

STATUTORY OFFICER'S TRAINING ACTUALITY

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Abstract:

Statutory officers (the police officers and the state border guard officers) must be professional in order to do their tasks professionally. Overall, more highly educated statutory officers rated themselves higher in their responsibility to deal with criticism, change, workload, and stress. The article strives to disclose the higher statutory officer's education at the Faculty of Public Security Mykolas Romeris University in Lithuania. The trends and developments in higher police officer's and the state border guard officer's education in Lithuania have generally confirmed the principal challenges identified in the Bologna Declaration – standardizes and integrates the Lithuanian education in the European Higher Education Area. Higher education can best assist statutory officer's in their great social work, by working with them to design, develop, deliver and evaluate full-fledged philosophies of police officer's and the state border guard officer's education. This paper is part of a larger study into university education for police officer's and the state border guard officer's managers and presents the preliminary findings of the study.

Key words: higher education, statutory officers

1. Introduction:

The police officers and the state border guard officers in their job constantly meet the situations that require for determinate communication independent from believes, but dictated by the present social role. Good intentions and will are not enough in professional activity, and a special knowledge is also needed. Statutory officer's raising, their competence development – a complex process, it must meet the general objectives of the organization, of the departments of the organization¹. Competence development is designed

¹ Laurinavičius, A. (2003) The service law: the statutory civil service legal regulation: Monograph. Vilnius:

to improve a persona, in this case an official capacity to carry out its assigned functions and is closely associated with the service, increasing the value of employment and labor productivity, strengthens the officer's self-confidence, creates a wider career, develop a better organization as officials encourage the growth of motivation and provides accurate, timely and effectively deal with its challenges in a constantly changing environment. Basic education allows you to maintain the required level of preparedness for long. After a certain period, each officer has to improve their qualifications. It is important to organize the professional development of those areas where knowledge changes are essential. European Union rule of law requires that both external and internal security and controls to ensure compliance with certain standards and operating instructions, for example, policing, the entry conditions of testing, the asylum seeker, visa and others.

EU agency CEPOL (*European Police College*) and FRONTEX (*European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union*) rapidly implemented the provisions of the Bologna process (*is a series of ministerial meetings and agreements between European countries designed to ensure comparability in the standards and quality of higher education qualifications*), overall, competent training. Border guards have appropriate specialization trained specialists, according to the officer's and the common core curriculum. The programs include special training. Member States, assisted by EU agencies, encourages officers to learn languages that are necessary to perform their duties. The grounds for developing this European Joint Masters Programme lay in the art. 5 of FRONTEX amended regulation which indicates the development of common European learning standards for border guard officers, and the Stockholm Programme² and the Internal Security Strategy of the European Union which emphasizes the importance of creating frameworks for engaging the law enforcement officers in various forms of exchange / mobility programmes, to contribute to the development of a common culture and common approach to European border security, in accordance with FRONTEX mandate in the field of state border guard training. Therefore, based on the EU *acquis* norms is a common officer's training system³. Functioning state border management system, coordinated with border security management system of the European Union, is an integral component of the national and European security system. It provides freedom and smoothness of the legitimate movement of people and goods across the border. These standards are achieved while maintaining a high level of security and cohesion of the social community by protection of the border against threats to national security, the national economy, public health and the unauthorized crossing. The implementation of the statutory tasks by the services responsible for state border protection and certain public institutions, which form the broader border management system, helps to raise the level of national security and a sense of security for all citizens.

However, the police officer's and the state border guard officer's, fulfilling the responsibilities, must be able to reconcile sometimes partially incompatible legality and justice, also state purposes with public interests. Education of statutory officer's is very important in a modern, quickly changing society because relations in society get sophisticated, technology level increases and requirements for professionals, whose

² The Stockholm Programme – An open and secure Europe serving and protecting citizens [Official Journal C 115 of 4.5.2010].

³ Council Regulation (EC) No 2007/2004 of 26 October 2004 Establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1).

decisions directly influence welfare of both society and individual people, are growing⁴. Psychological and physical strain rises every day and relationship gets complicated. Besides the law regulating relations in the society, active intervention of mediators is needed. Professional statutory officers in today's society must have very important features such as high level of responsibility. Therefore trainings of statutory officer's and ethical police characteristics face huge challenges⁵. According to democracy principles it is necessary that a person would know moral norms and rules as well as could apply them in everyday life, would solve problems and conflicts in debates and moral discourse. It was proven in researches that the lack of moral competence might have negative influence on person's life and even aggravate learning. Learning gets easier, and positive influence of people relationship is observed after development of moral competence.

The main purpose is to raise such statutory officer's who would be professional, competent and responsible in all purviews of the activity following general human and professional values. Thereof a question arises about studies' program and its implementation where responsibility of future statutory officer's is formed. Irrespective of continually changing political, social or economic conditions, police officer's and the state border guard officer's must remain competent, professional and responsible, constantly improve on his/her theoretical, practical and professional skills and knowledge. Responsibility appears from duty to respect and defend human honor and dignity, support and protect rights and the main liberties of all people. Legal order as an attribute of civilized society is a social value. Statutory institution is established to protect public interest in the ranges significant for security of the state and society. Obviously it is necessary to define professionalism and responsibility of statutory officer's.

The aim of work: to define same aspects of education professionalism and responsibility in statutory officers. The main purpose of this survey is to provide information about the current content of statutory officer's professional education and training that is relevant in the sense of the Bologna Process.

The following methods were applied in the research: analysis of scientific literature and documents, content analysis.

2. Statutory officer's professionalism and responsibility in public life analysis

To strengthen the national security of Lithuania has the highest domestic and foreign policy. The key national security interest - human and civil rights, liberty and personal security, the nation's cherished values, the rights and freedoms of the development conditions of independence of the state, the Constitution, the territorial integrity of the environment and cultural heritage, based on the Constitution, regulated by laws and other legal acts by the Republic of Lithuania ratified or to which party. Lithuania has a national security policy referring to article 3 of the Constitution. Declaring that no one can restrict or limit the sovereignty of the nation, all the people make claims of rights⁶.

National security must be understood in a broad sense, taking into account not only the military but also economic, ecological, social and other aspects. Lithuania's security is an integral part of global security. Integration into European economic and security structures is only possible through active participation in

⁴ Stam, J.G., Grotendorst, A., Prinks, A.B., Peeters, M.H. (2007). *New Look, Reforms in Police Training. Police Education and Training in a Global Society*. Lanham: Lexington Books.

⁵ Chapell, A. (2008). *Police Academy Training: Comparing across curricula*. *Policing: An International Journal of Police Strategies and Management*. Vol 31, No 1, pp. 36-56.

⁶ Constitution of the Republic of Lithuania, Official Gazette 1992 No.33-1014.

international organizations. This means that the performance of common tasks, including the public safety area, the officers must take into account the interests of other Member States, well aware of the neighboring countries national legal framework, as all activities will take place in the territory of another Member State in accordance with the law on the operating powers and the European Union based on the rule of law, the Union is governed by contracts that voluntarily and democratically by the Member States. Lithuania, as a Member State has new additional requirements and public safety⁷. Particular subject perceptions of security in a specific area and specific circumstances largely differ from the theoretical in a specific field of security treatment, in practice, the level of security also is not a static concept⁸.

Also one of the aims of the Government of the Republic of Lithuania is the strengthening of the state governance and municipality, ensuring public order, improving the operation of legal system, seeking to temper corruption. This priority has a great influence on statutory officer's activities, since police is one of the main institutions providing security of society and public order in the country. Lithuania, after becoming the member state of the Europe Union, is induced to follow recommendations of the Europe Union institutions when choosing optimal directions of statutory officer's preparation and qualification rise and participating in education of European policemen's⁹. Therefore today's challenge is the development of cooperation of statutory officers and society in public safety problems, modernization and rationalization of police and state border guard departments work, the improvement of planning, organization and coordination of activities with social partners, the creation of effective statutory officers work control, the enforcement of optimal distribution of activities and officers competence and responsibility in accordance with principles of subsidiary, good administration, proportionality, legal expectations, transparency, social partnership, and the involvement in joint Europe Union crime control, prevention and cooperation system¹⁰.

Schengen Convention enshrined in the form of cooperation, which at first glance, like a traditional state sovereignty in violation of law. Uniformed and armed officer of the State shall be entitled to (in exceptional cases, even without prior permission) to carry out his official assignment in another State¹¹. Schengen Convention sets out the basic principles of law enforcement cooperation. Introduced two forms of

⁷ Rover, C. (2001) "Serve and Protect": Human rights and humanitarian law, the theory of the police and security forces. - The International Committee of the Red Cross.

⁸ Geierhos, W., Kühne, E. (2004) 10 Jahre Fachhochschule für Polizei Sachsen: Beiträge zur Geschichte der Hochschule und zur Diskussion aktuellen wissenschaftlichen. Eigenverlag der Fachhochschule für Polizei Sachsen.

⁹ Janusauskas, A. (2012). After the Bologna process: new developments in University education of police officers. Public security and public order: scientific articles (7) Kaunas: MRU. Vol 7, pp. 103-111.

¹⁰ Marenin, O. (2004). Police training for democracy. Police Practice and Research. Vol 5, No 2, pp. 107-123.

¹¹ Seniutienė, D., Greičius, S., (2005). The Schengen Convention influence on Lithuanian Border Organization – Jurisprudencija 73 (65), pp. 77-85.

co-benefits - over the border Monitoring and across the state border of the pursuit of land. It can be argued that there is a beyond traditional inter-agency and cross-boundaries, since some, the Convention regulated cases between state officials the right to operate in another country¹². This means that the performance of routine tasks related to public order and public security, the statutory officer will take into account the interests of other Member States. The monitoring and prosecution of cross-border enforcement will require good knowledge of the neighboring countries national legal framework, as all activities will take place in the territory of another Member State in accordance with the law on the operating authority.

For each State ways in which it applies in all of its obligations under international law is not a matter of international law. However, there may be instances where the State has agreed to fulfill its obligations only in a certain way. Not all countries establish clear international and national relations. Some countries have accepted that international laws constitute the entire legal system, as is currently the European Union and the Schengen area. International law automatically becomes the national law applied by the courts and the executive branch of the Treaty. A person's right to free movement within the European Union Member States raises security concerns, since the checks were removed almost all of the EU's internal borders. As a counterweight were installed additional security measures at the EU's external borders. This is done so that the right to free movement within the Union also available to criminals. To combat international crime, the EU national police and judicial authorities need to cooperate. Freedom, security and justice concepts are closely interrelated. Freedom becomes largely meaningless if people can live in safety, if not protected by a legal framework in which they can trust.

The aim is not to create a "Fortress Europe", but to facilitate people for legal entry into the European Union, which gives them the right to move freely. But at the same time the EU is determined to beat people exploit criminal gangs. International crimes, including terrorism do not respect national boundaries. In order to efficiently solve the problem, the European Union is gradually developing a common criminal and other policy. It hopes to introduce a common legal framework for the fight against terrorism, and a high level of protection of citizens and international cooperation in this area. In summary, the Schengen Convention set forth in articles such form of cooperation, which at first glance, like a traditional state sovereignty in violation of law¹³.

The main goal of police and border guard service the Republic of Lithuania is serving the people and ensuring the safe living of residents, seeking to be the active guarantors of people's safety and not only the registrars of criminal facts. Police maintains public order, fights and prevents the crime. Its activities are related to law observance but at the same time police, as a public institution, is under the influence of various political forces, on which depends the leverages of state governance. Statutory officer is voluntarily committed public officer who has assumed extraordinary and complex obligations for society demanding for special knowledge or preparation. Voluntariness of statutory officer's competence based on professionalism

¹² The Schengen acquis - Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders [OJ L 239 , 22/09/2000 P. 0019 – 0062].

¹³ European Parliament and Council Regulation (EC) No. 562/2006 of 2006 March 15. On the rules governing the movement of persons across borders Code (Schengen Borders Code), OJ 2006, L 105/1.

and knowledge of equal evaluation of public and private interest is that “conciliatory” aspect of statutory officer with society and all subjects legally seeking for self-benefits. Statutory officers assist other persons by realizing his duties, authority and rights, and helps others to implement their rights and needs. Appropriate competence must be obtained for this.

Responsibility as a legal status element of a subject is a juridical guarantee that appropriate institution or official will perform its tasks, functions and duties properly and on time. On this approach responsibility can be interpreted as a realization stimulant of specific authoritative commitments. This legal status element of institution means that it is needed to account for work results to superior institution. When speaking about the responsibility of policeman we think about personified responsibility subject whom various types of legal liabilities can be applied. It should be noted that consequences of application of institution and officer responsibilities are different. Responsibility of statutory officer’s uncovers exceptionality of statutory servant status. Supreme Administrative Court of Lithuania has stated that the nature of statutory intercourses determines the special significance of discipline and disciplinary responsibility in interior institutions and their particularity raises higher requirements for police officers of interior institutions. Ensuring the appropriate discipline is the safeguard of home affairs institutions effectiveness. Legal responsibility is a lawfully controlled duty to answer for one’s actions and to evaluate them; this duty is stipulated by responsibility against the law. The purpose of legal responsibility is stimulating, maintaining positive changes of social intercourses and from this point of view it is ratable as a measure of internal administration autonomy of institutions and social engineering. Legal responsibility is impossible without the definition of public policy implementation. Another group of models of implementation assessment is oriented towards analysis of activity processes and is based on officer’s confidence giving prominence to individual responsibility of persons. Statutory officer’s must be personally responsible for this, and therefore autonomy of policeman’s is very important or otherwise they cannot act flexibly for the justice, purposefully use their professional skills and decide what measures should be used for enforcement of aims and goals, i.e. policeman’s cannot adjust to the requirements of the environment. Statutory officer first of all must feel responsibility for all acts offending against the law and that could be made while discharging the duties. This sense of responsibility should help to define the limits of statutory officers’ activity: policeman can only perform lawful actions and has no right to go beyond the law. According to A.Laurinavičius¹⁴ it was determined that legal responsibility obligates police officer’s to discharge their duties and rights properly. It was proven that social environment has influence on frequency of exercising policeman’s rights. Statutory officers in conflict society are made to use force more often when discharging their duties and therefore additional possibilities for legal responsibility of policeman appears. Responsibility obligates policemen to do their duties and rights properly. Responsibility of statutory officers shows the oneness of status of statutory officers. It should be noted that statutory officers having right to use force might mistake when choosing required extent of force and must be brought to administrative or criminal responsibility.

On the subject of statutory officer’s responsibility in general it should be emphasized that peculiarities of statutory officer’s activity determine distinctive conception of responsibility. Statutory officer’s in comparison to staff of other institutions assume additional social obligations but are not exempted from responsibility by law. Besides, quite strict disciplinary responsibility is provided in respect of statutory officers. Hence disciplinary responsibility is first of all applied in case of infringements of

¹⁴ Laurinavičius, A. (2006). Problems of implementation the European convention on human rights in the statutory public administration institutions. *Jurisprudencija*. Nr. 3(81). pp. 47-55.

official law. Its peculiarity is the circumstance that it supposes double liability of police officers which cannot be applied on ordinary citizens. Harm caused to natural or legal person by illegal act of statutory officers is recompensed by the state following the order established in legal acts. Statutory officers acting under authority given by laws and other legal acts is not responsible for harm caused when acting pursuant to authority given by laws and other legal acts. One of the main peculiarities of policeman's responsibility is that it is imposed for law breaking and nonobservance of official discipline when official obligations were not fulfilled or wrongly fulfilled. Statutory officers can be brought to criminal, civil, pecuniary and disciplinary or official responsibility for above-mentioned matter.

Educator's activity is based on the responsibility for educate, consistently seeking for the set tasks of personality development and choosing optimal education measures¹⁵. The only statutory officers training facility which provides higher statutory officers education in Lithuania is the Mykolas Romeris University Faculty of Public Security in Kaunas. In the spirit of the Bologna Declaration, the Lithuanian Higher Education Act sets that higher education shall be carried out through the accredited study programme only. The study programme may be carried out only in the field of study which is a part of the defined list of the higher education fields of study. According to recommendations of the Bologna Declaration, the Bachelor study programme are oriented at acquisition of theoretical knowledge and practical knowledge based on the current state of science and art and at mastering their use at performing a profession or in the follow-up Master study. We defined statutory officers training as a process of imparting or acquiring particular knowledge or skills necessary for police and state border guard officers work. University education enables critical evaluation of material. It provides a theoretical framework by which practical application is derived. It grants a broad understanding of subject matter. Mandating university for statutory officers will instill these benefits and serve to raise the standard among law enforcement officers, facilitating professionalism. Educated officers would succeed in changing the very nature of policing, reforming it from the inside. The study programme is divided into subjects. For clear arrangement of the content of study and evaluation of the study results a regulation was issued to set for higher education institutions the duty to elaborate an information sheet of the subject in which the basic information about the subject is indicated. Previously, study attainments were measured in study weeks, which corresponded to 40 hours of study time whereas current ECTS credit corresponds to 26 hours of study time. Instead of focusing on the courses required for completing a degree, the emphasis was to be on the skills and competences students should gain during their studies. Internal aspects of the process were the analysis of core content and student workload. This tool gives heuristic help for classifying curriculum contents in relation to three categories: essential knowledge, supplementary knowledge and specialized knowledge. Essential knowledge is knowledge that all students must possess and which is a necessity for further studies. Supplementary knowledge, in turn, is something that students should know, but it is not compulsory. Specialized knowledge includes specific details which are good to know but not necessary for proceeding with studies. The division into the three types of knowledge was taken into account when determining student workload and the number of hours needed for completing each course. Knowledge, skills and abilities gained in a higher school have to form a comprehensively sophisticated personality having abilities to plan, analyze actions and suitably and responsibly direct activities of other people. Appropriate competence and qualification must be achieved in order to help a future specialist to proceed from cognizance to practical application of knowledge and abilities to analyze and integrate available information and to demonstrate high common cultural

¹⁵ Paoline, E.A., Terrill, W. (2007). Police education, experience, and the use of force. *Criminal Justice and Behavior*. Vol 34, No 2, pp. 179-196.

competence. Within the Lithuanian system of statutory officer's education, there is a coherent system of training at all levels of education. All profiles and all modules have been developed by academic professionals and statutory institutions partners. The outcome of this process has been sanctioned by the Ministry of Education of Lithuania and Police and State border guard Departments of the Ministry of the Interior of Lithuania.

Usually people behave under the moral principles that were soaked up and checked by the experience of life. They make decisions independently in one or another situation but it is not correct in the regard of moral choice. Fair behavior is because of fear to be punished for the crime or because of expected award. People behaving morally stick to inner self-control principles. Level of moral consciousness of people imbibing moral code in dominant social environment can be divided into two stages: first, when people orient towards commonly accepted norms of behavior, principles and values created by the society; and second where people knowingly make decisions themselves. Moral consciousness reaches the highest level of development when behavior will be controllable by highest moral criteria, "golden ethical rules": do not treat other people in the way you would not like to be treated. It might be concluded that a person could be a chemist – theorist contemplating in the highest level of conceptual thinking but at the same time remaining in the lowest level of moral consciousness. Content and methods of education must help educating an active person because activity is one of the main characteristics when raising a responsible society member. Social responsibility reflects cultural values and traditions, and gets different forms in various societies. Individual free of social obligations and responsibility for the community transmutes into a victim of self-nourished individualism. Liberty without any moral breaks always degenerates and turns into chaos and on contrary people realizing the essence and price of freedom seriously perceive responsibility given by freedom. Social responsibility is an accountability for something occurring outside the reach our dwelling or family.

Statutory officer's reaction to the crime always had various forms and depended on customs and law. Therefore ethics and humanism have extremely important role. Even the first contact of police officer and law breakers requires the highest level of tact and discretion. Justice and responsibility are the qualities that should always determine conduct of policeman. Individual delinquencies and faults of every policeman humiliate status of the whole police. Therefore it is essential constantly develop and reinforce professional skills and principles of conduct necessary for policeman's or state border guard officers. Currently role of police and state border guard service changing all over the world. Police and state border guard service authority has huge importance when ensuring conditions in society that people could live and work quietly. High requirements are established for police and state border guard service; its activity is often criticized and therefore it seems almost all the time that statutory officer's works poorly.

Looking from the today's prospect and discussing about police and state border guard service problems from the viewpoint of Lithuania's integration to European processes, it is very important that service of different rank statutory officer's for the community would be based on humanism principles and systemic approach on public relations administration would be enshrined. The most important police and state border guard service duty is to find out such problems as earlier as possible and to organize all forces, especially official institutions responsible for law enforcement, to prevent events that could have negative aftermaths to people, disturb stability of public relations and conditions of social development.

Professional ethics does not pursue to create detailed codes of professional moral when standardizing specialists' activity and conduct in the field of professional activity. It is important that the main requirements of professional moral would become inner guides of specialist's conduct. Moral requirements of professional activity realized by individual specialist come through as professional conscience, duty, responsibility and honor. These categories express relation of specialist's values with his/her occupation and

are elements of his/her moral self-consciousness. Specialist who developed professional conscience, duty and responsibility perceives his activity as the main area of self-expression. Professional activity for such specialist is not a heavy load but the aim and purport of life.

Conscience has particular meaning in the activity of every professional. Professional conscience is an inner appraiser and regulator of specialist's conduct. It observes and judges everyone. Sensitive conscience helps avoiding mistakes and faults at work, disallows specialist to become torpid, nominally discharge duties, become reconciled with negligence and unconcern. Professional conscience stimulates activity and creativity of employees, encourage learning from his/her and other's mistakes, raise qualification and seek for professional excellence. Raised conscience of specialist shows his/her ideological maturity and moral purity. Professional conscience is closely related to a duty. Duty is not an obligation but dictate of conscience. Therefore a conscientious specialist discharges his obligations because of inner necessity and moral need. Professional duty is not an external specification defined for specialist in the field of professional activity but inner subjective relation of specialist with those specifications. Professional duty is the most important moral stimulus for the activity of any professional. Following deep sense of duty doctors, educators, soldiers, policemen and other professionals often dedicate, take risks and accomplish acts of bravery. Professional responsibility is closely related to a duty: execution of duty presupposes responsibility of statutory officers and responsibility requires discharging the duty. If statutory officers will not feel professional responsibility, he does not discharge the duty. Duty makes person responsible and responsibility obligates.

Thereby in summary it might be stated that professionalism and responsibility of statutory officers functions in liaison with legal liability which is inner, perceived, experienced as moral sense and perennially existing as the main and permanent liability. It is strengthened when legal sanction is imposed or caused harm is indemnified.

Generalization

Currently role of statutory institutions is changing all over the world. High requirements are established for police and state border guard service. The implementation of the statutory tasks by the services responsible for border protection and certain public institutions, which form the broader border management system, helps to raise the level of national security and a sense of security for all citizens. Professional statutory officers (police officer and state border officer) in today's society must have very important features such as high level of responsibility. Police officer and state border officer having right to use force might mistake when choosing required extent of force and must be brought to administrative or criminal responsibility. It can be maintained that larger discipline requirements are applied for statutory officers and this allows ensuring efficiency of statutory institutions. Legal responsibility is a commitment regulated by law to be responsible for one's actions, deeds and to evaluate them; this commitment is stipulated by the responsibility against the law. Statutory officer's education and training in Lithuania is changing. General skills gained in a Faculty of Public Security Mykolas Romeris university have to form a comprehensively sophisticated personality having abilities to plan, analyze actions and suitably and responsibly direct activities of other people. Appropriate competence and qualification must be achieved in order to help a future specialist to proceed from cognizance to practical application of knowledge and abilities to analyze and integrate available information and to demonstrate high common cultural competence. A particularly strong stimulus in this respect was the integration of higher police and state border guard officer's education into the system of general education and the incorporation of the latter in implementation of the Bologna Process.

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