University of Gdańsk

Subject card

Subject name and code	WPiA - Operational and reconnaissance activities and the right to a fair trial - threat analysis., PG_00179147						
Field of study	Criminology						
Date of commencement of studies	October 2025		Academic year of realisation of subject	2025/2026			
Education level	Bachelor's studies		Subject group				
Mode of study	full-time studies		Mode of delivery	e-learning			
Year of study	1		Language of instruction	Polish Polish			
Semester of study	1		ECTS credits	2.0			
Learning profile	academic		Assessment form	credit			
Conducting unit	Department of Material Criminal Law and Criminology -> Faculty of Law and Administration -> Rector						
Name and surname of lecturer (lecturers)	Subject supervisor	dr Agnieszka Dalecka-Werpachowska					
	Teachers						

Lesson types

Lesson type	Lecture	Tutorial	Laboratory	Project	Seminar	SUM
Number of study hours	30.0	0.0	0.0	0.0	0.0	30

E-learning hours included: 30.0

Learning activity and number of study hours

Learning activity	Participation in didactic classes included in study plan	Participation in consultation hours	Self-study	SUM
Number of study hours	30	0.0	20.0	50

Subject objectives

The aim of the course is to provide students with in-depth and interdisciplinary knowledge of the relationship between the use of operational and reconnaissance activities and the constitutionally guaranteed right of the individual to a fair trial. Participants will acquire the knowledge necessary to identify, understand, and critically assess not only the operational activities themselves, but also their procedural consequences and impact on the administration of justice.

As part of the course, the legal foundations for conducting operational and reconnaissance activities under Polish law will be discussed in particular the provisions of the Police Act, the Internal Security Agency Act, and the Central Anti-Corruption Bureau Act. In addition, regulations contained in the Code of Criminal Procedure, the Penal Code, and relevant executive acts will be addressed.

The course also introduces students to case law from national and international courts, including the European Court of Human Rights, which highlights the problems arising from exceeding the limits of legality by authorities conducting operational activities. Students will also become familiar with the positions of legal scholars, oversight institutions (e.g., the Ombudsman, the Supreme Audit Office), and selected reports from non-governmental organizations monitoring abuses of power.

Students will be equipped with tools to assess whether operational measures are not only formally lawful, but also consistent with the principles of proportionality, necessity, and minimal interference with civil rights.

Learning outcomes

Course outcome	Subject outcome	Method of verification
	1. Knows and understands the legal foundations and limitations of using operational and reconnaissance measures in light of the Polish Constitution and international standards. 2. Is able to analyze the impact of operational measures on the right to a fair trial, particularly the principles of transparency, the right to defense, and the presumption of innocence. 3. Identifies abuses of operational tools and is able to assess the legality and proportionality of such actions from a human rights perspective. 4. Knows and is able to interpret key case law from the ECtHR and national courts concerning the permissible limits of operational interference with privacy.	[SK1] oral statement/conversation/ discussion [SK3] text preparation/written work [SK4] test/exam - oral or written

Subject contents

1. Discussion of definitions and key concepts related to operational and reconnaissance activities,
2. Legal basis for conducting operational and reconnaissance activities,
3. Constitutional principles applicable to the implementation of operational and reconnaissance activities,
4. Types and methods of operational and reconnaissance activities,
5. Examination of evidentiary issues the admissibility of material obtained through operational and reconnaissance activities in judicial proceedings,
6. Case law of national and international courts regarding the legality of operational and reconnaissance activities,
7. Oversight and control mechanisms for operational and reconnaissance activities,
8. Ethical aspects of the use of operational and reconnaissance measures.

Prerequisites and co-requisites

Assessment methods and criteria

Subject passing criteria	Passing threshold	Percentage of the final grade
written exam – test	0.0%	0.0%

Recommended reading

Basic literature

Miłkowski, T. M. *Operational and Reconnaissance Activities and Individual Rights and Freedoms*, Warsaw, 2020.

Szumiło-Kulczycka, D. *Operational and Reconnaissance Activities and Their Relationship to Criminal Proceedings*, Warsaw, 2012.

Taracha, A. *Operational and Reconnaissance Activities: Criminalistics and Evidentiary Aspects*, Lublin, 2006.

Supplementary literature

Mąka J. *The Institution of Provocation in the Practice of Police Services* , *Prosecutor and Law*, 2010, No. 12

Grzegorczyk T. *Use and Transformation of Operational Materials into Evidence in Criminal Proceedings*, in: E. W. Pływaczewski (ed.), *Organized Crime. Protected Witness. Terrorism*, Kraków 2005.

Kołodziejczak M., Sobiech, A. *Legally Permissible Forms of Provocation*, *Prosecutor and Law*, 2010, No. 11.

Klejnowska M. *Operational Wiretapping and Police Provocation*, *Prosecutor and Law*, 2004, No. 3.

Kurzępa B. *Deception in the Course of Criminal Procedure and Operational Activities*, Toruń 2003.

eResources addresses

Example issues/ example questions/ tasks being completed	The limits of legality of operational and reconnaissance activities in light of the Constitution of the Republic of Poland and the case law of the European Court of Human Rights. Institutional oversight mechanisms over agencies conducting operational activities. List and describe the fundamental constitutional principles that restrict the use of operational and reconnaissance measures. What are the legal and ethical boundaries of the so-called police provocation?
Work placement	Not applicable

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