

УДК 343.1

DOI 10.17150/1996-7756.2016.10(2).387-398

ПЛАНИРОВАНИЕ АВ ИНИТІО ДОСУДЕБНОГО РАССЛЕДОВАНИЯ КАК УСЛОВИЕ БОЛЕЕ ЭФФЕКТИВНОГО РАССЛЕДОВАНИЯ ПРЕСТУПЛЕНИЙ: ОТ ТЕОРИИ К ПРАКТИКЕ

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Информация о статье

Дата поступления
10 декабря 2015 г.

Дата принятия в печать
5 апреля 2016 г.

Дата онлайн-размещения
29 июня 2016 г.

Ключевые слова

Организация досудебного расследования; планирование предварительного следствия; досудебное расследование; финансовые преступления; прокурор

Аннотация. Недавние исследования возможностей обеспечения более эффективного досудебного расследования в Литве сосредоточены в основном на пересмотре положений, касающихся организации досудебного расследования, и поиске способов реального улучшения этого процесса на научном уровне. В рыночных условиях хозяйствования универсальный вопрос обеспечения качества управления приобретает особую значимость. Поэтому такие категории управления, как планирование и организация, становятся востребованными при попытке применить их в процессе расследования уголовных дел. Создание в Европе сферы криминалистики и развитие криминалистической инфраструктуры станет прочной основой повышения эффективности деятельности правоохранительных органов, в том числе осуществляющих организацию досудебного расследования. В статье анализируется концепция планирования досудебного расследования и его значение. Содержание этого процесса рассматривается как одно из допущений, предположительно влияющих на эффективность досудебного следствия во время расследования финансовых преступлений в Литве. Цель исследования — оценить влияние планирования досудебного следствия на эффективность расследования преступлений, проанализировав данное понятие и содержание этого процесса. С применением описательно-сравнительных и сравнительных методов в статье рассматриваются положения научной литературы, в которой обсуждается планирование досудебного следствия. Для анализа основных положений планирования досудебного расследования был использован метод аналитического критического исследования. Статья состоит из введения и двух разделов. Первый раздел представляет концепцию планирования предварительного следствия и определяет взаимосвязь между процедурой и организацией досудебного расследования. В этом разделе рассматриваются элементы планирования досудебного расследования, а также его основные цели и принципы. Второй раздел представляет результаты эмпирического исследования — анализ планирования уголовных расследований преступлений, совершенных в финансовой сфере страны. В нем оценивается, как следователями планируется досудебное следствие при расследовании финансовых преступлений. Кроме того, в этом разделе уделяется внимание аспектам методов планирования, а также их влиянию на эффективность расследования уголовных деяний такого характера. Результаты наших изысканий подтвердили, что необходимо учитывать существующую потребность в повышении уровня теоретических знаний следователей и совершенствовании их практических навыков, используемых при планировании досудебного следствия. В заключение авторы представляют некоторые важные и необходимые рекомендации, касающиеся планирования расследования и повышения его эффективности.

PLANNING AB INITIO PRE-TRIAL INVESTIGATION AS THE CONDITION FOR A MORE EFFECTIVE INVESTIGATION OF CRIMES: FROM THEORY TO PRACTICE

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Article info

Received
2015 December 10

Abstract. The article analyzes the concept of planning a pre-trial investigation and its importance for the pre-trial investigation. The content of this process is analyzed as one of the factors influencing the effectiveness of pre-trial investigation of financial crimes in Lithuania.

Accepted
2016 April 5

Available online
2016 June 29

Keywords

Organizing a pre-trial investigation;
planning a pre-trial investigation;
pre-trial investigator; financial crimes;
prosecutor

The article consists of an introduction and two sections. The first section introduces the concept of planning a pre-trial investigation and defines the interrelation between the proceedings and the organization of a pre-trial investigation. This section discusses the elements of planning a pre-trial investigation and the possibilities of planning in practice as well as the fundamental objectives and principles of planning a pre-trial investigation. The second section introduces the results of empirical research: it analyzes real-life planning situation in the Financial Crime Investigation divisions of the country, considers and assesses how a pre-trial investigation is planned by investigators of financial crimes. This section also discusses some aspects of planning techniques as well as their influence on a more effective investigation of such criminal actions. At the end the authors present some important and essential recommendations for planning an investigation and seeking efficiency.

The contribution of forensic science in this field is unquestionable — the creation of the European forensics area and the development of forensics infrastructure in Europe would become a solid platform in the field of improving the efficiency of law enforcement authorities, including the organization of a pre-trial investigation. Recent studies on the opportunities to ensure a more effective pre-trial investigation in Lithuania mainly focus on revising the provisions for organizing a pre-trial investigation and actual improvement of this process¹ at the scientific level to develop the optimized model of organizing a pre-trial investigation that strongly recognizes that a more effective outcome of this process is ensured through the integration and application of management principles in the investigation of criminal conduct. A universal quality issue is an important trend while acting in the market conditions in the context of management [1]. Therefore, such categories of management as planning and organizing can be considered useful when trying to model and adapt them to the process of investigating criminal conducts. Planning in the context of management is perceived as a process of goal setting and realization by defining a certain course. According to the Dictionary of Contemporary Lithuanian, the term 'plan' covers assignments, procedures, working methods and measures to carry out work and achieve goals within a certain period of time². Therefore, planning is relevant due to its contribu-

tion to dividing a complex activity into separate elements and grouping assignments, as well as continuous anticipation of the necessary steps and creation of an algorithm for certain steps to be taken. Planning in the pre-trial investigation is primarily the process of contemplation, when the future fundamental steps of investigation are foreseen. It means that the executives shall consider their aims and actions in advance and their actions should be based on a certain rule, plan, and logics rather than taken spontaneously, therefore the plans cover organizational goals and the best procedures to achieve the aims [1]. In our opinion, planning should always be *ab initio*, i.e. related to the start of the pre-trial investigation.

The cooperation and professionalism of the pre-trial investigation entities are usually highlighted while analyzing the assumptions for the effective organization of a pre-trial investigation. However, little attention is paid to the disquisition of provisions for planning a pre-trial investigation. The issues of organizing pre-trial investigation have been analyzed by researchers along the process of planning [2; 3]. Currently researchers discuss much more specific components of organizing a pre-trial investigation, at the same time trying to identify some interrelations with planning a pre-trial investigation: developing different versions by identifying a version as a multifaceted category that can be analyzed as a logical basis for planning crime investigation [4]; opportunities for cooperation of pre-trial investigation entities [5; 6] while investigating serious and very serious crimes by planning an investigator and prosecutor's general actions; conceptualizing the model for the organization of a pre-trial investigation [7; 8] by highlighting new components in contrast to the process of planning. It should be noted that hands-on research of planning a pre-trial investigation is bypassed completely

¹ Audit Report of the National Audit Office of Lithuania, dated 20 December 2012 «Are there Pre-conditions in Place for Efficient Organisation of the Pre-trial Investigation Process» [Electronic resource]. URL : http://www.vkontrole.lt/audito_ataskaitos.aspx?tipas=2.

² Dictionary of Contemporary Lithuanian / Institute of the Lithuanian Language ; Editorial Board. 4th ed. Vilnius : Mokslo ir enciklopedijų leidybos centras, 2000.

and this issue is not discussed in more detail either at the scientific or the practical level.

The analysis of problems related to planning a pre-trial investigation in foreign countries showed that the issues of planning have been considered for a sufficiently long time. For example, the opportunities of Multi-Level Planning were analyzed in the 1970s [9]. The details of such planning have been recognized later as well, since they pose an opportunity to form all interim investigational objectives exactly, which will contribute to achieving a common goal, determining the interaction between actions and measures, identifying logic structure thereof; it will also allow certain actions and measures to be forecasted, etc. Currently, plan flexibility and implementation are highlighted when the category of planning is analyzed in foreign literature. It is usually related to investigative strategy³. The aim of the research is to assess the influence of pre-trial investigation planning on the efficiency of crime investigation by analyzing the concept and content of this process. The following theoretical research methods have been used in the article: descriptive-comparative, analytical-critical methods and empirical research (survey). Through the application of descriptive-comparative and comparative methods, the article describes and analyzes the provisions of scientific literature, which discusses pre-trial investigation planning. The analytical-critical research method was used to analyze the basic provisions of planning a pre-trial investigation, which could be essential for a more effective pre-trial investigation. Empirical research was conducted in November-December 2014 in order to assess the situation in financial crime investigation divisions as well as to determine the practical significance of planning while investigating financial crimes. The research surveyed 50 pre-trial investigation officers from the national financial crime investigation divisions (this is 50 percent of all investigators working in these divisions).

The concept of planning as an assumption for an effective pre-trial investigation. From our point of view, it is necessary to discuss the categories of efficiency and effective pre-trial investigation in order to analyze planning as a condition for an effective pre-trial investigation. Efficiency

³ Basic Investigative Planning. NACOLE conference Basic Investigative Planning [Electronic resource]. URL : <http://www.portlandonline.com/Auditor/index.cfm?a=329549&c=56522>.

in economics refers to the rate of production resources' use, which ensures maximum results⁴. When applying the content of this category to pre-trial investigation, it is important to emphasize the scale of measures and human resources used in this process in order to achieve maximum results — to disclose and investigate a criminal conduct. Therefore, in principle, an investigator faces the interrelation between performance measurement and efficiency [10]. Different quality standards are often applied to ensure the efficiency of certain activities. The quality standards ISO 9001 and ISO 17025 could be applied to ensure performance efficiency, although, as stated, the application of these standards is insufficient to ensure efficiency; it does not cover monitoring of efficiency indicators, resource planning and their economic assessment in the perspective of time [11]. Nevertheless, the institutions that organize and conduct pre-trial investigations seek to define the indicators for performance assessment. For example, the objectives of US District Attorney offices include the following indicators for performance assessment: crime rate, number of arrests, pre-trial period, workloads of attorneys per capita, etc.⁵ Performance indicators of the Swedish Public Prosecution Service highlight the terms for investigating a case⁶.

It should be noted that legislation does not directly define the efficiency of a pre-trial investigation. There have been attempts to calculate the efficiency in pre-trial investigation by applying a weighted score for proceedings, which includes the terms of pre-trial investigation, number of crimes, number of suspects, etc.⁷; however, this method of

⁴ Dictionary of Economics [Electronic resource]. URL : <http://ekonomika.balsas.lt/ekonomikos-terminu-zodynas/efektyvumas>.

⁵ Standard objectives US District Attorney offices. Source: Data of US District Attorneys Association [Electronic resource]. URL : <http://www.ndaa.org>.

⁶ Strategic Action Plan of Swedish Prosecution Authority for 2011 [Electronic resource]. URL : https://www.coe.int/t/dlapil/codexter/Country%20Profiles/Profiles-2014-Sweden_EN.pdf.

⁷ Order No. I-9/5-V-47 On the approval of criteria, weighted scores and application methodology for pre-trial investigation efficiency evaluation approved by the Prosecutor General and the Police Commissioner General of the Republic of Lithuania on 20 January 2009 [Electronic resource]. URL : <https://www.epolicija.lt/avily/actEXTDocumentShow?docOid=akt.4853082>.

calculation has not been proved and this legal act was abolished⁸. Therefore, we will strive to analyze the planning of a pre-trial investigation as an assumption leading to the efficiency of these activities rather than a criterion of performance efficiency in the field of pre-trial investigation. In our point of view, organizing a pre-trial investigation is a complex procedure, which is influenced by more than the legal base, specific characteristics of legislation application, and organizational means; therefore, the quality and efficiency of a pre-trial investigation also depends on the entities who organize and conduct it [7], as well as on their qualification and competency. The investigator's qualification is becoming a prerequisite for forming and deepening the competencies required for this profession as well as ensuring the continuity of competencies gained during studies [8].

It should be noted that the efficiency of this process is determined by many other factors: available pre-trial investigative planning skills, material and technical support, workload, motivation, etc. Usually other categories, i.e. planning of the pre-trial investigation and cooperation in the pre-trial investigation are also combined when the process of organizing a pre-trial investigation is analyzed in detail [5]. It is noteworthy that the cooperation provisions of pre-trial investigation entities have been analyzed widely [6] together with the opportunities to increase the efficiency of organizing a pre-trial investigation. Our national scientific literature analyzes the planning of crime investigation in the context of coming up with different versions [12]. However, current literature does not specifically focus on analyzing the provisions for planning a pre-trial investigation, or on the influence of planning while investigating criminal conducts.

⁸ Order No. I-195/5-V-682 On the repeal of the Order No I-9/5-V-47 «On the approval of criteria, weighted scores and application methodology for pre-trial investigation efficiency evaluation» approved by the Prosecutor General and the Police Commissioner General of the Republic of Lithuania on 20 January 2009 approved by the Prosecutor General and the Police Commissioner General of the Republic of Lithuania on 20 August 2013 [Electronic resource]. URL : https://www.epolicija.lt/avilys/frmEXTLegalActSearchForm?registrationNo=5-V-682®istrationDate=&legalActValidToday=&legalActValidityDate=&sortText=&title=&listHeaderTitle=&next.x=le%C5%A1koti&docCategoryType=RDO_LEGAL&itemType=&isProject=&isRegistered=&isLegalAct=&aloneProjectsOnly=&sortParam=&searchType=advanced&callerDocOid=&nextBus=.

Article 2 of the Code of Criminal Procedure of the Republic of Lithuania stipulates that a criminal offense must be investigated thoroughly within the shortest time possible. This rule applies to every pre-trial investigation, therefore, there is a necessity to control the situation in all pre-trial investigations, which means that there is a necessity to plan the actions for a pre-trial investigation, to plan proceedings, and to plan the investigation as such. Therefore, it is impossible for the investigating entities to be successful in meeting their objectives without a precise arrangement of their work, coordination of different forces, as well as without a targeted and extensive activity planning⁹.

Organizing a criminal investigation is often identified as an equivalent to planning; however, these concepts are not equivalent by their content. Both institutes fall within the general content of pre-trial investigative tactics, but the concept of organizing a criminal investigation has a broader meaning: it covers the issues of organizing the work, cooperation among pre-trial investigation entities, coming up with versions as well as action planning. Thus, the institute of planning has a significantly narrower meaning.

The concept of planning a pre-trial investigation originated from the concept of planning in the context of management. Planning in the earlier sources was defined as the design of activity processes in each cycle of social development in all units of a complex management system [13], when foundations for further successful joint activities are laid: outcome evaluation indicators are set for every stage of joint work [14]. In the context of contemporary modern management, in general, the category of planning by its content remains unchanged: planning is a process required to formulate goals and establish the procedure suitable for their implementation [15]; it is the formulation of goals and objectives as well as the establishment of measures and methods required for their implementation¹⁰. Planning in management is identified as a priority function [16], which combines the aims, resources and results of an organization in order to ensure that every employee would be able to understand what has to be done [17].

⁹ Investigative actions in criminal proceedings / co-authors. Vilnius : Mykolas Romeris Univ., 2011.

¹⁰ Management of organizations. Kaunas : Vytautas Magnus Univ., 2011.

The analysis of former concepts of planning pre-trial investigations highlighted the fact that more than 30 years ago planning was perceived as a scientifically-based crime investigation method that essentially covers the most expedient and rational organization of interrogation and investigative methods of specific proceedings, coming up with versions and their verification as well as planning and collecting the evidence [2]. Later, investigative planning was defined as a scientifically-based method of conducting an organized investigation, i.e. the investigative method for the most expedient and rational examination and investigation of specific proceedings, verification of versions based on the judgement roll, and continuous and targeted anticipation of evidence collection [3]. In principle, just one difference is emerging from both concepts: in the first case planning is treated as a method for organizing an investigation, while in the second, as a method for conducting an investigation. After the enactment of the Code of Criminal Procedure of the Republic of Lithuania in 2003, new research was conducted, that highlighted new challenges in the field of criminalistics as well. The new recommendations on criminalistics in the field of planning a crime investigation are related to cooperation between the pre-trial investigator and prosecutor when planning the investigation of criminal conducts [18].

The present concept of planning a pre-trial investigation has changed insignificantly: investigative planning is a stage-based organizational activity anticipated by an investigating person for the predefined period in order to collect data on the crime, to raise and verify versions, and to determine the truth with the minimum costs of time, forces and measures¹¹. Foreign scientific literature defines planning as a process of contemplation, directed at the investigation of a specific fact and circumstances of a crime, and formalized in writing by providing the objectives, specific investigative methods and measures [19]. Other authors define planning as an establishment of content and procedure while investigating a crime in order to verify the versions [20]. It should be noted that currently some authors remain close to the above-mentioned concept of planning introduced by E. Palskys when presenting the concept of planning a pre-trial investiga-

tion and still treat planning as the main method for the rational organization of a pre-trial investigation. Meanwhile, organization is defined as a rational realization of an investigation plan drawn by the investigator [21].

Lithuanian scientific literature distinguishes between the following aims of planning pre-trial investigation: in a broad sense — to implement the provisions stipulated in Art. 2 of the Code of Criminal Procedure of the Republic of Lithuania; to facilitate control of the overall situation in all pre-trial investigations as well as to understand the course of the process; to control the situation in every pre-trial investigation; to identify the essential (priority) steps of a pre-trial investigation; to monitor the progress of a pre-trial investigation (actions taken and required to be taken); to create an algorithm of the proceedings; to work on the proceedings actively (monitor the intensity of work); to distribute efforts in the proceedings adequately.

Research literature analyzes the basic principles of planning a pre-trial investigation and its content rather widely. The principle of individuality means that modelling, programming and diagrams are used for investigating a specific offence, but at the same time there is no universal template to investigate an offence of the same kind. Specificity remains an important principle in the context of planning: a plan is drawn up to investigate a specific situation and to achieve specific goals rather than the general objectives of an investigation. The principle of optimality means that the optimum direction of investigation is selected when planning. Consideration should be given to the sequence of investigative steps and the need for immediate actions, etc. The authors argue that a different principle of planning must be emphasized; the principle should complement the specific aims of planning — i.e. simplicity (comprehensibility) and availability of a plan. It means that a plan for a pre-trial investigation should not become a burden to the investigator as well as the prosecutor who is organizing the investigation. On the contrary, a plan should be an effective tool for managing all processes. Therefore, we argue that work should not be carried out to fit a plan, but a plan should increase the efficiency of work. Moreover, when analyzing the essence of planning a pre-trial investigation, other general principles, such as legitimacy, consistency, scientific character, and urgency should be taken into consideration.

¹¹ Investigative actions in criminal proceedings.

Improving investigators' skills when planning a pre-trial investigation: presentation of a real-life situation. The implementation of advice and recommendations in the field of improving efficiency of organizing the pre-trial investigation presented by the State Control is currently identified as one of the key opportunities to enhance the professional competencies of pre-trial investigation officers in Lithuania¹². In order to assess the practical significance of planning, we have conducted an empirical survey of pre-trial investigation officers (investigators), who are working in the Financial Crime Investigation divisions in Lithuania and are investigating financial crimes.

When starting to analyze the practical aspects of planning, it is important to consider its significance in a pre-trial investigation and to disclose its importance in the context of crime investigation. The analysis of planning in foreign research papers highlights the flexibility and applicability of a plan¹³, with special emphasis on the fact that a plan helps control the entire process of activity by defining the limits of these activities¹⁴. Planning acquires a solid significance while investigating criminal offenses, since an investigator must identify the person who committed a crime, collect and assess data related to the crime, ensure indemnification, take all the required measures to identify the reasons for and conditions of a crime, and take many other steps within a limited period of time. Investigations of financial crimes are usually episodic investigations that sometimes cover more than a hundred criminal incidents; they involve a complex system, have the features of transnational crimes, and are committed by organized groups of people [22]. Researchers analyzing specific characteristics of such crimes suggest that planning should be analyzed in the context of forensic logistics [23]. A lack of special knowledge for investigating such crimes should also be emphasized, and investigators, particularly

¹² Audit Report of the National Audit Office of Lithuania, dated 20 December 2012 «Are there Pre-conditions in Place for Efficient Organisation of the Pre-trial Investigation Process».

¹³ Basic Investigative Planning. NACOLE conference Basic Investigative Planning.

¹⁴ Planning the Investigation [Electronic resource]. URL : http://www.google.lt/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&sqi=2&ved=0CEcQFjAF&url=http%3A%2F%2Fsand-kas-ten.org%2Fijm%2Fchapter_3.pdf&ei=foSFVNOreYukyGpCoYKYDw&usg=AFQjCNFUK6Z2GiPzp4ukiwAiGgzqd5UlpA&sig2=UFO2sS0bgp0iDopf8exMAQ.

those having little experience, often do not have organizational and planning skills [16].

This was also confirmed by the investigators of financial criminal conducts who participated in the survey: 50 percent of the respondents indicated that the complexity of investigation had an influence on planning the pre-trial investigation and the remaining 50 percent noted that it had influence, but this is not a decisive factor, and none of the respondents said that complexity had no influence on planning. Therefore, we may conclude that in order to investigate such criminal conducts quickly and thoroughly, planning is an important tool for an investigator. It is important to note that the staff of a pre-trial investigation (investigators) when asked if they link efficiency of a pre-trial investigation to planning responded that they do, i.e. 91 percent of the respondents said so. The same 91 percent of the respondents drew up a plan when investigating financial crimes and only 9 percent indicated that they do it sometimes.

The Code of Criminal Procedure of the Republic of Lithuania does not specify a plan for a pre-trial investigation and does not regulate its composition. A plan for a pre-trial investigation must be drawn up when a pre-trial investigation lasts more than twelve months¹⁵. When investigators were asked if they consult others when drawing up a plan where as following: 43 percent of the respondents said that they consult their immediate superiors and prosecutors organizing investigations, 42 percent of the respondents indicated that they consult their immediate superiors, and the remaining 15 percent of the respondents said that they consult nobody. Therefore, it could be concluded that planning is not a simple action because as many as 85 percent of investigators ask for assistance.

Planning includes a reasonable and rational distribution of working time, correct changes in working processes and prevents the duplication of activities maximizing the productivity of work and supporting perfect professional skills. Planning helps an investigator understand the process of his/her contemplation, organize and arrange it.

¹⁵ Order No. I-142 On the approval of guidelines on controlling pre-trial investigation deadlines approved by the Prosecutor General of the Republic of Lithuania on 15 October 2010 (as amended by Order No. I-300 of the Prosecutor General of the Republic of Lithuania on 5 October 2012) [Electronic resource]. URL : <https://www.e-tar.lt/portal/lt/legalAct/TAR.F9173366F941>.

We can single out the following meanings of planning: investigative objectives, circumstances and issues to be explored are set out in the process of planning process; anticipation of the ways to solve them enables a targeted investigation; investigative planning allows to distinguish circumstances important for the investigation and carry out investigative steps in a logical sequence; a deliberate and timely-revised plan is the investigator's self-controlling tool and allows the investigator to avoid mistakes during the investigation; finally, planning enables successful implementation of investigation and ensures its high quality.

The problem of an investigation is that it takes too long. It is a result of traditional reasons: workload, lack of motivation, educational gaps, unfavorable situation of an investigation, corruption, lack of material support, and many other factors. However, we often forget to check if an investigator is duly planning the pre-trial investigation. In our survey, 75 percent of the respondents who answered the question about the kind of plan that they make, stated that they draw up a general plan for a pre-trial investigation, a plan for different investigative stages and an action plan for a pre-trial investigation, while the remaining 25 percent indicated that they draw up a general plan for a pre-trial investigation.

An investigation plan and its close observance facilitate an investigator's work, helps save time and avoid a prolonged investigative process. The quality of investigation often depends on the expediency, tactics and duration of investigative actions. It is almost impossible to succeed without planning. It is important to stress that an investigative plan should be drawn up as soon as possible when a pre-trial investigation starts. Investigators were asked about the stage of a pre-trial investigation when they draw up plans, and 43 percent of respondents indicated they create an investigative plan at the primary stage while the remaining 57 percent mentioned that they make an investigative plan when the primary urgent actions have been already completed (22 percent) or when it is necessary to extend the term of the pre-trial investigation (35 percent). This is followed by the conclusion that less than half of the respondents make investigative plans at the primary stage. Therefore, the situation requires an assessment and discussion of the measures and tools that could encourage investigators to draw up such a plan as soon as the pre-trial investigation starts.

It is important to ensure the shortest possible terms for a pre-trial investigation; because, as stipulated by Article 215 of the Code of Criminal Procedure of the Republic of Lithuania, if an investigation lasts more than six months, a person (suspect) has the right to appeal to the pre-trial judge to terminate the investigation. Moreover, in cases of excessive investigative periods the pre-trial investigation may be cancelled because of the limitation of criminal liability. Therefore, the theoretical and practical knowledge of investigative planning should be the priority of each investigator's activity.

When analyzing planning it is important to understand different levels of planning and forms of their manifestation. The following levels of planning can be distinguished: strategic, tactical and operational. When planning proceedings, the tactical level is frequently used as a basis for the actions to be carried out in a specific procedure. However, the strategic level allows to plan proper achievement of aims by assessing possible risks and identifying likely mistakes, rather than the sequence of planned current actions. When analyzing the importance of strategic planning for a pre-trial investigation, Ukrainian scientist V. D. Bernaz noted that strategic planning is the only measure that enables the development of future solutions regarding the pre-trial investigation, and the elimination of existing risks, thus preventing mistakes during an investigation. In addition, the principle of strategic planning — updating of outdated, ineffective methods and means — is also very important [24]. The operational level is no less important as well; it enables drawing up a systemic plan of daily (weekly) activities and constructively addressing possible changes of the day (week).

In order to plan successfully it is necessary to have certain planning skills and to understand the conditions of planning. Planning is impossible without the consideration of a specific situation and without minimum data regarding the crime. The conditions of planning include the sum of certain circumstances, facts, knowledge and skills leading to possible planning when investigating crimes. Such conditions are the following: initial information; assessment of the situation at the moment of planning and anticipation of future changes; realistic opportunities, measures and methods to achieve the aim.

Planning is based on the actual data used by an investigator and their volume leads to its individu-

ality and specificity. In order to ensure a targeted investigation, it should be planned by assessing the actual situation and its changes in the future, which may change not only due to an investigator's actions, but also a criminal's actions impeding the establishment of the truth. Continuous observance of this condition provides planning with reality and dynamism. On the other hand, when drawing up a plan it is necessary to anticipate a certain reserve of time since sometimes, due to objective reasons it is impossible to implement everything as planned. The third condition is also important for planning. It is impossible to plan without taking into account the measures or methods intended to be used by the investigator in order to achieve the aims. Exceeding the potential will make planning unrealistic and the intended (foreseen) measures may not lead to the outcomes expected or vice versa — debasement of an investigator's potential may have influence on unjustified and pointless use of efforts and measures. The third required condition of planning is fulfilled when the investigator uses professional and true-life experience as well as theoretical knowledge.

In terms of time, planning covers the entire process of investigation and is implemented in stages, taking into account the information expected to be received. Therefore, the indicated elements may reoccur, new versions may be formulated or revised, the former versions may also be rejected, investigative and other actions may be anticipated. These are the features of the principles of dynamic and individual planning. While studying and analyzing the information obtained during the process of planning, the investigator determines the following: what existing actual data may be considered reliable, if the data were identified by a proper procedure and if it is possible to assess it as data important to the investigative event; what circumstances of investigation have not been identified yet, what data must be collected under the procedure stipulated by the law, and what circumstances must be identified.

While planning an investigation it is important not only to anticipate the entirety of objectives and investigative actions, but also to determine their sequence. In this case you cannot determine the sequence of verifying versions as they should be verified in parallel. It is necessary to focus on the factors influencing their urgency and priority. Firstly, the investigative actions should be planned with

the following goals: prevent crimes; collect data that possibly may not last long; achieve several objectives of investigation or verify several versions of investigation; arrest the criminal; ensure a normal course of investigation; meet the deadlines for investigation as stipulated by the law.

The investigator's entire work, the entire procedure of investigating a crime, in general, and each element of this procedure (investigative actions, tactics, cooperation, procedural actions, investigator's decisions, etc.) are planned. The quality of investigation depends on many subjective and objective factors: circumstances of a crime, information obtained by the investigator prior to planning, opportunity to identify new facts, actions taken by persons interested in the process of investigation, as well as the investigator's experience and planning skills. Currently, computer software is increasingly becoming of great importance for planning. The investigator must process much information, being aware of the criminal characteristics of different crimes and analyzing the investigative situation of a specific case. It is difficult to do it quickly and properly. Thus the software designed for this purpose helps the investigator not only to present the action plan in a graphical form, but also to reconstruct the situation of a crime and specific circumstances, identify interrelations among persons, systemize phone calls in respect to time and entity, as well as present graphical images of transactions, sequence, etc. The utmost problem in this case is to identify the information relevant to the investigation and present it for processing using the software.

Planning techniques are perceived as enumerating actions as well as drawing up plans, schedules and diagrams. By means of these measures planning as a process of contemplation becomes an investigative program. There is no single form as well as no strict rules on how to make a plan. Different forms of planning are used in practice. However, in any case a plan is a concentrated expression of contemplation, which implements certain functions, thus it must comply with the principles and conditions of planning. All documentation is called the documents of planning. The main document of planning is a plan of a specific pre-trial investigation. All other types of plans are based on this plan. A written investigative plan shall be drawn up by a person responsible for a specific pre-trial investigation.

A standard structure of a written plan is used in the process of investigation: investigative ver-

sions to be verified; questions (circumstances) to be solved. Investigative actions in criminal proceedings: investigative actions, search engines and other measures (audits, presentation of tasks for experts, inquiries); developers; deadlines for different tasks in a plan; records confirming the accomplishment of tasks and comments. Investigative planning starts from the analysis of initial information available. It could be information collected prior to and during a pre-trial investigation. While analyzing initial data, the investigator is advised to write a synopsis of pre-trial investigation data.

A synopsis of pre-trial investigation data allows capturing all relevant circumstances of a crime in a shortened form; it is important for planning. The volume of information in pre-trial investigation data is growing all the time and it becomes difficult to remember specific details of a crime.

The following forms of planning are available:

1. *Investigative plan under investigative versions*. It is drawn up when an investigator uses specific data and its analysis allows the investigator to come up with versions.

2. *Investigative plan under episodes*. It is drawn up when investigating complex crimes, consisting of several episodes and conducted by several people in different time and places.

3. *Plan under separate circumstances to be substantiated*. It is drawn up for several pre-trial investigations or as an ancillary form of plans drawn up under versions or episodes of a crime.

4. *Plan under issues to be explored*. It reflects an investigator's observations depending on the issues to be explored and the method of exploration. It allows to provide the dynamics of planning, because the issues are captured according to their amount.

5. *Analytical form of an investigative plan*. It reflects a detailed analysis of actual data, justifying the necessity of investigative actions and other measures as planned.

We think that it is important to distinguish between a calendar and an individual plan. The first one is relevant if several investigations are conducted by providing a sequence of necessary actions and working consistently and systematically on several cases at the same time as well as avoiding «false downtime», thus avoiding procrastination. Meanwhile, an individual daily plan (already mentioned operational level) actualizes an employee's activities during the day and allows to carry out

actions systemically as planned. Of course, in this case the anticipation of a previously-mentioned reserve of time is very important in order to respond to contingency issues or changes in the situation.

To sum up, we may conclude that planning is a process that requires both theoretical knowledge and practical skills. The investigators confirmed this fact when answering the question of whether they lack theoretical and practical knowledge of planning: 85 percent stated that they lack, and 15 percent responded that they do not lack.

Following the assessment of the theoretical provisions of planning and the results of an empirical survey the authors present several recommendations for a more effective planning:

1. In order to ensure an effective pre-trial investigation, a plan should be drawn up at the very beginning of investigation. The requirement to draw up a plan for pre-trial investigation after a year of investigation shows that a plan helps solve the issue of finishing a prolonged investigation; however it could be initiated at the primary stage of investigation.

2. In order to achieve a successful outcome of the investigation, the plan should not be limited to a general plan of a pre-trial investigation only. It is also expedient to plan separate episodes of investigation and to draw up separate action plans for pre-trial investigations. This way, planning would not only cover the implementation of strategic objectives of the pre-trial investigation, but would also allow to select appropriate tactics for investigative actions. Operational planning is also advisable when planning daily activities by systemically setting out tasks as well as reserving time for contingencies.

3. The process of planning should involve all the important parties; particularly, the prosecutor, who could organize the pre-trial investigation in an easier way. Thus, the pre-trial procedure would be faster and one of the aims of criminal proceedings would be achieved, i.e. to investigate a crime within the shortest time possible.

4. While improving investigators' planning skills, it is necessary to organize continuous trainings in this field. The lack of theoretical knowledge as well as practical skills limits the investigators' potential to improve their productivity during pre-trial investigations.

Conclusions. It should be noted that legislation does not directly define the efficiency of a pre-trial

investigation. Although there have been attempts to calculate the efficiency of a pre-trial investigation by applying a weighted score for proceedings, which includes the terms of a pre-trial investigation, number of crimes, number of suspects, etc., this method of calculation has not been approved.

The investigator's entire work, the entire procedure of investigating a crime in general and each element of this procedure (investigative actions, tactics, cooperation, procedural actions, investigator's decisions, etc.) are planned. The quality of investigation depends on many subjective and objective factors: circumstances of a crime, information obtained by the investigator prior to planning, opportunity to identify new facts, actions taken by persons interested in the process of investigation as well as the investigator's experience and planning skills. Currently, computer software is increasingly becoming of great importance for planning.

When analyzing planning it is important to understand different levels of planning and forms of their manifestation. The following levels of planning can be distinguished: strategic, tactical and operational. When planning the actions of proceedings, the tactical level is frequently used as the basis for actions to be carried out in a specific proceeding. However, the strategic level allows the proper achievement of aims by assessing possible risks and identifying possible mistakes, rather than the sequence of planned current actions. The operational level is no less important, as well; it enables drawing up a systemic plan of daily (weekly) activities and constructively addressing to possible changes every day (week).

The results of the empirical survey showed that the majority of respondents plan a pre-trial investigation. Therefore it is possible to state that planning is a pre-requisite for an effective investigation of financial criminal conducts. Planning a pre-trial investigation has to start at the very beginning of the investigation and to involve the prosecutor who has control over the investigation. Moreover, it is efficient to draw up not only a general plan for a pre-trial investigation, but also plans for separate stages of investigation and action plans of a pre-trial investigation. Attention should be drawn to the implications of strategic planning during investigations, not only providing certain investigative decisions for the future, but also assessing potential risks, thus avoiding mistakes. Operational planning is advisable in everyday investigative activities as it provides daily tasks and time reserves for contingencies.

Research results confirmed that investigators consult their immediate superiors or a prosecutor who is organizing the investigation when drawing up a plan and this shows a double essence of planning. Firstly, the development of a plan is a complex action of contemplation combining reasonable and rational distribution of working time, correct changes in working processes and preventing from duplication of activities as well as maximizing the productivity of work. On the other hand, as stated by the majority of respondents, they lack theoretical and practical knowledge of planning. Therefore, the existing need for the enhancement of investigators' theoretical knowledge and practical skills when planning a pre-trial investigation should be considered.

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БИБЛИОГРАФИЧЕСКОЕ ОПИСАНИЕ СТАТЬИ

Курапка В.Э. Планирование ab initio досудебного расследования как условие более эффективного расследования преступлений: от теории к практике / В.Э. Курапка, Ж. Навицкиене, Р. Шлепетис, Э. Биливичюте, С. Матулиене // Криминологический журнал Байкальского государственного университета экономики и права. — 2016. — Т. 10, № 2. — С. 387–398. — DOI : 10.17150/1996-7756.2016.10(2).387-398.

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BIBLIOGRAPHIC DESCRIPTION

Kurapka V.E., Navickienė Ž., Šlepetys R., Bilevičiūtė E., Matulienė S. Planning ab initio pre-trial investigation as the condition for a more effective investigation of crimes: from theory to practice. *Criminology Journal of Baikal National University of Economics and Law*, 2016, vol. 10, no. 2, pp. 387–398. DOI: 10.17150/1996-7756.2016.10(2).387-398. (In Russian).