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FIREARM-RELATED HOMICIDES IN POLAND

**doctoral thesis in the field of forensic studies, written under the supervision of prof.
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Summary

The Ph. D. dissertation has been devoted to the problem of homicides involving the use of firearms in Poland. Despite a relatively slight contribution of homicides to the crime rate, they still evoke the greatest interest and emotions of society. In the case of a gun use, the perpetrator deciding to take a shot at another human being most probably foresees the possibility of taking their life and accepts it. The commonly controversial issue of access to firearms in Poland as well as the impact of gun use regulations on public order and safety has been the cause of taking the very problem into consideration. The choice of the subject matter of the dissertation has been also influenced by the analysis of the literature on the subject which has not discussed the issue extensively so far.

The main objective of the dissertation is to show what kind of perils are related to owning firearms; whether it influences the sense of security; whether there exists any connection between legal gun availability and the firearm-related death rate and whether gun use regulations have any impact on public order and safety.

Chapter I deals with the crime of homicide. Its introductory part describes statutory characteristics of the crime, i.e. human life as the subject of protection in homicide, the subject and object of executive action as well as the subjective and objective side of the offence. Next,

its aggravated types have been characterised, i.e. homicides: with special circumstances; connected with hostage taking, rape or robbery; resulting from motives deserving particular condemnation; using explosives; of more than one person; committed by a perpetrator already irrevocably sentenced for murder; committed by a civil servant while or due to performing their official duties related to ensuring people's safety or ensuring safety or public order. In the final part a privileged type of a homicide, the so-called homicide resulting from a great commotion justified by circumstances is presented.

Chapter II is devoted to gun use regulations in the course of history. The evolution of firearms has been described, starting from the invention of gunpowder and ending with the turn of the eighteenth century, the evolution of its construction at the dawn of the nineteenth century as well as the regulations concerning possessing weapons in Poland in the interwar period, during the Second World War and in the post-war era. Next, firearms regulations since the 1990's till the present day have been presented.

Chapter III deals with the question of gun availability. In its first part a quantitative assessment of gun possession and firearm-related homicides in Poland has been presented in order to provide a proper comparative legal analysis. In the following part, gun possession laws in chosen European countries and in the United States as well as the phenomenon of a firearm-related homicide in these countries have been discussed. Furthermore, firearm possession regulations in the EU legal acts have been characterised.

Chapter IV which shows the forensic and criminological aspects of firearm-related homicides is of crucial significance. The perpetrator's personal background characteristics, *modus operandi* and motives, the cause of death and injuries in homicidal victims as well as the kind of weapon and its source have been taken into account.

In Chapter V social and psychological determinants of gun possession and preventive actions have been described. This part of the thesis is closed with conclusions *de lege lata* and *de lege ferenda*.

The final part of the dissertation consists of summary and conclusions of the subject matter.

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