



Strasbourg, 19 October 2004

**CPGE-BU (2004) 07**

Website of the Conference :  
[www.coe.int/prosecutors/](http://www.coe.int/prosecutors/)

## **Conference of Prosecutors General of Europe**

**Co-ordinating Bureau**

**8<sup>th</sup> meeting  
Strasbourg, 13 – 15 October 2004**

### **Relationship between public prosecutors and the police**

#### **QUESTIONNAIRE <sup>1</sup>**

1. Who is ultimately responsible for a proper investigation?
2. Who has the task of ensuring that the police respect all statutory rules and procedures in criminal investigation with respect to the effectiveness of the fight against crime and to make sure they respect human rights (in particular where persons are deprived of their liberty)?
3. Are the police under an obligation of prior consultation with the public prosecutor on investigation matters? If so, does this apply to all criminal cases or to important cases only?
4. May the public prosecutor issue detailed instructions to the police? If so, please elaborate.

---

<sup>1</sup> The Bureau is grateful to Professor Peter Tak for accepting that part of this questionnaire has been taken from his study "Tasks and powers of the Prosecution Services in the EU Member States" published in 2004 by Wolf Legal Publishers - E-mail : [wlp@hetnet.nl](mailto:wlp@hetnet.nl)

5. In what type of cases do police officers need approval of, or co-operation with, the public prosecutor for the use of certain means of coercion?
6. Can the police use special investigation methods without prior authorisation (such as use of informants, infiltrations and so forth)?
7. Is it possible for the prosecutor to take over, either in whole or in part, the investigation from the police or any other criminal investigating authority? If so, in what circumstances?
8. Can the prosecution service set priorities as to the instigation of investigations?
9. May the prosecution service lay down general crime policy guidelines (priority targets) for the police? In what form? If not the public prosecutor, then who?
10. Are the police in general obliged to report to public prosecutor all offences / some offences that came to their knowledge? Do they do this in practice?
11. Can the police refuse an order of the public prosecutor to conduct an investigation or delay its execution? How does it work in practice?
12. Which body deals with complaints against police involved in criminal investigation?
13. In practice, do prosecutors or police provide the media with information about criminal investigations?
14. If you have experiences with Joint Investigation Units between prosecutors and police, please describe advantages and disadvantages.