

**INFORMATION FOR CRIME VICTIMS ABOUT THE
CRIMINAL JUSTICE PROCESS IN POLAND**



**AMERICAN EMBASSY
WARSAW, POLAND**

The information included in this flyer on legal requirements of specific foreign countries is provided for general information only. Questions involving interpretation of specific foreign laws should be addressed to foreign legal counsel.

Table of Contents

Introduction.....	3
First Steps.....	4
Polish Legal Procedures.....	4
Hiring a Polish Attorney.....	6
Polish Resources For Violent Crime Victims.....	6
U.S. Resources For Violent Crime Victims.....	7
Additional Information Available From the Embassy.....	7
Contact Information.....	8

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Being the victim of a crime in a foreign country can be a devastating and traumatic experience. While no one can undo the emotional trauma, physical injury, or financial loss you may have experienced, our office can give you information about dealing with the immediate practical consequences of the crime and about the criminal justice system in Poland. The information provided below may help you in deciding whether to pursue the matter further in the Polish justice system, a system that differs in many ways from the U.S. criminal justice system. Some of those differences are explained in the following pamphlet. If you have any questions or concerns, please feel free to contact our office directly, using the contact information provided on page 8.

First Steps: Filing a Police Report and Seeking Prosecution

The American Citizen Services unit is concerned about crimes committed against U.S. citizens in Poland and very much appreciates the time you have taken to report the crime to us. Such information helps us provide more accurate assessments of the personal security situation in this country.

If you decide to pursue your case through the Polish judicial system, the initial step is filing a police report. It is best to do this at the police station (*komisariat policji*) closest to where the incident occurred, although a police report can be filed at any police station. The address of the police station closest to the American Embassy is ulica Wilcza 21. It is essential that you file your report as soon as possible so that the police can start the criminal investigation process. Such a report is often necessary if you intend to make an insurance claim either in the U.S. or Poland, make any financial or compensation claims, or need an official report for other purposes. Your eligibility for compensation in the various U.S. State crime victims' compensation funds that cover their residents for overseas crimes also depends on having a foreign police report. A police report is also necessary in order for us to replace a lost or stolen passport. Filing a police report usually takes one to six hours, depending on the seriousness of the crime.

If you do decide to file a report, we would appreciate receiving a copy, together with your address and phone number in the event we need to communicate with you. While we are not authorized to act as your legal representative, our office can help you track the progress of your case and advise you of any developments.

In Poland, police stations are required to take your report regardless of your nationality or resident status. Police stations are also required to provide translators, although this can take some time to arrange; the U.S. Embassy does not provide translators. If, for any reason, you have difficulties filing your police report with a Polish official, please let us know immediately.

Polish Legal Procedures

Polish legal procedures can differ greatly from those in the United States. As noted in the disclaimer, the following information is intended to give you a general idea of how the Polish legal system functions. It is not intended as a substitute for competent legal advice, which can only be provided by a Polish attorney familiar with your specific case. Please visit the consular affairs homepage at <http://travel.state.gov/> or the U.S. Embassy Warsaw homepage at <http://www.usinfo.pl/consular/acs/acs.htm#Attorneys> for a list of Polish attorneys.

Stage one: Taking the suspect into custody

After filing a police report, the police start their investigation. If their investigation leads to the arrest of a suspect, they will detain him or her for up to 48 hours. Within those 48 hours the prosecutor must file a motion to the court in order that the suspect may be placed under temporary arrest. The court then has 24 hours to decide whether or not to hold the suspect. If the court decides to hold the suspect, the prosecutor can file a motion to hold the prisoner for an extended period of time. A court can decide to hold a suspect for up to 3 months, with the option of extending that term later. Thus, altogether, 72 hours pass from the time a suspect is arrested until the time when the court decides whether or not to hold him or her for an extended period of time.

If a suspect is arrested for a crime in which the maximum penalty is more than 8 years in prison or if the prosecutor is concerned that the suspect might flee or witnesses might be suborned, then the person may be held in custody during the investigation. If the maximum penalty is less than that, then the suspect does not have to be held in custody; bail is possible.

The prosecutor should notify you in writing of progress in your case. That is why it is essential, when you make a police report, to leave a Polish mailing address at which you can always be contacted. If no arrest is made, the prosecutor might not send any correspondence to you. If you would like to receive information regarding your case, you have three choices: (1) you can designate someone in Poland (e.g., a family member or friend) to serve as point-of-contact and address-of-record for correspondence in your case; (2) you can hire an attorney; or (3) you can contact the Embassy.

Please be aware that the police may have difficulties locating suspects involved in street crime. Frequently, such suspects flee the scene of their criminal activities.

Stage two: Going to trial

Trials in Poland are slow moving and very different from those in the United States. Distinctive characteristics include:

Many Hearings: The trial does not occur in one or two continuous sittings. Rather, it is split into many segments divided over a long period of time. Cases can take months, even years, to finish.

No Jury: In Poland, trials are heard by a judge or a panel of judges. Although there are no trials by jury per se, for lesser crimes, trials are heard by a judge along with two Polish citizens. The citizens work in conjunction with the judge to determine guilt or innocence and to determine the sentence.

Appeals Process: Once the court of first instance (usually a *sąd rejonowy*) reaches a verdict, either side may appeal to the court of higher instance (usually a *sąd okręgowy*). Most cases can be appealed only once. For more serious crimes, two appeals are permitted.

Hiring a Polish Attorney

Although the district attorney is responsible for prosecuting your case, at any point during the criminal investigation or prosecution process, you may want to consider hiring a Polish attorney to pursue your interests. An attorney can promote your interests with the district attorney and the court. While our office cannot recommend specific attorneys, we can provide you with a list of Polish attorneys who have expressed interest in representing U.S. citizens. See <http://www.usinfo.pl/consular/acs/acs.htm#Attorneys> or <http://travel.state.gov> for a list of Polish attorneys.

Please note that, while we can provide you with information about an attorney's professional background and language skills, we cannot vouch for the accuracy of the background material provided by the lawyer, nor can we vouch for his/her integrity and competence. We do, however, examine complaints about attorneys on our list and remove from the list those about whom we receive substantiated complaints. When you hire an attorney, you should agree upon a written contract specifying exactly what your attorney is expected to do and how much he or she is to be paid for services rendered. Make certain you receive a receipt for all payments made, and try to arrange the contract so that full payment is not expected until the entire contract has been fulfilled.

Polish Resources For Violent Crime Victims

As of this writing, the Polish government does not provide compensation for crime victims. The Foundation for Assistance to Crime Victims, however, is an independent, nonprofit organization that can provide some relief for medical expenses, mental health expenses, lost wages, and loss of support. This program is not run or financed by the Polish government. Since 1991, it has operated solely on donations from individuals and institutions, and its resources are very limited. You can contact them at:

The Foundation for Assistance to Crime Victims
Ul. Wiśniowa 50
02-520 Warszawa
Poland
phone: (+48 22) 48-28-90

There are some additional nongovernmental organizations (NGOs) that help violent crime victims obtain medical, psychological, and legal assistance. Please contact our

office for more information about these NGOs and how they can assist you with your specific case.

You also have two options in the Polish court system: (1) you can request compensation for injuries and costs to be imposed as part of the sentence against someone who committed a crime against you or (2) you may be able to sue that person civilly for damages.

U.S. Resources For Violent Crime Victims

Whether or not you decide to pursue your case through the Polish judicial system, you may access victim compensation and assistance resources in the United States. As of May 2004, nearly half of the state crime victims compensation programs cover certain out-of-pocket expenses such as medical, funeral, counseling, and lost wages for their residents who become victims of crime outside the United States. The specific requirements and services vary from state to state. The Embassy can provide you with information on these programs. Information can be obtained through the state crime victims program in your state of residence. Please visit <http://www.nacvcb.org> to find information on all state compensation programs. Crime-victim assistance may also be available in your community, for example rape crisis programs, shelters for battered women, and other sources for victims. The victim compensation program in your state can help you find victim assistance services, or we can refer you to a program.

Additional Information Available From Our Office

The following information is available from our office upon request:

1. Victim assistance resources in Poland;
2. Attorneys in Warsaw;
3. Attorneys in the Warsaw Consular District;
4. Attorneys in Krakow;
5. Attorneys in the Krakow Consular District;
6. Doctors and hospitals in Warsaw;
7. Polish Embassy and consulates in the United States;
8. Resources in the United States for victims of violent crime;
9. Resources in the United States for victims of domestic violence; and
10. Resources in the United States for victims of child abuse.

Our Contact Information

Our office is open from 9:00 AM to noon, Monday, Wednesday, and Friday, 9:00 AM to 3:00 PM Tuesday and Thursday, excluding U.S. and Polish holidays. After-hours emergencies are handled by the Embassy's duty officer: call (22) 504-2000, press "0," and speak to the Marine Security Guard.

Local Address:

American Embassy Warsaw
American Citizens Services
Ulica Piękna 12
00-539 Warsaw

Mailing Address From the United States:

American Embassy Warsaw
American Citizens Services
Department of State
Washington, D.C. 20521-5010

Telephone Numbers:

Main Embassy Phone Number: (22) 504-2000
American Citizen Services Phone Number: (22) 504-2784
Fax Number: (22) 504-2122

Note: When calling from the United States, first dial 011 48 then the area code (in parentheses) and phone number.

Contacting Us Via the Internet:

U.S. Embassy Warsaw Website: <http://www.usinfo.pl>
American Citizen Services Website: <http://www.usinfo.pl/consular/acs>
U.S. Website: <http://travel.state.gov>
E-mail: acswarsaw@state.gov