

The Methodology of Investigation of Sexual Criminal Offences (selected issues)

Summary

The assigned topic of the diploma thesis is methodology of investigation of sexual crime acts. With regard to the fact that the area of morality delinquency is too extensive, I have focused on methodology of investigation of the criminal offences of rape and sexual abuse in my thesis, because I assume that these two offences belong to the most serious and the most dangerous crimes, and from the point of view of investigation also the most complicated and the most difficult, not only in the sexual sphere, but at the same time among all crimes known to the present valid law at all. These criminal offences represent a deep and serious intrusion upon the fundamental rights and freedoms, i.e. especially to the personal freedom and human dignity of a person affected by such crime, and having very serious consequences on the physical and psychical integrity of a man, leaving long-term consequences, often even lifelong traumatic consequences in the life of the victim.

In the first part of my diploma thesis, after a historical excursion and legal regulation of the crimes, I deal especially with the criminalist characteristics of criminal offences of rape and sexual abuse. As it is obvious from the whole diploma thesis, the main subject of my interest were above all the offenders and victims of such criminal offences, to whom more extensive passages are devoted than to individual phases of investigation.

The most extensive part of my diploma thesis deals with individual stages of investigation of criminal offences of rape and sexual abuse, in which the investigative, prosecuting and adjudicating bodies get to contact with offenders and victims of such delicts, in conformity with the methodology of investigation of sexual criminal offences developed already by the criminalistics, containing general procedures used mostly in these problems. Unfortunately, I could devote only marginally to the issues of involvement of the public to investigation and prevention of sexual criminal offences, because it was difficult and problematic to keep the prescribed extent of the diploma thesis.

The individual phases of investigation are combined with resumed cases from practice which I gained especially by literature search. I have chosen the basic systematics of investigation of such crimes above all for the reason of my minimum experience and knowledge from practice, because due to the fact that these interferences are to such a sensitive sphere of

human life, also with regard to the age of some victims and their privacy I was not permitted to inspect investigation files or to participate in individual investigatory acts of the Police of the Czech Republic.

At conclusion of the whole diploma thesis, based on the above fact, only one criminal file is analyzed, containing both the phase of investigation by the police bodies and deciding of the court, as well as of the appellate court, the result of which was acquittal from charges of an offender accused of and charged with the attempted crime of rape due to insufficiency of evidence. Abstract of the criminal file is included in annex of the diploma thesis.