ISSN 2029-1701
ISSN 2335-2035 (Online)

Mokslinių straipsnių rinkinys
VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA
PUBLIC SECURITY AND PUBLIC ORDER
2015 (15)
Scientific

OVERVIEW OF THE PRESENT CRIMINAL POLICE REFORM IN LITHUANIA: FROM STRUCTURAL CHANGES TOWARDS EFFICIENCY OF ACTIVITIES

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Genius can make the beginning but it is only patient work that accomplishes *(H. Monte)*

Annotation. This article aims at introducing the present reform of the Lithuanian criminal police. It reflects principal prerequisites for the reform in the fields of legal regulation, practical application and structural changes. This reform of the criminal police is characterized by complexity of actions since the alterations encompass not only peculiarities of criminal activities and implementation of new forms of work organization in practice but also specific features of the professional development of criminal police officers.
The article consists of the introduction outlining the most relevant and latest indicators of legal regulation in the field of organization of criminal investigations. The body of the article consists of three interrelated parts consistently analyzing changes related to the structure and activities of the criminal police. The first part outlines key reasons which determined indispensable changes to be carried out in the criminal police, as well as substantial structural changes of the criminal police in 2014-2015. The second part is devoted to the analysis of one of the most critical spheres of legal regulation in streamlining the organization of pre-trial investigation, i.e. prioritization of pre-trial investigations which was launched in 2015. This part also highlights how prioritization of pre-trial investigations adds to a more efficient organization of activities. The issue of the legitimation of priority identification for pre-trial investigations is discussed as well. The third part overviews one of the examples of implementation of innovative activity models, that is, a tentative case of Kaunas police commenced in 2015, involving activities of Criminal acts Registration Unit along with principal guidelines for this activity. Possible strengths of this model of activities and possible weaknesses, as a prerequisite of such a form of work, are identified.

Keywords: pre-trial investigation, criminal police officer, organization of criminal investigations, reform of the criminal police, prosecutor.

INTRODUCTION

Relevancy of the research. The European Council[1] identified priorities for member states for the coherent and efficient solution of problems by invoking forensic science and creating a single forensic science area and its vision. Therefore, there is no doubt that creation of the vision for "Forensic Science 2020" is first and foremost determined by structural changes and changes in activities of the criminal police at the national level: analysis of the current state of affairs and framing further course.

Recently evaluating preconditions that make impact on organization of criminal investigations, major attention has been paid to the complex identification of these preconditions, specifically, to the review of legal regulation in this field, reshuffling of human resources, topical issues related to cooperation and revision of work organization forms. It must also be mentioned that inert organization of criminal investigations no longer satisfies police ambitions. Over the last few years, reviewing different formats of organization of criminal investigations both at an academic[2] and practical level with the clear and reasoned emphasis on weak links of this process, attempts have been made to search for well-founded, rational and anti-ephemeral but long-term and constructive complex approaches to optimize this process.

In pursuance of the key trends of police reorganization and upon the analysis, at a practical level, of the principal preconditions making impact on the level and effectiveness of this process, the Approval of the Guidelines for the Change in Organization of Activities of Territorial Criminal Police Units[3] has become an important benchmark. The primary objective of these guidelines encompasses a successful implementation of national activity priorities set for the Lithuanian police and those of the European Union, expeditious response to the

[1] Press Release of the European Council on Main Results of the Meeting of the European Council Considering the Issue Regarding Creation of the Vision for Forensic Science 2020 18498/11 PRESSE 491 PR CO 79.2011.
[2] Jurka R., Jovaišas K., Knapeckaitė J., Mišeikis Ž., Baliutavičius S. *Baudžiamojo proceso optimizavimo ir spartinimo galimybės ir būdai* [Possisibilities and Methods of Optimization and Expedition of Criminal Procedure]. Vilnius, 2004. Also see Ancelis P. *Funkcijų suderinamumas veiksmingame ir sąžiningame baudžiamajame procese* [Coherence of Functions in an Efficient and Fair Criminal Procedure]. Vilnius: Mykolo Romerio universitetas, 2012. Also see Navickienė Ž. *Ikiteisminio tyrimo organizavimo modelis kriminalistikos taktikoje* [Organization of Pre-trial Investigation Model in the Tactics of Forensic Science] (PhD thesis). Social science, law (01S).-Vilnius: Mykolas Romeris University, 2011. Also see Navickienė Ž. Innovation of Criminalistics Tactics in Lithuania: Shifting Approach on the Organization of Pre-trial Investigation. International Scientific Conference "Archibald Reiss Days" Thematic Conference Proceedings of International Significance. Serbia: Belgrad, 2014. P. 221-222.
[3] Order of the Lithuanian Police Commissioner General No. 2014 N. 5-V-779 of 28 August „On the Approval of the Guidelines for the Change in Organization of Activities of Territorial Criminal Police Units".

changeable character of crime and ensuring appropriate prevention, disclosure and investigation of criminal acts; by means of upgrading competencies of criminal police officers, structuring criminal police units afresh, defining their new competencies, streamlining procedures for conducting criminal intelligence and pre-trial investigations[4], we come back to principal rules of organization of crime investigation as a constituent part of the science of criminalistics[5].

One of the priority tasks of the Lithuanian police for 2015 is to consolidate capacities and maintenance of criminal intelligence and pre-trial investigation units[6]. This implies that the achieved result of the reform implemented, continuity of activities directed towards optimization of this process and ensuring measures to be taken for these activities is and will be of critical importance. On the other hand, it should be mentioned again that the criminal police has set the aim of responding to the changeable character of crime which was envisaged in the Activity Report of the Prosecution Service of the Republic of Lithuania of the year 2014, that is, to consolidate criminal prosecution in connection to crimes committed by organized crime groups and criminal associations, in connection to child sexual exploitation, unlawful enrichment and legalization of criminally derived proceeds or property and criminal acts against security of electronic data and information systems[7].

Novelty of the research. The authors of the academic article came up with the idea to write it as a result of the discussion about a great number of structural and activity-related changes that the criminal police has undergone recently in our country. The aspiration to introduce the course of these changes and their outcomes to academics and practitioners of both our country and foreign countries has induced a profound analysis of this subject, especially having in mind that it constitutes a completely fresh and topical area for academic and practical discussion.

Structural changes and changes in activities of the Lithuanian criminal police is a new subject with good prospects; the discussion of this subject was commenced in a complex and versatile way. As far as the practical sphere is concerned, this subject has been exhaustively and extensively discussed both in mass media and in various meetings and round-table

[4] Ibid
[5] Можаева И. П. Организация расследования преступлений как криминалистическое учение. Криминалистика и судебная экспертиза: наука, обучение, практика. Санкт-Петербург, 2012.
[6] Activity Report of the Lithuanian police 2014 [viewed on 16/03/2015]. Online access: http://www.policija.lt/
[7] Activity Report of the Prosecution Service of the Republic of Lithuania 2014. [viewed on 16/03/2015]. Online access: http://www.prokuraturos.lt/Veikla/Veiklosataskaitos/tabid/515/Default.aspx

discussions[8]. However, on the academic level, so far considerations have basically been given to preconditions that make impact on pre-trial investigation and effectiveness of its organization. Structural changes of the criminal police have very little been analyzed so far in this regard, and recent relevancy as to the intent of these changes and prediction and implication of these steps in practice has not been touched upon altogether. During the last decade slightly more attention has been paid in Lithuania to such issues as links between the criminal process and criminal intelligence and other consideration of matters pertaining to activities and trends of criminal intelligence[9].

In foreign analyses consideration was given to the police reform including that of the criminal police in the fields as follows: legal regulation[10], tools of the crime control[11], training and development of systematic performance?[12]

Object of the research. Structural changes and changes in activities of the Lithuanian criminal police in the context of optimization of criminal investigations.

Goal of the research. To present the overview of new models of activities through introduction of structural changes in the Lithuanian criminal police of 2014-2015.

Objectives of the research. In pursuance of the goal established, the following objectives have been set: To present fundamental structural changes in the Lithuanian criminal police of 2014-2015; To overview the latest models of criminal police activities launched in 2014-2015 with a view to optimize organization of criminal investigations.

[8] See more at *Visuomenės nuomonė apie teisėsaugą – vis geresnė* [Public Opinion about Law Enforcement is Improving". [viewed on 12/03/2015]. Online access: http://www.vrm.lt/lit/Visuomenes-nuomone-apie-teisesauga--vis-geresne/1788. Also see *Kriminalinės policijos reforma: tik atviras bendradarbiavimas gali padaryti ją pavykusia.* [Reform of the Criminal Police: Only Open Cooperation may Lead to its Success] [viewed on 12/03/2015]. Online access: http://www.pareigunai.lt/c-5/p-855-kriminalines_policijos_reforma_tik_atviras_bendradarbiavimas_gali_padaryti_ja_pavykusia

[9] See more žr. Panomariovas A., Ramanauskas R. *Slaptumas – tiesos baudžiamajame procese nustatymo priemonė. Jurisprudencija.* [Secrecy as a Means of Establishment of Truth in the Criminal Procedure] Jurisprudencija, 2005, t. 75(67). P. 50–57. Also see: Tarasevičius P. *Esminės operatyvinės veiklos ir ikiteisminio tyrimo reglamentavimo poįstatyminiais teisės aktais problemos.* [Key Problems Related to Regulation of Operational Activities and Pre-trial Investigation by Secondary Legislation]. Jurisprudencija, 2005, t. 75(67). P. 76–82. Also see Panomariovas *A. Parengtinio (ikiteisminio) tyrimo duomenų paslaptis baudžiamajame procese.* [Secrecy of Data of Preliminary Investigation in Criminal Procedure] Jurisprudencija, 2002, t. 29(21). P. 31–39.

[10] Otis W. G. Intent-Optional Criminal Statutes: A Plea For Reform, And A Note Of Caution To Reformers. Harvard Journal of Law & Public Policy. Vol. 37. No. 1. 2014. P. 51-56.

[11] See more Nagin D. S., Solow R. M., Lum C. Deterrence, Criminal Opportunities, and Police. Criminology. 2015. Vol. 53. Issue. 1. P. 74-100. Also see more Verfaillie K., Beken T. V. Proactive Policing and the Assessment of Organised Crime. Policing. Vol. 31. Issue 4. 2008. P. 534-552.

[12] Prenzler T. Reform in Politics, Criminal Justice and The Police In Post-Fitzgerald Queensland. An Assessment. Griffith Law Review. Vol 18 No 3. 2009. P. 576-592.

Methods of the research. The following theoretical and empirical research methods have been used: comparative-descriptive, critical-analytical, analysis of document contents as well as academic literature and interview. When applying comparative-descriptive and comparison methods, provisions of academic literature that examines improvement of organization of criminal investigations are described and analyzed in the article. The article discusses the most significant prerequisites for the reform of the criminal police as well as ways of making pre-trial investigation more efficient by means of critical-analytical research method. The analysis of document contents and academic literature aimed at examining reports by different law enforcement agencies (prosecution services, police) that regulate procedures for the reorganization of the criminal police, process and contents of organization of pre-trial investigations, also examining provisions of academic papers (dissertations, academic articles) in relation to efficiency of this process. During an interview four criminal police officers were spoken to in connection to the new model of activities in responding to criminal acts. In order to ground the situation and especially to prove the relevance of this subject, without crossing the line of academic neutrality, three publicist articles were used in the research.

STRUCTUAL CHANGES IN THE LITHUANIAN CRIMINAL POLICE IN 2015

When considering structural changes that took place in the Lithuanian criminal police in 2015, first of all, the importance of prerequisites for these alterations must be highlighted. Over the last few years, analysis has been made as to the situation regarding both criminal intelligence and pre-trial investigations in police itself and outside of it, including other entities of the state. Thus, both internal and external reasons determined the necessity for the reform of the criminal police. It is also worthwhile mentioning that the objective of this reform excludes mechanic changes of the structure since structural changes provided a framework for both implementations of forthcoming models of activities and reviewing as well as increasing competencies of human resources. It has been envisaged that upon the implementation of the changes in criminal police activities, efficiency of criminal intelligence activities will rise, criminal intelligence and other information will be appropriately collected

and analyzed, activities of special units will be more purposeful; investigations will be conducted more efficiently, workload of criminal police units will become equalized[13].

Therefore, in order to pursue the reorganization, the analysis of the current state of affairs and specification of the causes of inefficient current structure and activities was indispensable, first of all. The outcomes of this analysis has revealed that proper methods of criminal intelligence are basically used by officers of county police headquarters (although it has been envisaged that officers of police units perform it as well), whereas actions performed in police units may be conducted during pre-trial investigations as well[14]. Furthermore, unequal practice of administration and execution of specific pre-trial investigations was prevalent. i.e., a specific equal field of competence of units of a police agency of the same level was not specified. Upon the analysis of the resources available, crime and other criminogenic indicators, it has come to light that county police headquarters have 34% while police units have 66% of all the posts of pre-trial investigation officers established (the planned ratio subject to change would be 40-50% for county police headquarters and 60-50% for police units)[15]. Another reason having prompted a serious review of structural and activity change of the criminal police was conclusions of 2012 drawn by the National Audit on irrational organization of pre-trial investigation that ought to be improved: too long a time frame for conducting pre-trial investigations and unequal workload for pre-trial investigation units[16]. This also served as a serious incentive for shaping a new structure of criminal police units and for searching for more effective forms of work organization. Hence, plans for reviewing of available human resources of the criminal police also have to be included. On the other hand, the competence of county police headquarters will be consolidated in this field. Therefore, the necessity specialize criminal intelligence and to shape a new model for conducting pre-trial investigations, i.e. review of criminal investigations and their assignment to the field of competence of specific units as well as a clear-cut definition of the powers, are considered as the principal reasons for this reform.

[13] Order of the Lithuanian Police Commissioner General of 28 August 2014 No. 5-V-779 of 28 August "On the Approval of the Guidelines for the Change in Organization of Activities of Territorial Criminal Police Units".
[14] Record of the meeting of the Commission for the Improvement of Administration of the Police System of 31 January 2014 No. 5-IL-140.
[15] Ibid.
[16] National audit report by the National Audit Office of the Republic of Lithuania of 20 December 2012 "Have there Preconditions for Effective Organization of Pre-trial Process been Created" *[„Ar sudarytos prielaidos efektyviai organizuoti ikiteisminio tyrimo procesą"]*.

In the preparation for the upcoming reorganization, establishment[17] of the powers for conducting and organizing police pre-trial investigation that meant a clear-cut determination of the procedure for transfer and taking over of pre-trial investigations, was also critical. Another step of the reform was drawing up and approval of the Plan of the Change in Activity Organization of the Criminal Police of County Police Headquarters[18]. It provides for the key measures to implement the reform of activity organization along with drawing up and adoption of the regulations and flowchart of structural units of county police headquarters[19]. In pursuance of upgrading criminal police activities and under the provisions of the abovementioned legal act, as of 1 January 2015 police units in county police headquarters have been established in line with such intelligence and pre-trial investigation directions, as organized crime, serious (violent) crimes, crimes against property, economic crimes, criminal intelligence and special tasks[20].

It must be noted that structural changes and changes in activities are being implemented with the complex inclusion of issues concerning employees' motivation[21] i.e. by means of reviewing job descriptions and by allocation, according to the competence, of an appropriate category to each post. One of the stages concluded in this field is the Description of Competencies[22] defining mandatory competence of specific criminal police units and the procedure for further investigation, transfer and taking over of pre-trial investigations commenced up to 1 January 2015. This legal act serves as a means of defining, distinctly and specifically, boundaries of activities of criminal police units in respect of a criminal offence under investigation.

[17] Oder of the Lithuanian Police Commissioner General of 3 March 2014 No. 5-V-201 "On the Establishment of Powers for Conducting and Organization of Pre-trial Investigation by Police".
[18] Order of the Lithuanian Police Commissioner General of 31 March 2014 No. 5-V-281 "On the Improvement of Pre-trial Investigation and Criminal Intelligence in County Police Headquarters". The plan was revised and approved anew on 12 June 2014. See more at the Order of the Lithuanian Police Commissioner General of 12 June 2014 No. 5-V-521 "On the Amendment of the Order of the Lithuanian Police Commissioner General of 31 March 2014 No. 5-V-281 „On the Improvement of Pre-trial Investigation and Criminal Intelligence Activities in County Police Headquarters".
[19] See more at: the Order of the Lithuanian Police Commissioner General of 19 August 2014 No. 5-V-739 "On the Amendment of the Order of the Lithuanian Police Commissioner General of 29 May 2008 No. 5-V-300 "On the Decision on reorganization of lower-level police units by affiliating them to respective higher-level police units, terms of reorganization, approval of regulations and structural flowcharts of county police headquarters."
[20] See more ibid.
[21] Order of the Lithuanian Police Commissioner General No. of 28 August 2014 No. 5-V-779 "On the Approval of the Guidelines for the Change in Organization of Activities of Territorial Criminal Police Unit".
[22] Order of the Lithuanian Police Commissioner General of 17 October 2014 No. 5-V-890 "On the Approval of the Description of Competencies of Police Units to Conduct Pre-trial Investigations".

The importance of this new structural alteration creates conditions for implementation of a new, more effective model of criminal police activities. In terms of the systematic approach, these changes are meaningful in several aspects: criminal police activities of county police headquarters are made equal and systematic, criminal intelligence activities and their coordination (control) become concentrated, description of posts of the criminal police becomes standardized, the objective to make the workload of criminal police officers equal is identified and reiteration of functions is being avoided.

IMPLEMENTATION OF THE FORMAT FOR PRIORITIZATION OF PRE-TRIAL INVESTIGATIONS IN PRACTICE

While analyzing preconditions that make impact on investigation of criminal acts and that are set in the guidelines for the change in activity organization of criminal police of territorial police agencies, it has been emphasized that these days' police lack abilities to respond to incidents adequately and to collect relevant evidence in a place of incident. Moreover, in accordance with the opinion of participants of the process, pre-trial investigation actions are conducted not as expeditiously and qualitatively as it is expected, territorial police units lack concentrated resources and powers to pursue prevention and investigation of specific crimes, including serious and very serious and latent criminal acts, as well as to perform information analysis[23]. The conclusions "On Organization of Pre-trial Investigation" drawn by the National Audit, already in 2012 highlighted other weak links of organization of pre-trial investigation as well, namely, unequal workload of criminal police units of territorial police agencies and considerable difference in the number of pre-trial investigations organized by prosecutors as well[24]. Furthermore, it has been established that pre-trial investigations last rather long. In the evaluation of the conclusions of this audit, the prosecution service already in 2013 intensified the administration of pre-trial investigations with the proportion of pre-trial investigations that last longer than 12 months constituting 15% up to the end of 2013, that is, by 2, 4 %t less than in 2012[25].

[23] Order of the Lithuanian Police Commissioner General No. 2014 N. 5-V-779 of 28 August "On the Approval of the Guidelines for the Change in Organization of Activities of Territorial Criminal Police Units".
[24] National audit report by the National Audit Office of the Republic of Lithuania of 20 December 2012 "Have there Preconditions for Effective Organization of Pre-trial Process been Created" *[„Ar sudarytos prielaidos efektyviai organizuoti ikiteisminio tyrimo procesą"]*.
[25] Activity Report of the Prosecution Service of the Republic of Lithuania 2013 [viewed on 16/03/2015]. Online access: http://www.prokuraturos.lt/Veikla/Veiklosataskaitos/tabid/515/Default.aspx

Upon evaluation of the current state of affairs of the this analysis and on consideration of the fact that equal capacities are allocated to the investigation of criminal acts irrespective of the seriousness of the crimes under investigation, identification of priorities for police-conducted pre-trial investigations were defined at the end of the last year. Under the common order of the Prosecutor General of the Republic of Lithuania and Lithuanian police Commissioner General of 8 December 2014, the Description of Identification of Priorities for Pre-trial Investigations Conducted by Police was approved[26]. Having not become this legal act effective yet, a two-fold opinion had proliferated in mass media maintaining that police would not investigate all criminal acts and would not pay attention to minor criminal acts in particular[27]. There were absolutely no intentions to ignore investigations of any criminal acts in the implementation of the ideas regarding prioritizing of pre-trial investigations. The major step is to measure (identify) levels that would enable to utilize both human and financial resources more rationally, to make position of the prosecutor supervising investigation more active with absolutely no elimination of investigation of crimes of any kind.

The abovementioned document defines the procedure for establishment of crime investigation priority by means of identifying categories and levels of pre-trial investigations. Considering the seriousness and the degree of danger of criminal acts, pre-trial investigations are grouped into 4 categories: AA, A, B and C[28].

Taking into account objective possibilities to disclose a criminal offence and other evaluative characteristics, pre-trial investigations are ascribed to one of the following levels: level 1 – pre-trial investigation with the clear course of investigation and/or with a person

[26] Order of the Prosecutor General of the Republic of Lithuania and Lithuanian Police Commissioner General of 8 December 2014 No. I-270 / 5-V-1061 "On the Approval of the Description of Prioritization for Pre-trial Investigations Conducted by Police".

[27] Police are not willing to waste their time for the search of buckets. [viewed 16/03/2015]. Online access http://www.delfi.lt/news/daily/lithuania/policija-nenori-svaistyti-laiko-kibiru-paieskoms.d?id=66139534

[28] In accordance with the provisions of the Code of Criminal Procedure of the Republic of Lithuania criminal acts are divided into crimes and misdemeanours. In accordance with the provisions of the the Prosecutor General of the Republic of Lithuania and Lithuanian police Commissioner General of 8 December 2014, certain criminal acts are ascribed to each category: category AA encompasses very serious crimes. Category A embraces: serious crime; high-profile crimes; medium-gravity crimes involving damage made to the victim's life, health or property of high value and cases when victim's life and health are exposed to danger; crimes related to child sexual exploitation; crimes committed through negligence incurring the maximum term of imprisonment exceeding 6 year; pre-trial investigations in relation to missing people instigated as per code 556000. Category B encompasses: medium-gravity crimes, multi-episodic minor or medium-gravity crimes or those characterised by systematic reiteration (in the territory or in the time frame) and similar according to the type of their commission; crimes committed through negligence incurring the maximum term of imprisonment exceeding 3 years but not more than 6 years; pre-trial investigations in order to establish the cause of death, instigated as per code 555000. Category C embraces minor crimes; crimes committed through negligence incurring the maximum term of imprisonment up to 3 years; misdemeanours.

possibly having committed a criminal act identified or with a minor having suffered from a criminal act; level 2 – pre-trial investigation with the objective data giving probability to establish a course of investigation and a person possibly having committed a criminal act; level 3 – pre-trial investigation with no objective data giving probability to establish a course of investigation and a person possibly having committed a criminal act.

Priorities for pre-trial investigations are identified considering the category of a criminal act (AA, A, B or C) and level of pre-trial investigation (1, 2 or 3). The priorities of pre-trial investigations distinguished are as follows: highest priority, high priority, medium priority and lower priority (see figure 1).

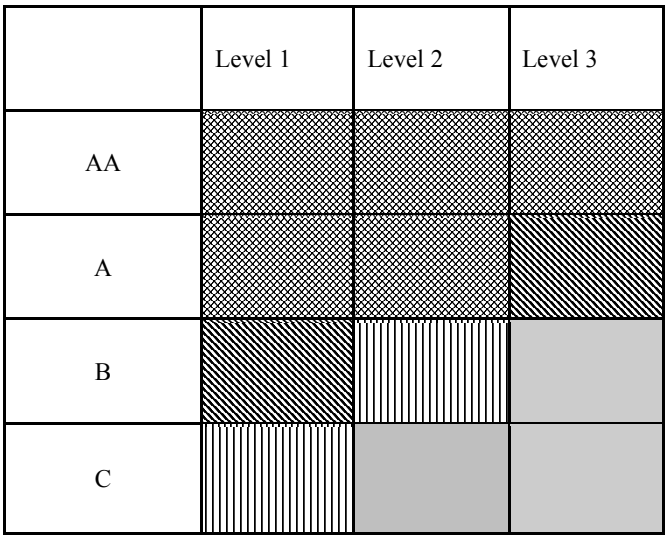


Figure 1. Pre-trial investigation priorities (source: Description of Identification of Priorities for Pre-trial Investigations Conducted by Police)

Consideration whether all criminal acts are to be really investigated leaves no doubt as provisions[29] of the Code of Criminal Procedure of the Republic of Lithuania (hereafter referred to as: the Code of Criminal Procedure) obligate that a prosecutor and pre-trial investigation agencies are obliged at any time of the emergence of the features of a criminal offence to take, within the field of their competence, all measures defined in legal acts, in order to execute the investigation and to disclose a criminal offence in the shortest time possible.

We are of the opinion that prioritization of pre-trial investigations is characteristic of several fundamental aspects which are likely to purposefully and systematically regulate the

[29] Code of Criminal Procedure of the Republic of Lithuania approved by the order of 14 March 2002 No. IX-785. Effective wording. Fourteenth issue amended and supplemented. Vilnius: Centre of Registers, 2015.

efficiency of the execution and organization of pre-trial investigations. First of all, identification of priorities for a pre-trial investigation will allow using human resources available more rationally as investigation of criminal acts is organized observing the principles of economy and proportionality; therefore, first of all, financial and human resources are allocated to execution of higher-priority pre-trial investigations. Secondly, prioritization of pre-trial investigations will ensure coherent and systematic intensity of pre-trial investigations conducted and administrated. Furthermore, prioritization of pre-trial investigations is not a static and unchangeable process. Upon emergence of new circumstances, the prosecutor organizing pre-trial investigation may change the priority identified to another (higher or lower). Moreover, working on this principle, a pre-trial investigation officer and prosecutor are both engaged into more active work and cooperation, that is, observing the state of affairs of conducting of a pre-trial investigation directly and enhancing, at the same time, their responsibility regarding the outcome of a specific pre-trial investigation. Finally, prioritization of pre-trial investigations is relevant in terms of work organization and control since heads of police units may follow the situation as to the current number of pre-trial investigations of the highest or high priority, ways of work organization within the unit or ways of presentation of intermediate and final activity results.

When assessing weak links of this model of activities, it is worth mentioning that it is considerably important not to underestimate lower-priority pre-trial investigations since in line with provisions of Article 2 of the Code of Criminal Procedure, all criminal acts are to be investigated protecting the position of a victim in this way[30]. Hence, lower priority of pre-trial investigations should not altogether exclude investigation of less dangerous criminal acts and should remain as legitimate as all other pre-trial investigations of higher priority identified.

IMPLEMENTATION OF A NEW MODEL OF RESPONDING TO INCIDENTS (EXPERIMENT OF KAUNAS POLICE)

In 2014 the primary activity of the Lithuanian police aimed at operational response to a call for help, i.e. responding to incidents. Following the report of police activities of 2014, police managed to ensure that not less than two police cars with police officers react to criminal acts or administrative violations of law committed within the territory supervised by

[30] Ensuring victim's rights and legitimate interests has been identified as one of the priority activities of police in 2015. See more at Activity Report of the Lithuanian police 2014. [viewed on 19/03/2015]. Online access: http://www.policija.lt/

each local police unit and to shorten the time of response to violations of law and enhancing the efficiency of a Unanimous System for the Management of Forces[31] was also among the aims of police. Search for upgraded forms of work is linked to not only optimization of organization of pre-trial investigation itself but also with response to reports, checking and documenting initial information and performance of initial actions of a pre-trial investigation. One of such effective forms of work, as a pilot form, was launched in 2015. In search of possibilities to react to reports on criminal acts as efficiently and expeditiously as possible, the Criminal Offenses Registration Unit was established in Kaunas Police Headquarters. The unit was tasked to operationally respond to reports on criminal acts arranged or already committed.

Moreover, police officers of this unit (more than 40 of them employed) conduct pre-trial investigations themselves in both expedited and formalized procedure and take decisions on the refusal to instigate them. Such a form of improvement of activities that involves the attempt to streamline pre-trial investigation procedures is associated with the concentration of registration of all criminal acts in one unit and streamlining of the pre-trial procedure.

The legitimation of the new format of activities is grounded by several aspects: determination of the criminogenic situation, rational utility of human resources and optimization of pre-trial investigation activities. Having summarized the results of the interview conducted and carried out practical evaluation of this model of activities, the following positive key anticipations (strengths) may be distinguished (see table 1). First, through concentration of registration of criminal acts within one unit, specific territories with the largest number in crimes should emerge due to the fact that registration is performed in one division. Second, response to incidents becomes centralized, thus, meaning that there is a possibility to actually evaluate the situation and possibilities to respond to incidents, use human resources more rationally and control capacities adequately considering the prioritization of pre-trial investigations. Third, it is expected, working on this principle, that competence of police officers working in this field will significantly improve on account of the fact that they will have an opportunity to broaden his/her experience in the context of the performance of initial actions. Additionally, it is believed that pre-trial investigation will be optimized: the quality of pre-trial investigation actions will improve as a particular defined circle of police officers will get specialized in this activity. Due to this reason, it is probable

[31] Report of the Lithuanian Police of 2014 [viewed on 19/03/2015]. Online access: http://www.policija.lt/

that that term of pre-trial investigations will shorten. Moreover, cooperation of pre-trial investigation unit and the prosecution office is to be enhanced owing to the fact that the activities of this unit will be supervised by one prosecutor who will work in the same building together with police officers; hence, this will help ensure quality and expeditious investigation of pre-trial investigations conducted by the unit and taking of procedural decision as well. Thus, attempts are made to implement the model of active cooperation.

In our opinion, the application of such a model might exhibit not only strengths but may also be pertinent to possible weal links in a chain (see table 1). First of all, handling of the workload of employees of this unit might be complicated as this factor is dependent on the number of incidents. What is more, due to the increase in the workload of employees, review of posts may be necessary as, to our mind this unit may only function effectively and successfully unless the workload exceeds the average load. In addition, a circle of experienced staff is expedient in the performance of this activity as their field of competence is peculiar inasmuch as they deal with the initial stage of the pre-trial investigation (inspection of the scene of incident, etc.) and quality material collected and traces recorded determine further course of investigation.

Criteria of activity	Strengths anticipated	Possible weaknesses
Criminogenic situation	Easily identified in a particular territory	Unestablished
Centralized response to incidents	Simplified record	Unestablished
Number of posts	Unestablished	The number may be constantly subject to review due to extra workload
Competences of employees	Experienced staff, their competencies constantly develop and improve	Those lacking experience would face difficulties, quality of investigation would suffer
Quality of pre-trial investigation	Experienced employees' competencies would determine high quality of investigation	Unestablished
Employee workload	Unestablished	More difficult to handle; workload likely to rise subject to a large number of incidents
Shift work	Unestablished	Long working hours may impel the probability of mistakes
Cooperation with the prosecution office	Active, ongoing and systematic cooperation is expected	Unestablished

Table 1. Experimental model of activities when reacting to criminal acts: anticipated strengths and possible weaknesses of this activity model (source: results of the interview carried out and practical evaluation of the activity model)

Beside this, in accomplishing a case in the expedited procedure, experience for more rapid, thorough and at the same time more competent disclosure of the facts is requisite. And finally, work in this sphere encompasses 24 hours of performance which makes a really exhaustive load without interruption. This may have influence on the emergence of mistakes or may negatively influence the quality of a pre-trial investigation.

It will take at least a year to make judgements as to the time needed for the new experiment of response to incidents to get entrenched and whether or not it will set an example all over Lithuania. Specific outcomes, pros and cons and other peculiarities of the organization of activities may be presented in subsequent academic and practical researches. The upcoming analysis of this activity will constitute a serious necessity to carry out a more in-depth and well-founded scientific research.

CONCLUSIONS

The necessity for the reform of the criminal police was determined by the entirety of internal and external reasons in order to streamline organization of criminal investigations and to utilize available human resources more rationally. It should be noted that the reorganization did not aim at making mechanic changes in the structure, i.e. these changes also configured the implementation of further innovative models of activities while reviewing and enhancing the competencies of human resources. As far as the systematic aspect is concerned, these changes are characterized by multifaceted significance: activities of the criminal police of national county police headquarters become unified and systemized, intelligence activities and their coordination (control) becomes focused at the national level, descriptions of posts of the criminal police become standardized, aspiration to equalize the workload of criminal police officers is identified and duplication of functions is avoided.

Prioritization of pre-trial investigations aims at the rational management of human and financial resources, active and rational cooperation of subjects and shaping of the systematic approach towards the intensity of criminal investigations. It is critical not to underestimate pre-trial investigations of lower priority taking into account the provision of the Code of Criminal Procedure stipulating that every criminal act must be investigated. Therefore, lower priority of pre-trial investigations should not altogether exclude the investigation of less dangerous criminal acts and should remain as legitimate as all other pre-trial investigations of higher priority.

Summarizing information on the commenced police experiment in responding to incidents, it is should be highlighted that it is expected to consolidate all links of organization of criminal investigations at the same time, i.e. from response to incidents to the accomplishment of the case in line with the principles of contemporary management in the administration of pre-trial investigations, such as the format of centralized activities, model of active cooperation between pre-trial investigation subjects and upgrading these subjects' competencies in one field. Still, possible weaknesses of this activity are anticipated as well, that is: significant increase in the workload, heavy responsibility and rapid speed of organization would become a burden for inexperienced staff, etc. It should be pointed out that this experimental activity field is not an epiphenomenon. It has a logic link with prioritization of pre-trial investigations as this is the implementation of two novel forms of activities having one generalized goal practically at the same time, i.e. to optimize organization of criminal investigations.

Once this activity gains ground, it is proposed to evaluate, by applying an academic grounding, the strengths and weaknesses of this activity model of the criminal police anew. At the same time, the necessity will emerge in future for academic grounding regarding the efficiency of new forms of these activities.

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DABARTINĖS KRIMINALINĖS POLICIJOS REFORMOS LIETUVOJE APŽVALGA: NUO STRUKTŪRINIŲ POKYČIŲ VEIKLOS EFEKTYVINIMO LINK

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S a n t r a u k a

Dabartiniai kriminalinės policijos veiklos pokyčiai jau nebeįsivaizduojami be pamatuotų, moksliškai pagrįstų tyrimų rezultatų. Vidinių ir išorinių priežasčių visuma siekiant optimizuoti nusikalstamų veikų tyrimo organizavimą ir racionaliau panaudoti turimus žmogiškuosius išteklius lėmė didžiosios Lietuvos kriminalinės policijos reformos būtinumą. Pažymėtina, jog šios reformos tikslas buvo ne mechaniniai struktūrų pakeitimai – policijos moksliškai pagrįstų tyrimų pagrindu atlikti struktūriniai pokyčiai konfigūravo ir būsimų novatoriškų veiklos modelių įdiegimą peržiūrint ir stiprinant žmogiškųjų išteklių kompetenciją. Sistemiškai šie pokyčiai turi keleriopą reikšmę: suvienodinama ir susisteminama šalies apskričių (regionų) policijos komisariatų kriminalinės policijos veikla; šalies mastu koncentruojama žvalgybinė veikla ir jos koordinavimas (kontrolė); standartizuojami kriminalinės policijos pareigybių aprašymai; identifikuojamas siekimas (su)vienodinti kriminalinės policijos pareigūnų darbo krūvį, išvengimą funkcijų dubliavimosi; stiprinamos visos ikiteisminio tyrimo veiklos organizavimo grandys: tiek reaguojant į įvykius, tiek taikant naująją veikų prioritetizavimo sistemą. Optimizuotų veiklos formų diegimas nusikalstamų veikų tyrimo organizavimo kontekste garantuoja efektyvią visų ikiteisminio tyrimo grandžių sąveiką.

Pirma, optimizuotai kriminalinės policijos veiklai nuo 2015 m. sausio 1 d. apskričių (regionų) vyriausiųjų policijos komisariatuose koncentruojama žvalgybinė funkcija, iki tol atliekama ir teritoriniuose policijos komisariatuose. Taip pat formuojami padaliniai pagal specialias žvalgybinės veiklos ir ikiteisminio tyrimo kryptis.

Antra, buvo atliktas nusikalstamų veikų tyrimo prioritetizavimas. Juo siekiama racionalaus žmogiškųjų ir finansinių išteklių valdymo, aktyvaus ir racionalaus subjektų bendradarbiavimo, sisteminio požiūrio formavimo į nusikalstamų veikų tyrimo intensyvumą. Labai svarbu, jog nebūtų visiškai nuvertintas žemesnis ikiteisminių tyrimų prioritetas – vadovaujantis Lietuvos Respublikos BPK nuostatomis kiekviena veika turėtų būti tiriama. Taigi, žemesnis ikiteisminių tyrimų prioritetas visiškai neturėtų eliminuoti nepavojingų nusikalstamų veikų tyrimą ir turėtų išlikti toks pat legitimus, kaip ir kiti aukštesni ikiteisminių tyrimų prioritetai.

Trečia, policijoje pradėtas eksperimentas reaguojant į įvykius, kuomet tikimasi paraleliai stiprinti visas ikiteisminio tyrimo organizavimo grandis – nuo reagavimo į įvykius iki bylos baigties

įtraukiant į nusikalstamų veikų tyrimo organizavimą šiuolaikinės vadybos principus – centralizuotos veiklos formatą, aktyvaus ikiteisminio tyrimo subjektų bendradarbiavimo modelį, šių subjektų kvalifikacijos stiprinimą vienoje srityje. Visgi, numatomos galimos ir šios veiklos silpnybės: ryškaus darbo krūvio padidėjimas, didelė atsakomybė ir greitas organizavimo tempas taptų našta nepatyrusiems darbuotojams, pamaininio darbo įtaka ikiteisminio tyrimo kokybei ir pan. Kita vertus, reagavimo kontekste svarbus vaidmuo tenka patyrusiems darbuotojams – jų kompetencija svarbi kvalifikuotai ir kokybiškai atliekant pirminius tyrimo veiksmus, kurie labai svarbūs tolesnei tyrimo eigai. Pažymėtina, jog ši eksperimentinė veiklos sritis nėra epifenomenas. Ji turi loginę jungtį su ikiteisminių tyrimų prioritetizavimu – tai dviejų naujų veiklos formų įdiegimas praktiškai tuo pačiu metu ir turint vieningą apibendrintą tikslą – optimizuoti nusikalstamų veikų tyrimo organizavimą. Šio eksperimento vertinimo išvados taptų svariu argumentu pamatuotai diegti naujus veiklos modelius ir kituose šalies miestuose. Tuo pačiu patvirtinama, jog ateityje ryškėja tolimesnių tęstinių mokslinių tyrimų dėl šių naujų veiklos formų veiksmingumo poreikis.

Pagrindinės sąvokos: ikiteisminis tyrimas, kriminalinė policijos pareigūnas, nusikalstamų veikų tyrimo organizavimas, kriminalinės policijos reforma, prokuroras.

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