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## **PREVENTION OF JUVENILE DELINQUENCY AS ONE OF THE TASKS OF THE POLISH POLICE**

*Practically every policeman patrolling different areas every day encounters the phenomena of social pathology. This article deals with the issues related to juvenile delinquency and its etiology. It briefly discusses the regulations governing proceedings towards minors in Polish law. The paper presents current juvenile delinquency issues in the Warmian - Masurian Voivodeship, which can serve as an indicator for preventive work in youth groups. Components of two training programs run at the Police Academy in Katowice are also presented. During the programmes the participants acquire knowledge essential for procedures related to detaining juvenile perpetrators of prohibited acts, who display signs of demoralization.*

**Key words: juvenile, crime, prohibited act, demoralisation, training program**

### **1. Introduction**

Juvenile delinquency is one of the problems that law enforcement officials must face in all EU Member States. It is estimated that juvenile delinquency according to statistical data from European Union countries may constitute

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on average almost 15% of all committed crimes (Official Journal of the European Union C 110/75 p.2). The data of ESPAD (European School Survey Project on Alcohol and Drugs) is even more alarming; indicating that on average 97% of 15-year-olds consumed alcohol at least once in their lifetime.

As far as declared drug use is concerned, in Poland 25% of respondents said that they used drugs at least once in their lives. Among the EU Member States, the largest number of young people who had contact with drugs was recorded in the Czech Republic - 45%, while the lowest in Sweden - 9% (Summary 2011 ESPAD report, p. 6, 14). Accurate estimation of the demoralization of minors in EU countries is very difficult due to the diversity of legal systems and criminal justice, adopted definition concepts, methods of registering crimes, division into crimes and offenses, age of juvenile responsibility for committed acts, application of punitive or educational measures.

The causes and circumstances conducive to demoralization of minors may certainly include:

- the origin of minors from broken homes;
- socio-economic marginalization or poverty that hinder the proper process of socialization;
- missing classes and school failures;
- media presenting violent content, contributing to instill a system of values in which violence is permissible;
- the use of addictive substances;
- lack or limited message regarding civic values.

In the legislation of countries belonging to the European Union, it can be noted that the model of prevention rather than punishment of minors prevails. For this purpose, appropriate social welfare programs are not enough but also proper preparation of those who undertake activities directed to minors, i.e. judges, prosecutors, police officers etc.

Considering that in Poland the prevention and prosecution of juvenile perpetrators is dealt with by police officers in cooperation with family courts, it is necessary to properly prepare officers so that they will be able to recognize properly the symptoms of juvenile demoralization, take actions and document disclosed acts.

## **2. Juvenile Delinquency Law**

When considering juvenile delinquency, several issues need to be clarified. The very concept of “juveniles” in Polish criminal law is ambiguous. The Penal

Code (Dz. U. (Journal of Laws) 2007 item 2204, as amended) identifies juveniles in the criminal-law aspect as persons who have not attained 17 years of age (Article 10, *ibid.*), and :

- a) who as perpetrators of a prohibited act to whom guilt cannot be attributed at the time of the commission of the act have not committed an offence;
- b) who can take criminal responsibility for committing some prohibited acts specified by the Penal Code.

And juveniles within the meaning of the Act of October 26, 1982 on the proceedings in juvenile cases (Dz. U. (Journal of Laws) of 2016, item 1654, article 1), in procedural and educational terms, who:

- a) have not attained 18 years of age and display signs of demoralization;
- b) have committed a criminal offence having attained 13 years of age but before having reached the age of 17;
- c) have not reached the age of 21, and against whom educational or correctional measures have been enforced.

It seems necessary to define here the term “criminal offence”. The act on proceedings in juvenile cases, already cited in this article, will certainly be helpful. According to the provisions of this legal act, it is an act prohibited by law as a crime that is a felony or misdemeanor, a fiscal offence or one of the 12 offences against (Gromek, 2004: 66):

- public order and peace;
- state, local government and social institutions;
- the safety of persons and property;
- security and order in public transport;
- property;
- the interests of consumers;
- public facilities.

In the Polish criminal law system, an offender may only be a person who has committed a prohibited act after having attained the age of 17 years. Juveniles are liable to the measures provided for in the act on proceedings in juvenile cases. However, there are exceptions from the rule, which are discussed below. If a juvenile who has reached the age of 13 but has not attained 17 years of age commits a prohibited act – as a rule the court applies the measures provided for in the act on juvenile proceedings, but here the legislator introduces the first exception. In some cases, criminal liability may be borne by a juvenile who has reached the age of 15 and has committed an offence included in the list contained in art. 10 § 2 (penal code p.c.):

- assassination of the President of the Republic of Poland;

- murder;
- deliberate causing serious damage to the health of the basic or qualified type;
- deliberate causing widespread danger;
- hijacking of an aircraft or a ship of the basic and qualified type;
- deliberate causing disaster in transport;
- collective rape or accompanied by particular cruelty;
- taking hostages;
- mugging.

Juveniles who after attaining the age of 15 years have committed one of the above-mentioned prohibited acts, may take legal responsibility specified in the Penal Code procedure, if the circumstances of the case and the personal qualities and individual circumstances of the perpetrator support this, and especially if previously used educational or corrective measures have been ineffective (Gardocki, 2004: 61). When imposing penalty on a juvenile, the court's first and foremost objective is to provide the perpetrator with educational and corrective support (Dz.U. (Journal of Laws) 2017, item 2204, art.54§1). The penalty shall not exceed 2/3 of the statutory punishment provided for the offence. The court may also apply extraordinary mitigation of punishment.

However, art. 10 § 4 of the penal code provides for treating an adult perpetrator who has reached the age of 17 but has not attained 18 years of age as a juvenile (Gardocki, 2004: 61). This applies only to a perpetrator towards whom instead of a penalty educational, corrective or therapeutic measures provided for a juvenile can be adopted if the circumstances of the case or the degree of the development of the perpetrator, their personal qualities and individual circumstances support this.

### *2.1. Juvenile delinquency rates in the country*

In order to carry out further considerations of juvenile delinquency it is necessary to find out its rates. The share of juveniles in the overall number of offenders over the years has changed. This study deals with the years 2014 - 2017. In 2017, 782,069 offences were recorded, which was 3505 more than in 2016, when 778,564 offences were recorded (Information Bulletin of the Police Headquarters in 2017). In 2015, 833,281 offences were recorded and it was 81,800 fewer than in the record year 2014 (taking into account the time span studied), when the total number of offences amounted to 915,081. In 2017, 26,433 prohibited

acts were committed by juveniles, of which the vast majority of 25,653 were of a criminal nature (for a total of 490,711 registered offences which accounts for 5.2%), and 10,127 in the 17x7<sup>1</sup> category (for a total of 243115 crimes). A similar situation took place also in previous years. In 2016, juveniles committed 29,222 prohibited acts, of which 28,345 were of a criminal nature and 12,446 falling into 17x7 categories. In 2015, the total number of prohibited acts reached 28,875 and was 13,860 lower than in 2014, when juvenile delinquencies were recorded at 42,735. A similar situation was recorded in the area of criminal offences – 27,974 in 2015 and 41,325 in 2014 and – 12,877 and 18,603 in the 17x7 category in 2015 and in 2014 respectively.

**Table 1.** *The table below presents the numbers of prohibited acts, committed by juveniles in the years 2014 – 2017.*

<b>Number of prohibited acts committed by juvenile perpetrators</b>			
<b>Year</b>	<b>Total</b>	<b>Acts of criminal nature</b>	<b>17X7</b>
<b>2014</b>	17 286	16 494	9 425
<b>2015</b>	12 904	12 391	6 750
<b>2016</b>	13 001	12 452	6 589
<b>2017</b>	11 758	11 226	5 849

*\*Source: authors' own analysis based on Information Bulletin of the Police Headquarters*

As can be seen from the above table, in 2014 there were the most juvenile delinquencies i.e. 17,286. The lowest number of perpetrators was recorded in 2017, when it accounted for 11,758. An analogous trend was also noted in the remaining categories of offences of criminal nature and 17x7 category.

## *2.2. Juvenile delinquency in the Warmian-Masurian Voivodeship*

The Warmian-Masurian Voivodeship is located in the north-eastern part of Poland in the immediate vicinity of the eastern border of the European Union - the Kaliningrad Oblast. In the west it is bordered by the Pomeranian Voivodeship, in the south-west by the Kuyavian-Pomeranian Voivodeship, in the south

1 17x7 - Category accepted in the statistics of the Police, 7 most socially troublesome crimes, i.e. robberies, thefts, theft with burglary, brawls and beatings, causing damage to health, destruction of property, theft of vehicles.

by the Masovian Voivodeship and by Podlaskie in the east. As a result of the administrative reform of the country, which took place in 1999, the area of the former Olsztyn voivodship together with some parts of the province of Elbląg and Suwałki, as well as parts of Toruń, Ciechanów and Ostrołęka were registered as the Warmian-Masurian Voivodeship.<sup>2</sup> The region consists of nineteen districts and two cities with powiat rights: Elbląg and Olsztyn, which is the capital of the region. In the voivodship there are 116 municipalities, 16 of which are classified as urban areas, 67 as rural areas, and 33 as urban and rural areas. The Warmian-Masurian Voivodeship is the fourth largest province in the country with the area of 24,176 km. The region is inhabited by 1.43 million people, of whom 733 thousand are women and 703 thousand men.<sup>3</sup>

Since the dawn of time youth crime has been an integral part of all crimes with the effects deeply experienced by the public. It has always been subjected to various countermeasures by criminal law (Urban, 2000: 15). The phenomenon of juvenile delinquency is of interest to legal representatives, criminologists, psychologists and pedagogues, as crimes are classified as the most dangerous varieties of pathology.

Does the trend visible across the country reflect the situation in the Warmian-Masurian Voivodeship? Or maybe it is completely different? The data of the Statistical Bulletin of the Provincial Police Headquarters in Olsztyn and information obtained from the Department of Criminal Intelligence of the Provincial Police Headquarters in Olsztyn have been used to carry out data analysis.

In 2014, in the Warmian-Masurian Voivodeship, 31,265 offences were reported. Subsequently, in 2015, there were 27,445 offences, which was 433 fewer than in the previous year. There were 27,057 reported offences in 2016 and 24,698 in 2017. Juveniles committed a total of 1016 prohibited acts under penalty in 2014, 583 acts in 2015, 515 in 2016 and 464 in the following analyzed year 2017. Criminal acts predominated and accounted for 97% (95.5% -2016, 94.3% -2015, 94.3% - 2014). In 2014 juveniles committed 611 violations of the provisions of the penal code falling into the 17x7 category, a year later 338 prohibited acts were committed, in 2016 - 291 and 263 in 2017.

Last year, the Warmian-Masurian Police identified 12,591 persons as suspects, 408 of whom were juveniles. The rate of juvenile offenders in the total number of suspects identified in 2017 in the Warmian-Masurian Voivodeship was 3.2%, while criminal offences accounted for 1.9% of all crimes identified in 2017.

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2 <http://www.oregionie.info/wojewodztwo>, Warminsko-mazurskie,14, accessed on 08.03.2018.

3 <http://demografia.stat.gov.pl/bazademografia/CustomSelectData.aspx?s=lud&y=2016&t=00/28>, accessed on 08.03.2018

**Table 2.** Detailed data on juvenile offenders revealed in 2014-2017 including their age and sex (male- M, female- F)

Total number of offences												
	2014			2015			2016			2017		
Age	M	F	Total	M	F	Total	M	F	Total	M	F	Total
13	68	21	<b>89</b>	46	7	<b>53</b>	31	9	<b>40</b>	30	8	<b>38</b>
14	119	21	<b>140</b>	89	16	<b>105</b>	83	20	<b>103</b>	66	25	<b>91</b>
15	199	46	<b>245</b>	126	15	<b>141</b>	89	35	<b>124</b>	120	19	<b>139</b>
16	238	39	<b>277</b>	145	24	<b>169</b>	134	24	<b>158</b>	118	22	<b>140</b>
Total	<b>624</b>	<b>127</b>	<b>751</b>	<b>406</b>	<b>62</b>	<b>468</b>	<b>337</b>	<b>88</b>	<b>425</b>	<b>334</b>	<b>74</b>	<b>408</b>
Criminal acts												
	2014			2015			2016			2017		
Age	M	F	Total	M	F	Total	M	F	Total	M	F	Total
13	64	20	<b>84</b>	41	7	<b>48</b>	26	9	<b>35</b>	26	6	<b>32</b>
14	114	18	<b>132</b>	83	16	<b>99</b>	90	19	<b>109</b>	71	25	<b>96</b>
15	187	37	<b>224</b>	124	15	<b>139</b>	86	33	<b>119</b>	116	19	<b>135</b>
16	225	33	<b>258</b>	135	22	<b>157</b>	117	23	<b>140</b>	111	17	<b>128</b>
Total	<b>590</b>	<b>108</b>	<b>698</b>	<b>383</b>	<b>60</b>	<b>443</b>	<b>319</b>	<b>84</b>	<b>403</b>	<b>324</b>	<b>67</b>	<b>391</b>
17 X 7 Category												
	2014			2015			2016			2017		
Age	M	F	Total	M	F	Total	M	F	Total	M	F	Total
13	38	10	<b>48</b>	26	4	<b>30</b>	18	5	<b>23</b>	19	2	<b>21</b>
14	89	9	<b>98</b>	61	9	<b>70</b>	54	9	<b>63</b>	45	9	<b>54</b>
15	136	18	<b>154</b>	71	7	<b>78</b>	54	15	<b>69</b>	77	8	<b>85</b>
16	147	17	<b>164</b>	75	10	<b>85</b>	64	13	<b>77</b>	69	16	<b>85</b>
Total	<b>410</b>	<b>54</b>	<b>464</b>	<b>233</b>	<b>30</b>	<b>263</b>	<b>190</b>	<b>42</b>	<b>232</b>	<b>210</b>	<b>35</b>	<b>245</b>

\* Source: authors' own analysis based on Information Bulletin of the Police Headquarters in Olsztyn

As can be seen from the above data, there is a considerable disproportion between the number of crimes committed by male and female juvenile perpetrators. In the analyzed period, the highest number of juvenile perpetrators identified was in 2014 - at 751. These numbers systematically decreased reaching the lowest value in 2017, when 418 minors were detained. The analysis proves that among the youth population of both genders the crime rate slowly increases at the age of 13, reaching the highest values

at the age of 15 - 16 years. It is worth noting that in the analyzed period, the number of prohibited acts committed by girls remains more or less at the same level.

Literature related to the theme lists a number of reasons for juvenile delinquency, including: the desire to get money or other material benefits, to impress others, persuasion of group or adult persons, willingness to belong to informal groups, following patterns and behaviors having their source in the family home, a sense of impunity for previous criminal activity and seeking acceptance when suffering from lack of support and a sense of security from parents and guardians (Hołyst, 1999: 450). Despite the declining indicators, the above presented data suggest that the problem of juvenile delinquency will not be avoided in the future.

Just as the legislation regarding proceedings for juvenile offenders in various EU countries is different, the training systems of police officers regarding the above issues are not uniform. For example, in the basic training system of Lithuanian police officers, the issue related to the specificity of administrative responsibility of minors is taught within 5 academic hours. In the case of the police education system of Estonia, while discussing the procedure of proceedings in criminal and administrative matters, the issues related to juvenile rights and differences, e.g. in the tactics of conducting hearings and responsibility for repairing damages caused by them are discussed. The issues cover 4 academic hours. In turn, in the education system of Latvian police officers at the State Police College of Latvia these topics are devoted to a total of 18 academic hours at full-time studies. In the case of police education of the Czech Republic, at the basic level of education, issues of juvenile delinquency are devoted to a total of 19 academic hours divided into several thematic blocks. In Spanish system, these issues include, in turn, at the National Police Academy of the National Police Corps, 20 academic hours, devoted both to crime, which the juvenile fall victim to, and the one which they are perpetrators.

### **3. Preparing police officers to activities aimed at preventing juvenile delinquency on the basis of training programs carried out at the Police School in Katowice**

The Police School in Katowice is the youngest institution of this type in Poland. It was established pursuant to Order No. 1 of the Chief Police Commander of January 6, 1999 (Dz.Urz. KGP (Official Journal of the National Police Headquarters) No. 10, item 57). The school manages vast tracts of land, which

is 32.8 ha. There are 32 objects on the site with a total usable area of 22,775 m<sup>2</sup>, situated on a fenced area of over 13.7 ha. There are lecture rooms, simulation halls, sports facilities in the form of halls for team games, gyms for martial arts, athletics field, obstacle courses, and shooting ranges. The current training and accommodation base is 740 places. The school offers a wide range of standard professional training and specialist courses, especially for police officers in prevention units.

All training courses carried out by the aforementioned unit prepare officers for the tasks assigned to the Police as a uniformed and armed formation serving the public and intended to protect human security and to maintain public safety and order, including (Dz.U. Journal of Laws of 2016 Item 147 as amended):

- protection of life and health of people and property against unlawful attacks violating these goods;
- protection of public safety and order, including ensuring peace in public places and in the means of public transport, in road traffic and in waters intended for public use;
- initiating and organizing activities aimed at preventing crimes and misdemeanors as well as criminogenic phenomena and cooperating in this respect with state, self-government and social organizations;
- detection of crimes and offences and prosecution of perpetrators;
- supervision of specialized armed protective formations to the extent specified in separate regulations;
- carrying out compliance checks on public activities or activities being in force in public places;
- cooperation with the police of other states and their international organizations, as well as with the organs and institutions of the European Union on the basis of international agreements and arrangements and separate regulations;
- collection, processing and transmission of criminal information;
- keeping data records containing information collected by authorized bodies on fingerprints of people, unidentified fingerprints from crime scenes and the results of analysis of deoxyribonucleic acid (DNA).

For the purpose of this article, two training programs run at the Police School in Katowice were reviewed to present the preparation of police officers in the field of preventing juvenile delinquency.

### *3.1. Standard Professional Training*

Standard Professional Training program (Dz.Urz. Official Journal of the National Police Headquarters of 2016, item 77) was developed in accordance with the methodology of the so-called module employable skills, in which the tasks of a police officer constitute both a criterion for the selection and organization of the content of teaching / learning. The training, implemented on the basis of the program, prepares future police officers to perform the following basic professional tasks:

- Determining the circumstances of events and securing their place;
- Ensuring safety and public order in the place of service and intervening;
- Search for people and things and disclosing the perpetrators of crimes within selected operational and cognitive and administrative activities;
- Servicing in convoys and rooms for detainees or persons brought for sobering up;
- Taking actions towards road traffic participants;
- Performing actions in response to offences;
- Participation in activities related to the restoration of collectively violated public order;
- Counteracting criminogenic phenomena;
- Shooting training;
- Tactics and intervention techniques.

The training lasts 143 training days and takes 1117 hours. Participants of the training programme take part in subsequent components of the course, which are:

- introduction to the programme: presenting the regulations and the schedule of the training - 1 day;
- programme classes - 140 days;
- consolidation - 1 day;
- final exam and conclusion of training - 1 day.

Young professional police officers familiarize themselves with issues related to detaining juvenile perpetrators of criminal acts, who also display signs of demoralization in the block dedicated to counteracting criminogenic phenomena. During 8 hours, students are introduced with the following content:

- identification of situations and facts posing a threat to the minor;
- identification of behavior of minors, demonstrating their demoralization;

- ability to distinguish a prohibited act under penalty from other offences;
- ability to record data and observations and information obtained that indicate a minor's risk of demoralization, their demoralization or committing a punishable act;
- ability to make notes to inform a specialist on juveniles and pathology about criminal acts or juveniles threatened with demoralization;
- assessment of the eligibility conditions for detaining a minor;
- detaining a juvenile perpetrator of a punishable act or juvenile in the course of illegal stay outside the youth detention centres or a juvenile shelter;
- drawing up a protocol of detention of a juvenile.

During these classes the emphasis is placed on acquiring the knowledge related to the concepts of demoralization, punishable act, and juveniles. In addition, documenting information on criminal acts and signs of demoralization, as well as the conditions for the eligibility of detaining a minor and taking them to emergency youth centres.

### *3.2. Specialist training for district police officers.*

The purpose of the training course is to prepare a police officer to perform duties as a district police officer, that is, a police officer who has been assigned a part of the operating area of the police headquarters, police station or police checkpoint as an area of activity. This type of training is designed for the police officers who are in the position of a district police officer or are intended to perform such service.

The course takes 22 training days and requires covering 174 hours according to the following frame (Dz.Urz. Official Journal of the National Police Headquarters of 2016 item 16, as amended):

- Introduction to the regulations and the schedule of the training. – 1 hour
- Implementation of programme content 170 hours.
- Final exam – 2 hours.
- Conclusion of the training programme – 1 hour

Issues related to juvenile delinquency are covered in block II, which comprises legal issues. It takes 40 hours altogether of which 6 hours is devoted to juvenile proceedings in the case of unaccompanied minors.

After having completed this part of training a participant should be able to:

- define the tasks of a district police officer related to perpetrators of criminal acts and minors threatened by demoralisation;

- draw up a minor detention report;
- specify actions undertaken in the event of detaining unaccompanied minors.

During the training, district police officers are made aware that the security and order in the assigned area of service largely depends on their work. Among other things, proper performance of tasks in the field of juvenile delinquency prevention contributes to reducing the phenomena of social pathology. Activities that certainly affect bring positive results are, among others, preventive activities consisting mainly in patrolling school areas and care and educational facilities, places where minors gather, as well as places where entertainment events take place. Also, carrying checks on unaccompanied juveniles in the evening and night may contribute to actions limiting the phenomenon referred to in this article. An important role is also the cooperation with various entities from both the state, local government and social organizations to take all preventive initiatives aimed at preventing demoralization and juvenile delinquency.

#### **4. Conclusion**

For many years the phenomenon of juvenile delinquency has been a constant interest of researchers representing many research areas. It is obvious that the behavior of young people who decide to commit prohibited acts is influenced by many factors ranging from family conditions to the media. One of the duties of the Police is to undertake all activities aimed at counteracting the demoralization and juvenile delinquency. There are two main types of activities in this area carried out by police officers. The first one is all actions aimed at broadly understood prevention consisting in carrying out checks on juveniles, checks on places, organizing meetings to raise awareness of threats and to heighten the sense of responsibility of minors. The second is the sphere of activities closely related to already committed prohibited acts as well as criminal liability. Although according to police statistics, prohibited acts in the total number of committed offences account for approx. 3.4%, while the share of minors as perpetrators in relation to adult offenders is about 38%, this situation cannot be marginalized. Committing prohibited acts may lead to further development of negative behaviors, thereby consolidating incorrect patterns of behavior in adult life. An important element in the effective prevention of juvenile delinquency is the proper preparation of police officers, especially those serving in basic positions. This purpose is served, inter alia, by their participation in the classes included in the standard professional

training and specialist training for the district police officers, thanks to which participants: acquire knowledge on juvenile behaviors indicating minors' demoralization; are able to distinguish a prohibited act from other offences; learn about situations, in which juvenile detention can be carried out; find out how to prepare documentation related to the threat of a minor being demoralized or to committing a prohibited act by a juvenile.

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