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**REMARKS ON THE QUALIFICATION  
AND COMPETENCE OF PRE-TRIAL  
INVESTIGATION OFFICERS  
DURING THE INVESTIGATION  
OF CIGARETTE SMUGGLING OFFENCES**

*None of them errs unless their skill fails them,  
and then they cease to be skilled artists.*

*Plato „Republic”. Book One.*

*(from the discussion between  
Thrasymachus and Socrates)*

**Abstract**

The article examines the qualification and competence of pre-trial investigation officers (investigators) as one of the preconditions for the organisation of efficient pre-trial investigation. It is highly important for the officers (State Border Guard Service, police, customs), who conduct the investigation, not only to be well-prepared and to have the proper qualification, but also to improve their knowledge and practical skills on the continuous basis. The activity reports of law enforcement institutions often discuss the issues of competence and qualification of the officers. While analysing the activity reports of the Prosecutor's Office, it can be seen that complex and voluminous pre-trial investigations of cigarette smuggling offences are often conducted by the investigators with low qualifications and lacking legal knowledge and practical skills. The problems of organisation of the work of pre-trial investigation officers, their competence and qualification are highly important in order to ensure a high-quality, comprehensive and qualified pre-trial investigation. These problematic issues directly influence the quality of the work performed

by pre-trial investigation officers. The article analyses the importance of the qualification and competence of pre-trial investigation officers and the need of professional knowledge during the investigation of cigarette smuggling cases, analyses the factors, which influence the activities of pre-trial investigation officers, and suggests the possible solutions for the improvement of professional skills of the officers.

**Keywords:** smuggling, cigarette smuggling, competence, qualification, pre-trial investigation officers, investigation of cigarette smuggling offences.

**UWAGI O KWALIFIKACJACH I KOMPETENCJACH  
FUNKCJONARIUSZY ORGANÓW ŚCIGANIA  
BADAJĄCYCH PRZESTĘPSTWA PRZEMYTU PAPIEROSÓW**

**Streszczenie**

W artykule analizuje się poziom kwalifikacji i kompetencji funkcjonariuszy organów ścigania, jako istotnej przesłanki efektywnej organizacji procesu postępowania przygotowawczego. Ważnym jest aby funkcjonariusze organów ścigania (Państwowej Służby Ochrony Granicy, Policji i Urzędu Celnego) mieli odpowiednie wykształcenie i kwalifikacje, ale też stale doskonalili swoją wiedzę i umiejętności praktyczne. W raportach i sprawozdaniach organów ścigania coraz więcej uwagi poświęca się kwestiom kwalifikacji i kompetencji funkcjonariuszy. Analiza sprawozdań prokuratury daje podstawy do opiniowania, że sprawy karne, dotyczące przemytu znaczących ilości papierosów, nierzadko są powierzane funkcjonariuszom z niedostatecznymi kwalifikacjami, takim – którym brakuje wiedzy prawniczej i odpowiednich umiejętności praktycznych, nawyków *do* pracy. Problemy z organizacją pracy funkcjonariuszy organów ścigania, poziomem ich kwalifikacji i kompetencji negatywnie wpływają na dogłębne i wszechstronne przeprowadzanie postępowań przygotowawczych. Mają też bezpośredni wpływ na poziom i jakość działania funkcjonariusza. Poziom kwalifikacji i kompetencji funkcjonariuszy organów ścigania, ze szczególnym uwzględnieniem ich wiedzy i umiejętności zawodowych, ma duże znaczenie przy prowadzeniu postępowań przygotowawczych w sprawach dotyczących przemytu papierosów. Autorka dokonała oceny czynników wpływających na działalność funkcjonariuszy i podjęła rozważania o kierunkach doskonalenia ich umiejętności zawodowych.

**Słowa kluczowe:** przemyt, przemyt papierosów, kwalifikacja i kompetencja, funkcjonariusze organów ścigania, postępowania przygotowawcze w sprawach o przemyt papierosów.

## Introduction

In a democratic state under the rule of law, high requirements are raised for the legal profession. The activity areas of the legal practice require extensive knowledge and skills. The Constitutional Court of the Republic of Lithuania has stated that the legal profession is inseparable from higher education in law: higher education in law is *conditio sine qua non* for the professional and efficient legal practice (both private and the one practised in institutions of public power)<sup>1</sup>.

The efficiency of the legal reform may depend not only on the contents of legal norms but also on their implementation during the practical activities. The mere development of the new action plan is not yet the mechanism of efficient implementation of the norms – it is highly essential for the pre-trial investigation officers to be capable of conducting the pre-trial investigation acts and exchanging information in the area of prevention of and fight against such criminal offences in a highly professional manner and with quality. The control of certain types of smuggling, as, for example, unlawful goods hidden in the lawful cargos or (passenger or commercial) vehicles, is difficult also due to the lack of the proper control equipment, as, for example, scanners or police dogs. Not all Member States have sufficient quantities of such equipment for the protection of their external borders. The efficiency of the country's fight against smuggling may also depend on the awareness of the officers and the level and quality of their training<sup>2</sup>.

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<sup>1</sup> Ruling rendered on 20 February 2008 by the Constitutional Court of the Republic of Lithuania in the case No19/05 on the compliance of the qualification requirements of higher education in law for the persons who wish to hold, under procedure established by law, the position of a judge as approved by the Resolution of the Government of the Republic of Lithuania No 1568 of 4 October 2002 „On approving the qualification requirements of higher education in law for the persons who wish to hold, under procedure established by law, the position of a judge” with Article 51 paragraph 1 (wordings of 24 January 2002, 18 May 2004, 1 June 2006) of the Republic of Lithuania Law on Courts, and Article 5 paragraph 1 of the Republic of Lithuania law on the Entry into Force and Implementation of the Law on Courts [interactive], <<http://www.lrkt.lt/dokumentai/-2008/n080220.htm>, [11.11.2016].

<sup>2</sup> Communication from the Commission to the Council and the European Parliament of 6 June 2013 on the comprehensive strategy of the fight against cigarette smuggling and other forms of illicit trade in tobacco products, (COM

Each crime is linked to and reflected in the surrounding environment. Irrespective of the fact of how quickly a crime is committed, it will never be a single act: it is a complex system of acts committed/carried out by offenders, victims and other persons falling, in one way or another, within the scope of the crime before, during and after the criminal offence. The marks of all those acts comprise the traces of the crime, which provide valuable information about the offender, method and circumstances of commission of the crime.<sup>3</sup>

The analysis of investigations of cigarette smuggling offences allows presuming that the law enforcement institutions do not ensure the sufficiently effective investigations of such offences. It is important to distinguish which acts by the pre-trial investigation officers ensure efficient and high-quality investigations and what practices interfere with them. The researchers believe that the heavy workload, lack of legal and managerial knowledge and unclear division of functions are the obstacles, which prevent realisation of all possibilities<sup>4</sup>. The proper competence is significant for the efficiency of organisation of the pre-trial investigation. When analysing the possibilities and methods of efficient application of criminal procedure, a very important factor is the organisation of the pre-trial investigation. When analysing those problems it is necessary to take into account the factors, which directly influence the quality of the pre-trial investigation, the length of investigation of criminal offences, as well as the competence and qualification of pre-trial investigation officers. The legal regulation or resolution of organisational problems cannot ensure the efficient investigation of cigarette smuggling offences. That the professional education and training of pre-trial investigation officers is one of the factors, which directly influences the results of their activities. Thus, both the organisation of the pre-trial investigation officer's work and the legal basis are signifi-

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(2013) 324 final), <https://publications.europa.eu/lt/publication-detail/-/publication/31038587-4530-4489-9209-11004f68e2f5/language-lt> [3.07.2016].

<sup>3</sup> E. Kuparka, H. Malevski, E. Palskys, S. Kuklianskis, *Fundamentals of Criminalistics Techniques*, Teaching manual, Vilnius, 1998.

<sup>4</sup> R. Jurka, K. Jovaišas, J. Kanapeckaitė, Ž. Mišeikis, S. Baliutavičius, *Possibilities and Methods of Optimisation and Acceleration of the Criminal Procedure*, Vilnius 2004.

cant for the performance of efficient, comprehensive and skilled pre-trial investigation.

**The object of the present survey** is the qualification and competence of pre-trial investigation officers when performing investigations of cigarette smuggling offences.

The survey was performed by applying the quantitative research methodology. The data were collected by performing the anonymous survey of pre-trial investigation officers. When the questionnaire (survey means) was prepared, the survey was conducted in February – April 2015. The anonymous questionnaire was used among 315 respondents, pre-trial investigation officers (State Border Guard Service, Customs and Police). The analysis of the quantitative information was performed by applying the statistical data analysis method (data processing mathematical statistics software SPSS). The survey included the analysis of scientific sources, legal acts that regulate the issues of organisation of the pre-trial investigation, pre-trial investigation officer training programmes and activity reports of certain pre-trial investigation institutions and the Prosecutor General's Office.

**The goal of the survey** is to summarise the data of the survey of pre-trial investigation officers and to disclose the importance of their competence and qualification during the process of investigation of cigarette smuggling offences.

While pursuing the goals of the survey, the following objectives were implemented:

1. to analyse the main factors, which influence the activities of pre-trial investigation officers,
2. to examine which competences are needed by the officers, who conduct investigations of cigarette smuggling offences,
3. to distinguish efficient methods in order to ensure the proper competence of the officers, who conduct investigations of cigarette smuggling offences.

The training of competent and qualified pre-trial investigation officers is inseparable from a high-quality process of investigation of cigarette smuggling offences. The investigation and prevention of cigarette smuggling offences is one of the most important tasks of law enforcement institutions. The organisation of detection and investigation of criminal offences by retaining the

experienced and competent officers is one of the most important activity areas of law enforcement institutions and especially the pre-trial investigation institutions. On the other hand, the issues of the competence of pre-trial investigation officers are not new. The researchers, who examined this problem two decades ago, stated that „to date, «...» our country does not have any selection methodology when employing persons, who wish to work as investigators”<sup>5</sup>. In general terms, the competence of pre-trial investigation officers is described as the knowledge of the pre-trial investigation process, the entirety of skills and abilities in order to ensure the professional performance of pre-trial investigation acts, abilities to organise and plan the pre-trial investigation, to lead and to control this process. The more complex is the case of the cigarette smuggling offence, the more important is the competence of the pre-trial investigation officer. The innovative approach to the management of the personnel especially points out the competence of the pre-trial investigation officer: features of his/her character, individual qualities, behavioural attitudes (attitude towards work, behaviour in certain situations), also the managerial competence as the means of ensuring the results of one’s own work and the work of the organisation<sup>6</sup>.

The scientific sources provide various definitions of qualification and competence. Competence could be described as the person’s knowledge, abilities, skills and value-related attitudes. They include the attitudes and other personal features accumulated in the skills, which enable the person to achieve results under different activity contexts<sup>7</sup>. The scientific literature also contains such definitions of competence, which show the connection between the competence and the position held. Competence may be described as the entirety of certain measurable skills the availability of which enables to hold one or another position or perform one or another role in the organisation. The competence of the pre-trial

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<sup>5</sup> S. Kuklianskis, *Fundamentals of Organisation of Investigations of Criminal Offences*, „Scientific publication”, Lithuanian Police Academy, Vilnius, 1995, p. 11.

<sup>6</sup> A. Stankevičienė, L. Lobanova, *Personnel Management within the System of the Organisation*, Vilnius, 2006, p.121-122.

<sup>7</sup> D. Lepaitė, *Competence as the Goal of Training: Methodological Basis of the Principal Differences between the Professional Secondary and Higher Education*, „Social Sciences” No 2, (28), 2001, Kaunas University of Technology, p. 28-38.

investigation officer is the ability of the pre-trial investigation officer to conduct a pre-trial investigation within the shortest possible period of time and with quality.

Qualification includes the person's skills and knowledge, which can be used by him/her at a certain level in certain activities. One of the definitions of qualification, which is encountered in the scientific literature, includes the person's knowledge, abilities and skills acquired during the training and education process and most often certified by a formally issued diploma, certificate in confirmation of the person's potential to perform certain work<sup>8</sup>. While analysing this particular case, the qualification of pre-trial investigation officers is described as the entirety of professional knowledge and skills, which enable the person to perform certain work.

The professional investigation of cigarette smuggling offences is impossible without the competent pre-trial investigation officer. Therefore, professional competence is highly important for the efficient work performed by the pre-trial investigation officer. That the competence of the pre-trial investigation officer includes the knowledge of the entire procedure of investigation of cigarette smuggling crimes from the very moment of institution of a pre-trial investigation until the referral of the case to court. The most reliable and advanced means of fight against crime will not be efficient if they are used by a person who has not been sufficiently trained from the professional point of view<sup>9</sup>. Therefore, it can be concluded that in order to ensure the effective functioning of law enforcement institutions the priority should be given to the professional training of the officers. Only the professional training of officers and improvement of their qualifications can ensure efficiency of the activities carried out by law enforcement institutions.

The general issues of qualification and competence of pre-trial investigation officers have been examined on a number of occasions by constantly taking into account their importance and significance. The analysed situations show that during the

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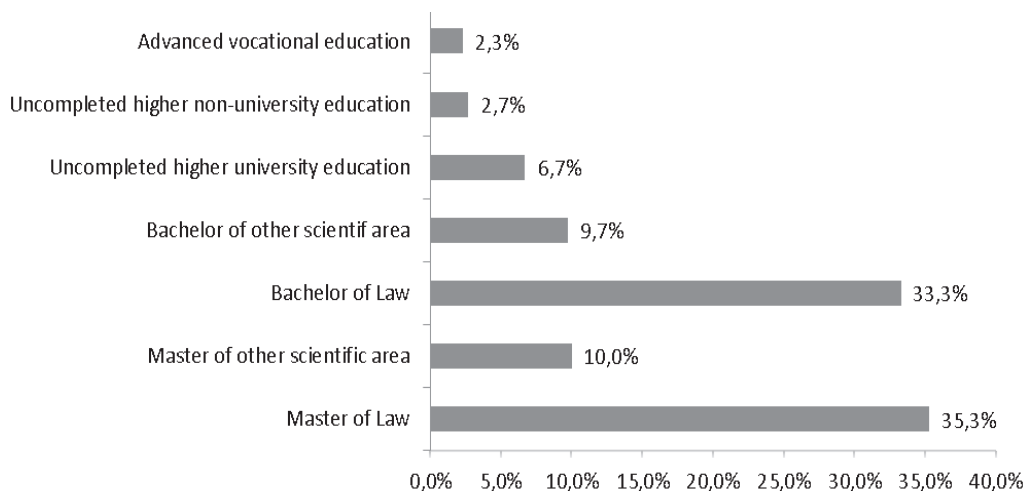
<sup>8</sup> P. Jucevičienė, *Learning City*, Kaunas: Technology, 2007.

<sup>9</sup> В. П. Бахин, Н.С. Карпов, Подготовка кадров как условие совершенствования борьбы с преступностью, „Jurisprudence”, No 65 (57) 2005, Vilnius, p. 122-127.

investigation of certain categories of crimes, pre-trial investigation officers still lack a systematic approach to the professional qualification and competence of pre-trial investigation officers. From the complex point of view, the quality of the pre-trial investigation of cigarette smuggling offences<sup>10</sup> depends not only on the proper qualification and competence, but also on the legal system that influences the activities of the officer and the organisational problems encountered by him/her. Thus, it is highly important to assess all factors, which may possibly influence the activities of pre-trial investigation officers.

Therefore, it is important to consider the factors, which influence the professional activities of pre-trial investigation officers while conducting the investigations of cigarette smuggling offences. The survey of pre-trial investigation officers engaged in the investigation of cigarette smuggling offences showed the following: (see Figure 1)

**Figure 1.** Distribution of the officers, who participated in the survey, according to the educational background<sup>11</sup>



Source: the research of the Authors.

The results of the survey show distribution of the respondents according to their educational background (Figure 1). As

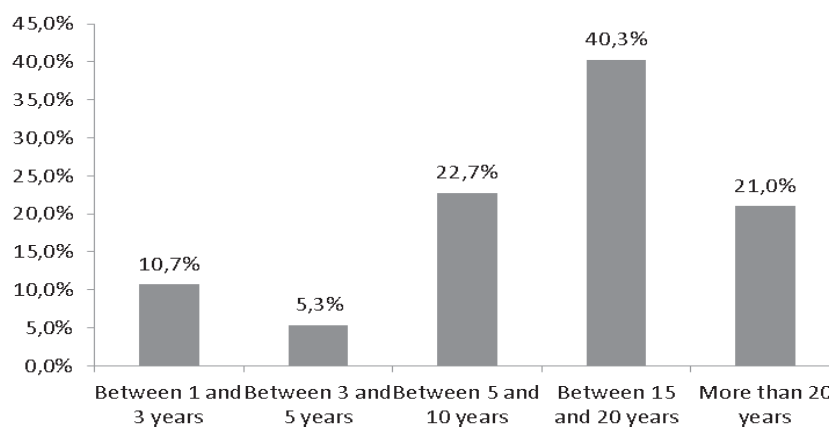
<sup>10</sup> Despite the fact that the present article discusses the issues of investigation of cigarette smuggling offences, some recommendations can also be adapted to the issues of investigation of other types of smuggling.

<sup>11</sup> Figure drawn by the author on the basis of the characteristics of the respondents who took part in the empirical survey conducted in February – April 2015.



seen in Figure 1, the majority of the officers, who participated in the survey (71.0 percent) had higher education in law, out of them 35.3 percent were Masters of Law and 33.3 percent were Bachelors of Law. The remaining part of the officers (29.0 percent) did not have higher education in law, out of them 9.4 percent stated that they did not complete the studies. The survey was conducted by taking into account the educational background of the officers. The range of participants in the survey was divided on the basis of whether they have a higher education in law. This allows stating that the data obtained during the survey are based not only on the practical experience of the participants in the survey, but also on the theoretical statements of the science of law. This assumption is based on the fact that the absolute majority of the respondents, i.e. even 71.0 percent have a higher education in law, which corresponds to their profession.

**Figure 2.** Distribution of the officers, who participated in the survey, according to the total length of service in law enforcement institutions<sup>12</sup>



Source: the research of the Authors.

The scope of the survey included the officers with various lengths of service in law enforcement institutions (Figure 2). The largest part (40.3 percent) was comprised of the officers whose length of service in law enforcement institutions ranged between

<sup>12</sup> Figure drawn by the author on the basis of the characteristics of the respondents who took part in the empirical survey conducted in February – April 2015

15 and 20 years, and the smallest portion included the officers whose length of service in law enforcement institutions ranged between 3 and 5 years. The length of service in the area of pre-trial investigation varied between less than one year and 26 years. The average length of service in the area of pre-trial investigation among the officers, who participated in the survey, is 9 years (9.37(7.13)). The length of service of the officers in the area of pre-trial investigation was also taken into consideration while analysing the data. It needs to be noted that the length of service of 84% of the officer is more than 5 years. Based on the 50 percentile, the officers were divided into two groups: those with shorter length of service in the area of pre-trial investigation (up to 10 years) and those with longer length of service in the area of pre-trial investigation (10 years and more). To sum up, the most optimum respondents, who participated in the survey, can be described as follows: pre-trial investigation officers, whose length of service in the area of detection and investigation of criminal offences ranges between 15 and 20 years and who hold the degrees of Bachelor and Master of Law. It is possible to presume that such distribution corresponds the common picture of the majority of pre-trial investigation officers and the results of this survey reliably reflect the actual situation and help establish the main theoretical and practical problems encountered by a pre-trial investigation officer during the investigation of cigarette smuggling offences.

One of the main requirements for the investigator should be a higher university education in law. Pre-trial investigation officers may not be those, who start studying the criminal procedure or the criminalistics<sup>13</sup> only when they start the investigation of criminal offences. Critical assessment should be given to the attitude that pre-trial investigation officers may also be those, who have other education than education in law or those, who do not have a higher education (whether university or non-university).

It needs to be noted that during the training of lawyers in Lithuania the study course in Criminalistics has not been in-

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<sup>13</sup> For more information see: Description of the Subject (Module) of Studies. [http://www.tf.vu.lt/dokumentai/Baudziamoji\\_justicija/Aprasai/Kriminalistika.pdf](http://www.tf.vu.lt/dokumentai/Baudziamoji_justicija/Aprasai/Kriminalistika.pdf), [3.07.2016].

cluded in the list of mandatory subjects for a number of years, which means that some specialists, who start work in law enforcement institutions, have not taken even the basic study course in Criminalistics. The course in Criminalistics is the mandatory subject in such undergraduate study programmes as „Law and Customs Activities”, while the Vilnius University, which offers a continuous 5-year graduate study programme in Law, includes Criminalistics in the list of optional subjects.

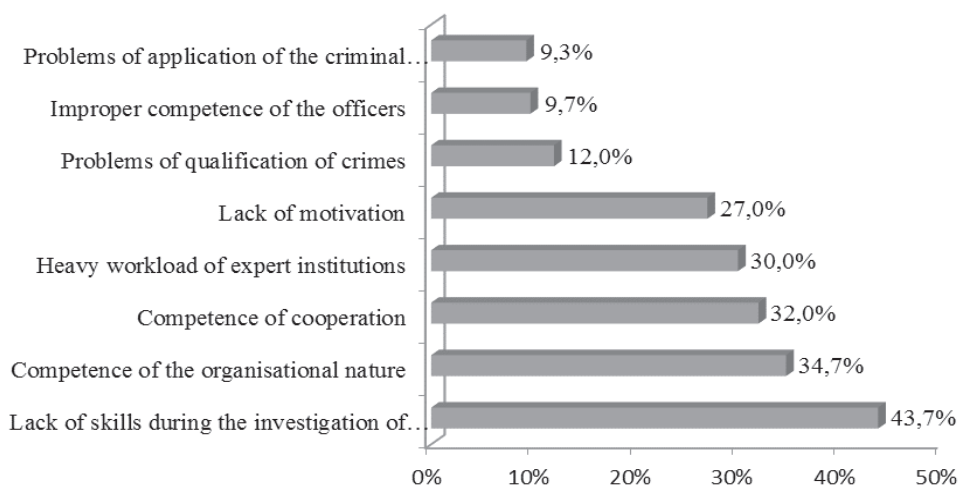
While examining the contents of the competence of the pre-trial investigation officer, it is necessary to take into account the standard of professional education and training of lawyers<sup>14</sup>, which defines the areas of activity of the legal profession, the professional competences and the description of the study programme in Law<sup>15</sup>, which regulates the special requirements for the study programmes in Law. The skills mandatory for the pre-trial investigation officer are laid down in the job description, which is merely a prescriptive document that should be developed by taking into account the entire common document and contain separate groups of the competence attributed to the pre-trial investigation officer and the detailed description of such competences. While examining the contents of competence and qualification during the pre-trial investigation and their effect on the organisation of the pre-trial investigation, the first task should be related with the development of the description of competences of the pre-trial investigation officer. The purpose of such description is to establish the uniform criteria for the training, work and improvement of qualifications of the pre-trial investigation officer that are important for his/her professional activities.

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<sup>14</sup> Order of the Minister of Education and Science of the Republic of Lithuania and Minister of Social Security and Labour of the Republic of Lithuania No ISAK.- 2093/11-301 of 31 December 2004 „On the Approval of the Professional Education and Training Standard Structure and the Regulations of Development, Renewal and Validation of Professional Education and Training Standards” // Official Gazette *Valstybės žinios*, 2004, No 56-2512.

<sup>15</sup> Order of the Minister of Education and Science of the Republic of Lithuania No V-831 of 23 July 2015 „On the Approval of the Description of Studies in Law”.

**Figure 3.** Problems encountered by the officers during the investigation of criminal offences related with the smuggling of cigarettes<sup>16</sup>



Source: the research of the Authors.

Figure 3 shows the problems encountered by the officers during the investigation of cigarette smuggling offences.

As shown in Figure 3, more than one third of the respondents stated that the most frequent problem encountered by the officers during the investigation of criminal offences related with the smuggling of cigarettes, is the lack of skills during the investigation of smuggling offences (43.7 percent). Among the problems frequently mentioned by the respondents were the problems of competences of organisational nature (34.7 percent), competence of cooperation (32.0 percent), heavy workload of expert institutions (30.0 proc.) and lack of motivation (27.0 percent).

The least problems mentioned by the officers are those related with the application of the criminal procedure law (9.3 percent), improper qualification of the officers (9.7 percent) and problems of qualification of crimes (12.0 percent).

While analysing the competence and qualification of pre-trial investigation officers, attention is given to the problems of the organisational nature encountered by the investigators during the investigation of criminal offences. The process of organisa-

<sup>16</sup> Figure drawn by the author on the basis of the characteristics of the respondents who took part in the empirical survey conducted in February – April 2015.

tion of the pre-trial investigation is frequently accompanied by the shortage of investigators, inefficient cooperation between the investigators and the prosecutors and the heavy workload. The data of the empirical survey show that the investigators feel the lack of skills during the investigation of smuggling cases. This shows a necessity for special training or even a specialisation for certain officers. Most pre-trial investigation acts are performed by pre-trial investigation officers, therefore, the efficient process of investigation of cigarette smuggling offences is inevitable without the competent investigator, who could be described as the person, who has the knowledge and understanding of the sphere of his/her activities – the entire procedure of investigation of criminal offences from the very moment of organisation of the pre-trial investigation until the completion of the proceedings, who holds legal and managerial knowledge, is capable of acting under the changing conditions, is capable of planning and organising the work, modelling various situations in the course of the pre-trial investigation, can quickly and decisively cope with the emerging situations and pass the relevant decision in order to solve a specific issue. Sometimes, when the efficient results of the work are expected only from the pre-trial investigation officer, it seems to be forgotten that the work performed by the pre-trial investigation officer is not only related with great responsibility, which is frequently assessed by the mass media means from the negative point of view, but is also accompanied by stress associated with the peculiarities of the profession<sup>17</sup>.

The statistical significance is attached by the respondents to the motivation of pre-trial investigation officers. The dominating observations suggest that it is highly important for the officers to be able to acquire the required special knowledge during the pre-trial investigation independently and on the constant basis. When learning independently, the officer can determine, at his/her own initiative, the learning needs and sources, shape his/her learning goals, choose the relevant learning strategy and

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<sup>17</sup> R. Bandzevičienė, S. Birbilaitė, A. Stress Diržytė, Coping and Internal Coherence in Criminal Officers // Social Science Studies, Vilnius: Mykolas Romeris University, 2010, No 4(8), p. 22.

self-assess the results<sup>18</sup>. Therefore, motivation can be defined as being one of the most important factors that influence the efficiency of investigation of crimes.

Tables 1–3 present the problems encountered by the officers during the investigation of criminal offences related with the smuggling of cigarettes, according to the law enforcement institution, where the officers work, their educational background or the length of service in the area of the pre-trial investigation.

**Table 1.** Problems encountered by the officers working in different institutions during the investigation of criminal offences related with the smuggling of cigarettes

Problems	State Border Guard Service	Police	Customs	$\chi^2$ (p)
	n (percent)			
Improper qualification of the officers	11 (7.1)	16 (12.9)	2 (9.5)	2.66 (0.264)
Lack of skills during the investigation of smuggling cases	70 (45.2)	49 (39.5)	12 (57.1)	2.56 (0.278)
Problems of qualification of crimes	19 (12.3)	14 (11.3)	3 (14.3)	0.17 (0.917)
Heavy workload of expert institutions	34 (21.9)	47 (37.9)	9 (42.9)	10.14 <b>(0.006)</b>
Lack of motivation	30 (19.4)	44 (35.5)	7 (33.3)	9.55 <b>(0.008)</b>
Absence of cooperation	30 (19.4)	59 (48.0)	7 (33.3)	25.77 <b>(0.0001)</b>
Problems of the organisational nature	40 (26.0)	57 (46.0)	6 (28.6)	12.50 <b>(0.002)</b>
Problems of application of the criminal procedure law	16 (10.3)	7 (5.6)	5 (23.8)	7.37 <b>(0.025)</b>

Source: the research of the Authors.

<sup>18</sup> G. Linkaitytė, V. Širvaitytė, Continuous Learning Abilities and the Required Conditions. Adult Education for Today and for Future, 2000, Kaunas: VDU Publishing House, p. 52-57.

The results of the survey revealed that the officers, who work at the police and the customs, more often attribute statistical significance to the problems of heavy workload of expert institutions, absence of cooperation and lack of motivation, when compared with the opinions given by the officers of the State Border Guard Service. Having assessed the opinions given by the respondents it can be stated that the respondents attached significance to the criterion of cooperation, the basis whereof is the ability to cooperate with other officers and employees, employees of other institutions, to work in a team formed within a pre-trial investigation group. The lack of cooperation results in the insufficient implementation of the results that are being sought, i.e. the expedient exchange of the required information with the employees of law enforcement and other institutions.

It was also established that the officers, who work at the police, more often attribute statistical significance to the problems of the organisational nature, when compared with the opinions given by the customs officers and the officers of the State Border Guard Service. While assessing the opinions given by the respondents it can be presumed that the identification of the problem of the organisational nature is a step towards the contents of the competence of the officers. There is no doubt that during the investigation of cigarette smuggling offences the officer should be capable of raising the investigation versions; capable of organising and planning his/her work within the cases investigated by him/her, define the direction of the pre-trial investigation; be capable of storing, systemising and analysing the data and significant circumstances. In the absence of sufficient knowledge and skills, the achievement of results, verification of versions, determination of any further directions of the investigation, rational organisation and planning of the pre-trial investigation acts become more difficult during the investigation of cigarette smuggling offences.

Meanwhile, the officers, who work at the customs, more often attribute statistical significance to the problems of application of the criminal procedure law, when compared with the opinions given by the police officers and the officers of the State Border Guard Service.

**Table 2.** Problems encountered by the officers with different educational background during the investigation of criminal offences related with the smuggling of cigarettes

Problems	Education in Law	Other	$\chi^2$ (p)
	n (percent)		
Improper qualification of the officers	22 (10.3)	7 (8.0)	0.36 (0.544)
Lack of skills during the investigation of smuggling cases	88 (42.3)	43 (49.4)	1.65 (0.199)
Problems of qualification of crimes	25 (11.7)	11 (12.6)	0.04 (0.826)
Heavy workload of expert institutions	68 (31.9)	22 (25.3)	1.29 (0.255)
Lack of motivation	51 (23.9)	30 (34.5)	3.48 (0.062)
Absence of cooperation	58 (27.4)	38 (43.7)	7.53 <b>(0.006)</b>
Problems of the organisational nature	68 (32.1)	35 (40.2)	1.81 (0.178)
Problems of application of the criminal procedure law	21 (9.9)	7 (8.0)	0.24 (0.624)

Source: the research of the Authors.

As shown in Table 2, the officers, who do not have education in law, more often attribute statistical significance to the problems related with the lack of cooperation and lack of motivation (here the tendency is observed,  $p < 0.1$ ), when compared with the opinions given by the officers, who have education in law.

As shown in Table 3, when comparing the problems encountered by the officers with different lengths of service in the area of pre-trial investigation during the investigations of criminal offences related with the smuggling of cigarettes, the significant differences were not established. This means that the officers, whose length of service is approximately 5 years, have minimum skills enabling them to conduct the investigations of such crimes. On the other hand, we can see that people „do not grow”, i.e. they do not see any need to improve their competence.



**Table 3:** Problems encountered by the officers with different length of service in the area of pre-trial investigation during the investigation of criminal offences related with the smuggling of cigarettes

Problems	Shorter (up to 10 years)	Longer (10 years and longer)	$\chi^2$ (p)
	n (percent)		
Improper qualification of the officers	14 (8.9)	15 (10.5)	0.21 (0.645)
Lack of skills during the investigation of smuggling cases	75 (47.8)	56 (39.2)	2.25 (0.133)
Problems of qualification of crimes	19 (12.1)	17 (11.9)	0.003 (0.955)
Heavy workload of expert institutions	46 (29.3)	44 (30.8)	0.07 (0.781)
Lack of motivation	36 (22.9)	45 (31.5)	2.76 (0.196)
Absence of cooperation	53 (33.8)	43 (30.3)	0.41 (0.520)
Problems of the organisational nature	53 (33.8)	50 (35.2)	0.07 (0.792)
Problems of application of the criminal procedure law	13 (8.3)	15 (10.5)	0.43 (0.511)

Source: the research of the Authors.

The problematic aspects raised by the pre-trial investigation officers could be considered by developing a description of competences of the pre-trial investigation officer, which could become the basis for the formation of the model of competences of the pre-trial investigation officer. According to T. Sudnickas, the models of competences enable development of the ideal profile of the professional representing any area of activity. Such „model” could help select and employ the best suiting persons, train and educate them consistently by highlighting and consolidating the most required competences, by objectively assessing their activities, by promoting and remunerating them for the realisation of

the required features<sup>19</sup>. The introduction of the description of competences of the pre-trial investigation officer, the accurate description of the qualification, limits and contents of competence of the pre-trial investigation officer would enable stating the implementation of one of the constituent elements attributed to the process of organisation of the pre-trial investigation, namely, the qualification and competence of pre-trial investigation officers.

Like the persons employed in other areas of activities, while analysing the concept, qualification and competence of the law enforcement personnel, *qualification* is defined as the officer's suitability (preparedness, educational background) for certain work, while *competence* is the area of issues or phenomena, which must be well-known to the officer<sup>20</sup>.

It was already back in 2012 when the mandatory qualification requirements (by taking into account the position, the educational background, practical experience, personal and professional skills) and competences (by defining eight areas of the professional competence, namely, knowledge of the fundamentals of professional tactics, fundamentals of criminalistics techniques, ability to work with the police information system, etc.; three main areas of the special competence within the procedural activities, namely, knowledge of organisation and planning of a pre-trial investigation, ability to qualify criminal offences properly and knowledge of the case-law, as well as four main areas of the special competences within the intelligence activities) were established and defined for the pre-trial investigation officers<sup>21</sup>. The necessity to establish and define such descriptions was influenced by the understanding that the qualification and competence of the pre-trial investigation officer is the most problematic and weakest area of the pre-trial investigation: investiga-

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<sup>19</sup> T. Sudnickas, *New Innovative Management Means and Prospects of Their Introduction in the Management Activities of Law Enforcement Institutions, Crime Threats and Modern Human Safety Management Technologies*, Collective Monography, Vilnius, 2010.

<sup>20</sup> R. Wróbel, *Cztery lata reform*, Warszawa 1994.

<sup>21</sup> Order of the Lithuanian Police Commissioner General No 5-V-284 of 6 April 2012 „On the Approval of the Description of Competences of Police Officers and Other Members of the Staff within the Police System”.

tors have the required educational background, but lack the required competence<sup>22</sup>.

The scientific research shows that if the pre-trial investigation officer is successful in his/her work (shows high competence and professionalism), he/she demonstrates a low level of neurosis (is calm, relaxed, rarely has negative feelings, is resistant to stress) and a high level of consciousness (is honest, systematic, pursuing the goals, dutiful and disciplinary)<sup>23</sup>.

It was already in 2011, when the Council of Judges notified the Police Department under the Ministry of the Interior of the Republic of Lithuania about the qualification of investigators<sup>24</sup>. It was noted that the negative effect on the quality and efficiency of the pre-trial investigation is made by the low level of knowledge held by the pre-trial investigators in the areas of common criminal law and law on criminal and civil procedure. In the opinion of the judges, the pre-trial investigators, who work within the police system, lack theoretical knowledge and practical skills in the process of collecting and supporting the evidence, thus, a number of investigators are incapable of performing the proper qualification of criminal offences and establishing the factual circumstances. In addition to this, it was also stated that „<...> The contents of procedural documents drawn by the investigators frequently do not comply with the requirements of the law <...>”, „Frequent technical and procedural mistakes while collecting and recording the evidence in the pre-trial investigation procedural documents”, <...>, etc. The shortcomings of the qualification of investigators were named by the working group formed by Prime Minister in 2006<sup>25</sup>. Nevertheless, after the passage of such

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<sup>22</sup> For more information see: Research No 18 T of the Strategic Research Institute „On Certain Problems of Interaction of Pre-Trial Investigation Institutions, the Prosecutor’s Office and the Courts”, <http://www.institutas.lt/tyrimai/teisesauga.doc> [1.11.2016].

<sup>23</sup> For more information see: Navickienė Žaneta; Izotovas Aleksandras. Dimensions of the Pre-Trial Investigation Officer’s Professionalism: Professional Competence and Personal Qualities. *Public Security and Public Order: Scientific Articles*, 2013, Volume 10, p. 146–163.

<sup>24</sup> Letter of the Council of Judges No 36P-173-(7.1.10) of 27 April 2011 to the Police Department under the Ministry of the Interior of the Republic of Lithuania „On the Qualification of Investigators”

<sup>25</sup> Formed by the Ordinance of the Prime Minister of the Republic of Lithuania No 259 of 4 September 2006.

a long period of time, it needs to be stated that the problem still exists.

While analysing the existing problems in relation to the competence of pre-trial investigation officers, it is necessary to draw attention to the description of the study programmes prepared by the educational establishments<sup>26</sup> (admission year: 2016-2017), the description of the undergraduate full time study programme of Law and State Border Protection, which defines the general and special competence and study plans of the subjects. The description of the study programme does not give sufficient attention to the implementation of practical activities. The study programme shows **Criminalistics**, which is a very important subject for the pre-trial investigation officers during the investigation of criminal offences, is taught only in Semester 7 and its scope is 3 credits (meanwhile the subject of Psychology of Investigation of Offences, which is included in the list of optional subjects, is taught in Semester 4). It is believed that the existing situation needs attention when developing the study programmes and preparing the persons for practical work. The existing situation confirms the data obtained during the survey and the opinions given by the respondents in relation to the issues of competence and qualification. It is highly important to ensure the continuous scientific and practical monitoring of the study programmes both in Lithuania and abroad in order to ensure the training of high-level pre-trial investigation specialists.

While assessing the importance of the qualification of the pre-trial investigation officer it can be stated that the qualification influences the information, namely, the factual material collected in the case, which is later used to pass a decision. The decision depends on the knowledge and direct application of laws and legal acts. All these factors fall within the components used to improve the qualification and competence.

The analysis of the survey shows that the issues of improvement of the competence of pre-trial investigation officers, who are

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<sup>26</sup> Description of the Study Programme of the Mykolas Romeris University (Admission year: 2016-2017), Law and State Border Protection, undergraduate programme, full time studies. Online access: [https://stdb.mruni.eu/studiju\\_programos\\_aprasas.php?id=8345&l=lt\\_\[1.11.2016\]](https://stdb.mruni.eu/studiju_programos_aprasas.php?id=8345&l=lt_[1.11.2016]).

involved in the investigation of cigarette smuggling offences, are becoming the priority areas. It is necessary to develop a systematic method of solution of the problem – to join all organisational problems and to assess them from all angles. The problems of organisational nature should be solved together with the issues of training and education of the officers.

It is necessary to develop the training programmes for the formation (improvement) of special, narrower skills in certain areas of activities. Such training programmes could be developed for the consideration of specific issues, for example, smuggling of cigarettes committed by organised groups, *modus operandi* of cigarette smuggling criminal offences in Lithuania and abroad. The duration of such training programmes could vary depending on the topic of discussion and could last for up to 24 hours.

### **Conclusions**

1. The activities of pre-trial investigation officers depend not only on the legal basis and organisation of the work of pre-trial investigation institutions, but also on the motivation, proper qualification and competence of the pre-trial investigation officers. The results of the empirical survey showed that the pre-trial investigation officers are insufficiently motivated.

2. The proper qualification and competence of the pre-trial investigation officers is one of the factors, which influence the efficiency of investigations of cigarette smuggling offences. The results of the empirical survey showed that the pre-trial investigation officers pointed out as being significant the problems of organisational nature, the lack of cooperation and the lack of skills during the investigation of cigarette smuggling offences, the majority of the officers lack such knowledge. The survey of pre-trial investigation officers showed that they are in demand of the complex professional knowledge in certain areas of their activities.

3. In order to improve the level of professionalism among the pre-trial investigation officers, who perform investigations of cigarette smuggling offences, it is necessary to give more attention to

the training, which could ensure the theoretical knowledge and improve the practical skills.

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