

**Questionnaire**  
**Preparation of the Opinion No. 10 of the CCPE**  
**on the relationship between prosecutors and police**

**Slovak Republic**

**A. Relationship between prosecutors and the police**

1. Please briefly describe the relationship between the prosecutors and the Police.

Criminal Complaint/report of commission of a criminal act is filed with a prosecutor or the Police. Prosecutor may further proceed himself or he can forward the case to the Police and supervise legality of the Police procedure prior to commencement of criminal prosecution and in the course of it. Prosecutor may issue binding instruction to the Police, request for files and reports regarding the state of play, participate in the Police acts, to execute individual acts in person or to carry out whole investigation and issue a decision regarding any matter. Prosecutor may withdraw a case to a Police officer and to assign it to another Police officer, he/she can cancel unlawful or ungrounded Police decisions and to replace it by his/her own decisions.

2. Is there any dialogue with the prosecutor concerning the work of the police?

Prosecutor has the obligation to supervise legality of Police actions in any criminal matter. Intergovernmental meetings of top managers of the Prosecution Service and the Police have been organized on any level of the Public Prosecution Service (district, region, State).

3. Is the prosecutor involved in training the police?

Prosecutors have been invited to participate in educational activities organized by the Police Forces. There is also the Judicial Academy which organizes joint/common seminars for the Police and the Prosecution Service regarding various topics.

**B. Existing legal provisions and regulations**

4. Is any relationship between prosecutors and investigation bodies determined by law or other provisions?

Relationship between prosecutors and investigation bodies is provided for by the law i.e. the Code of Criminal Procedure No. 301/2005, Collection of Laws. The relationship is described in the answer to the question no. 1.

**C. Responsibility of the prosecutor for setting priorities for investigating offenses**

5. How are priorities in starting criminal investigations in your country determined?

Prosecutor and the Police have the obligation to prosecute any criminal act they are aware of/they have learned.

6. Do prosecutors or the prosecution service in a direct way have an influence on this?

Yes. They can commence criminal proceedings themselves/on their own initiative or they can issue an instruction for the Police to commence criminal proceedings; the prosecutor also can cancel a Police decision to commence criminal proceedings.

**D. Responsibility of the prosecutor during the investigation.**

7. Are prosecutors responsible for the conduct of investigation in your country? If no, who is responsible for that?

Prosecutor has authority to carry out whole investigation but in practice this has been exceptional. Quite always, the investigation is executed by the Police bodies. Prosecutor supervises the legality of the Police actions. In some cases, prosecutor has executed some investigation actions.

8. When does the prosecutor receive a complaint (as soon as the complaint is filed, or after the investigation has been conducted by the Police?).

Prosecutor is notified since the very beginning of the investigation. Criminal Complaint may be filed directly with the prosecutor. If it is filed with the Police, the prosecutor is informed within 48 hours after the Police dismissed the complaint or issued decision to commence criminal proceedings (or any other decision). Such a decision is issued by the Police without immediately after service of Criminal Complaint, or within 30 days in the latest if criminal complaint needs to be supplemented.

9. What is the degree of autonomy of the Police if any, during the investigation?

The Police act autonomously with exception made of acts for which decision/approval of Judge of Pre-Trial Proceedings or Prosecutor is required. The Police have the obligation to observe the law and prosecutor's instructions (if any instruction was issued).

10. Does the prosecutor have the power to prevent or stop an investigation?

Yes. Prosecutor can dismiss a Criminal Complaint. If a complaint was filed with the Police, prosecutor may cancel the Police decision to commence criminal prosecution.

11. How is it decided which service of the Police or other investigation body, if any, is competent to investigate?

Competence of courts and prosecution service is defined in the law. Material and territorial competence of the Police is not strictly defined by the law. It is governed by the Order of the Minister of Interior regarding competencies of the police bodies and units of the Ministry of Interior in detecting crime, finding offenders and procedures within criminal proceedings. However, the law defines some framework for material competence of the Police. For the purposes of criminal prosecution these are: the investigating officer and authorized member of the Police Forces (Police agent in charge of a matter), investigating officer and authorized member of the Tax Administration Office (regarding violations of the customs laws or some tax laws), authorized member of the Military Police (criminal acts committed by members of the Armed Forces), member of the Prison and Judicial Guard (criminal acts committed by members of the Prison and Judicial guards and in the premises of the Prison and Judicial Guards, or committed by a staff there, and also regarding criminal acts committed by

persons serving their sentence of deprivation of liberty or held in custody), commander of a vessel (criminal acts committed aboard).

Material competence of the Police members also depends on category of crime (crime or minor crime), on the fact whether accused is held in custody or in prison in relation to another criminal act etc. and also on type of criminal act. Territorial competence is connected with the place of commission of a criminal act.

12. If the prosecutor leads the police criminal investigation, does the prosecutor have the power to monitor compliance with his/her instructions? If so, please briefly describe.

Prosecutor has power to monitor how his instructions have been complied with. In any time, he can check/examine the investigative file or request for submission of a file or report of implementation of his instruction.

### **E. Responsibility of the prosecutor for the respect of the law**

13. Is it a responsibility of the prosecutor to control respect for the law by the police or other investigation body, if any? If yes, at which stage and by which means of control?

Yes, prosecutor carries out supervision over legality of the police actions prior to commencement of criminal prosecution as well as in the course of it until end of the investigation. Any police decision has to be served on prosecutor and he/she can cancel it. As regards persons concerned, they can file complaints with the prosecutor and request for prosecutor's check of any police decision. Prosecutor can request the police for files and reports. As regards essential decisions after termination of investigations (e.g. to submit indictment, to decide to discontinue criminal prosecution of an accused or to approve conciliation) they can be made by a prosecutor only.

### **F. Common principles concerning the police**

14. Are there written regulations concerning the conduct of criminal investigations by the police or other investigation body?

Police procedure for investigating crime is regulated by the Act No. 301/2005 Collection – Code of Criminal Procedure. Some details have been dealt with by the Order/decrees of the Minister of Interior e.g. regarding definition of competencies of various Police units and units of the Ministry of Interior while revealing criminal offences, detecting offenders and also regarding procedure within criminal proceedings, No. 175/2010. It has been published in the Official Journal of the Ministry of Interior of the Slovak Republic (part 71). There are also some methodical guidelines regarding specific categories of crime and execution of complex investigation acts by a specialized team.

15. What are these regulations about? (for instance, the way to carry out interrogations, deprivation of liberty etc.)

The act on Criminal Proceedings – the Code of Criminal Procedure provides for basic principles of procedure and decision-making as well as for basic rules of court procedures, prosecutors and police procedures. It defines conditions for execution of various acts and rules that have to be observed (rights of the accused person, rights of injured party, rules applicable to seizure of things, arrest, home search, seizure of mail, interception of telecommunication operation etc.).

## **G. General control over police**

16. What is the general control system of the police, if any (internal/external?). Does the prosecutor play a role in this system?

Heads of relevant investigating units carry out day-today general control over investigating bodies. They also assign cases to them and issue methodical guidelines. Prosecutor oversees how the law is respected by investigating bodies in different cases. In general, prosecutor does not manage/direct or monitor them

17. Is the prosecutor competent to take sanctions?

No, prosecutor has no power to impose sanctions to the members of the Police Forces. He only can withdraw a case from them and order another member of the Police to proceed further or to take a measure with the objective to have a case ordered to another police officer.

## **H. Conclusions**

18. What are the major challenges in relations between prosecutors and investigation bodies in your country?

Communication between prosecutors and the Police has been made difficult because of the fact that not all police investigators have graduated from Law Schools and the authorized police have law education and that there is quite high level of job-switching in the police bodies. Stabilization and higher qualification/education and specialization of investigating bodies would improve the co-operation.

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