
Cross-border Police Operations in Poland: A Case Study

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Abstract:

Purpose: This paper aims to evaluate the changes in the effectiveness of cross-border operations of the Polish and Czech Police forces in the area of the Opole region and the Czech frontier zone in 2015-2018.

Design/Methodology/Approach: The research was conducted with the document analysis method in quantitative terms (quantitative analysis of measurable information) and qualitative terms (qualitative analysis of the characteristics of facts related to the phenomena concerned).

Findings: The research determined that the effectiveness of conducting joint preventive cross-border operations (in the form of international police patrols) in 2015-2018 increased. On a practical level, the findings substantiate the necessity to conduct cross-border operations and treat them as an essential factor contributing to maintaining the security and public order on both sides of the border between the cooperating States, i.e., the Republic of Poland and the Czech Republic.

Practical implications: The conclusions show that cross-border police cooperation is needed, even at a level of joint patrol operations, which, when planned properly, can contribute to maintaining the security and public order in frontier zones on both sides of the State border.

Originality/Value: This is the first research of this kind to have been conducted.

Keywords: Police, cross-border operations, public security.

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1. Introduction

The Republic of Poland is a democratic state ruled by law that safeguards its territory's independence and integrity, ensures the freedoms and rights of persons and citizens, protects the national heritage, and ensures the protection of the natural environment. The Council of Ministers, headed by the Prime Minister, conducts the State's internal affairs and foreign policy and provides the internal security of the State and public order (The Constitution of the Republic of Poland of 2 April 1997). The Council of Ministers includes a Minister competent for internal affairs. As the central organ of the government administration, the Minister manages the government administration division named "internal affairs," which encompasses, among other things, the protection of the public order and security (the Act of 4 September 1997 on divisions of government administration authorities). The Minister competent for internal affairs supervises the operations of specific central organs of the government administration, including the Commander-in-Chief of the Police, who is the central organ of the government administration competent for maintaining the public order and security.

The Police is a uniformed and armed force aimed at protecting the safety of people and maintaining public order and security. The force's tasks include among other things:

- protecting the public order and security;
- detecting crimes and offences, and prosecuting the perpetrators,
- cooperating with police forces from other States and their international organisations, as well as European Union organs and institutions, under international agreements and treaties and separate regulations (the Act of 6 April 1990 on the Police).

Public security can be interpreted as either a state of affairs or a security process (Gwardyński, 2019). The former can be defined as a positively assessed condition within a State achieved through the implementation of a State security policy (Babiński, 2020), while the latter as the protection of the constitutional order, life and health of the citizens, and national property against unlawful activities (Wiśniewski, 2014). The Republic of Poland has been an EU Member State since 2004. In 2007, Poland joined the Schengen Area, a zone where checks at internal borders are abolished.

To ensure public security without border checks, Schengen States embark on international police cooperation between themselves (<https://ec.europa.eu/>). The association is regulated, most importantly, by the Convention implementing the Schengen Agreement of 14 June 1985, under which the Contracting Parties undertake that their police authorities assist each other in compliance with their national legislation (Kochańczyk, 2017). The various forms of frontier cooperation within the

Schengen Area involve preventive activities, including:

- joint patrols, including road traffic patrols in frontier areas;
- joint police patrols (<https://info.policja.pl>).

The preventive nature of these measures lies in their aim not to allow escalation of any factors that can increase crime levels within the area covered by the police activity (Gwardyński, 2020).

Poland implements cross-border cooperation at its borders, which are also internal borders of the Schengen Area. This type of crime and public order offense prevention also encompasses the Polish-Czech frontier, which on the Polish side is the area of operations of the Provincial Commander of the Police in Opole, and on the Czech side - of the Police of the Czech Republic, including the Regional Police Directorate of the Moravskoslezský Region (in Ostrava) and the Regional Police Directorate of the Olomoucký Region (in Hradec Kralove). Under the Agreement between the Republic of Poland and the Czech Republic on cooperation in combating crime, protection of public order, and collaboration in frontier areas, signed in Warsaw on 21 June 2006, police cooperation between the two States involves such forms of cooperation as, e.g., international police patrols and cross-border pursuits.

Concerning joint patrols, the Agreement above provides that they can be conducted within 25 kilometers from the State border. Such a patrol is commanded by an officer of the Contracting Party in the patrol's territory is performing their tasks. By the Agreement, *"Officers of one of the Contracting Parties who are performing tasks in a joint patrol in the territory of the other Contracting Party shall be entitled to identify persons. If a person refuses to produce an identity document or is found to be wanted, the officers are entitled to apprehend that person. The apprehended person shall be promptly transferred to officers of the Contracting Party in the territory of which the apprehension took place"*.

Concerning cross-border pursuits, it is agreed that they are a means to enable police officers of a Schengen State to pursue across borders and apprehend in the territory of another Schengen State perpetrators of a severe crime (Europe without frontiers - Publications Office of the EU, 2015). The Agreement above between the Republic of Poland and the Czech Republic provides that police officer of the Contracting Parties *"who are in hot pursuit in the territory of their State after a suspect or a person presumed to have committed a willful criminal act punishable under internal laws of both Contracting Parties by deprivation of liberty of a maximum period of at least 12 months or longer, or a person who has escaped from a remand center, a prison, a correctional facility or a mental institution, where he or she has been incarcerated under a court decision, shall have the right to continue the pursuit in the territory of the other Contracting Party without a prior authorization if the competent authorities of that other Contracting Party could not be notified earlier due to the urgent nature of the matter or are unable to take over the pursuit"*. It must be noted that the provisions

of the Agreement have a significant degree of generality and are further clarified in the police regulations of the respective Contracting Parties.

Accordingly, Ordinance no. 45 of the Commander-in-Chief of the Police [Polish] of 21 June 2018 on the organization and conduct of pursuit operations by the Police provides that cross-border pursuits shall be conducted in the manner and to the extent outlined in Article 41 of the Convention implementing the Schengen Agreement of 14 June 1985. The said Article 41 – which is included in Chapter 1 "Police Cooperation" of Title III "Police and Security" of the Convention – provides that police officer of one of the Contracting Parties who are pursuing in their country an individual caught in the act of committing or of participating in:

- murder,
- manslaughter,
- rape,
- arson,
- forgery of money,
- aggravated burglary and robbery and receiving stolen goods,
- extortion,
- kidnapping and hostage taking,
- trafficking in human beings,
- illicit trafficking in narcotic drugs and psychotropic substances,
- breach of the laws on arms and explosives,
- wilful damage through the use of explosives,
- illicit transportation of toxic and hazardous waste,
- failure to stop and give particulars after an accident which has resulted in death or serious injury,

Shall be authorized to continue the pursuit in the territory of another Contracting Party without the latter's prior authorization where, given the particular urgency of the situation, it is not possible to notify the competent authorities of the other Contracting Party by telephone, radio, or telex lines or other direct links to facilitate police cooperation, or where these authorities are unable to reach the scene in time to take over the pursuit.

Policing frontier areas of every Member State to ensure public security is an essential contributing factor in cross-border cooperation. By Commission Recommendation (EU) 2017/820 of 12 May 2017 on proportionate police checks and police cooperation in the Schengen area, "the absence of border controls at internal borders does not affect the exercise of police powers by competent authorities of the Member States under national law, insofar as the exercise of those powers does not have an effect equivalent to border checks." According to the Recommendation, The exercise of police powers should not, in particular, be considered equivalent to the practice of border checks when the policy measures are based on general police information or

experience regarding possible threats to public security, do not have border control as an objective and aim to combat cross-border crime.

Modern means used for policing frontier areas include technologically advanced devices such as, e.g., uncrewed aerial vehicles, which improve the effectiveness of police operations in cross-border cooperation and individual actions of respective Police forces. Uncrewed aerial vehicles are handy. Not only do they enable detection and surveillance of unlawful activities, but they can also provide significant support in conducting joint patrols and cross-border pursuits (Zielewska, Feltynowski, and Zboina, 2020). Uncrewed aerial vehicles allow penetrating large areas in a short time, while monitoring carried out with UAVs not only offers excellent precision but can also be undetectable for potential offenders (Zboina, Zawistowski, and Sowa, 2020). It seems appropriate to presume that the inevitable technological development of UAVs will be accompanied by their increasing importance in cross-border operations aimed to ensure public order and security in frontier areas.

2. Research Methodology

This paper aims to evaluate the changes in the effectiveness of cross-border operations of the Polish and Czech Police forces in the area of the Opole region and the Czech frontier zone in 2015-2018. Two forms of cross-border cooperation were analyzed: international police patrols and cross-border pursuits. The effectiveness of joint patrols is comprised of:

- effectiveness of offence detection (E_w = the number of offences detected in a given year / the number of patrols in a given year);
- effectiveness of interventions (E_i = the number of interventions in a given year / the number of patrols in a given year).

Whereas the effectiveness of cross-border pursuits is expressed through the formula E_p = the number of apprehensions of offenders done as part of cross-border pursuits in a given year / the number of cross-border pursuits undertaken in a given year.

The research was conducted with the document analysis method in quantitative terms (quantitative analysis of measurable information) and qualitative terms (qualitative analysis of the characteristics of facts related to the phenomena concerned). The research relied on information included in legal acts, the literature, official websites of EU and national institutions, as well as information obtained from the Provincial Police Headquarters in Opole under the public information access law (document WS.062.22.21 of 18 March 2021 issued by the Provincial Police Headquarters in Opole).

3. Literature Review

With an area of 9412 km², Opolskie Province is among the smallest one of the 16 provinces in Poland. According to Statistics Poland (<https://opole.stat.gov.pl>), the population of the Province is 982,626, of whom females are 52% and city residents 53.2%. Opolskie Province is divided into 11 counties and one municipality with the status of a county (the City of Opole). Spanning across 149 km², Opole is the largest city in the region. It is populated by 128,137 people (density of 860 residents per 1 km²), accounting for 13% of the Province's population. The counties that border the Czech Republic and include the frontier zone are the County of Nysa, the County of Głubczyce, and the County of Prudnik.

The Provincial Commander-in-Chief in Opole, the superior of the County Commanders in Nysa, Głubczyce, and Prudnik, is the government administration body competent for maintaining the public order and security Opolskie Province.

Crime is the main threat to public security in the region of Opole. According to information published by the Polish Police (<https://statystyka.policja.pl>), it can be established that in 2015-2018 the average level of:

- criminality amounted to 12,445.25 crimes identified (2.5% of the country average; the 2018/2015 dynamics was 86%);
- crimes particularly burdensome for the public – including robbery crimes, fights and battery, crimes against health, theft, car theft, aggravated burglary, property damage (Gwardyński, 2020) – amounted to 6,705 crimes identified (3% of the country average; the 2018/2015 dynamics was 70%).

In Opolskie Province, Poland borders the Czech Republic. With no cities or large population centers, the frontier area is crossed by national roads no. 38, 40, 41, 48, which do not have a transit character.

On the side of the Czech Republic, Opolskie Province borders Moravskoslezský Kraj (with the capital in the City of Ostrava) and Olomoucký Kraj (with the money in the City of Olomouc). Ensuring public security and combating crime in that region is the responsibility of the Czech Police. The Police of the Czech Republic is subordinated to the State's Ministry of the Interior. It consists of the Police Presidium, units having a republic-wide competence, Regional Police Directorates, and units managed within Regional Directorates.

There are 14 Regional Police Directorates in the Czech Republic, each operating in its respective administrative region of the State, including Moravskoslezský Region – with the Regional Police Directorate of Moravskoslezský Region, and Olomoucký Region – with the Regional Police Directorate of Olomoucký Region. The combined area of operations of the Regional above Police Directorates covers the municipalities of Bruntal, Opava, Ostrava, Karvina, Frydek-Mistek, Jeseník, Sumperk, Olomouc, Prerov, where Czech Police units subordinated to their respective Directorates have

their headquarters (<https://www.policie.cz>).

Both Polish and Czech Police forces perform their tasks independently and through cross-border cooperation to reduce crime, which may target the residents of the frontier areas, both on the Czech and Polish sides. In this context, it must be noted that cross-border crime affects the local security by posing a real threat to the communities in the frontier areas (Siemiątkowski *et al.*, 2020), as well as the individual security of people, the protection of which is the responsibility of the police and local self-government authorities (Misiuk *et al.*, 2020).

4. Results

In 2015-2018, 251 joint Polish-Czech patrols were organized in the area of operations of the Provincial Police Headquarters in Opole (ca. 63 patrols per year on average). On the Polish side, the patrols were organized by the County Police Commander in Nysa and the County Police Commander in Głubczyce. On the Czech side, the joint patrols were organized by the Police units in Krnovo (Moravskoslezský Kraj) and Jeseník (Olomoucký Kraj). The related actions were coordinated on the Polish side by the Provincial Police Headquarters in Opole.

In the respective years of the period in question, the figures regarding joint patrols organized in Opolskie Province were as follows: 41 patrols in 2015, 40 patrols in 2016 (dynamics 98%), 83 patrols in 2017 (dynamics 207%), and 87 patrols in 2018 (dynamics 105%). Comparing the number of patrols in 2018 with the figure for 2015, it can be seen that the dynamics in that period was 212%.

The joint patrol operations conducted in 2015-2018 detected no crimes, and therefore no perpetrators were apprehended on the scene or in hot pursuit. The cooperation involved interventions and identified perpetrators of prohibited acts categorized as offenses.

In the respective years of the period in question, the number of offenses detected was as follows: 32 in 2015, 43 in 2016 (dynamics 134%), 115 in 2017 (dynamics 267%), 73 in 2018 (dynamics 63%). Comparing the number of prohibited acts (offenses) detected by officers in the international police patrols with the number of the patrols, it can be established that the effectiveness rate of offense detection was 0.8 in 2015, 1.1 in 2016, 1.4 in 2017, and 0.8 in 2018. The preceding shows that the effectiveness rate improved in 2015-2017, and decreased only in the last year, i.e., 2018.

In the respective years of the period in question, there were public order offenses that required the intervention of police officers on international patrols. There were 12 such interventions in 2015, 17 in 2016 (dynamics 142%), 55 in 2017 (dynamics 323%), and 54 in 2018 (98%). Comparing the number of interventions undertaken by police officers on international patrols with the number of the patrols, it can be established that the effectiveness rate of intervention was 0.3 in 2015, 0.4 in 2016, 0.7 in 2017, and 0.6 in 2018. The preceding shows that the effectiveness rate improved in

2015-2017, and decreased slightly only in the last year, i.e., 2018.

As regards cross-border cooperation involving cross-border pursuits, it must be noted that in 2015-2018 no such plans were undertaken in the area of operations of the Provincial Police Headquarters in Opole, Regional Police Directorate of Moravskoslezský Region, or Regional Police Directorate of Olomoucký Region. Therefore, the said cooperation was based mainly on sharing information about trouble spots and sending international police patrols there.

5. Conclusions

The research permits a statement that the level of cooperation increased in 2015-2018, which came from the fact that both Polish and Czech Police forces noticed the need for continued furthering of cross-border collaboration. The findings demonstrate that the increasing level of their effectiveness substantiates the intention to increase joint patrols. The patrols are essential for the detection of prohibited acts and undertaking interventions that restore law and order.

The research determined that the effectiveness of conducting joint preventive cross-border operations (in the form of international police patrols) in 2015-2018 increased. On a practical level, the findings substantiate the necessity to conduct cross-border operations and treat them as an essential factor that contributes to maintaining the security and public order on both sides of the border between the cooperating States, i.e., the Republic of Poland and the Czech Republic.

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