consists of activities of persons responsible for the implementation of individual elements. The group is usually headed by a principal who usually resides in the destination country. Whereas others organize recruitment of people willing to work. Delivery of victims is handled by couriers who are in contact with persons organizing relevant documents. The division of roles in committing crimes hampers the effective fight of law enforcement agencies and the evidencing process in court. Disturbing signals are also connected with an activity of criminal groups in the sphere of creation and supervision of the illegal labour market and charging fees in the form of tributes in this respect.[19] The collected data show the recruitment of victims mainly to use them in the so-called "sex business". Smuggling routes are identical to drug routes. Belarussian, Bulgarian, and Polish groups mainly deal with it. Criminal groups use an imperfect deportation policy, which often treats victims of human trafficking as persons breaking the law and orders their deportation. They also monitor the current situation, which allows them to change the whereabouts of prostitutes quickly in case of threat. It should be added that there are also corruption cases of local Police officers. In Poland, an obstacle in successful combating the crime of human trafficking is also imperfect, though changing law, which in some cases paralyzes the operation of the justice administration in relation to this category of crime.[20] The most usual form of human trafficking is trafficking in women for sexual exploitation. The victims are usually young women, to whom perpetrators promise well-paid forms of employment abroad, e.g. as waitresses or housekeepers. A crucial element is also

[19] J.W. Wójcik, *op. cit.*, p. 10. More broadly, see K. Bajda, D. Semków, *Przeciwdziałanie zjawisku handlu ludźmi na terenie województwa podkarpackiego*, [in:] *Zagadnienia bezpieczeństwa i porządku publicznego w jednostkach samorządu terytorialnego*, eds. E. Ura, E. Feret, S. Pieprzny, Rzeszów 2018, pp. 392–405.

[20] See Z. Izdebski, J. Dec, *Reakcja prawno-karna na handel ludźmi Polsce*, [in:] *Człowiek w obliczu prawa…*, pp. 267–288; K. Karsznicki, *Analiza polskiego prawa pod kątem efektywności ścigania handlu ludźmi do pracy przymusowej*, "Prokuratura i Prawo" 2009, no. 7–8, pp. 39–47; B. Hołyst, *Współczesne problemy przestępczości…*, pp. 260–261.

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an insidious emotional commitment of future bandits, who gain the trust of victims. Some of the victims consciously accept work as a prostitute, which may be related to a difficult financial situation in which they have found themselves. The exploitation in this dimension consists in changing the established working conditions and taking control of the victim's behaviour.[21] A key change in combating human trafficking took place in 2010, which resulted in the definition of the phenomenon formulated in Article 115 § 22 of the Penal Code.[22] Effective prevention of sexual exploitation of women depends on the cooperation of all responsible entities, on a local, regional and, especially, international level. Lack of cooperation results in the use of diversity in legal systems by the cross-border organized crime and placing their illegal activities in locations where the risk of conducting it is the lowest. The disturbing phenomena associated with the correspondence of the organized crime world with the sphere of "erotic entertainment" involve corruption of state officials, including police officers, by criminal groups, in order to protect their practice, and tolerance by some governments of the so-called "sex tourism", also in its most drastic forms – sexual exploitation of children. This happens, among others, in Venezuela, Cambodia, Thailand, or the Philippines.[23]

The problem of human trafficking requires constant analysis, as shown by its continuous evolution. The main directions of changes are currently focused on the phenomenon of intensification of human trafficking for forced labour and their use in criminal activities. The number of cases of child trafficking for sexual abuse and begging is also increasing.[24] In addition to the indicated forms of child abuse, child trafficking can also be manifested in the form of selling children for illegal adoption, exploiting children at work (including slavery and forced labour), using for drug sale or theft, as well as trading in their organs for commercial purposes.[25] A US news television has reported about dramatic practices that took place just outside Poland's eastern border: "CNN has published shocking reports on the illegal trafficking in unborn children. Two female lawyers from the top shelf, dealing with the so-called sexual and reproductive rights are involved in the case […]. The mechanism has worked like this: first, surrogate mothers were found. They were

[21] I. Malinowska, J. Bryk, *Handel ludźmi i przestępstwa towarzyszące*, [in:] *Przestępczość zorganizowana…*, p. 92.

[22] Act of 20 May 2010 amending the Act – the Penal Code, the Act on the Police, the Act – Regulations introducing the Penal Code and the Act – the Code of Criminal Procedure (Journal of Laws 2010, no. 98, item 626).

[23] W. Pływaczewski, *Handel kobietami z perspektywy problematyki przestępczości zorganizowanej*, [in:] *Ius est ars boni et aequi. Księga pamiątkowa ofiarowana Profesorowi Stefanowi Lelentalowi*, eds. P. Bogdalski, W. Pływaczewski, I. Nowicka, Szczytno 2008, pp. 101–102.

[24] J. Bryk, I. Malinowska, *Sprawca handlu ludźmi w aspekcie międzynarodowej zorganizowanej przestępczości. Cz. 1. Z badań nad zjawiskiem*, "Przegląd Policyjny" 2013, no. 1, p. 148.

[25] I. Malinowska, J. Bryk, *op. cit.*, p. 93.

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sent to an *in vitro* clinic in Lviv. There, they were implanted with embryos from unknown parents. When the pregnancy reached the third trimester, an auction began: who would give more for that child. Bidders sold children with agreed traits (gender, race). The auctioned amounts reached USD 180,00".[26]

One form of the analyzed activity of organized criminal groups is human trafficking for begging. Important from the viewpoint of criminology, next to the social dimension, is the division of the phenomenon. K. Król distinguishes three types of begging in Poland: "1) occupational begging – where begging is a way to earn money, treated as a daily occupation; 2) coerced begging – where the decision to beg once or more times on the street is made for external reasons; 3) imported begging – foreigners coming to Poland, e.g. from Romania or Moldova; they are often an organized group with an internal structure and social engineering techniques established in advance".[27]

Due to its complexity, human trafficking is one of the crimes committed by organized groups on an international scale. Wronged victims become very distrustful. State aid must be professional. Unskilful actions may, contrary to their intentions, lead to a withdrawal from life and permanent social isolation. In this regard, the scientific research, and the practice of combating the crime of human trafficking emphasize the vital role of social institutions in helping people injured by traffickers. Examples of organizations operating in this field are the "La Strada" Foundation against Human Trafficking and Slavery, the Nobody's Children Foundation, ITAKA – the Centre for the Search of Missing People, the Immaculate Virgin Mary PoMOC Association for Women and Children.[28]

CAR CRIME

Car theft is also a problem that affects society and is associated with the activities of organized crime groups. Despite the decrease in the number of related crimes from the year 2000 to now, their number is still overwhelming.[29] Typical

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[26] *Handel ludźmi. Nienarodzonymi*, https://rodzina.wiara.pl/doc/994103.Handel-ludzmi-Nienarodzonymi [access: 9.10.2019]. Cf. J. Bryk, I. Malinowska, *Sprawca handlu ludźmi w aspekcie międzynarodowej zorganizowanej przestępczości. Cz. 1…*, pp. 127–154; iidem, *Sprawca handlu ludźmi w aspekcie międzynarodowej zorganizowanej przestępczości. Cz. 2*, "Przegląd Policyjny" 2013, no. 2, pp. 107–127.

[27] K. Król, *Żebractwo we współczesnej Polsce jako kwestia społeczna*, Konin 2008, p. 28, as cited in I. Malinowska, J. Bryk, *op. cit.*, p. 94.

[28] R. Antonów, *Problem handlu ludźmi w Polsce na przełomie XX i XXI wieku. Kierunki badań*, "Studia Erasmiana Wratislaviensia" 2013, no. 7, p. 157.

[29] See *Policja. Raport 2018 – Utracone pojazdy*, www.statystyka.policja.pl/st/wybrane-statystyki/kradzieze-samochodow [access: 4.05.2019].

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mechanisms of the perpetrators' actions include, among others, theft of vehicles abroad (in Germany, Italy, France) and their smuggling to Poland, where the vehicle identification features are changed, and new documents are manufactured. Poland plays the role of a destination as well as a place of transit of the stolen vehicles to the east of Europe. Vehicle theft in Poland is also a scourge in this respect. The place where the crime stipulated in Article 278 § 1 of the Penal Code is most often committed is a street, a car park, and a parking space at large-area shopping centres. Other, more sophisticated forms of car crime are also found. They are, i.a., extorting vehicles in the activity sphere of credit and leasing companies.[30] The number of detected car theft crimes in 2018 was 8745. The reason for the huge problem is objective ease of taking over a vehicle and a quick profit associated with the developed "receiver market" in Poland.[31]

Organized crime is predominantly multi-crime groups. Groups that deal with only one criminal specialization are a countertype to this thesis. These include organized car thieves who, within one discipline, keep parallel relationships with groups involved in another occupation, such as production of false documents. The goal of organized criminal groups is to maximize profit. In the area of car crime, it is achieved, in addition to selling stolen cars, by selling parts from disassembling after the theft. The profitability of the dealings results from the high demand for used parts. Every year, tens of thousands of defective and damaged vehicles from Western Europe are imported, which relates to the demand for used components.

Another popular activity of criminal groups, especially in the late 1990s and early 2000s, was a ransom demand for the return of stolen vehicles. Criminals mainly chose vehicles whose owners had not taken out the Auto Casco insurance or those that were stolen along with a load. The redemption price was between 10–50% of the lost property value. One should also point to considerable sums that criminals extorted from insurance companies for allegedly stolen vehicles and collisions, which actually did not exist. Their value is exceedingly difficult to estimate.

The structures of criminal groups dealing with car crime depend on several factors, including the size of the group, the range of activities and methods as well as the way of making a profit. Groups that deal with the sale of spare parts from stolen vehicles are characterized by the presence of thieves and receivers. Among them, one can also distinguish the so-called couriers who transport stolen vehicles to the place of disassembling. Their significance increases when the theft is committed outside the country. People who deliver stolen vehicles protect the thieves who have specialist knowledge, valuable for the group, and have the expensive equipment for starting the vehicle. In addition, groups that deal with legalization and smuggling of stolen vehicles must have counterfeiters of vehicle identification

[30] B. Hołyst, *Współczesne problemy przestępczości…*, pp. 261–262.
[31] Idem, *Kryminalistyka*, Warszawa 2007, p. 148.

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marks (also electronic engineers changing digital identification marks), document counterfeiters or persons obtaining documents enabling legalization or smuggling, and people who are looking for potential buyers. A crucial element in the structures of the groups are also people who have or rent rooms in which the perpetrators store, modify or disassemble the stolen vehicles.[32]

MONEY LAUNDERING

An inseparable element of criminal activity, regardless of its nature, is money laundering. It is the crowning achievement of criminal undertakings, and its mechanisms allow the use of funds derived from criminal activities. The funds derived from the crime, the so-called "dirty money" can be evidence against their disposers. The purpose of organized criminal groups is to hide its origin – "laundering" and introducing it into legal business activities.[33]

The scale of the money laundering phenomenon is difficult to determine. Some decades ago, experts of the analyzed issue estimated that only from the sale of drugs in the USA and other developed countries the net profit that had to be put into the legal circulation was worth USD 85 billion.[34] Three stages of such an extensive activity can be identified. Firstly, creating a distance between the crime and the obtained funds, based on their depositing in many bank accounts and money transfers using electronic accounts in Poland and in the world. Secondly, layering of the funds by introducing them to legal transactions using numerous financial operations related to operations of enterprises, real estate purchases, loans, import, export or sale of goods of value difficult to evaluate (e.g., IT software). Thirdly, incorporation of the "laundered" money into legal trading and its annexations by the capital from legal sources.[35]

Economic crimes in the form of money laundering and financing of terrorism are perhaps the most difficult sphere of organized criminal group activities to penalize. The reason for this is the lack of well-established methods of recognizing them, which is conducive to their intensification and evolution. The difficulty of recognizing the phenomenon is intensified, as J.W. Wójcik rightly notes, by the "extremely complex and even sophisticated *modus operandi* of perpetrators".[36] In

[32] D. Potakowski, *Przestępczość samochodowa jako przejaw działalności zorganizowanych struktur przestępczych*, [in:] *Przestępczość zorganizowana…*, pp. 169–180.

[33] See W. Mądrzejowski, *op. cit.*, pp. 65–68; B. Hołyst, *Kryminalistyka…*, p. 342.

[34] E.W. Pływaczewski, *Proceder prania pieniędzy i jego implikacje*, LEX/el. 2013.

[35] See W. Mądrzejowski, *op. cit.*, pp. 65–68; B. Hołyst, *Kryminalistyka…*, p. 342. Cf. Z.B. Gądzik, *Przestępstwo prania brudnych pieniędzy jako przejaw działań zorganizowanych grup przestępczych*, [in:] *Oblicza współczesnej przestępczości zorganizowanej*, ed. K. Laskowska, Białystok 2014, p. 45.

[36] J.W. Wójcik, *op. cit.*, p. 11.

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addition to the analysis of the literature on the subject, annual reports prepared by the General Inspector of Financial Information are a valuable source of research on money laundering.[37]

In the economic sense, money laundering destabilizes the economy. According to W. Jasiński, this activity can lead to "distortions in the tax and currency system of the state; violating the principles of fair economic competition and distorting the market mechanism for determining economic parameters; corruption of administrative employees who decide on the regulation of certain areas of economic activity; takeovers of certain sectors of the economy by organized criminal groups; introducing immoral business practices; threats to the financial policy pursued by the state; loss of international credibility of the state".[38]

Banking institutions and commercial companies operating in the so-called tax havens are of particular importance for money laundering, which is international in nature. Criminal structures organize in them the so-called rotation companies that are used, among others, for money laundering and tax optimization. The most important goal of the indicated entities is to reduce the taxable profit. Such actions involve transactions that are difficult to identify and verify by tax authorities and relate to intangible goods (management of rights) in the form of, e.g., the use or sale of patents, copyrights, production processes (know-how). Rotational companies may also be used in sale and purchase transactions in connection with the existing network of connections. Their role is to mediate in the purchase of products from parent companies and resale to subsidiaries while keeping some of the profit in a tax haven. Rotation companies are widely used in techniques related to money laundering. An example of criminal complex mechanisms is VAT fraud. They are made through manipulation with invoices and abuse of differences in tax rates in various countries of the European Union. Often, items of trade are obtained from the money derived from criminal activities. Increasing prices in imports and undervaluing in exports is used in the aforementioned case of committing tax torts and money laundering. Invoicing fraud in goods and services tax is done in a way that avoids tax payment, while in the case of money laundering, the tax is paid to avoid interest in transactions by tax authorities.[39]

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[37] See W. Filipkowski, *Fenomenologia powiązanego z przestępczością zorganizowaną procederu prania pieniędzy w Polsce*, [in:] *Oblicza współczesnej przestępczości…*, pp. 9–24.

[38] W. Jasiński, *Pranie pieniędzy. Zwalczanie i przeciwdziałanie*, [in:] *Przestępczość zorganizowana…*, p. 385.

[39] *Ibidem*, pp. 413–414 and the literature referred to therein. More broadly, see K. Ryszka, *Zagrożenia dla bezpieczeństwa państwa wynikające z funkcjonowania zorganizowanej przestępczości wykorzystującej mechanizmy podatkowe*, "Przegląd Policyjny" 2015, no. 3, pp. 133–143.

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CROSS-BORDER CRIME

Organized crime in cross-border forms[40] is also a domain of Polish organized criminal groups. Its area of activity concerns all described forms of crime committed in the conditions of "native" groups, as well as with the participation of organized groups operating outside Poland. There are two aspects to the reasons for the activity of Polish organized criminal groups in the sphere of cross-border crime: the geopolitical location and the Polish accession to the structures of the European Union. Consequently, these two facts form a natural "channel" of criminal activity connecting the countries of the former USSR with Western Europe. Poland's accession to the Schengen agreement also puts Poland as the "key guardian" of the eastern border of the western world. The opening of borders and, consequently, the free movement of citizens of different countries, has caused changes in the functioning of organized criminal groups. On the one hand, native groups are trying to consolidate their position within the borders of Poland, on the other, they are trying to set up strategic alliances with groups from neighbouring countries. Polish criminal groups are somehow naturally becoming a bridge between Russian-language crime and Western criminal groups.

After joining the European Union, Poland has become a destination country for many immigrants. Along with illegal immigration, persons connected with crimes of the former USSR, Albania, Bulgaria, former Yugoslavia, Turkey, Asia, and some African countries are coming to Poland. They form ethnic groups whose dismantling poses many difficulties for law enforcement agencies. The reason for this is their homogeneous nature, isolation and basing their functioning on family and clan ties. Integration processes in Europe have resulted in an expansion of criminal activities in the field of drug offenses, smuggling of alcohol and cigarettes and human trafficking. In addition, law enforcement agencies increasingly face the problem of euro counterfeiting, intellectual property theft and international money laundering.[41]

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[40] More broadly, see K. Laskowska, *Funkcjonowanie zorganizowanych grup przestępczych (międzynarodowych, cudzoziemców i rosyjskojęzycznych) w świetle wyników badań akt spraw karnych*, [in:] *Przestępczość cudzoziemców. Aspekty prawne, kryminologiczne i praktyczne*, eds. W. Klaus, K. Laskowska, I. Rzeplińska, Warszawa 2017, pp. 259–271; eadem, *Budowa zorganizowanych grup przestępczych (międzynarodowych, cudzoziemców i rosyjskojęzycznych) w świetle wyników badań akt spraw karnych*, [in:] *Przestępczość cudzoziemców…*, pp. 272–284; eadem, *Granice państwa jako miejsce popełniania przestępstw przez zorganizowane grupy przestępcze z udziałem cudzoziemców*, [in:] *Przestępczość cudzoziemców…*, pp. 285–293; E. Ząbek, *Prawne i organizacyjne instrumenty przeciwdziałania nielegalnej gospodarce odpadami*, [in:] *Przeciwdziałanie międzynarodowej przestępczości przeciwko środowisku naturalnemu z perspektywy organów ścigania*, eds. A. Nowak, W. Pływaczewski, M. Porwisz, Szczytno 2017, pp. 267–288.

[41] T. Safjański, *Wpływ integracji europejskiej na zjawisko przestępczości zorganizowanej w Polsce*, "Przegląd Policyjny" 2004, no. 4, pp. 148–150.

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CONCLUSIONS

The specificity of individual forms of organized crime phenomenon in general, including Poland, changes over time. Some of its elements, including the form of the organized nature of the activity, hierarchical structure, continuous and diverse offenses and the desire for gaining profit, however, remain unchanged. Organizers of various crimes committed by force, blackmail and corruption focus not only on gaining profits, but also on introducing the illegally accumulated income into official economic transactions.[42] The greatest threat to the state that comes from the sphere of organized crime is its penetration into the economic structures, and through them into the structures of state power. Placing illegal profits in legal sectors of the economy and finances with a simultaneous impact on local authorities leads to contamination of the power system. In addition, it causes a lack of public confidence in the state authorities and administration. Still valid indications of the impact of organized crime on deputies to the Polish Sejm, senators and high state officials highlight these threats.[43]

The data collected by the Central Police Investigation Bureau show the constant presence in the Polish public space of groups displaying strictly criminal activity. Even though their number is falling, it is impossible to talk about a lasting trend yet. There is no doubt that the image of perpetrators' actions is changing. The forms of their activity are determined by the arduous work of law enforcement agencies, hence the high dynamics of change. Multiplicity of them and entering new areas are also characteristic of other forms of organized crime. Flagship examples are the perpetrators' activities in the field of money laundering (a white-collar crime discipline) and cross-border crime (e.g., production and introduction into circulation of false payment cards or the so-called "skimming").

[42] Z. Rau, *Przestępczość zorganizowana w Polsce i jej zwalczanie*, Kraków 2002, p. 55.

[43] E.W. Pływaczewski, *Przestępczość zorganizowana z punktu widzenia polityki, teorii i praktyki*, [in:] *Przestępczość zorganizowana, świadek koronny, terroryzm w ujęciu praktycznym*, ed. E.W. Pływaczewski, Kraków 2005, p. 119. More broadly, see J. Kudła, A. Staszak, *Operational Control in the Information Technology System (Postulates de lege ferenda)*, "Studia Iuridica Lublinensia" 2021, vol. 30(2), pp. 263–284.

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ABSTRAKT

W artykule dokonano analizy kryminologiczno-kryminalistycznej wybranych form współczesnej przestępczości zorganizowanej w Polsce, ze szczególnym uwzględnieniem terroru kryminalnego, handlu ludźmi, przestępczości samochodowej, prania brudnych pieniędzy i przestępczości transgranicznej. W opracowaniu wskazano na najistotniejsze z perspektywy nauki kryminologii i kryminalistyki metody działania sprawców przestępstw w analizowanych wymiarach. Celem artykułu jest przedstawienie fenomenologii (inaczej symptomatologii) przestępczości zorganizowanej, w tym dynamiki i struktury przestępczości, sposobu popełniania wybranych przestępstw oraz niektórych elementów organizacji świata przestępczego. Autor wskazuje ponadto na etiologię charakteryzowanych przestępczych aktywności. W toku badań wykorzystano m.in. raporty z działalności Centralnego Biura Śledczego Policji. W wyniku przeprowadzonej analizy sformułowano kilka uwag. Po pierwsze, specyfika przedstawionych form przestępczości zorganizowanej w Polsce zmienia się w czasie. Po drugie, w przestrzeni publicznej wciąż są obecne grupy wykazujące działalność stricte kryminalną. Po trzecie, charakterystyczna jest interdyscyplinarność grup przestępczych oraz wkraczanie w nowe obszary działań przestępnych. Opracowanie może stanowić przyczynek do dalszych rozważań w przedmiotowym zakresie, w tym w szczególności do wypracowania skutecznych mechanizmów służących zapobieganiu przestępczości zorganizowanej.

Słowa kluczowe: przestępczość zorganizowana; kryminologia; kryminalistyka; terror kryminalny; handel ludźmi; przestępczość samochodowa; przestępczość transgraniczna; pranie brudnych pieniędzy