

to the application for the institution of habilitation proceedings of 27 October 2017

Dr Dariusz Jagiełło
Department of Criminal Law
Faculty of Law
SWPS University of Social Sciences and Humanities

SUMMARY OF PROFESSIONAL ACCOMPLISHMENTS

This summary of professional accomplishments was made pursuant to Article 16 and Article 18a of the Act of 14 March 2003 on academic degrees and title and degrees and title in arts (unified text: Journal of Laws of 2016, item 882 as amended) and § 12 section 2 of the Ordinance of the Minister of Science and Higher Education of 26 September 2016 on the detailed mode and conditions of carrying out proceedings for approving doctoral research, habilitation proceedings and the proceedings for awarding the degree of professor (Journal of Laws of 2016, item 1586). The summary contains a description of the academic output of the post-doctoral researcher, in particular such that are referred to in Article 16 section 2 of the act.

In accordance with announcement no. 4/2016 of the Central Commission for Academic Degrees and Titles, a list of academic publications has been enclosed with this application for the institution of habilitation proceedings (appendix no. 5). A separate appendix provided in line with the aforementioned announcement contains information regarding accomplishments in the area of didactics, popularisation of sciences and international cooperation (appendix no. 5).

1. Full name: Dariusz Jagiełło

2. Diplomas, academic degrees - name, place and year of issue, title of the doctoral dissertation

- Professional title of **magister prawa**, awarded in 2006 in the Faculty of Law of the Łazarski Higher School of Trade and Commerce in Warsaw (in 2010 the institution changed its name to Łazarski University).
- **Doktor nauk prawnych** in the field of law and criminal law. Degree awarded on 18 March 2011 by the Council of the Faculty of Law and Administration of the University of Warmia and Mazury in Olsztyn based on the dissertation entitled "Crimes against documents in the Polish criminal law." Supervisor - Dr hab. Teresa Gardocka, reviewers: Prof. zw. dr hab. Stanisław Pikulski and Prof. zw. dr hab. Jacek Sobczak.
- Between 2007 and 2010 I completed **legal internship for the profession of public prosecutor in the Regional Prosecutor's Office in Płock** which concluded in a final examination held on 4-5.10.2010 and 13.10.2010 before an examination board

appointed by the Minister of Justice by way of Order no. 164/10/DNAP of 5 August 2010.

- Since 21.01.2011 - **professional title of legal counsel**. Entered into the register of legal counsel maintained by the District Chamber of Legal Counsel in Łódź under no. Ld-SK-139. Since April 2011 until the present day I have been continuously employed on the position of legal advisor in the Office of the Ursynów District in Warsaw.

3. Information regarding employment with academic institutions

- 01.10.2012 - present day: adjunct lecturer in the Department of Criminal Law in the Faculty of Law of SWPS University of Social Sciences and Humanities (formerly known as the Warsaw School of Social Sciences and Humanities).
- 30.09.2011 - 30.09.2015: senior lecturer in the State Higher Vocational School in Skierniewice, Faculty of Economics and Administration, Strategic Management Institute.
- 01.10.2015 - present day: lecturer in the State Higher Vocational School in Skierniewice, Faculty of Economics and Administration - part-time work based on a civil-law relationship.

4. Specification of an academic accomplishment in accordance with Article 16 and Article 18a of the Act of 14 March 2003 on academic degrees and title and degrees and title in arts (unified text: Journal of Laws of 2016, item 882 as amended).

A. title of the academic accomplishment

„Przesłuchanie jako czynność dowodowa”

B. (author, title of publication, year of publishing, name of publisher, reviewers)

Dariusz Jagiełło, *Przesłuchanie jako czynność dowodowa*, Warszawa 2017, CH BECK, ISBN 978-83-255-9902-7, pp. 477, reviewer: dr hab. Ewa Kruk – Maria Curie Skłodowska University in Lublin (text of the review - appendix no. 8)

C. description of the academic objective of the aforementioned publication and the results achieved in the course of research (including a discussion of practical applications, if any)

I. Justification of the choice of topic for the dissertation

Interview is an essential procedural step in any criminal proceedings as it constitutes a fundamental piece of evidence in the scope of gathering information on the given crime and as such it must be carried out. Outside of its practical aspect, the problem is also very interesting theoretically, among others in relation to the formal side of the procedure.

The choice of research topic was determined by the results of a literature review since the problem of interview as a procedural step is very sparsely touched upon in legal literature and rarely does it receive broad attention. Therefore the elaborations made for the purpose of the monograph were supported by comments and opinions (sometimes controversial or highly objectionable for the author) presented in the literature of criminalistics and psychology.

What is clearly visible here is the imbalance between the significance of the problem in question and the attention it has received in literature. This shortage of research may be due to the fact that this procedural step does not constitute a clear-cut set, but rather tends to appear several times in the Polish code of criminal procedure as well as some non-procedural regulations intended mainly for Police officers or prosecutors. The above, however, does not change the fact that the legal literature lacks a comprehensive study of the theoretical, tactical and practical aspects of interview.

The subject matter referred to above undoubtedly constitutes an attractive area for academic investigation and is, at the same time, significant for the practice of the justice system and law enforcement. This constitutes a clear justification for the research embodied in the monograph.

II. Aim, structure and research methods employed in the study

The monograph is a comprehensive analysis of the interview step on the grounds of the Polish criminal procedure. The main assumption was to tackle the problem in question from a broad perspective, including its normative, dogmatic, historical and pragmatic aspects, while at the same time evaluating the existing normative model. Another objective was to propose a solution for the most significant problems in the area of interpretation. A comprehensive analysis will enable a holistic, theoretical consolidation of the research problem at hand. Out of all the aforementioned aspects of the issue, the following questions have been given priority:

1. Do the provisions of the Polish criminal procedure relating to interview as a procedural step give rise to a coherent, logical and homogeneous model?
2. How is interview categorised from the point of view of the Polish criminal procedure code and legal practice?
3. What interrelations may be identified between the execution of interview and its impact on the outcome of criminal proceedings?
4. Is it possible to develop a uniform interview model which would apply to all criminal cases, and if not - is it at least possible for sets of identical crimes?

The study discusses original problems that have not been fully researched from the perspective of the interview step such as:

1. A comprehensive analysis of the interview step both from the perspective of the criminal proceedings (preparatory proceedings and court procedure stage) as well as procedural tactics, including elements and principles developed by criminalistics and aided by opinions expressed in psychological and psychiatric literature.
2. A description of interview models and an evaluation of the merits of their functioning within the Polish criminal proceedings.
3. Interviewee's freedom of expression and handling evidence obtained without ensuring it.
4. Timing and substantive scope of interview meetings.
5. The choice of method and tactics of interview, including the difference between preliminary questioning (Pol. rozpytanie) and interview as well as formal and legal

possibilities of taking advantage of the aforementioned measures on the particular stages of the proceedings.

6. Indication of a series of auxiliary problems of fundamental importance for the form of the proceedings, including the interview with the use of a polygraph and the possible scope of use of its results in criminal proceedings in Poland, as well as handling prison slang or the problem of defamation.

In my study I mainly used the methods of dogmatic analysis considering elements such as: description and structuring of legal norms, the interpretation of law, specification and definition of key notions, analysis of the practice of law as well as its improvement. This is the group of problems (albeit in varying proportions) that I paid particular attention to. The study is theoretical and does not contain any empirical research, however it does take broad account of the case-law of common courts as well as the Supreme Court. To a limited extent I also applied a historical legal analysis considering two main directions of development and the basic legislative tendencies in the area of the problem in question.

I deliberately decided not to take advantage of the comparative method, limiting my study to domestic legal solutions. A comparative study conducted in compliance with the methodological requirements of foreign law research would require a versatile and multi-layered analysis exceeding beyond the area of legislation and case-law. At the same time, it would be necessary to include as many foreign legal systems as possible and to examine the problem of application of the mechanisms under study. That, in turn, would shift the focal point of the study to a comparative analysis and, as a result, the dissertation would become excessively complex. The differences between some legal systems, in particular in relation to common law, with their particularly strong position of courts and near-absolute power in the hands of judges, are significant enough to make a comparison to the Polish legal solutions inadequate and less than reliable.

The study has been divided into 7 chapters whose order and structure reflects the line of thought adopted by the author.

The introduction discusses general issues and provides an overview of the problem in question. The monograph is opened by a chapter dedicated to evidence understood broadly in the context of criminal proceedings (chapter 1) including, among others, the definition, generally accepted classifications, divisions, the meaning of evidence from the perspective of criminal proceedings and the problem of indirect evidence. The part also describes the process of displaying evidence with particular focus on its logical nature in order to emphasise the principal aspect directed at the act of interview as an important step in the process of gathering evidence.

Problems of models relating to the act of interview as well as the model of criminal proceedings were discussed separately in chapter 2. Here it was necessary to trace the particular mechanisms and evaluate their performance from a historical perspective. I placed particular emphasis on the dominant trends in the form and direction of criminal procedure law enacted in Poland and their impact on the current model of interview. I also analysed the currently functioning interview models as well as the possible frameworks for their application on the basis of the applicable criminal procedure code. These elaborations precede the opinions presented by representatives of doctrine and the analysis of case-law.

The aforementioned chapter is not, however, nor does it aspire to be, a historical one. It contains the necessary references to the provisions of criminal procedural statutes from 1928 and 1969 in the scope of description and emphasis of the importance of the institutions which were either not envisaged by the legislator, or were not treated comprehensively enough, such as the order of interviews, the institution of the investigating judge, handling interview minutes or the application of the word indirect evidence in the provision of Article 169 of the Code of Criminal Procedure of 1969 and its impact on the process of displaying evidence. Emphasis was placed, among others, on the discussion and aims of the prohibition to replace a defendant's explanations or testimonies of witnesses with written records, the inadmissibility of evidence from the perspective of interview and prohibitions introduced in the criminal procedure code of 1969 relating to the issue of duress during an interview, including those existing under the draft amendments thereto of 1959, 1963, 1967 and 1968.

Historical comments appear all throughout the study in various places (among others in the analysis of model issues, in the considerations of freedom of expression etc.) so that the reader acquires comprehensive knowledge as they progress through the work without having to search for the relevant information in the preceding chapters.

Chapter 3 contains a definition of interview formulated both for the purposes of the monograph and the practice of this procedural step. Such a wide-reaching definition has not been formulated and presented in doctrine so far. At the same time I classified and divided interviews based on a range of criteria, among others accounting for the number and characteristics of persons participating in the interview, as well as its extent and stages. I also included the problem of hearing persons of interest referred to in Article 244 of the Code of Criminal Procedure. Furthermore, I performed a broad classification of interviews based on the interviewee and on the tactical need for a solid preparation and the potential problems which it gives rise to.

Next, I studied the aims of interview and planning of activities from the perspective of the selected tactics, the relevant criminal procedure provisions and the available psychological interview methods.

I analysed the legal grounds for the interview step with particular attention to the problem of prohibition/inadmissible influence on the interviewee and inadmissible methods of conducting the interview (the problem of terrorism and interview directed at extracting precise information). Such a formula made it necessary to take into account the contents of the law on criminal procedure and other regulations such as the guidelines of the Commander in Chief of the Police regarding the performance of certain investigative activities by Police officers.

This chapter analyses issues which may, at first glance, appear loosely related to the problem in question, however upon closer analysis they prove otherwise as it is questionable whether it is possible to apply the wording of a criminal procedural provision and subsequently execute the interview step in the event of using a polygraph test, deceit, hypnosis of the interviewee or questioning a person under the influence of alcohol, and ultimately whether evidence obtained this way may be used in the criminal procedure from the perspective of the freedom to make statements, including violation of the principle of freedom of expression.

A broad study was dedicated to the cognitive capabilities of a person under the influence of alcohol, making inadmissible promises in the relation to the interview, remote interview or recording the interview using a device for the registration of image and sound - an element of the psychology of questioning and the psychology of lying.

From a theoretical and practical perspective, special importance is attached to the fragments relating to what exactly distinguishes between preliminary questioning and an interview, including: tangible differences and legal connotations, as well as areas of admissibility of their use in criminal proceedings.

The organisation of the interview and important notes thereto are contained in chapter 4. It opens with an outline of the group of entities which are entitled to perform interviews in line with the Polish criminal procedural law. At this point the important, practical problem of personal characteristics and instrumental qualities that an interviewer should possess is discussed. The psychological aspect could not be left out, mainly in the scope of preparation and planning considering the preparatory proceedings and subsequent court proceedings stage. Particular importance is given to the remarks relating to the performance of the schedule and the preceding evidence gathering and investigative activities including criminal hypotheses and crime scene reconstruction as steps facilitating the selection of interview methods and techniques. Moreover, I touched upon the problem of prison slang and ways of handling it, as well as how to clarify information formulated in prison slang by means of an interview. In this chapter, emphasis is placed on the opinions presented in the American doctrine and their loose comparison (considering the differences between the legal systems) to the Polish regulations on the criminal procedure.

Considering the division made into basic interview and special interview, a separate analysis of these two categories was necessary. For this reason chapter V contains information relating to the basic type of interview, while chapter VI deals exclusively with special interview. Each type was described in detail with the specification of noticeable critical components.

Chapter 5 contains a formal and theoretical analysis of interview of a witness, a defendant and an expert. Firstly, the notion of witness was defined along with the possible framework for classification, followed by the legal grounds for their functioning within the criminal proceedings.

The part of the study which classifies and presents the stages of interview of a witness, placing emphasis on the critical issues and the usefulness of the evidence obtained at each consecutive stage for the outcome of the proceedings, is particularly important both from the theoretical and practical perspective. It includes, among others, considerations regarding the art of asking questions including the elements that need to be given particular attention thereupon, how to control and observe emotions during the interview, the evaluation of truth and lie and the oath as a significant element of planning the interview from the psychological perspective.

Analysing the idea of freedom of expression, I described in detail the functioning of human memory, attribution errors, stress and its impact on the testimony as well as the evaluation of the spontaneity of testimonies (including the possibility of using notes and other written aids by the witness). The parts dedicated to psychological observation of the interviewee are of particular importance, among others including their behaviour, speaking style, replacement of words which should otherwise be used in the given situation with more vague or general terms, such as "alleged", or elements of vulgar language in the interviewee's responses. The study broadly analyses the problem of execution of the interview step involving a witness intoxicated by alcohol, including an analysis of the effects of consumption of alcohol pursuant to the provision of Article 7 of the Code of Criminal Procedure.

The problem of questions and responses called for a classification into questions which are admissible, inadmissible, suggestive (intended and unintended), control questions, leading questions as well as trick questions, and subsequently demarcation of the problem related to asking such types of questions at the stage of preparatory proceedings (Article 171 of the Code of Criminal Procedure) and court proceedings (Article 370 of the Code of Criminal Procedure). It was also necessary to include remarks relating to the structure of questions, their choice, justification of their use in relation to the level of knowledge of the witness (which I illustrated by means of examples and subsequently pointed out critical issues), or even unintended suggestions in the course of the interview.

The part dedicated to interview minutes contains remarks relating to drawing up minutes of the interview, its necessary elements and common errors. The problem of commencement of taking minutes at the interview was discussed particularly broadly, especially from the perspective of the gravity of the crime, impending penalty, personal structure and the adopted procedural tactics. These remarks are aimed at evaluating the effectiveness of such activities as familiarising the interviewee with the contents of the minutes, signing or a refusal to sign the minutes and the problem of discrepancies discovered in the minutes and their impact on the procedure of taking evidence.

The part relating to interview of a witness is concluded by remarks relating to the methodology and tactics of interview considering the main goal of this activity, as well as personal background information gathered about the person concerned. Using practical example, an evaluation of the types of methods of witness interview was carried out involving the methods developed in the study of psychology, e.g. experimental techniques, the case-specific method, the method of reminding the witness of their relation to the investigated case. Emphasis was placed on the problem of the reluctance of witnesses, their attitude, as well as its influence on the choice of adequate method of interview for the given circumstances.

Another clearly visible trend touched upon in this chapter is the interview of a defendant. This part of the study begins with a formal demarcation and definition of the terms defendant, suspect and person of interest, as well as the doubts regarding interpretation that arise from that classification. Subsequently, the study describes the stages of interview of a defendant and compares that to the same activity involving a suspect, and in certain cases even a witness, in order to render the differentiation of these steps, elements and aims complete and devoid of any doubts. Subsequently, I broadly elaborated on the ethical and legal aspects of posing so-called decoy questions, including the possibilities of using them, the problem of taking minutes and evaluation of the dangers that arise therefrom. I illustrated the aforementioned issues with examples of ethical concern, including an account of the so-called RPM method used by the FBI (rationalise-project-minimise).

As regards the stage of freedom of expression, it was essential to resolve issues such as, among others, the right to remain silent, using means of duress including unlawful threat, deceit, extortion or making inadmissible promises. Considering the provision of Article 171 § 5 pt. 2 of the Code of Criminal Procedure and the opinions presented in the doctrine (mainly by representatives of the study of criminalistics), it was necessary to relate to the problem of the possibility of using narcoanalysis, hypnosis or the application of a polygraph in the proceedings, along with the aims of use of such tools and their impact on the freedom of expression of the interviewee.

Subsequently, the motivation of the suspect or defendant to make untrue statements was

discussed along with the possible defence strategies used by such persons depending on the stage of the proceedings. Important practical considerations relate to the possibility of adopting particular tactics (e.g. the procedural problem of using alibis, preparing to be interviewed), the presented defence methods and strategies classified as rational, emotional or irrational, as well as the conditions of their use on the grounds of the Polish criminal procedure law. Subsequently I discussed in detail certain emotional and controversial methods, including the nine steps method which is absent in the Polish criminal procedure law.

This part of the study would not be complete if it had not included certain specific issues such as: declaration on the will to make statements exclusively in writing, defence by defamation and its evaluation from the point of view of criminal law, as well as the motivation to accept guilt (in particular in relation to the so-called calculation of the defendant's situation, mainly in relation to the provision of Article 335 of the Code of Criminal Procedure).

The chapter concludes with remarks concerning the interview of an expert, where a classification and determination of formal requirements for such step is followed by a description of the tactics and the main objectives thereof, as well as characteristics of their participation in criminal proceedings and also the problem of mistakes made by said experts. Moreover, it was impossible to leave out the problem of isolation of the expert's opinion as well as the possibilities of clarifying the doubts arising based thereon during supplementary interviews.

In line with the adopted classification, chapter 6 relates to special interviews. Listing all the possible forms of interview from the perspective of the adopted methodology in a chapter directly following the part dedicated to the basic type of interview constitutes a certain framing device for the practical part of the study intended mainly for persons dealing with the problem of interview in their day-to-day work.

Firstly, the problem of interview directed at reproducing an image as the most distinct from the perspective of both aims and scope compared to the basic type of interview. Emphasis was placed on the formal aspect of its course and the aims for which it was decided to be used, including the necessary rules of conduct which must be observed in order for the step to be successful in terms of the criminal proceedings.

The interview of an anonymous witness (covert witness, incognito witness) as a relatively new institution still raises certain doubts as to its execution. The conditions, mode and possibilities of interview were listed, and the critical moments identified in the course thereof were presented considering the opinions contained in the doctrine regarding the problem of handling evidence obtained in this way.

I also broadly discussed the problem of cognitive interview which is the main domain of the American doctrine. Particular emphasis was placed on its functionality and the possibility of using its outcomes in court proceedings. It was important to relate to the main goal (in principle aimed at unblocking the interviewee's memory), the scope of persons with respect to which this method may be used, as well as the specific nature (distinctiveness) of the course of the activity itself, identification of the questions which may be posed in the course thereof, the tactics of the cognitive interview and the admissibility of its use from the perspective of the Polish criminal procedure law.

The problem of questioning a crown witness begins with a short historical outline of the institution itself, the demarcation of the legal framework, discussion of tactics and also

remarks dedicated to whether the testimony of a crown witness may constitute an independent piece of evidence by itself, without the support of another statement or a tangible exhibit. The textual layer of the testimony of a crown witness was broadly analysed as well, focusing on aspects such as content formulated in slang and its value, as well as attempts to acquire such a status and noticeable doubts which arise therefrom, along with their impact on the interview from the perspective of the accuracy of the acquired testimonies.

Interviewing a child was aimed at emphasising the elements of the tactical aspect of the procedure including, among others, the conditions for its completion, differences in the area of taking minutes, handling drawings made by the questioned child during the procedure, or elements of the setting such as the place where the interview is held. The aforementioned considerations are illustrated by examples from past criminal cases.

The part dedicated to confrontational interview aims to present the aims, tactics (e.g. the maximum allowed number of persons confronted at the same time, placement of the participants and the benefits thereof, or listening to and analysing the words uttered by the parties), as well as an evaluation of the decision to engage in this procedure. I discussed the benefits from the perspective of criminal law that may arise from a properly conducted confrontational interview and also pointed out when such an interview is favourable from the point of view of the proceedings.

Handling the problem of interview connected with line-up was aimed at describing the activity of police line-up itself with an indication of the elements which deserve a particular degree of attention including when it may become necessary to obtain additional information regarding the activity or to prepare a plan for its execution. At this point particular emphasis is placed on those remarks in the area of criminalistics and procedural tactics which are critical for the performance of an interview.

The chapter closes with considerations dedicated to interviewing elderly citizens, persons suffering from diseases and mental patients. Such a broad scope of questioning necessitated an analysis of the available tactics for their execution, the applicable principles and the elements of psychology in contact with the interviewee. This part of the monograph was additionally supplemented by relevant case-law with the elements of psychiatry or psychopathology, as well as the inclusion of the problem of court barrators and their functioning in the practice of the justice system.

The study concludes with a section dedicated to the analysis of testimonies and clarifications (chapter 7). This part of the paper is undoubtedly based on the developments in psychology, in particular the psychology of witness testimonies. I indicated the currently functioning techniques of evaluation of testimonies and clarifications (including the hypothesis of Udo Undeutsch, the Statement Validity Assessment (SVA) technique or the Criteria-Based Content Analysis (CBCA)). An additional benefit arising from this part of the study is the focus on the aspect of observations made by the interviewer, including the earlier mentioned Scientific Content Analysis or the Multivariable Adults' Statements Assessment Model (MASAM) as well as their influence on detecting lies. Another potential benefit may be drawing attention to examples of such behaviour.

III. Conclusions arising from the study

The considerations undertaken in the monograph led to the formulation of numerous

conclusions and claims, the most important of which are listed below:

1. An analysis of the interview step fully supports the proposition that the problem in question is attractive from the academic point of view and undoubtedly presents certain practical value as well.
2. The problem of interview rarely appears in legal literature and has not been investigated in its entirety. This is in spite of the fact that a literature review may seemingly indicate that the problem was researched in a comprehensive manner (due to the number of publications). However, these publications focus on a certain fragment of the problem while leaving out the broader context and the usefulness for day-to-day work of investigators. Therefore, the study undoubtedly fills a gap in the professional literature.
3. The work confirms the proposition of practical usefulness and particular importance of interview as an important element of the contemporary criminal procedure in the area of obtaining evidence or demonstrating guilt and, in turn, confirming these assertions by means of a conviction.
4. The interview helps to ensure an appropriate structure of the proceedings and leads to the production of accurate final conclusions. Furthermore, it is clearly connected with the basic procedural principles such as the principle of truth, principle of speed of the proceedings, concentration of evidence material, adversarial character and the right to defense. It is a guarantee of discovering the truth and as such it makes the proceedings more accurate.
5. Model issues related to the Polish criminal procedure law undoubtedly influence the perception and execution of the interview step. The models that function now or have functioned in the past are not, and cannot be, immune to the influence of politics and politicians, and therefore the interview as a procedural step is, to some extent, a reflection of these models. The interview model should, in spite of certain reservations (mainly in the area of interpretation) be considered as coherent and logical.
6. Execution of an interview as a procedural step is difficult and complicated from the perspective of tactics, methodology and psychology.
7. Interviews may not be conducted by random individuals. Interviewers must be properly trained and well prepared for the job. It is necessary to predict, as far as possible, all the characteristic elements related to that activity already at planning stage, and also determine when it is best to execute the interview in the course of the proceedings (preliminary proceedings or court proceedings stage), or perhaps to wait until evidence is gathered that could be confirmed or questioned during the interview.
8. An interviewer must be characterised by superior linguistic skills and the ability to use the language, as well as to formulate questions, in an appropriate manner. Each question must serve a certain objective and must be rooted in the reality of the case. It is important to make sure that no suggestive questions are asked, even unintentionally, since that could render the entire procedure defective.
9. No other criminalistic or procedural step requires such detailed preparation, so much experience and methodological approach as an interview.
 - a. Preparation for the interview should be combined with an inspection of the crime scene (or, alternatively, the objects of interest for the investigators) and with learning about the advantages, disadvantages and personality of the

interviewee in order to select the appropriate methodology and tactics. At the preparatory stage it is necessary to create a set of questions in accordance with the so-called Seven Golden Questions of Criminalistics, which are directed at detection and acquiring knowledge on a range of significant aspects of the crime.

- b. Experience is gained through years of practice and the multitude of conducted proceedings, and the knowledge of having some personal deficiencies is important for the interviewer from the perspective of their personal development which, in turn, has a tremendous impact on the final result of the interview.
10. There is certain interdisciplinary aspect to it as it is impossible to properly conduct an interview without prior psychological preparation or at least a basic understanding of human communication or some experience in the observation of behaviours, gestures, facial expressions or nervous twitches and the interpretation of their significance.
11. The interviewer should not limit themselves to their presumptions or intuition leaving out the evidence available in the given case or normal logic of criminal proceedings. There are no two identical crimes or two identical personal profiles. Incidentally, it is impossible to conduct an interview related to two seemingly identical situations. Formal and analogous approaches to the interview as another crucial procedural step may cause the interviewer to fail to notice attempts to "outsmart" or deceive their attention by the interviewee or divert their attention to completely different facts or information.
12. There is no statutory definition of interview. However, although this gap did not go unnoticed by academics and practitioners, it probably does not call for any express conclusions as to its introduction in a form that would apply to all branches of law. Being aware of a definition is very important, but strict adherence to its particular elements is not only inappropriate, but also impossible due to the complexity of human interactions and the difficulties in the perception of fundamental processes in the analysis of the interviewee's motivation to partake in the procedure.
13. It is not possible to conduct an interview without adopting a specified objective, which should be clearly outlined from the beginning and focussed around goals important from the point of view of the resolution of a given case, formulation of charges, gathering evidence or information on the crime or other acts related thereto. In this respect it is important not to give in to suggestions which might lead to the entire interview procedure or its particular elements becoming questioned during, for instance, the court procedure.
14. Problems occur at every stage of the interview procedure. Losing concentration or failing to pay attention at all times is unacceptable. While the interviewer may be experiencing normal, everyday problems (e.g. family or personal problems), such issues need to be set aside so that they cannot influence the course and final outcome of the procedure. Although from a procedural point of view it is possible to interview the same person multiple times, the procedure is most effective first time around. Naturally the procedure can be re-conducted, even in relation to the same circumstances, however the outcome may turn out to be different and the procedure itself may appear more complicated, or even impossible as, for instance, a suspect who

testified eagerly and at lengths immediately after the charges have been presented to him, but after his arrest, having been given the opportunity to consider his situation, refuses to say anything during the subsequent interview due to his own procedural strategy, creating his own crime hypotheses or being instructed behave this way by other suspects or his fellow prisoners.

15. From the point of view of theory, practice and evidence, the moment of commencement of taking minutes constitutes a very important issue. The problem is, however, that there might occur a certain (indiscernible in writing) element of suggestion of a deliberate, intentional, but also hidden or even accidental nature. Therefore the choice of said moment must be done at the stage of planning.
16. The interview is the procedural step which receives the most criticism in the area of mistakes which, in the opinion of the interviewees, occur at various stages of the procedure. The most frequent complaints relate to the preparatory proceedings. Criticism very often targets the course of the procedure (suggestion, manipulation, the use of violence or inaccuracy in the contents of the minutes), defects in the area of minute-taking which mostly concentrate on the time of its commencement or objections relating to important circumstances which have not been included therein but have been clearly and explicitly formulated according to the interviewee.

IV. The possibilities of practical use of the study and its conclusions

Due to its substantive scope, the study should constitute a set of guidelines for anyone who performs the procedure of interview in practice. Issues such as the areas for asking questions, psychological assessment of the statements obtained in the procedure, handling minutes including the formal aspects of their establishment, the discovered errors or identification of critical areas and strategies of their avoidance in the course of the procedure.

A comprehensive understanding of the interview from the point of view of the criminal procedure, psychology and criminalistics, should encourage anyone who utilises the procedure as the method of choice (one which is downright indispensable) in their professional work, to reach for the study in question. It may prove particularly useful in the context of the guidelines pertaining to: psychological observation - in relation to the admission of guilt, observation of the interviewee's behaviour including attempts at lying (by way of an analysis of facial expressions that may indicate lies or efforts to conceal them), recognising attempts at shifting the gravity of the conversation onto other subjects which are safer for the interviewee.

In light of the above, it is a basic handbook for law enforcement officers, prosecutors, judges, attorneys, legal counsel and legal trainees. However, the study may not replace common sense, keeping an open mind and adapting to the reality of the (given) situation.

5. Discussion of other research and academic accomplishments

My remaining research and academic accomplishments following the achievement of the title of Doctor of Laws (Pol. doktor nauk prawnych) comprise, in quantitative terms: (full list of publications enclosed herewith as appendix no. 4)

- 1 monograph (doctoral dissertation adjusted for compliance with the current legal regime),
- 4 handbooks,
- 9 editorships of multi-author monographs (7 already published, 2 sent to publishers and planned for release in Q4 2017 – Q1 2018),
- 32 chapters in multi-author monographs (30 already published, 2 sent to print)
- 24 publications in academic journals,
- 4 glosses.

From the perspective of the subject matter, the above may be grouped into the following categories:

I. Issues relating to evidence in the Polish criminal law

a. Badly understood aspects of interview

This area is central to all my research and academic activity. My interest in the interview step focus around all the aspects of this process, including issues of criminal procedure, psychology or psychiatry). Due to the appearance of my habilitation monograph in print, I limited the scope of my additional activity in the area of publications to the following:

- tactical considerations pertaining to the execution of the interview (considering the various types and categories of interview) - see „*Wpływ sugestii na wynik przesłuchania*”, Państwo i Prawo 2015, no. 8; „*Przesłuchanie dziecka*”, Medyczna Wokanda 2013, no. 5; *Przesłuchanie świadka jako ważny element dowodzenia w procesie karnym*, [in:] Dowodzenie w procesach karnych, ed. R. Sztychmiller, J. Kasprzak, J. Krzywkowska, Olsztyn 2014.
- prohibited methods and means used during the procedure and the possibilities of using statement obtained as a result thereof as evidence - see „*Niedozwolone działania i metody stosowane podczas czynności przesłuchania*”, Themis Polska Nova 2012/No. 2 (3); *Tortury: skuteczna metoda gromadzenia i pozyskiwania informacji, czy łamanie praw człowieka? (Kontrowersyjne techniki przesłuchań osób podejrzanych o terroryzm)* [in:] *Pozyskiwanie informacji w walce z terroryzmem*, Wydawnictwo Difin 2017, ed. P. Herbowski, D. Słapczyńska, D. Jagiełło (in print).

b. Display of evidence and the right to adduce evidence in the scope of criminal proceedings and criminalistics

This area of my activity is connected with the greatest number of publications. The topic of evidence and the right to adduce evidence in the Polish criminal proceedings constitutes a very attractive subject and is at the same time quite complicated, mainly due to frequent amendments to the governing legislation. Apart from the right to adduce evidence, I focus on the procedural and criminalistic activities (such as line-up or confrontation) which

enable an accurate diagnosis of the situation and gathering evidence of a crime. In this group the publications may be divided into the following categories:

- publications relating to procedural and criminalistic problems - see „*Alibi – problematyka kryminalistyczna i procesowa*”, Edukacja Prawnicza, 2012, no. 5; „*Konfrontacja, jako czynność procesowa i kryminalistyczna (wybrane aspekty)*”, Themis Polska Nova 2012/No. 1 (2); „*Okazanie zwłok-aspekty karnoprosesowe i kryminalistyczne*”, Medyczna Wokanda 2012, No. 4.
- activities of court experts, their opinions and errors discovered therein – see. *Konfrontacja biegłych – zagadnienia wybrane*, [in:] *Śladami Profesora Stanisława Pikulskiego. Szkice z prawa*, ed. R. Dziembowski, M. Pieńkowska, A. Opalska, Szczecin – Olsztyn 2015; *Współpraca biegłych z organami wymiaru sprawiedliwości karnej a wątpliwości interpretacyjne i ich wpływ na pomyłki sądowe*, [in:] *Zamęt w wymiarze sprawiedliwości karnej*, ed. T. Gardocka, D. Jagiełło, P. Herbowski, CH BECK 2016; „*Glosa do postanowienia Sądu Najwyższego z dnia 21 maja 2013 r., III KK 389/12 (dot. wartości dowodowej opinii prywatnej)*”, Wojskowy Przegląd Prawniczy 2014, no. 3.
- connected to the acquisition of evidence - see *Dowód z pisma ręcznego, a przymus w procesie karnym*, [in:] *Współczesna problematyka badania dokumentów*, ed. R. Cieśla, Wrocław 2015; *Znamiona przestępstw seksualnych w kodeksie karnym, a problemy dowodowe z nim związane*, [in:] *Przestępstwa seksualne. Ujęcie psychologiczne, prawne i kryminalistyczne*, ed. P. Herbowski, W. Krawczyk, D. Ślarczyńska, A. Zalewska, Warszawa 2016.
- problems related to displaying evidence vs. the law and the criminal procedure - see *Zakaz wykorzystania dowodu uzyskanego z naruszeniem ustawy, a zasadność jego włączenia do treści polskiej ustawy karnej procesowej*, [in:] *Reforma prawa karnego*, ed. I. Sepiolo-Jankowska, CH BECK 2014; *Anonimowe zawiadomienie o przestępstwie, a możliwości jego wykorzystania w procesie karnym*, [in:] *Przyszłość polskiego prawa karnego. Alternatywne reakcje na przestępstwo*, ed. S. Pikulski, W. Cieślak, M. Romańczuk-Grącka, Olsztyn 2015.

In the aforementioned context I would like to emphasise that I am the editor of 5 academic monographs - see *Nowe karne prawo dowodowe*, ed. T. Gardocka, D. Jagiełło, DOM WYDAWNICZY ELIPSA 2015; *Przestępczy seks*, ed. T. Gardocka, P. Herbowski, D. Jagiełło, P. Józwiak, Wydawnictwo Difin 2016; *Zamęt w wymiarze sprawiedliwości karnej*, ed. T. Gardocka, D. Jagiełło, P. Herbowski, CH BECK 2016; *Zagadnienie dowodowe w procesie karnym*, CH BECK 2017, ed. T. Gardocka, D. Jagiełło (in print); *Pozyskiwanie informacji w walce z terroryzmem*, Wydawnictwo Difin 2017, ed. P. Herbowski, D. Ślarczyńska, D. Jagiełło (in print).

c. Proving crimes committed in cyberspace

Removing certain areas of life and human activity to the broadly understood electronic media causes a similar transition of criminal activity. Therefore, my research and academic interests also include problems related to virtual crime. My activity in this respect focuses

mostly around the problem of determination of the place of committing virtual crime, evidence procedures (including the very act of becoming aware of the crime), fulfilment of the prerequisites of crime, crime detection and identification of perpetrators. These interests have given rise to a series of publications, including: *Problemy związane z dowodzeniem znamion przestępstw internetowych*, [in:] *Między stabilnością a zmiennością prawa karnego*, ed. Z. Cieślak, M. Romańczuk-Grącka, B. Orłowska-Zielińska, Elset 2017; *Problem dowodów elektronicznych*, [in:] *Zagadnienie dowodowe w procesie karnym*, CH BECK 2017, ed. T. Gardocka, D. Jagiełło (in print); „*Przestępstwa popełnione w świecie wirtualnym (tzw. virtual crime) a problemy wynikające z przyjęcia odpowiedniej kwalifikacji prawnej oraz możliwości dowodzenia ich znamion*”, *Wrocławskie Studia Sądowe* 2014, no. 4.

II. Medical criminal law

Medical law is a branch of law that is currently undergoing dynamic development. It encompasses a wide spectrum of behaviours from therapeutic activity to actions connected with health care, practicing religion or the legality of undertaking certain steps for the purpose of saving the patient's health. Practically all of the problems of medical law are controversial both among lawyers and health care professionals. That is why my academic activity includes broadly understood medical criminal law in its following aspects: legality of performing medical procedures, consent thereto and the potential liability in relation to the performance of activities not considered legal under the currently applicable regulations. These interests have given rise to a number of monograph editorships: *Medyczne prawo karne*, ed. T. Gardocka, D. Jagiełło, CH BECK 2016; *Problemy prawne na styku sportu i medycyny*, ed. T. Gardocka, D. Jagiełło, CH BECK 2015, and also articles, including: *Ramy odpowiedzialności i postępowanie dowodowe w związku z podejrzeniem stosowania dopingu w sporcie*, [in:] *Problemy prawne na styku sportu i medycyny*, ed. T. Gardocka, D. Jagiełło, CH BECK 2015; *Eksperyment medyczny*, [in:] *Medyczne prawo karne*, ed. T. Gardocka, D. Jagiełło, CH BECK, Warszawa 2016; *Chirurgia estetyczna a możliwe ramy odpowiedzialności karnej i problemy dowodowe z nią związane*, [in:] *Nowe procedury medyczne a prawo*, ed. J. Sobczak, M. Reshef, Wydawnictwo Adam Marszałek, Toruń 2016; *Pieniacze sądowi i ich funkcjonowanie w praktyce wymiaru sprawiedliwości*, *Medyczna Wokanda* 2014, no. 6.

III. Issues around criminal law focussing on broadly understood economic criminal law

Both the economic processes in Poland as well as the domestic business activity are changing at an increasingly fast rate. Business efforts are therefore not limited to well established techniques and solutions undertaken in new areas. That is why my research and academic interests include also the problems of economic criminal law from the perspective of criminal liability and its possible framework, and also the issue of public procurement (which arises from my practice as a legal counsel, including representation of contracting parties before the National Appeals Chamber).

In the aforementioned scope I was the editor of the monograph entitled: *Prawo gospodarcze. Wybrane zagadnienia*, ed. M. Bidziński, D. Jagiełło, CH BECK 2016, in which I authored two chapters, i.e.

- *Prawo zamówień publicznych istotne kwestie praktyczne.*
- *Prawo gospodarcze. Zagadnienia wybrane.*

6. Other accomplishments

Apart from the selectively indicated academic activities (see pt. 5 item I-III), the full list of my publications following the grant of the title of Doctor of Laws is enclosed herewith as appendix no. 4. It should be emphasised here that I am the author of 5 publications (2 academic articles and 3 glosses) which I leave out of my academic accomplishments as they were published during the procedure of review of my doctoral research and were thus treated as part thereof (they are, however, listed in appendix no. 4, pt. II item D).

Moreover, following the defense of my doctoral dissertation:

1. I participated in 28 conferences (23 domestic and 5 overseas). I delivered 25 conference presentations (full list enclosed herewith as appendix no. 5 item A).
2. I was actively engaged in the organisation of 6 conferences (see appendix no. 5 item B), including in the role of the president of the organisation committee or member of the academic board.
3. Beginning with 2014 I am a member of the academic board of the quarterly journal entitled *Kortowski Przegląd Prawniczy* (see appendix no. 5 item D).
4. Beginning with 2014 I am a member of the Polish Society of Press Law (Pol. *Polskie Towarzystwo Prawa Prasowego*) (see appendix no. 5 item E).
5. I worked as second supervisor (Pol. *promotor pomocniczy*) in 1 completed and 3 pending procedure for the grant of the title of Doctor of Laws (see appendix no. 5 item G).
6. I am currently the overseer of the "Crimen Imperfecta" student science club. In the past I worked as the overseer of Law School Clinic at the SWPS University (see appendix no. 5 item H).
7. I was the external reviewer of articles submitted to academic journals (see appendix no. 5 item F).
8. I am currently a tutor of the students of the SWPS Faculty of Law (see appendix no. 5 item H).
9. I was the supervisor of 30 MA students and 96 BA students, as well as reviewer of 69 MA dissertations and 22 BA dissertations (see appendix no. 5 item H).
10. As part of my academic career I have conducted various types of classes with students including lectures, tutorials, workshops and monographic subjects falling in the scope of my academic interests - equally in the course of first-cycle studies, second-cycle programmes, Ph.D. studies and post-graduate courses (see appendix no. 7).
11. I performed, or currently perform, a number of organisational functions within the University (full list of functions along with dates - see appendix no. 5 item J), including:
 - Rector's Plenipotentiary for Didactics of the SWPS University in the scope of students' affairs.
 - Head of the Disciplinary Committee for students.

12. On six occasions I was awarded for my organisational and didactic activity by the Rector of the SWPS University, Dean of the Faculty of Law of the SWPS University, Rector of PWSZ in Skierniewice (list and dates of the aforementioned awards in appendix no. 5 item K).
13. I participated in the activities of working groups for the development of applications (which were subsequently awarded) to the relevant authorities (Ministry of Science and Higher Education, the Polish Accreditation Committee) for the organisation of higher education studies in the field of law in business (Faculty of law of SWPS University) and the programme of studies in the field of law which was awarded in 2013 in a competition organised by the Ministry of Science and Higher Education for best programme of studies.
14. I was a member of the team preparing the Faculty of Law of SWPS University for the inspection of the Polish Accreditation Committee and prepared the self-evaluation report.
15. List of activities for the popularisation of science was contained in appendix no. 5 item I.

A handwritten signature in blue ink, appearing to be 'J. Krawiec', is written over a dashed horizontal line.