



10 YEARS SINCE THE ADOPTION OF THE CODE OF CRIMINAL PROCEDURE OF THE REPUBLIC OF LITHUANIA: THEORETICAL AND PRACTICAL PROBLEMS IN THE PRE-TRIAL STAGE

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Annotation. May 1, 2013 earmarks a 10 year period since the adoption of major Acts of the Republic of Lithuania regulating criminal prosecution, namely Act No. VIII-1968 or the Criminal Code adopted on September 26, 2000, Act No. IX-785 or the Code of Criminal Procedure and Act No. IX-994 or the Code of the Enforcement of Sentences adopted on June 27, 2002¹. The present article deals with the major elements of and distinctions between pre-trial procedures regulated by the old and modern Criminal Codes of the Republic of Lithuania. Other legal Acts, particularly recommendations approved by Prosecutor General's ordinances, are also analyzed. Additionally, the article addresses amendments and modifications to the Code of Criminal Procedure made before mid-October 2013. The survey reveals that during the last decade, 37 amendments and modifications have been made to over 360 articles of the Code of Criminal Procedure. The article specifically focuses on the purpose and models of the pre-trial investigation and legal statuses, interaction and results of actual performance of the subjects involved into the process. The summary of the ten year changes in the regulation of the pre-trial procedures comes up with the assumption that apart from some positive shifts in the regulation of the criminal procedure, essential changes validating pre-trial investigator's greater autonomy and lesser dependence on the prosecution office and a more consistent model of the prosecutor's role mostly preconditioning the poor results of the criminal prosecution are still to be adopted. The article specifies essential problems to be addressed in the procedural regulation of the pre-trial stage: a clear determination of the procedural roles of the subjects involved into criminal proceedings (in particular, the roles of the investigator, chief investigator, pre-trial investigator and the prosecutor), relevant and optimal correlations of the roles and improvement of the legal status of the aggrieved party.

Keywords: criminal procedure, models of pre-trial investigation, interaction of offices.

INTRODUCTION

Any criminal conduct, including preparation, premeditation and commitment determined by specific elements in criminal law and the theory of criminal law, constitutes preconditions to launch investigation and Without the initial investigation, that constitutes a certain preparatory stage, prosecution of the suspect is often impossible. Results obtained during the pre-trial stage are crucial in adoption of final court rulings as the expedition, quality and legitimacy of the initial investigation predetermine the exact evidence that judicial

¹ Lietuvos Respublikos baudžiamojo kodekso, patvirtinto 2000 m. rugsėjo 26 d. įstatymu Nr. VIII-1968, Baudžiamojo proceso kodekso, patvirtinto 2002 m. kovo 14 d. įstatymu Nr. IX-785, ir Bausmių vykdymo kodekso, patvirtinto 2002 m. birželio 27 d. įstatymu Nr. IX-994, įsigaliojimo ir įgyvendinimo tvarkos įstatymas (Valstybės Žinios. 2002, Nr. 112-4970).

bodies and other parties involved into the trial are likely to invoke. Booth, in Lithuania and abroad, former and present procedures of criminal investigation (interrogation, preparatory inquiry, pre-trial investigation, investigation by the inquiring judge, summary hearing, etc) are designed in their content to establish and research the circumstances of the offence. Theoretically, any procedural forms of criminal investigation focus on specific acts and measures applied by individuals authorized by valid legal Acts with the aim to detect criminal wrongs and identify the culprits by collecting necessary and sufficient evidentiary granting issuance of a legitimate and just court ruling. The pre-trial investigation, as it has already been stated, is launched and conducted in a procedural form stipulated by the law of criminal procedure that may be interpreted as a model of certain activities that apply from the moment of crime report until a corresponding court ruling comes into force, including procedural interaction of the parties involved. To deal with criminal offences, individual nation states pattern and adopt individual criminal procedures with the aim to ensure their relevance and efficiency, reduce possible expenses and prevent abuse of human rights and freedoms.

For an in-depth survey, it is necessary to reveal relation between the key institutes of the Criminal Code of the Republic of Lithuania adopted on May 1, 2003 and the former pre-trial procedures in the first place and subsequently analyze changes in the legal regulation and actual results of the pre-trial investigation that took place during the following decade.

The **main objective** of the present article is to compare procedural forms of pre-trial investigation, the key stage in the criminal procedure, that applied in Lithuania before the adoption of the new Code of Criminal Procedure and subsequent modifications, disclose their efficiency in the criminal prosecution and propose measures that should be taken to improve the pre-trial procedure.

To achieve the set objective, **methods** of comparative jurisprudence, abstracting, generalization, critical analysis and other techniques of scientific research have been employed.

BETWEEN THE OLD AND THE NEW

Since the restoration of Lithuania's independence on March 11, 1990, norms of criminal procedure have been modified and amended most frequently on a par with the Code of Administrative Offences. The survey reveals that until 2002, the old Code of Criminal Procedure had amendments in over 800 articles, some of which were amended multiple times.

Until early 2002, many legal theorists and practitioners believed that the content of the future Code of Criminal Procedure and in particular the procedural form of detection and investigation of criminal offences must not considerably differ from the modified and updated code that was in force at the time as the code already entrenched judge's participation in interrogations of the procedural parties and deciding on applicable preventive and compulsory procedural measures, almost all investigative acts were possible before the actual hearing, interrogating offices had to operate in concordance with preliminary investigators and even state funded legal aid was granted to those involved into the proceedings including the aggrieved party.

However, their expectations failed to become true. Lithuania's Code of Criminal Procedure 2002 included 11 parts, 35 sections and 461 articles. The code is distinct in its concise corpus comprising legal norms that, contrary to the codes of neighbouring nations, only specify certain principles, rights, duties and legal institutes without giving their detailed descriptions. Its structure reveals incoherence, shallowness and inconsistency of functions. The code, in fact, is a derivative of a variety of legal systems and traditions, frequently different from continental law, and fails to grant proper criminal prosecution and effective protection of human rights. The new Code of Criminal Procedure changed the interrogation office and the interrogator, on the one hand, and the head of the inquiry department along with the inquiry agency, on the other hand, into a pre-trial investigation agency and a pre-trial investigator whereas the prosecutor, who formerly only controlled the investigation process and occasionally acted as a pre-trial investigator, additionally had to head the office as since 2003-05-01, the scope of his duties include organizing, leading and conducting pre-trial investigations including individual investigatory acts, control of the performance of pre-trial investigators in criminal procedures, coordination of pre-trial investigation bodies in criminal investigations, security of legitimacy and etc. Recently, as the state commemorates the twenty first anniversary of its Constitution emphasizing its progressiveness and stability, it has to be mentioned that Article 118 of the Constitution, rationally defining the forms of criminal prosecution and the functions and interrelations of public officials in its original version, almost with no in-depth discussions was drastically changed in April 2003, about a month before the new Code of Criminal Procedure came into force, formally arguing that it had to be harmonized with the already adopted content of the code. The aforementioned fact implies the idea that the designers of the Code of Criminal Procedure worked for several years neglecting

the course of criminal prosecution set by the Constitution and purposefully attempting to abolish the interrogator's institute and validate prosecutor's ascendancy. Thus, new legislation allowed accumulation of further problems, errors and losses².

ASSESSMENT OF THE NEW MODEL OF PRE-TRIAL INVESTIGATION.

A decade is a sufficient period to allow a comprehensive review of the achieved results or an analysis of the adopted practice of pre-trial investigations.

No written sources in Lithuania give solid grounds to abolish mandates of the interrogator, the interrogation office and interrogation agencies delegating the corresponding duties to the prosecution office, whose status is ambiguous even the context of separation of political powers. For instance, the fact that the prosecutor may initiate a pre-trial investigation into a judicial office whereas the opposite opportunity is absent causes uncertainty as to the priority of the judiciary at least in the pre-trial stage. The present discretion of the prosecutor may be used without firm security of the rights of the parties involved into legal proceedings. A favourable attitude towards arbitrary adoption of decisions is still frequently present whereas the scope of the prosecutor's mandate has vastly increased leaving broad opportunities to abuse the discretion. Meanwhile, the role of the office of pre-trial investigation in legal procedure is even less significant than that of the interrogator as the investigator is left no actual independence in the procedure. Therefore, the actual practice is frequently earmarked by a conflict between competences of the pre-trial office and the prosecutor.

Article 172 of the Code of Criminal Procedure on the mandate of pre-trial investigation offices as lately amended grants to the office the right to conduct any acts stipulated in the code; however, on the other hand, the code clearly distinguishes acts that may be conducted only by the prosecution or a pre-trial investigation justice. Whereas it has finally been entitled to inflict the mildest preventive measures, the investigation is still not allowed to independently choose pre-trial investigation strategies, end or complete the investigation or order an expertise and is required to coordinate other procedural activities with the prosecution office. The ambiguous legal status of the office significantly limits its capacity and initiative. On the other hand, the predominant dependence on the prosecution office is

²Lietuvos Respublikos Konstitucija // Lietuvos Respublikos Aukščiausiosios Tarybos ir Vyriausybės žinios. 1992. Nr. 31. Su vėlesniais pakeitimais ir papildymais.

entrenched by the second part of the same article, which clearly provides that the pre-trial investigation office has to follow any instructions by the prosecutor and inform the prosecutor on the course of investigation. Such stipulation implies the status of a trooper rather than that of a creative investigator. Part 3 of Article 172 of the Code of Criminal Procedure adopted on September 1, 2011 stipulates that the head of a pre-trial investigation office or its department is entitled to arrange activities of the pre-trial investigation office or its department and control procedural activities of pre-trial investigators so as to complete investigation and disclose criminal offences in the shortest possible period. However in reality, this amendment constitutes only a declaration that still has to be supported by other legal provisions specifying the ways to implement the stipulated mandated, namely, if the head of the office has the right to abolish investigator's activities, give written orders, determine investigation strategies, etc. Also, the amendment is in conflict with the provision of Article 118 of the Constitution, stipulating that a pre-trial investigation has to be arranged and led by the prosecutor who represents the state in criminal proceedings. Thus, the legislation fails to make a more logical and sound distinction of the functions of the prosecutor and pre-trial investigator as the role and authorization of the prosecution office remains redundant and precludes independence and initiative of the pre-trial investigator. Another point that deserves special attention is that the law provides no opportunities for the investigator to appeal against the decisions of the prosecutor; thus any orders by the prosecutor are binding upon the pre-trial investigator. Such dependence also devaluates investigators role in the pre-trial investigation despite the fact that investigators are usually more familiar with the real situation and the investigation course as they directly contact witnesses, suspects and aggrieved parties and their predictions are frequently more probable and reliable. An assumption that prosecutors thus are given a possibility to abuse their rights by demonstrating ostensible interest and giving investigators irrelevant tasks and instructions that only expand investigator's workload instead of making a positive contribution to the conducted investigation may be made. Recently, mass media often reports poor prosecution's productivity and even intentional delay in notorious investigations not to speak of investigations in other more typical offences including thefts, robberies and violent crimes.

On the other hand, the overall management of investigatory work is also erroneous as the code entrenches total hierarchical dependence of the prosecutor and investigator who work in different institutions whereas the abilities of the management of a pre-trial

investigation agency to influence pre-trial investigations are uncertain except probably for cases when the agency may refuse to start investigation (Article 168 Part 2 of the Code of Criminal Procedure). Prosecutors opportunities to lead a relevant pre-trial investigation in its initial stage, when immediate procedural acts have to be committed and the investigation is prompt and intensive, are also under question. Frequently, the prosecutor learns about a newly initiated investigation only on the following day. In such situation, the success of the investigation often depends on the initiative, competence and self-discipline of the investigator. An assumption that delegation of managerial and administrative functions to the head of a pre-trial investigation office may create more opportunities for function redundancy and additional limitation of investigator's independence may be made. Whereas procedural and criminal intelligence functions are delegated to the police, the major pre-trial agency, the reasons of low motivation to perform functions of a procedural investigator, absence of factors motivating such performance (prestige) and the growth in the number of undisclosed crimes are still uncertain.

A good idea might be to learn experiences and results of criminal pre-trial investigations in neighbouring nations, where investigators and interrogators have greater independence and their managers possess managerial and administrative instruments in specific investigation activities. It also has to be stated that the discussed regulation of pre-trial investigation requires considerable material resources. As it has already been mentioned, the tasks of criminal prosecution were successfully dealt with by over 2000 interrogators, investigators and prosecutors before the new Code of Criminal Procedure came into force whereas today, when the number of working officials almost tripled, excessive workloads, loss of motivation and poor results are frequently complained about. Unfortunately, the present procedural and administrative rules of criminal prosecution are designed for more extensive activities with redundancy of functions, unproportionally vast prosecutor's control and fragile trust in state officials. A favourable, although controversial, situation where officials employed in criminal procedure refuse to ground their activities on the procedural regulations and recommendations laid down by the new Code of Criminal Procedure and follow the former tradition instead as if the investigator and his managers still retained functions and authorization of the interrogator and the corresponding head of the interrogation agency while the prosecutor only ensures procedural control and state prosecution in courts (results of sociological polls also

confirm the tendency). However, the situation is tricky and essentially unlawful and therefore is to be changed by introducing relevant legal and administrative grounds.

Recommendations approved by Lithuania's prosecutor general are even more eloquent and prove threats of intensive and most probably unnecessary correspondence between the prosecutor, investigator and the head of the investigating office and absence of specific responsibility and independence, particularly in implementing control of newly introduced terms of the pre-trial investigation. Article 176 of the Code of Criminal Procedure stipulates that a pre-trial investigation has to be completed in the shortest possible term and not exceeding: three months for misdemeanours, six months for summary offences and nine months for serious and grievous crimes. The new legislation also allows extension of the terms – the term may be extended on application of the prosecutor heading the pre-trial investigation submitted to a senior prosecutor³.

PROBLEMS OF SAFEGUARDING INTEREST OF THE AGGRIEVED PARTY

Serious concerns are caused by the fact that the established system of pre-trial investigation terms is adversely affected by certain recommendations approved by prosecutor's ordinances, e.g. permission to delay commencement of inquests and pre-trial investigations where the suspects are missing for protracted periods (codes 555000, 666000). The question why the prosecution is reluctant to launch active investigation and attempt to safeguard interests of victims and potentially aggrieved parties may naturally arise and attempts to veil the increasing crime rate would be the mostly expected answer. On the introduction of the mandatory terms of pre-trial investigations, Article 168 of the Code of Criminal Procedure was reasonably amended⁴ stipulating that non-coercive measures may be used to specify data of a received complaint, application or report: inspection of the crime scene, interviewing of witnesses, collecting data or documents required by the applicant from national or local agencies, enterprises and institutions. Such procedural activities have to be completed within the shortest possible terms not exceeding ten days. Thus, measures to prevent unreasonable pre-trial investigations by specifying reasonability of applications and complaints have been introduced. The next mandatory and logical step was to attempt to abolish the coded exceptions, that is, prohibit protracted delays of commencement of inquests

³ See Article 21.

⁴ [Lietuvos Respublikos baudžiamojo proceso kodekso 168 straipsnio pakeitimo įstatymas](#). 2012 06 21, įstatymas XI-2109. Valstybės žinios. 2012, Nr. 78-4030

and pre-trial investigations where the suspects are missing. Unfortunately, the next step has never been taken and pre-trial investigations are still rarely started immediately and excessive time is spent to collect certificates, documents, etc. Legal practitioners are well aware that criminal offences are usually detected during initial hours or days, whereas later, opportunities for successful outcomes decline with the exception of investigations into financial crimes. Contrary to all reasonable expectations, on reintroduction of the terms for pre-trial investigations, Lithuania's prosecutor general allowed an even more destructive opportunity to delay pre-trial investigations by an order No I-58 *On Approval of Recommendations on Application of Formalized Rules in Pre-trial Investigations* of February 27, 2013 that provides a reduced term of 5 working days for pre-trial investigations instead of the period of 10 days stipulated in Article 168 of the Code of Criminal Procedure (except cases where an aggrieved party is under-age). Presumably, all such numerous amended recommendations failed to introduce transparency and even, on the contrary, frequently are incompliant with norms of the Code of Criminal Procedure and therefore their content is incorrect.

Speaking about the role of the victim in the criminal procedure and in particular in the pre-trial stage, special attention should be drawn to the fact that until present day, the aggrieved party has no abilities to demand detection and punishment of the suspect as Article 44 Part 10 of the Code of Criminal Procedure reserves the right only to a person whom the court has found aggrieved. Thus, having in mind that *a person may be found aggrieved by an official of the pre-trial investigation or a decision by a prosecutor or the court* (Article 28 of the Code of Criminal Procedure), in the aforementioned coded cases or formalized investigations, the crime victim is actually left in the state of uncertainty as to their rights and awareness of the course of investigation. Another reason for such uncertainty is that the Code of Criminal Procedure in its present form provides neither procedure of giving the case to a certain institution nor a procedure of notifying interested parties that might have an ability to challenge the investigator.

In the context of correlation of the quality of the pre-trial investigation with the guarantees to safeguard legitimate rights of the parties involved into a criminal procedure, certain concerns are caused by the fact that in the modern pre-trial investigation, the amended procedural rules significantly aggravate use of special data and in particular appointment of expert investigations as the right to appoint an expert investigation is reserved only to a pre-

trial justice on a prosecutor's application. As the decrease in the number of violent crimes has been insignificant in recent years, it is difficult to justify the quality and reasonability of the decisions the courts are able to adopt without employment of relevant specialists and especially in the initial stages of the investigation. However, the undue involvement of judicial offices into the pre-trial investigation deserves a more detailed scrutiny which is out of the scope of the present article⁵.

EFFICIENCY AND IMPROVEMENT OF THE COURSE OF PROSECUTION

Finally, assessments of the outcomes of the reform introduced in pre-trial procedure should be made. Such assessment may be made on the basis of the data submitted by the Prosecutor General's Office. The submitted data, however, is often presented in a complex form that varies every year and sometimes ground on uncertain criteria. Moreover, reliable data on the total number of applications and complaints, initiated pre-trial investigations (or refusals to start investigation), criminal accusations, non-suits and investigators are absent.

The prosecutor general's report of 2012 gives the following numbers of disclosed criminal offences for the period 2004-2012: 2004-38335; 2005-37610; 2006-36258; 2007-32841; 2008-34323; 2009-36835; 2010-36138; 2011-35598; 2012- 42884 (according to the media, the latter increase was caused by application of the Act on Violence in an Immediate Environment). The report also states that the number of suspects committed for trial in 2012 was 22 546.

Data of the present survey produce even greater numbers for the period before the reform: 1999- 25160 and 2002-25754 suspects. Presumably, this is one of the key variables in criminal prosecution that indicates efficiency of the pre-trial procedure. Thus, the recent data is more likely to evidence regress instead of progress, not to mention that apart from other deficiencies, the new Code of Criminal Procedure adopted on May 1, 2003 considerably increased the costs of pre-trial procedures⁶.

The prosecutor general's report also indicates individual prosecutors investigated 68 cases on average (the number also includes investigations suspended on non-rehabilitatory

⁵ Ancelis P. Ikteisminio tyrimo teisėjo vaidmuo įrodinėjimo procese//Kriminalistika ir teismo ekspertizė: mokslas, studijos, praktika. Mokslo darbų rinkinys. Vilnius, 2007.P.10-16.

⁶ Ancelis P. Baudžiamojo proceso ikiteisminis etapas. Monografija. Mykolo Romerio universitetas. Vilnius: Saulelė, 2007. 294 psl.

grounds) whereas until December 2012, the prosecution employed 766 prosecutors⁷. However, the investigations were actually carried out by pre-trial investigators while the question if the prosecutors encouraged or hampered investigations remains open.

Below is a table 1 taken from the prosecutor general's report of 2012 on the duration of completed investigations, which also vividly demonstrates delays in investigations incompliant with the requirement of promptness stated in Article 1 of the Code of Criminal Procedure.

Table 1. Duration of completed investigations

Duration of completed pre-trial investigations Years		Durations of pre-trial investigation in percentage	
up to 6 month	up to 24 month	up to 24 month	over 24 month
2009	70.6	94.9	5.1
2010	70.2	95.0	5.0
2011	71.2	95.3	4.7
2012	71.7	95.5	4.5

Lithuania's community is well aware of the problems in investigation of notorious cases widely discussed in recent years, that have been repeatedly debated in the Parliament concluding disorganization, formalism, poor performance and other essentially dysfunctional processes in the police. The management of the prosecution has been adopting drastic organizational decisions to consolidate the institutional structure and introduce other cosmetic measures that apparently fail to contribute to institution's efficiency and it is already evident that parties involved into legal proceedings will have to address their problems to remote prosecution agencies as prosecutors are frequently absent in districts and circuits.

Proposals not to completely neglect models of criminal procedure formerly implemented in Lithuania, including those imposed by soviet rule, have been quite frequent. The ten year experience shows that a better idea would probably have been to rely upon national experience as legal procedures applicable in other countries may hardly be successfully implemented in a society upholding different traditions and mentality. In fact, it has already become obvious that norms partway copied from Germany, Austria and other countries with individual accents introduced into the Code of Criminal Procedure by national legal reformers hardly apply in Lithuania and the criminal procedure has become dearer while practical results failed to improve in spite of numerous amendments and modifications to the

⁷ <http://www.prokuraturos.lt/Veikla/Veiklosataskaitos/tabid/515/Default.aspx>

code.

It is probably the right time for the interrogator's procedural status to be reintroduced in Lithuania's criminal procedure granting optimum authorization to act independently, creatively and legitimately unlike that of the presently employed investigators responsible for a certain complex of procedural acts and entirely inferior to the prosecutor. It goes without saying that prosecutors have always sought to dominate in the criminal prosecution. Thus, the present procedural form distorted by the pre-trial procedure is favoured by prosecutors as it allows opportunities to mask inaccuracies, incompetence and poor performance under excessive control, supervision, coordination and administrative issues. The prosecutor is reasonably deemed an adjudicator in the course of a lawsuit, as the court enforces justice against the culprit. However, a great deal of cases fail to reach the court entirely because of prosecutors' decisions.

Naturally, the necessity of the institution, that frequently impedes active pre-trial procedures, works as an intermediate for an investigator to acquire relevant permits and apply coercive measures and, on top of that, filters lawsuits sent to courts, is under question. Indeed, already in addressing the question of extending terms of investigation or duration of custody, the prospects of the case are determined and intermediation in extending the terms is often refused. Actually, the adopted model of pre-trial procedures is also attractive to the police, the largest institution of pre-trial investigation, as it grant opportunities to justify failures and poor performance by impeded cooperation with the prosecution, absence of certain procedural authorization and etc.

An opinion that the investigator (or interrogator) must not become a completely obedient performer of a superior authority should be sustained since the creative nature of the work requires intrinsic and extrinsic freedom. Like an artist, an interrogator draws the crime scene as he sees it while a prosecutor or an advocate often simply attempt to criticize the resulting picture⁸.

CONCLUSIONS

The valid code of criminal procedure fails to ensure independence of a pre-trial investigator, who is entirely dependent on the prosecutor and has no right to appeal against

⁸ Боруленков Ю.П. Место прокуратуры в системе органов уголовного преследования.(Уголовное судопроизводство, N 2/ 2013, 20-23

any decision or instruction of the prosecutor.

The role of the pre-trial justice in the pre-trial investigation is only formal and fails to secure human rights and freedoms; therefore a part of the procedural authorization of justices has to be handed back to the prosecutor or pre-trial investigation agencies.

In the context of the strategy of the penal policy, the problem of the prosecutor's role in the national legal system and prosecutor's correlation with other subject of criminal procedure in both pre-trial investigation and the entire criminal procedure is urgent.

To improve the legal status of the aggrieved party, recommendations approved by prosecutor general's ordinances stipulating initiation and implementation procedures for pre-trial investigations other than those laid down by general provisions of the Code of Criminal Procedure have to be urgently abolished.

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LIETUVOS RESPUBLIKOS BAUDŽIAMOJO PROCESO KODEKSO DEŠIMTMETIS: IKITEISMINIO ETAPO TEORINĖS IR PRAKTINĖS PROBLEMOS

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S a n t r a u k a

2013 m. gegužės 1 d. sukako lygiai 10 metų kai įsigaliojo pagrindiniai Lietuvos Respublikos įstatymai reglamentuojantys baudžiamąjį persekiojimą, t.y. Baudžiamasis kodeksas (BK), patvirtintas 2000 m. rugsėjo 26 d. įstatymu Nr. VIII-1968, Baudžiamojo proceso kodeksas (BPK), patvirtintas 2002 m. kovo 14 d. įstatymu Nr. IX-785, ir Bausmių vykdymo kodeksas, patvirtintas 2002 m. birželio 27 d. įstatymu Nr. IX-994. Straipsnyje nagrinėjami senojo ir naujojo Lietuvos Respublikos baudžiamojo proceso kodeksais (toliau BPK) reglamentuoti ikiteisminio proceso pagrindiniai bruožai, jų skirtumai. Taip pat analizuojami ir kiti teisės aktai, ypatingai generalinio prokuroro įsakymais patvirtintos rekomendacijos. Be to nagrinėjami ir baudžiamojo proceso kodekso pakeitimai ir papildymai, padaryti iki 2013 metų spalio mėnesio vidurio. Nustatoma, kad per pastaruosius dešimt metų metais priimta 37 BPK pakeitimų ir papildymų, kurie palietė Kodekso per 360 straipsnių. Atidžiau analizuojama ikiteisminio tyrimo paskirtis, tyrimo modeliai, šiame etape veikiančių subjektų teisinė padėtis, tarpusavio sąveika ir praktinės jų veiklos rezultatai. Apibendrinant ikiteisminio etapo teisinio reglamentavimo dešimties metų pokyčius, teigiama, kad be kai kurių teigiamų poslinkių reglamentuojant baudžiamąjį procesą, esminių pokyčių, įteisinant ikiteisminio tyrimo tyrėjo savarankiškumą ir jo mažesnę priklausomumą nuo prokuroro valios, prokuroro funkcijų nuoseklesnio modeliavimo, kas autoriaus nuomone labiausiai apsprendžia baudžiamojo persekiojimo menkus rezultatus, dar nepadaryta. Autorius nurodo spęstinius svarbiausius ikiteisminio etapo procesinio reglamentavimo uždavinius: baudžiamojo proceso subjektų procesinių funkcijų išgryninimą (ypač tyrėjo, jo vadovo, prokuroro, ikiteisminio tyrimo teisėjo) ir atsakingą bei optimalų atliekamų funkcijų sąsajumą ir nukentėjusiojo asmens teisinės padėties tobulinimą.

Pagrindinės sąvokos: baudžiamasis procesas; ikiteisminio tyrimo modeliai; pareigūnų sąveika.

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