

Thesis Title

The Technical Means of Forestalling Further Vehicle Movement: Legality, Proportionality, and Other Application Problems

Abstract

This thesis analyses the institute of the technical means of forestalling further vehicle movement, the so called “clamp”, from a theoretical and applicational viewpoint. Its aim is to present a detailed description of this institute, explain the modes within which it is used and the differences among those modes of application, and present the differences of applying this institute by different authorised authorities (i.e. Police of the Czech Republic, Customs Organisation of the Czech Republic, municipal police). This thesis also aims to analyse the contemporary use of this institute in practice, namely concentrating on the frequency, methodology, and legality of this application. A substantial part of this thesis consists of the research and analysis of the expenses of the use of the afore-mentioned institute. The focus of the analysis of expenses is on their legal grounding, character and the circumstances taken into consideration when determining the full extent of the expenses regarding specific cases. Considering these findings, the final part of this thesis focuses on reflecting the possibilities of improving the current state of the matter.

The institute of the technical means of forestalling further vehicle movement is currently being used in three different modes, the first being the mode of the coercive means. The second mode of use is the securing means, and the final mode is a specific securing means of enforcing the fulfilment of a performable administrative punishment in the form of a fine. Following the introductory part of the thesis, which explains the differences of the different modes of usage of this institute, the work focuses strictly on the use of the institute carried out by a police officer of a municipal police applying the mode of a securing means, for this notion of use is by far the most frequent in terms of usage and the most problematic in terms of application (the year 2021 alone accounts for 49,310 cases of usage of this institute). The legality, proportionality, and other problems of application, which represent the focus of this thesis, are all considered in this particular mode of usage.

The thesis presents the possibilities of defence against the use of this institute and considers alternative options in terms of legal institutes with similar effect as the above-mentioned

institute, only in a more effective way and with less interference with the rights of an individual. The sources for this thesis were mainly commentary literature, judicature, and statements of the Ministry of Interior of the Czech Republic regarding municipal police. A significant material for this thesis is an authorial analysis of the application of the institute in practice by major city polices of the Czech Republic.

Key words

Technical means of forestalling further vehicle movement, clamp, municipal police, city police