

Abstract, key words

The Position of the Police Authority in Pre-Trial Criminal Proceedings

One of the aims of the presented work was to find out what is the position of the police authority in the Czech criminal preparatory proceedings. I was also concerned with its relationship to other authorities and in particular to the public prosecutor's office. In the initial historical excursus I briefly dealt with the legal regulation in the field of criminal proceedings in the period from 1918 to the present. In the next chapter I described the types and legal regulation of the various police authorities, including the resolution of jurisdictional disputes between them. I then examined, by looking at the structure of the tasks performed by police authorities, the actual position of the police authority in contemporary criminal proceedings. I examined its procedure at the various stages of the pre-trial proceedings and what its relations are with other public prosecutor and the court. In the third part I described the position and organisation in the Federal Republic of Germany. I have described the tasks of the police in criminal proceedings. This showed that criminal proceedings in Germany are considerably faster and less formal. As far as Czech criminal proceedings are concerned, the public prosecutor has sufficient and effective tools to supervise the police, but often does not have sufficient capacity to supervise to a satisfactory extent. Criminal proceedings are cumbersome and formalistic, and adjustments are therefore necessary. I then conclude the thesis with some suggestions on how the pre-trial procedure could be changed. The public prosecutor should have a broader option not to initiate criminal proceedings at all or to terminate them if the evidence is insufficient to succeed in court. The police authority should not issue complex preliminary proceedings. It should be possible to use the evidence more extensively in court proceedings, but with an inquiry into the rights of the person against whom the proceedings are being conducted. At the same time, the public prosecutor should be allowed to supervise proceedings for less serious offences from the prosecution stage onwards.

Keywords: police authority, pre-trial proceedings, recodification of the criminal procedure code