

Protective treatment and security detention

Abstract

The topic of this diploma thesis is two protective measures - protective treatment and security detention. This is a criminal sanction which is legal consequences crime or other offense. Their function is treatment, rectification of the perpetrator and protection of the company against dangerous persons. Due to the number of recent cases when mentally ill offenders commit serious acts of violence after release or escape from protective treatment, is a topical topic.

The aim of this thesis is the characterization of protective measures in general and a detailed analysis of the individual aspects of protective treatment and security detention, their storage, performance, duration, change and termination. In the case of protective treatment, I also characterize its forms and types. By analyzing effective regulation, I will evaluate these safeguards in terms of *de lege lata* and also propose possible measures *de lege ferenda*.

In the introductory chapters I characterize the concept and purpose of the protective measures and also compare them with punishments. I briefly describe the prevention of the matter, the prevention of part of the property and the protective education. I then define the important concepts with which the protective measures work, such as the concept of insanity, reduced awareness or abuse of addictive substances. I also set out the general principles and the legal conditions for imposing safeguard measures. In the following chapters I discuss in detail the above aspects of protective treatment and security detention. I will also briefly outline the functioning and activities of the Brno and Opava institutes for security detention. I am also devoted to the law on the exercise of security detention, to explain the reasons for its creation, to select some rights and obligations of the inmates, and to deal with the issue of disciplinary offenses and restraining measures. In the following chapters, I describe the imposition of protective treatment and security detention for juveniles and children under the age of 15. I also choose some case-law in the area of safeguards. The final chapters then assess the protective treatment and security detention from the point of view of *de lege lata* and *de lege ferenda*. I also mention some of the problems that exist in the area of expert judgment.

Protective treatment and security detention are very important institutes based on the fact that some offenders need not only to punish, isolate, but also cure themselves. In the case

of protective treatment, this treatment takes place in an outpatient or a constitutional way and due to the diagnosis of the perpetrator; it is in practice to treat the sexual, psychiatric, alcoholic and antitoxic. The greatest lack of protective treatment is the lack of a separate law on its performance. Security detention is a stricter protective measure that is subsidiary to protective treatment. The duration of the security detention is not limited in time, if the need for protection of the company persists, the prisoners can be isolated also for life. Its performance is regulated by a separate law that is comprehensive and successful and could be an inspiration for the treatment of protective treatment.

The benefit of this work is above all a systematic and comprehensive analysis of individual aspects of protective treatment and security detention. By analyzing their effective regulation, I have revealed its positive features, but also some shortcomings, to which I propose certain measures in terms of *de lege ferenda*. Enlargement would certainly deserve chapters dedicated to the imposition of protective treatment and security detention for juveniles and children under 15 years of age. The subject of further discussion is undoubtedly the issue of expert judgment.

Key words: protective measures, protective treatment, security detention