

# **Comparison of house search and crime scene investigation of the dwelling**

## **Abstract**

The submitted diploma thesis deals with problems of distinction between a house search and a crime scene investigation of the dwelling in terms of their legal regulation and execution. Emphasis is put on the Czech regulation in Act No. 141/1961 Coll., Criminal Procedure Code, and the practical execution of both acts from the perspective of criminalistic tactics. The thesis also points out the absence of detailed legal regulation of the crime scene investigation of the dwelling, which in practice makes it difficult to determine the boundary between a house search and a crime scene investigation of the dwelling.

The thesis is divided into five parts. The first chapters are dedicated to the constitutional framework of inviolability of one's premises and definitions of basic concepts related to house search and crime scene investigation of the dwelling. The first part also establishes the nature and relevance of a house search and crime scene investigation of the dwelling.

The most extensive part of the thesis is the second part, which deals with the legal regulation of house search, crime scene investigation of the dwelling, as well as the legal regulation of entry into the dwelling. This part includes a critical analysis of the current legal regulation of the acts in the Czech Republic, followed by current case law. Despite the abandonment of the recodification of criminal procedural law the thesis also addresses the contributing changes to the legal regulation of house search and investigation contained in the latest draft of the new criminal procedure code.

The third part of the thesis is devoted to the execution of a house search and crime scene investigation of the dwelling. Attention is focused on regulation of acts in criminalistics, which establishes the basic principles, subjects and procedure for the execution of both acts. This regulation is complemented by the distinction between the execution of a house search and crime scene investigation of the dwelling in the case law of the Constitutional Court. Furthermore, the thesis outlines the consequences of the illegal execution of a house search and crime scene investigation of the dwelling, both in terms of theory and approach in case law.

The fourth part of the thesis introduces the documentation of a house search and crime scene investigation of the dwelling, highlighting their similarities and differences. It also highlights the importance of evaluating the results of both acts by using a practical example.

The last part of the thesis focuses on the legal regulation of a house search and crime scene investigation of the dwelling in the Anglo-American system in the USA. It points out the differences and similarities with the Czech regulation in terms of the constitutional framework

of inviolability of one's premises, exceptions in the form of entry into the dwelling and the consequences of illegal searches.

**Keywords: house search, crime scene investigation, dwelling**