

PECULIARITIES OF JOINT PATROLLING AT THE LITHUANIAN-POLISH STATE BORDER

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Abstract. *Lithuanian border guards carry out joint patrols with officials of both neighboring European Union countries – Poland and Latvia. And although the legal basis is similar, the practical implementation of joint patrols is significantly different. In this article, the author introduces the joint patrol on the Lithuanian-Polish state border carried out by the officers of the State Border Guard Service. A historical overview of joint patrolling is provided. The training system for joint patrol officers is explained and an overview of the previous training has been presented. Aspects of the legal regulation and practical activities of the joint patrols carried out by the officers of the Lithuanian and Polish border guard services are analyzed. Good practice and issues are presented. It is suggested how to improve the efficiency of joint patrol training and improve the implementation of joint patrolling.*

Keywords: *joint patrol, training, international cooperation, state border, State Border Guard Service.*

Introduction

Lithuania, which became a member of the Schengen Area in 2007, has an internal border with two European Union (hereinafter – EU) countries: the Republic of Poland in the southwest (length of the border – 104 km) and the Republic of Latvia in the north (length of the land border – 588 km). The Schengen Area provides more opportunities for people to travel freely, but requires closer international cooperation between law enforcement authorities in ensuring public security.

State border control is performed by a law enforcement institution - the State Border Guard Service under the Ministry of the Interior (hereinafter – SBGS). Among other functions, SBGS officers carry out joint patrols with officials of the Polish and Latvian border authorities. The legal basis for joint patrolling is similar in both countries, but its practical implementation differs. This is due to the different lengths of the state border, the different number of units at the state border, and the experience of bilateral cooperation.

Police officers of neighboring countries also patrol the Lithuanian-Polish border. In addition, not only border guards or police officers of the two countries can also patrol, but also border guards with police officers. Such



patrols may be organized as required, but no such quadripartite patrols have yet been organized and conducted in practice.

Joint patrols at the state border with Poland are carried out frequently, with about 13-14 joint patrols per month. This is also due to the close cooperation between border services in the past (joint patrols have been carried out since 2004). It should be noted, that joint patrols are not carried out during the COVID-19 pandemic.

The aim of the article is to describe the pattern of joint patrols on the Lithuanian-Polish border. To achieve aforementioned purpose in this article were applied theoretical (analysis of legal acts, analysis of scientific literature, comparison) research methods.

Exchange of experts as a form of joint patrol until Lithuania becomes a member of Schengen Area

In 2000 the Government of the Republic of Lithuania and the Government of the Republic of Poland have signed the “Agreement on Cooperation in the Fight against Organized Crime and Other Serious Crimes” (1). The agreement provided for the exchange of experts for professional development, in particular in the field of forensic techniques and methods of combating crime. On the basis of this agreement, the Commander of the frontier district “Lazdijai” of the State Border Guard Service and the Commandant of the Polish Border Guard frontier district “Podlask” signed an agreement “On Cooperation in the Exchange of Experts” (hereinafter – Agreement) (4).

The Agreement provided that the parties would cooperate in exchanging experts, improving their professional qualifications and finding new ways of combating crime. The aim of the Agreement is to build trust, gain experience and seek new forms of cooperation pending the entry into force of international legislation on cross-border cooperation, which is currently being drafted.

The Agreement was implemented by seconding experts to the neighboring country to carry out a joint border service. The joint border service was carried out by using surveillance vehicles with surveillance equipment, a motorboat and portable thermal vision equipment. The host country has provided the officials of the sending country with the equipment needed to carry out the service and has trained them to use it.

The Agreement provided for a joint service once every 10 days. However, this way of cooperation between the two border guard services has

been intensified and an average of 9-10 joint services per month have been organized. The terms, time and place were alternately agreed upon by the commanders of frontier stations. The dispatch to the service, with the participation of experts and the reception after the service, was carried out by the shift leader of the border crossing point (hereinafter – BCP) or the shift leader of the frontier station, in the territory of which the service was performed, respectively.

Experts crossed the state border through BCP with permits issued by border delegates. They performed their duties in the territory of the other country with a service uniform, without weapons and other coercive measures. The protection and safety of the expert of sending country in the territory of the other country was ensured by the experts of the hosting country in whose territory the service was performed. Expert of sending country was an observer. Joint service was carried out by two officers of hosting country and one officer of sending country.

Such performance of the joint service can be considered as the beginning of a joint patrol at the Lithuanian-Polish state border.

Training of Joint Patrol Officers

Much attention is paid to the training of joint patrol officers. The author of this article, as a representative of the Border Guard School, has been involved in the training of joint patrols from the very beginning.

In order to properly train joint patrol officers, the development of a training concept and training program for joint patrols has started at about the same time as the drafting by the border guard services of both countries a bilateral agreement on joint patrols. The first working group meetings took place in the second half of 2007. Representatives of the Border Guard School from Lithuania and representatives of the Central Training Unit in Koszalin from Poland worked together. In Poland, there are three border guard training institutions within the Border Guard structure: Training Center in Ketrzyn, Central Training Unit in Koszalin and Specialized Training Center in Luban. In accordance with the internal principles of the Polish Border Guard, joint patrol training may be entrusted to any of these training institutions.

The working group developed a training concept and training program for joint patrol. Initially, the following concept of joint patrol training was proposed: representatives of training institutions from both countries will train the instructors together (2 officers from each frontier station), and later the instructors will train officers of their frontier stations. The instructor

training program was to last 10 training days. Topics from the field of law, border enforcement and training methodology were covered.

However, later on, due to the small number of units at the state border, it was decided to abandon the training of instructors, and frontier stations officers must be trained jointly by representatives of the border training institutions of both countries.

It should be noted that neither this nor other joint patrol training programs have been approved jointly by the authorized officials of both countries (heads of the Border Guard Services or heads of border training institutions). Subsequently, each state training institution developed and validated its joint patrol training program.

The Border Guard School has developed a joint patrol curriculum. The curriculum consists of two parts: theoretical and practical. The first part is devoted to training on the border guard service of a neighboring country, the powers, rights and responsibilities of officers of neighboring country, paying particular attention to the conditions and grounds for the use of firearms and coercive measures, and the organization of a joint patrol service. The second part is devoted to practical training on the tactical actions of joint patrols: inspection of pedestrians, stopping and inspection of vehicles, detention and conveying of offenders, use of coercive measures. The training lasts 2 days. An evaluation is kept at the end of the training. Certificates confirming the successful graduation of the training are issued to officers who have successfully completed the training. After the training, monitoring is performed and the effectiveness of the training is assessed. As the training is organized for officers of both countries at the same time, and the training is conducted by representatives of educational institutions of both countries, the training program may be amended in accordance with the proposals of the Polish training institution. Representatives of educational institutions of both countries usually meet before and discuss future trainings.

Although, it was prepared for the training, neither the joint patrol training nor the joint patrol itself took place, because no joint patrol agreement was signed. And it was only in early 2012, after the agreement on joint patrols (3) was signed in December 2011, that the first joint training took place. They were conducted by the representatives of the Lithuanian Border Guard School and the Polish Specialized Training Center in Luban. Prior to that, representatives of training institutions discussed and agreed on training topics. The training lasted two days. The first day was dedicated to theoretical training. On the first day, the border guards of both countries were trained separately. The representatives of the Border Guard School

trained Polish border guards, and the representatives of the Polish Specialized Training Center in Luban trained Lithuanian border guards. The second day was devoted to practical training. A joint training group of border guards from both countries was formed, and representatives of both training institutions conducted practical training together. In 2012 such training was conducted twice.

In 2013, the legal regulation on the use of firearms and coercive measures in Poland has changed. One common law for officials of all institutions was adopted. Until then, the rules and procedures for the use of firearms and coercive measures were laid down in the law governing the activities of each law enforcement agency. In order to introduce Lithuanian border guards participating in the joint patrol with the changes in legal regulations, the representatives of the Specialized Training Center in Luban went to Lithuania in addition in 2013 and trained Lithuanian border guards about the changed legislation for the use of firearms and coercive measures. It is of great importance, because firearms or coercive measures are used in accordance with the law of the hosting country.

The training provided by the teachers of the Border Guard School and the Polish Border Guard Training Center in Ketrzyn in 2015, 2016 and 2019 should be mentioned as productive joint patrol training. Three groups of officers were trained during them. The training lasted 3 days. On the first day, representatives of the Border Guard School trained Polish Border Guard officers on the legal regulations in force in Lithuania, while representatives of the Polish Border Guard Training Center trained Lithuanian SBGS officers. On the second day, Lithuanian representatives trained SBGS officers on the organization of joint patrols, while Polish representatives trained Polish border guards. On the third day, representatives of both training institutions taught a joint training group consisting of officers from both states. Joint patrols were formed and tactical actions of joint patrol were trained.

After the training, monitoring was performed and the effectiveness of the training was assessed to improve training in the future. Questionnaires were prepared and officials who participated in the training were interviewed. The absolute majority of the participants evaluated the trainings as positive.

The theoretical part of the training takes place separately in each state, in the training classes of frontier stations. Practical training takes place at the state border, usually in the territory of the Border, Customs and Police Cooperation Center (Poland) or the territory of the SBGS frontier station "Kalvarija". The services of interpreters are used during the training, if

necessary. The interpreters are officers working at the Border, Customs and Police Cooperation Center.

EU funded projects are also used for training. In 2019-2021, the SBGS together with the Polish Border Guard frontier district "Podlask" implemented Interreg V-A project no. LT-PL-3R-199 "Cooperation between Lithuanian and Polish Border Guard Services" (5). During it, various equipment and tools for border guarding activities were purchased. Training for officers has also been provided in order to train them to work together to achieve a common security objective, that requires specific institutional capacity. During the training, officers from both countries learned to perform various tactical tasks together. In the training groups were included officers already trained for joint patrols and new officers. The training lasted 5 days per group and was exclusively practical. 6 groups were trained. Training was provided on joint patrols, inspections and surveys of areas and buildings, search, pursuit and detention of persons and vehicles, rout blockades and detentions of dangerous persons.

Police joint patrol training also should be mentioned. In 2013-2015, the Lithuanian Police Department together with partners from Poland, Latvia and Estonia implemented the project HOME/2012/ISEC/FP/C1/4000003828 "Implementation of the smart cross-border cooperation model" (6). The SBGS also was a project partner. During this training, joint patrols were formed consisting of border guards and police officers of both countries, as the agreement on joint patrols provides for the possibility of such type of joint patrols.

Joint patrols may only be carried out by properly trained officers. The representatives of the training institutions of both countries have a clear vision that a joint training group consisting of the border guards of both countries must be formed from the very beginning. It is very important for officers to get to know each other and find common ground. This is especially facilitated by formal and informal communication during and especially after the training, through joint lunches, dinners and other common activities. However, as business trips of officials abroad are expensive, no State Border Guard Service wants to send its officers abroad. Joint patrol training from various project funds is the most effective, in such case commanders of units are willing to send officers abroad, and a joint training group of officers from both countries can be formed at the beginning.

However, it should be noted that there is no single clear concept for joint patrol training. Training is more on-demand when new staff need to be trained due to changes in the border guard staff. Also, they are being carried

out during the implementation of various projects and in that case, they become a "soft" part of a project.

Legal regulation of joint patrols

Joint patrols are established in the Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Poland "On Cooperation in Combating Organized and Other Crime and on Joint Action in Border Areas", signed in 2006 (hereinafter – Intergovernmental Agreement) (2). This Intergovernmental agreement replaced the previous agreement signed in 2000 (1).

Joint patrols are regulated by chapter "Joint actions in border areas" of the Intergovernmental agreement. Competent authorities, including the State Border Guard Service and the relevant authorities of neighboring country, can sign executive agreements with each other and specify the conditions and procedures of cooperation.

On the basis of this Intergovernmental agreement, back in 2007, before joining the Schengen Area, the SBGS, together with the Polish Border Guard, drafted an agreement on joint patrols. However, the agreement was not signed, because the Ministry of Interior of the Republic of Lithuania proposed a general agreement to be signed, including police institutions.

On December 7, 2011 the Commander of the State Border Guard Service, the Commissioner General of the Police Department of the Republic of Lithuania and the Chief Commandant of the Border Guard of the Republic of Poland, the Chief Commandant of Police of the Republic of Poland signed an agreement "On Joint Patrol" (3). This agreement between the four institutions details the activities of the joint patrol and sets out how the border institutions will organize and carry out joint patrols. The agreement allows for joint patrols of border guards and police officers from both countries. In practice, however, this type of joint patrol is not organized.

An important source of legal regulation of joint patrols is the minutes of the meetings of the border delegates, which specify the operational issues of joint patrols.

Powers of joint patrol officers

The officers carrying out joint patrols shall have the powers provided for in the Intergovernmental agreement (2):

1. Joint patrol officers shall be treated in the same way as officers of

another state if they have been convicted of a criminal offense or are themselves criminal offenders.

2. Joint patrol officers shall have the right to wear a uniform or visible official insignia, to use official means of communication, technical surveillance equipment, official vehicles and craft, and other technical means. They may also possess service weapons which may be used only in self-defense and coercive measures which they may use in accordance with the national law of the state in whose territory the joint patrol takes place.
3. Joint patrol officers shall have the right to cross the border at any point with a service ID card.
4. A joint patrol may also be conducted with an aircraft.

The powers are not great enough, in order to make the joint patrol more effective, they should be specified and expanded.

Organization and conduct of joint patrols

At the state border with Poland one SBGS frontier station “Kalvariija” has been established. On the Polish side, meanwhile, three Polish frontier stations operate. Two of them are at the state border – frontier station “Sejny” and frontier station “Rutka Tartak”. Frontier station “Augustow” is allocated about 50 kilometers from the state border (Lepeška et al., 2017). Joint patrols are carried out with all three Polish frontiers stations.

Joint patrols in border areas shall be carried out in accordance with the national law of the state in whose territory the service is performed.

A joint patrol usually consists of one Lithuanian border guard and one Polish border guard. The officers of the joint patrol are subordinate to the official of the border authority of the state in whose territory the patrol takes place.

The main tasks of joint patrol are:

1. The provision of emergency assistance to victims of crime, other offenses, natural disasters or similar acts.
2. Prevention of illegal migration.
3. Traffic safety supervision.
4. Prevention of criminal offenses and other offenses.

Joint patrols may be carried out on foot or by service vehicles. In practice, however, a joint pedestrian patrol is not organized.

Joint patrols are initiated and organized by the commanders of frontier stations, who actively exercise this right. Initially, the commanders shall agree on the organization of a joint patrol by telephone, then send

electronically a request for a joint patrol and information including, inter alia:

- 1) the planned number of officers;
- 2) the proposed place and time of patrol;
- 3) the main tasks to be performed;
- 4) methods, routes and technical equipment used.

After approving the request for joint patrol, at least 72 hours before the planned joint patrol begins, the commanders of the frontier stations shall exchange information on the officers, indicating their ranks/ positions, names, surnames, the names of the organizational units in which they perform their duties, the type and number of service weapon, other necessary information.

In the event of an emergency, the request for a joint patrol may be made orally and subsequently confirmed in writing within 24 hours. This procedure may be used in unforeseen circumstances and may replace or correct information already transmitted.

Cooperation may be refused if it is decided, in accordance with an Intergovernmental agreement, that the carrying out of joint patrol would be likely to prejudice the sovereignty, security or other essential interests of the requested state or to undermine its rule of law.

Officers carrying out joint patrol shall be headed by an official of the border authority in whose territory they are carried out. If several officers of border authorities of the same state are involved in a joint patrol, the officer of the institution that requested it shall be in charge, unless the border authorities agree otherwise. If a joint patrol crosses a state border, the patrol shall be headed by an official of the country in whose territory it is being carried out.

Leading officer:

- 1) coordinates the actions of the joint patrol;
- 2) immediately informs the commander of the frontier station about the necessity to change the route of the joint patrol or cross the state border.

The briefing, the allocation of tasks to the joint patrol and its actions at the end of the patrolling shall be assessed by an official of the border authority which requested the joint patrol. Depending on the location where the joint patrol will take place, the joint patrol may be instructed by the commander of the frontier station, shift leader of the frontier station or the leader of the patrol. In case if there is a joint patrol in an area far from the frontier station, it is not appropriate for an official of another state to travel lot of kilometers just to do the briefing. In this case, the briefing shall be given

by the patrol leader (host state official), previously instructed by the commander of frontier station or the shift leader of frontier station.

Upon completion of the patrol, the patrol leader shall prepare a written report and submit it to the commander of his frontier station. A copy of the report shall be forwarded to the commander of frontier station of the neighboring state within 7 days at the latest.

All joint patrol documentation is transmitted through the Border, Customs and Police Cooperation Center.

Service in a joint patrol is usually carried out on a "one-to-one" basis. The joint patrol consists of one Lithuanian border guard and one Polish border guard. Both officers are armed with service firearms, have coercive measures and other necessary technical equipment. Officers work together throughout the shift, 12-14 hours.

The service is often organized as a so-called "doublet". Two joint patrols are formed on the same road or area, one on the Lithuanian side and the other on the Polish side.

Conclusions and suggestions

Joint patrols are not a purely political matter. It is a real tool for public safety. During it, officers identify and detain offenders.

However, such cross-border cooperation is still not a routine, day-to-day activity. This requires additional knowledge, preparation and training. And most importantly, a willingness to cooperate is needed.

There are 160-170 joint patrols per year, which is a really large number. In order to further intensify the joint patrolling, it is beneficial to establish a common Lithuanian-Polish frontier station and it is planned to do so. This would be an even closer level of cross-border cooperation between the two border guard services and two countries.

In order to make joint patrols even more effective, the Intergovernmental agreement (signed in 2006) should be updated, and the powers of officers should be more clearly defined and specified.

One of the challenges is lack of mutual communication and understanding. Effective common actions of officers are very important in working situations. During a joint patrol, officers usually communicate with each other in Polish, English, Russian or Lithuanian. Communication in a so-called "tactical language" is popular also. The working language of the joint patrol should be English.

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