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Dissertation: Admission of guilt by the accused – theory and practice

### Summary

Prepared doctoral dissertation was devoted to the issue of admission of guilt by the accused. The accused, as a participant in the criminal proceedings, which has a special status process, has the possibility to take a position with regard to all issues of fact and law in the course of the process. As a result, his statements and the clarification process can result in significant consequences, both of a criminal law and criminal procedural law, as well as tactical and forensic character.

The issue of the grant is recognized as confirmation by the perpetrator of the offense, allowing him to assign criminal responsibility for an offense which he committed. It also has important from the point of view of initiation, progress and results, subject to constant changes and development, the criminal process. Although the grant is no longer regarded as the "queen of evidence" in the course of criminal proceedings is still not uncommon to procedural guarantees and subject to the grant, both in the preparatory proceedings, as well as at the stage of proceedings. There are also the isolated cases in which the perpetrator admits to act outside the criminal process, in different forms and to entities that do not have the status of bodies process. Granting therefore plays an extremely important role on the basis of evidence and forensic tactics. To a large extent it implies the course and defines the area of activity of law enforcement and justice seeking, using all the means and methods known to them, to establish the truth, and to draw from this fact right conclusions. Favoring consensualism and procedural pragmatism, admitting in a wide range, it affects the effectiveness, efficiency and speed of the process, and consequently also the economy of the criminal proceedings.

A key issue in the research of this dissertation is to characterize the issue of admission of guilt of the accused in terms of theoretical and practical. Presented in the analysis and characterization of the issue of granting it has importance not only theoretical, because the comments contained therein may also be useful in the sphere of practical police services, prosecutors, defense lawyers or the courts.

Currently available publications devoted to the problems of the present, put the main emphasis on its criminal procedural law and criminal law recognition. They have undeniably theoretical value and can be used in practice, however, they address the issue of granting a different aspect than this job. This thesis aims to present the issues identified above in terms of

forensic, taking into account the subject of the current functioning of the structures investigative and judicial authorities. Scientific and technological progress, as well as efforts to strengthen humanity on the basis of the criminal process, contributed to the emergence and development of forensic science, meticulously explaining how and by what means to effectively and lawfully detect the offender, and also gather and use material evidence confirming both its perpetration as well as guilt.

PhD thesis combines a wide range of research issues concerning the admission of guilt of the accused, both at national and international level. The study characterized the award against the major trends and evolutionary forms of the criminal process. The importance of evidence subject to the granting of substantial changes in the historical development process. Depending on the phase of its evolution had evidence strongly dominant position, on the contrary, minimizing its potential, he was denied the status of all evidence of guilt. Today, it plays a moderate role in the criminal proceedings. Subject relaxed, but not any, assessment of body process, in the statement and on a par with other evidence, applying the rules of logical reasoning. Discussed the grant from the point of view selected, the guiding principles of the process because it largely determines the direction and scope of activity of law enforcement bodies and the judiciary in an effort to establish the truth in the process, in a way that instantiates the concept of procedural fairness in relation to its individual participants. The study also shown an impact on the grant agreement criminal procedural law in selected criminal procedures in other countries. On the basis of different systems to criminal prosecution and judiciary, operating in different countries apply different criminal procedural law structures agreements which contribute significantly to rationalize and simplify the procedures and speed up the issuing of court decisions terminating the criminal proceedings. It presents the issue of admission of guilt by the accused to the organs of the criminal proceedings and described the issue of documenting the interrogation of the accused granting of guilt, because accurate preparation of documentation including the award for investigative stage creates a possibility of a comprehensive and effective use of the jurisdictional phase of the process. Moreover, I have discussed the issue of granting the perpetrator to commit a crime against a non-entity status of the body of the criminal proceedings and the issue of granting the documents produced outside the criminal proceedings. Basically, there are no legal obstacles to their use in the process, if only to verify the statements of grant made by the accused during the hearing, taking into account all his earlier statements, as prepared in the form of traditional letters, or notes, and recorded using modern audio-visual equipment.

The study covers the characteristics of the grant of the accused in the sphere of practical activity of law enforcement agencies and the judiciary. Conducted for the purposes of this research work filing allowed to establish that there is a statistically significant, but weak or moderate relationship between admission and the features of personnel accused, in particular, their gender, age, education level, or state employment, as well as between admission and such procedural considerations, as: previous criminal convictions judicial defendants seek to interview them environmental use of the assistance of counsel, the nature of the alleged offense to them, apply to these preventive measures, or the duration of the criminal proceedings.

The study deliberately omitted a detailed analysis of the criminal law issues of admission of guilt by the accused. Similarly, issues of criminal procedural law institutions, because of their length and complexity, have been addressed only to the extent necessary.

The basis for this study accounted for mainly domestic and foreign literature, national and international legal instruments, the results of research carried out on the basis of available court records of criminal cases, as well as information, including statistical data, obtained through the Internet and electronic legal information systems. The study also used teaching materials of the Police Academy in Szczytno, training materials of the Office of the Financial Supervision Commission and the National School of Judiciary and Public Prosecution, training materials for police officers and materials of the Ministry of Justice.

The complexity of the issues raised by the accused to admit guilt indicates that proper and effective implementation of the tasks facing the services of investigators and judicial authorities largely remains dependent on the level of professionalism of these structures. By contrast, maintaining high standards of work in this area requires continuous analysis of the experience gained, the performance of constructive planning and improving staff qualifications, including both in terms of criminal procedure, as well as the tactics and techniques of forensic science. Moreover, it requires skillful use of achievements of other disciplines, including psychiatry and forensic psychology, in conditions of simultaneous observance of worked out ethical principles contained in the codes of professional conduct legal and police services.