

# **Operational and Investigative actions**

## **Abstract**

Presented thesis deals with the topic of operational investigative actions specified by the Criminal Procedure Code, to which they have been incorporated with effect from 2002. The main aim of this thesis is comprehensive description of the essence and of the domestic applicable legislation of these actions, and also the analysis of possible problematic points and deficiencies. Currently, the mentioned Code in its title nine called procedure prior to initiation a criminal prosecution defines types of these actions in an enumerative way. Those types are pretended transfer, surveillance of the individuals and objects and usage of agent. The thesis itself is divided into six chapters. First chapter is focused on definition of these actions, putting them into context with so called supporting operational investigative actions defined by the Police of the Czech Republic Code, and also on the brief history of their usage in the territory of the Czech Republic. In the second chapter there is a summarization of the general conditions concerning usage of these actions, which apply to all operational investigative actions with few exceptions. Third, fourth and fifth chapter deals with particular operational investigative actions according to the order contained in the Criminal Procedure Code. The diploma thesis does not omit the issues concerning spatial wiretapping, which follow provisions of surveillance of the individuals and objects, and raises issues of police provocation. The police provocation is in the thesis defined by the case-law, mainly of the Constitutional Court. Within the thesis, some views de lege ferenda are offered in connection with the confrontation of certain interpretative or application difficulties. The thesis gains the information from many various sources, including commentary literature, case-law of the Constitutional Court, the Supreme Court or European Court of Human Rights, articles written by experts or some explanatory opinions or general instructions issued by the Prosecutor General's Office.

### **Key words:**

**Operational and investigative actions, pretended transfer, surveillance of the individuals and objects, usage of agent, police provocation**