



Report on inquiry initiated on the Defender's own initiative into the procedure of the Police of the Czech Republic in the case of shooting and disturbance of civil cohabitation at the ROMANO DROM 2016 summer camp

My inquiry concerns the procedure of the Police of the Czech Republic (hereinafter the "Police") after a shooting was reported at the ROMANO DROM summer art school camp in Jiřetín pod Jedlovou on 6 August 2016.

In particular, I inquired into:

- (A) why the police failed to come to the camp after a shooting had been reported there, did not check whether the camp participants were safe, and why the police took no steps to calm the situation there;
- (B) the claimed unprofessional conduct and dismissive behaviour of Warrant Officer Jiří Harák in providing explanation to the camp participants.

A. Summary

My inquiry revealed that officers of the Varnsdorf District Department of the Police of the Czech Republic (hereinafter the "DD PCR Varnsdorf") erred by failing to come to the camp after a shooting had been reported in the "Pod Jedlovou" resort in Jiřetín pod Jedlovou, did not check whether the camp participants were still in danger, and did nothing to help calm the situation. The Internal Investigation Department of the Police of the Czech Republic – Regional Police Directorate of the Ústí Region erred when it found no errors in the above procedure. Warrant Officer Jiří Harák behaved inappropriately and unprofessionally towards the camp participants who came to provide explanation regarding shooting in the camp on 4 and 6 August 2016 when he downplayed the seriousness of the shooter's behaviour and did not pay due attention to the persons present.

B. Findings of fact

I decided to initiate inquiry on my own initiative after I became aware of the shooting in the camp from publicly available sources.¹ I spoke to some of the camp participants, in particular Ms Ida Kellarová, the camp leader, and her husband Dezider Dužda. I compared my findings with the conclusions of the Internal Investigation Department of the Regional Police Directorate of the Ústí Region regarding the activities of the DD PCR Varnsdorf which I

1 <http://www.romea.cz/cz/zpravodajstvi/domaci/muz-vyhrozoval-detem-ze-sboru-idy-kelarove-strilel-ze-zbrane-policie-neprijela>
<http://www.romea.cz/cz/zpravodajstvi/domaci/ida-kelarova-k-incidentu-na-detskem-tabore-jestli-si-nekdo-mysli-ze-nas-policie-chrani-je-na-omylu>
http://zpravy.idnes.cz/muz-vyhrozoval-romskym-detem-a-strilel-do-vzduchu-fws-/domaci.aspx?c=A160827_131050_domaci_zt
<https://www.novinky.cz/krimi/413042-muz-vyhrozoval-a-strilel-pred-detmi-na-romskem-tabore-policie-neprijela.html>
<http://tn.nova.cz/clanek/muz-strilel-na-romskem-tabore-detem-nadaval-policie-neprijela.html>



requested from the head of the Ústí Regional Police Directorate. Based on the accumulated underlying documents, I summarise the course of events on 4 and 6 August 2016.

The ROMANO DROM 2016 summer art camp of the Čhavorenge children's choir led by Ida Kellarová in co-operation with the artists of the Czech Philharmonic took place at the "Pod Jedlovou" resort from 30 July to 13 August 2016.

The first attack took place on **4 August 2016 at approximately 9:30 P.M.**, when the children were returning from an all-day activity via a public road next to the home of Mr A., who verbally attacked them and used his weapon (later identified as EKOL P29 9mm gas pistol) which he shot once into the air. Children were startled by the event and the camp leaders were thinking about reporting the incident to the police. Since they did not want to ruin an otherwise pleasant day for the children, which could be disrupted by interrogations of the children lasting long into the night, they decided against reporting the incident.

The tense situation culminated on **6 August 2016 at approximately 8:30 A.M.** when three gunshots were heard at the campsite during a morning exercise. Mr A. then entered the campsite and the kitchen and verbally (using extremely vulgar language and racial slurs) attacked the kitchen staff – Mr Dezider Dužda.

At 9:27 A.M., Mr A. called 158 (the police number) to explain his problems with the neighbouring camp. The recording of the telephone conversation indicates that he complained about a constant noise during the day and, although the quiet night hours were observed, he could not stand the "ruckus". His negative attitude towards the Roma people is clear from the conversation, where he repeats that "there are gypsies" and that "the wogs will tell you [the police]" that he shot at them. Mr A. admitted that he used his gas pistol, but only in order to train his hunting dog. He also admitted that he entered the camp and that he "was not polite to them". The police officer on the phone informed him that a local police unit would contact him, to which Mr A. said that he would be at home the entire day.

Approximately at 9 A.M., Mr B, the owner of the camp, came to DD PCR Varnsdorf to report the shooting himself.

At 9:46 A.M., Ms **Ida Kellarová** called him on his mobile phone.² In her own words, she wanted to speak to the police officer who Mr B. was giving an explanation. I infer that it was Warrant Officer Jiří Harák, the inspector.³ Ms Kellarová said that in response to her statement that "there was a shooting in the camp, we need you to come here," he said that "he has to follow his procedure" and hung up. Therefore, Ms **Ida Kellarová** called 158 to report the shooting at the camp **at 10:12 A.M.** The recording of the telephone conversation clearly indicates that the complainant appealed to the police officers to deal with the case and calm the situation (quote): "*We have to know that the children will be safe, we want reassurance that somebody is dealing with the situation and that the camp will be able to continue in peace to the end.*" The police officer on the phone informed Ms Kellarová that

2 Documented via call log from the phone of Ms Ida Kellarová.

3 This corresponds to the official record on provision of explanation by Mr B. of 6 August 2016.



the shooter already reported the conflict and that he would forward this “counter-report” to the competent DD PCR Varnsdorf.

From **10:40 to 10:50 A.M.**, a police officer from the DD PCR Varnsdorf, **Inspector Warrant Officer Ducháček** contacted **Ms Ida Kellarová by telephone**. He told her not to be concerned about the weapon. According to Ms Kellarová, he expressly stated that nobody was coming to the camp and recommended them to come to the police station themselves. Inspector Ducháček then called Mr A. and, **based on his statement** that the relevant weapon was only a gas pistol, and after a negative **search in the register of weapon holders**, considered the information that the shooting had not involved a dangerous weapon to be true.

In the afternoon, at 3:30 P.M., after the children departed for Rumburk to practice, camp participants – **Ms Ida Kellarová, Mr Petr Kadlec, Ms C., Ms D., Ms E. and Mr F.**, came to the police station of the DD PCR Varnsdorf to provide witness testimonies. It follows from their description and the recording taken at the police station that they were unexpectedly confronted with a dismissive approach of Warranty Officer Jiří Harák, who stated the following: *“Let’s not overreact... we will not interrogate the entire camp.”* Out of everyone present, only Mr Petr Kadlec and Ms D. (by Warranty Officer Zdeněk Ducháček) and Ms C. (by Warranty Officer Jiří Harák) were interrogated. According to the official record made by Inspector Ducháček, a new situation had to be dealt with – an assault and a brawl in Varnsdorf park was reported and three suspects were brought to the DD PCR Varnsdorf. The camp participants thus left of their own volition. It follows from information provided by the head of the Ústí Regional Police Directorate that Warranty Officer Jiří Harák left for the camp (at **4:30 P.M.**) **to perform a preventive check**.

Ms Kellarová added that she also described her experience with the Varnsdorf police to **Junior Warranty Officer Kokešová** – the mother of one of the participants of earlier events organised by Ms Ida Kellarová. It follows from the inspection file that Warranty Officer Ducháček asked his colleague, Junior Warranty Officer Kokešová, to deal with the events and she agreed to come to the camp in the evening. Ms Kellarová confirmed that the police officer arrived at the camp in the evening but did not help calm the situation. It follows from the response of the head of the Ústí Regional Police Directorate that the police did not visit camp and no official record of any such visit was made. During inspection, the police officer stated that she only visited the camp for personal reasons to deal with matters regarding her daughter. Ms **Ida Kellarová** stated that the police officer acted “completely differently” after arriving at the camp and allegedly mentioned that *“it would be for the best to sweep it under the rug”*.

C. The Defender’s assessment of the case

C.1 Why the police did not visit the camp

Above all, I am alarmed by the **hesitant procedure** of the police after the shooting at the camp was reported. According to the head of the Ústí Regional Police Directorate, the police did not visit the site of the incident because they did not consider there to be any danger.



It is apparent that **the police officers based their conclusion only on statements** provided by the persons over the phone, especially the shooter himself, and on the search in the register of weapon holders which only indicated that the shooter **had no registered legally held weapons. No on-site inspection or check of the shooter or the relevant weapon took place.** The police made no effort to ascertain whether the shooter really had no weapon and posed no actual threat to the safety of the accommodated persons. It further follows from the available materials that there were no objective facts preventing on-site investigation. The argument that the shooter was no longer present in his house, thus preventing an inspection, is not legitimate – the information that Mr A. left his house and was busy was not verified either.

It is thus unclear what served as the basis of the police officers' conclusion that the safety of the camp participants was no longer at risk after the shooting had been reported. **At the moment the shooting was reported, the police officers had no information regarding the children's scheduled activities and,** consequently, they could not have known whether the children were at the camp or left already. The only information regarding the children's whereabouts was given over the phone by Ms Ida Kellarová to Inspector Ducháček; Ms Kellarová stated that she (along with the children) was away from the camp and that she could only visit the police station in the afternoon. However, the camp participants deny that the children were away and document this by the camp's schedule according to which the children were at the camp until lunch and only left for a practice in Rumburk after lunch.

Moreover, the **urgency of the entire situation** where the persons concerned appealed to the police to come deal with the situation or at least calm the situation at the camp following the shooting is absolutely clear from the submitted transcripts of telephone conversations and statements of witnesses. **Given the police motto – “to help and protect” – the police officers should have helped calm the tense situation and provide support to the camp leaders.** The police failed completely in this role. The citizens must have confidence that the police will do their duty and will help and protect the citizens if they turn to the police in cases such as this one.

This purpose could not have been achieved by a “preventive check” at 4:30 P.M. by Warrant Officer Jiří Harák, because at that time the camp participants were either in Rumburk or in Varnsdorf at the police station, of which Warrant Officer Harák was aware. If the police officer wanted to calm the situation, he should have come to the camp together with Ms Kellarová, wait for other camp participants and talk to them about the situation.

If we take into consideration that the persons concerned waited for the situation to be resolved on the very same evening – expected a police officer to come, reassure the camp participants that they were not in danger and that the police had the situation under control – the visit of Junior Warrant Officer Kokešová could still meet their expectations. I understand that this was the reason why the police officer was instructed by Warrant Officer Ducháček to visit the camp. Nonetheless, according to the statement of the head of the Ústí Regional Police Directorate, the evening visit of Junior Warrant Officer Kokešová was not made for this reason. The police officer was in the camp (during her duty hours?) to address



matters regarding her daughter (who, as far as I am aware, was only a former camp participant and was not even there at the time).

C.2 Inappropriate behaviour of Warrant Officer Jiří Harák

I find the behaviour of Warrant Officer Jiří Harák during the meeting with the camp participants at the DD PCR Varnsdorf police station problematic. It follows from recordings taken by the witnesses at the police station that Warrant Officer Harák was dismissive towards the persons present and told them that he would not interrogate every person who were there to provide their testimonies. He **attempted to downplay** the seriousness of the situation as if nothing serious had happened and the persons present were more of an annoyance because they insisted on dealing with the matter. I consider the manner in which the police officer described the behaviour of the camp participants at the police station to be inappropriate as well.⁴ In my opinion, this indicates that he **did not realise the actual concern of camp participants for the lives of the children** and their feeling that the police was not acting in accordance with their expectations, and that the argument he repeatedly used to reassure them, i.e. that the “shooter’s weapon could not do them any harm”, was not convincing. If there was no time to interrogate other camp participants due to the urgent need to deal with other cases, I would consider it appropriate to arrange another date to provide explanation (testimony), for example on the next day.

The head of the Ústí Regional Police Directorate acknowledged the errors made by Warrant Officer Jiří Harák, stating that the police officer receiving the explanation should always refrain from presenting his or her personal opinions regarding the matter. He also acknowledged the error consisting in the refusal to interrogate all the camp participants present. I have been informed that he would deal with both these errors within his competence.

C.3 Internal investigation

I disagree with the conclusions of the internal investigation regarding the question of whether the police should have come to the camp after the shooting was reported. For the reasons I stated earlier, I find the conclusion of the internal investigation that there were no errors in the procedure of the police to be incorrect.

D. Conclusions

I am sending this report to the head of the Regional Police Directorate of the Ústí Region and, pursuant to Section 18 (1) of the Public Defender of Rights Act, I request that he respond to the errors I identified within 30 days of its delivery and inform me of the remedial measures adopted (not only in respect of Warrant Officer Jiří Harák). This report summarises

⁴ Warrant Officer Harák in the official record: *“However, the members of the philharmonic reacted by saying that the young people were threatened, the police was not doing anything, that the camp was in danger and the police had to act immediately; they acted in an arrogant manner, were gesticulating wildly and were loudly criticising and lecturing the police on how they should proceed.”*



my current findings, which may be reflected in my final opinion under Section 18 (2) of the Public Defender of Rights Act.

Brno, 6 March 2017

Mgr. Anna Šabatová, Ph.D., signed
Public Defender of Rights
(this report bears an electronic signature)