

Police collection of information or police interrogation in pre-trial procedure

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During the investigation of a criminal offence, police forces are authorised to collect information from persons with knowledge of a criminal offence. This is one of the most frequent measures in the so-called pre-trial procedure. Police may question anybody and are not limited by the formal rules that must be respected during examination in a criminal procedure. The information collected has no formal evidential value in the further criminal procedure. The author presents the legal and actual issues of such a legislative regulation, which despite the legislator's tendency to separate clearly the so-called preliminary inquiry procedure and the formal criminal procedure (granting the defendant all rights), bring many conceptual and procedural problems. Such a regulation "sui generis" is not comparable to the regulation in Anglo-Saxon or continental system. The author suggests alternative solutions as a correction of the current system, a prohibition of police collection of information from the suspect and legal regulation of police powers to conduct interrogations.

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