

## **Summary**

The topic of this thesis is a protective treatment, particularly during the term of Imprisonment.

Protective treatment is to institute criminal law, criminal penalties, one of the types of protective measures. Meaning and purpose of storage and detention treatment is to ensure the protection of society from dangerous offenders who have committed conduct harmful to society, and therapeutic effects on the personality of the perpetrator.

The work is discussed in detail the anchoring of the Institute of protective treatment in the legislation of the Czech Republic (the substantive and procedural page), which is a better outline of the whole problem with the use and knowledge of forensic disciplines such as forensic psychiatry, law and psychology, sexology.

In the introductory chapter of this work indicates the author readers to the problems of protective treatment, points to the need for this and outlines the objectives and structure of work.

Given that the protective treatment is one of the types of protective measures in the second chapter is devoted to this kind of criminal sanctions. Protective measures, together with the threat of penalties, saving penalties and power mean to achieve the purpose of criminal law. This purpose is to protect the interests of society, the constitutional establishment of the Czech Republic, the rights and legitimate interests of natural and legal persons, safeguards are special means of prevention, the aim and purpose of their storage and performance to protect the interests and rights of individuals and society. This chapter also discussed the types of protective measures that can be stored in the Czech Republic for criminal offenses, respectively, other criminal acts (i.e. for which the offender is not criminally responsible by reason of insanity either, or lack of age). We also produce a comparison of sentences – highlight their common and different features and historical development of protective measures, especially in the Czech Republic.

The third chapter deals with the rules of protective treatment. Legislative is fragmented in many laws (legal and subordinate legal power) and also in the nature of internal rules (methodological measures, instructions and communications). Protective treatment is to institute criminal law.

In the fourth chapter are discussed in detail ways to store protective treatment. Protective treatment requires the court in criminal proceedings for the reasons and subject to all legal conditions which are listed in the criminal law, either obligatory or optional. Protective treatment may save four categories of offenders – and insane during his stay at large for the company to dangerous offenders, reducing sane offenders, offenders who committed crimes in a state committed by a mental disorder, and offenders who abused addicted substances, and committed crimes under the influence or in a connection of her abuse. Protective treatment may be stored separately, abandonment of punishment or in addition of punishment.

Statutory prerequisites saving protective treatments are discussed in light of applicable case law.

The omission is not the issue of expert assessment as a psychiatric expert opinion (examination of mental of the accused) is the main means of proof of deciding of the imposition of protective treatment.

The fifth chapter is the performance of protective treatment (regulation, vawe performance, termination and release and change the way power). Protective treatment is performed either in the form of a constitutional (hospitalization in the medical device, usually in a psychiatric hospital) or as a out-patient (regularly attending to a medical facility providing patient care, timing of visits provide an appropriate doctor). Protective court ordered a protective medical treatment facilities, competent by residence a residence of a person to whom the protective treatment to be done. According to the performance of the treatment can change the constitutional protection for outpatient treatment and vice versa. If the protective treatment imposed in addition to imprisonment, criminal law recognizes its performance during the enforcement of custodial sentences. Such power is in only a few Czech prisons, which have created the necessary conditions, i.e. to sep up a dedicated performance of protective treatment.