***29 CRIME, JUSTICE, ACCIDENTS***

***Methodological notes***

*This chapter was prepared using information provided by the Ministry of Justice, the General Directorate of the Prison Service of the CR, the Police Presidium of the CR, the Ministry of Transport, and the Ministry of the Interior – General Directorate of the Fire and Rescue Service of the CR.*

***Notes on Tables***

***Tab. 29.1 to 29.8 Crime***

*The* ***clearance rate*** *– solved offences are those for which at least one known offender has been identified (and reported) and the offence is terminated in the reference year.*

***Registered offence*** *– reported criminal offence, where criminal prosecution was initiated in the reference year, whether it was terrminated or is still pending.*

***Violent crime*** *is included in general crime. It is a term used by criminology, not a legal concept (term). It includes an attack on the physical or mental integrity of a person, in the sense of an intentional use of physical violence, or the threat of violence, against another person.*

***Sexual crime*** *is included in general crime. These criminal offences affect the dignity of a victim in the sexual sphere. This group includes, in particular, criminal offences that threaten freedom of sexual decision-making, threaten the healthy moral and physical development of children, or threaten certain moral principles.*

***Property crime*** *mainly consists in an attack on somebody else's property, not only of natural persons but also legal entities.*

***Other general crime*** *is a non-homogeneous group of crimes / (criminal) offences, without a uniform definition. It falls under general crime. The crimes / (criminal) offences included in it are only a collection of offences with various defining characteristics, e.g. disorderly conduct; drug-related crime; obstruction of justice; or endangering a child’s care.*

***Economic crime*** *is closely related to property crime, but unlike property crime, which attacks the property of other persons, economic crime is an act that is directed against the economic system and its functioning. This includes tax and fiscal offences, false accounting, forgery and alteration of money, corruption, but also, for example, acts against the natural environment (environmental crimes).*

*The* ***remaining crime*** *includes crimes / (criminal) offences that do not fall under general crime, nor under economic crime or under military and unconstitutional acts. Like the other general crime, it is only a collection of crimes / (criminal) offences without common defining characteristics, for example, menace under influence of addictive substance, negligence of mandatory support, or spreading of alarming news.*

***Military and unconstitutional acts*** *(military criminal offences and offences against the constitutional system) – according to police statistics, they fall mainly under a special part of the Criminal Code and include crimes / (criminal) offences such as treason, terrorist attack, support and promotion of terrorism, or sabotage.*

*Data in tables are given according to the* ***Tactical-statistical classification*** *(of crimes) used by the Police of the Czech Republic. Codes in the classification partially overlap with sections of the Criminal Code.*

***Tab. 29.9 and 29.10 Prosecuted and investigated persons***

*The number of people who are investigated by the police on suspicion of committing a crime / (criminal) offence and criminal prosecutions are subsequently brought against them.*

*One person may be prosecuted and investigated for several offences at the same time and will therefore be counted separately in each category. Therefore, the total for individual categories will always be higher than the total for all crime. The individual lines thus cannot be added together.*

*The sum of prosecuted persons by age category may be higher than the total number of prosecuted persons. If a prosecuted person moves into a higher age category (15 years, 18 years, 65 years) during the surveyed period, he/she will be counted among the prosecuted persons in both the age categories. However, he/she will only be counted once in the total number of prosecuted persons.*

*For some prosecuted and investigated persons, their citizenship may not be known at this stage of the criminal proceedings, therefore the total for foreigners and citizens of the Czech Republic may be lower than the total number of persons.*

*A* ***recidivist*** *is a prosecuted person who has been convicted of a crime at least once in the past.*

***Tab. 29.11 and 29.12 Victims of crime***

*The Police of the Czech Republic does not keep statistical records of victims of crime under the Act No 45/2013 Sb, on Victims of Crime – those are exclusively natural persons – but rather so-called objects of an attack, i.e., entities against whom/which the criminal activity was directly directed (e.g. a person, a dwelling/flat, a car). An object of an attack is not always a victim. For example, in the case of a burglary in a senior citizen’s dwelling/flat, it is the dwelling/flat that is the object of the attack, but the senior citizen who suffered property damage or psychological harm is the victim. Conversely, if an object of an attack is a person, he/she is usually also the victim. Given that the Police of the Czech Republic only reports objects of an attack, the actual number of physical victims may be higher.*

***Tab. 29.13 Cases handled by district and regional courts***

***Criminal cases*** *–* ***T + Tm Registers*** *– cases heard by a court based on charges brought or motions for punishment filed by the public prosecutor, in which guilt is decided or, as the case may be, penal sanctions and indemnities caused by criminal activities are decided on.* *It also includes cases, in which courts decide about petitions for approving an agreement on the guilt and punishment.*

***Civil cases*** *–* ***C Register*** *– prevailing part of the agenda are cases regulated by the Act No 89/2012 Sb, the Civil Code, as subsequently amended (hereinafter only referred to as the “Civil Code”), which replaced on 1 January 2014 the original Civil Code (Act No 40/1964 Sb) and the Family Act (Act No 94/1963 Sb). Furthermore, labour cases provided for by the Labour Code (Act No 262/2006 Sb, as subsequently amended). Civil cases belong to civil agenda of courts.*

***Guardianship and curatorship cases*** *–* ***P and Nc******Registers*** *– the civil agenda, which consists mainly of selected cases provided for by the Civil Code regarding legal capacity and guardianship of a person (an adult natural person) and issues related to minors, curatorship and other forms of childcare.*

***Commercial cases*** *–* ***Cm Register*** *– another one of civil agendas, prevailing part of which consists of disputes among entrepreneurs and cases provided for by the Act No 90/2012 Sb, on Commercial Corporations and Cooperatives (Commercial Corporations Act), as subsequently amended (hereinafter only referred to as the “Commercial Corporations Act”), which were previously provided for by the Act No 513/1991 Sb, the Commercial Code, as subsequently amended (hereinafter only referred to as the “Commercial Code”), and further cases provided for by the Act No 182/2006 Sb, on Bankruptcy and Settlement (the Insolvency Act), as subsequently amended (hereinafter only referred to as the “Insolvency Act”). The Commercial Code was replaced on 1 January 2014 by the Commercial Corporations Act and by the Civil Code.*

***Insolvency cases*** *–* ***INS Register*** *– independent agenda – cases separated from commercial cases; the agenda consists of cases heard by regional courts commenced pursuant to the Insolvency Act, namely by declarations of insolvency (recorded in the INS Register).*

***Cases of the incidental disputes – ICm Register*** *– within insolvency cases, there are also separate incidental disputes arising from insolvency proceedings initiated by an action (which is entered in the ICm Register); the list is specified in the Section 159 of the Insolvency Act.*

***Registers of cases by type*** *– the registers are listed in the Instruction ref. No 505/2001–ORG of the Ministry of Justice from 3 December 2001, in which the internal and office rules of procedure for district, regional, and high courts are issued, as subsequently amended. The document also specifies the way of keeping records in individual registers.*

*A* ***case*** *– a case being heard by a court, which is entered (incorporated) in the relevant register under the file number. For criminal cases, it is necessary to distinguish between the number of cases and the number of persons, because one criminal proceeding may be conducted even against several persons.*

***Incoming cases*** *– the sum of restored and filed cases.*

***Restored cases*** *– are those cases, in which as a consequence of a decision of the court of higher instance, proceedings in the court of first instance have to follow after full or partial reversal of a decision or after rejection of a motion for a change of jurisdiction or for removal or referral of a case, or there is a new hearing of the case as a result of the granting of a retrial or the annulment of the original decision on the grounds of confusion (nullity) or by a decision of the Constitutional Court.*

***Filed cases*** *–**in criminal cases: the number of filed charges, motions for sentence, and petitions for approving an agreement on the guilt and punishment. In civil cases and in P and Nc cases: the number of motions* *for commencement of proceedings (actions), which were recommended to the court for hearing (including cases, in which the court initiates proceedings without a motion, because it is its official duty) and that are incorporated in an appropriate register by the court.*

***Resolved cases*** *– the number of cases decided by courts (decisions are not effective).*

***Pending cases*** *– the number of cases not yet decided by courts. This piece of data always refers to 31 December of the relevant year.*

***Tab. 29.14 Criminal cases handled by district, regional, and high courts***

***First instance cases*** *– also first instance agenda. Court proceedings usually have two instances (two tiers). Every new case (a dispute or another legal matter) is first heard and decided in the first instance. District courts are always courts of first instance unless another part of the court system is designated to do so under the rules governing court proceedings. Regional courts are usually such another part. However, there is a very small range of cases where the high or supreme courts (the Supreme Court and the Supreme Administrative Court) act as the court of first instance.*

***Second instance cases*** *– also second instance agenda (appellate agenda). If a non-final decision of the first instance court can be appealed, the immediate superior court decides on the appeal in appeal proceedings. A regional court is the court of appeal for a district court as the court of first instance; an appeal against a decision of a regional court as the court of first instance is decided by a high court. Regarding criminal cases, these are the registers marked as To and Tmo.*

***Length of proceedings*** *– from the date of filing of a case to the date when the case is resolved by the court of first instance and in the case of a court of appeal from the date of filing of a case in that court to the date when the case is resolved by that court. In criminal cases, when the proceedings are ended by a court of appeal, the case becomes final. The length of proceedings is always given in calendar days. It is calculated from statistical criminal reports after the trial has been completed.*

***Appeal ratio*** *– it is the ratio of the number of finally resolved cases in which an appeal has been filed to the number of finally completed (resolved) cases.*

***Tab. 29.15 Persons prosecuted (terminated) in pre-trial proceedings***

***Pre-trial proceedings*** *– the number of natural persons against whom a criminal prosecution initiated by notification of accusation under the Section 160 of the Code of Criminal Procedure was conducted and terminated in the reference year.*

***Summary pre-trial proceedings*** *– the number of natural persons for whom summary pre-trial proceedings conducted under the Section 179(a) et seq. of the Code of Criminal Procedure were terminated in the reference year. In summary pre-trial proceedings, criminal prosecution of the accused is not initiated, but a record of a communication of suspicion is made. The accused is referred to as a suspect (of a crime / (criminal) offence) throughout the whole proceeding. However, this procedure is only possible in certain circumstances and only for certain minor offences for which the Criminal Code provides for a maximum penalty of imprisonment not exceeding 5 years.*

***Persons charged*** *– the number of natural persons against whom a criminal charge was brought under the Section 176 of the Code of Criminal Procedure.*

***Submitting a petition for approving an agreement on the guilt and punishment*** *– the number of natural persons with whom a public prosecutor in pre-trial proceedings made an agreement on the guilt and punishment and then submitted to the court a petition for approving that agreement pursuant to the Sections 175(a) of the Code of Criminal Procedure or in summary pre-trial proceedings pursuant to the Section 179(b) paragraph 5 of the Code of Criminal Procedure. The crux is that the accused declares that he has committed the offence (act) for which he or she is being prosecuted and at the same time the type and level of the sentence are agreed; it may include an agreement on compensation for damages, non-pecuniary damage, or the release (surrender) of unjust enrichment. From 1 October 2020, it may also be concluded in the case of an extremely serious offence (amendment to the Code of Criminal Procedure implemented by the Act No 333/2020 Sb). However, it cannot be concluded in proceedings against a fugitive or a juvenile under the age of 18.*

*A* ***prosecution discontinued*** *– the number of natural persons against whom prosecution was discontinued under the Section 172 of the Code of Criminal Procedure or conditionally discontinued under the Section 307 of the Code of Criminal Procedure.*

*A* ***prosecution suspended*** *– the number of natural persons against whom prosecution was interrupted under the Section 173 of the Code of Criminal Procedure. Prosecution interruption is an interlocutory decision; the case is not finally terminated.*

*A* ***prosecution transferred*** *– the number of cases referred to another authority under the Section 171 of the Code of Criminal Procedure.*

*An* ***approval of the settlement*** *– the number of natural persons for whom a settlement has been approved pursuant to the Section 309 of the Code of Criminal Procedure. The settlement serves to restore the disrupted relationship between the perpetrator and the victim (injured party), where the accused admits to committing the act for which he/she is being prosecuted, compensates the injured party for the damage or otherwise makes amends for the harm caused by the criminal offence, surrenders any unjust enrichment, and pays a sum of money designated for the state into the account of the public prosecutor’s office or the court (in the case of court proceedings) for financial assistance to victims of criminal activity. An approval of the settlement is only possible in proceedings dealing with minor (less serious) offences (a petty crime, a misdemeanour – a negligent or intentional crime for which the Criminal Code stipulates a sentence of imprisonment with the upper limit of no more than 5 years).*

***Submitting a motion for punishment*** *– the number of natural persons against whom a motion for punishment was made under the Section 179(c) of the Code of Criminal Procedure. The motion for punishment is similar to a charge, but it does not contain reasoning and is more concise in content.*

***Conditionally suspended*** *– the number of natural persons for whom, instead of submitting a motion for punishment, the motion for punishment was conditionally suspended pursuant to the Section 179(g) of the Code of Criminal Procedure.*

***Suspended*** *– the number of cases in which the case was suspended within the framework of summary pre-trial proceedings for reasons pursuant to the Section 159(a) of the Code of Criminal Procedure.*

***Other outcome*** *– the number of cases that were referred to another competent authority for disciplinary or punitive hearing pursuant to the Section 179(e) of the Code of Criminal Procedure or hearing of an administrative infraction / delict pursuant to the Section 179(d) of the Code of Criminal Procedure.*

***Tab. 29.16 Persons convicted and acquitted in trial proceedings***

*A* ***convicted person*** *– a natural person against whom a judgement of conviction (even for a single crime / (criminal) offence) has been issued by a court and has become final (has already come into force); it also includes cases of conviction by final criminal order.*

***Person acquitted*** *– a natural person who has not been convicted of any crime by a court and has been acquitted of at least one crime.*

***Tab. 29.17 Convicted persons by type of sentence***

*A* ***convicted person*** *– a natural person against whom a judgement of conviction (even for a single crime / (criminal) offence) has been issued by a court and has become final (has already come into force); it also includes cases of conviction by final criminal order.*

*An* ***imprisonment*** *– a sentence served in prisons run by the Prison Service of the Czech Republic.*

*A* ***probation order******with supervision*** *– sentence execution is conditionally suspended (by a court) over a probationary period and the offender is under supervision.*

***Sentence combined with other sentences*** *– imposition of multiple sentences concurrently on a convicted natural person within the intention of the Section 53 of the Criminal Code.*

*A* ***prohibition of activity*** *– a sentence that consists in a prohibition of exercising a certain occupation, profession, function, or activity for 1 to 10 years.*

***Other sentence*** *– e.g. deprivation of titles of honour and awards, loss of military rank, forfeiture of property.*

*An* ***absolute discharge*** *– a waiver of punishment (a convict is discharged without punishment) under the Sections 46, 47, 48 of the Criminal Code and in the case of juveniles, a waiver of the imposition of a punitive measure and conditional waiver of the imposition of a punitive measure pursuant to the Sections 11, 12, 14 when several conditions are met. For example, an offender has committed the offence in a state of diminished sanity and the court orders protective medical treatment; the person regrets committing the offence and shows an effective desire for reformation (correction) and a mere hearing of the case is sufficient for reformation (correction). If the court waives punishment, the offender shall be treated as if he or she had not been convicted (sentenced).*

***Tab. 29.18 and 29.19 Persons convicted of selected criminal offences***

*Data in tables are according to the Criminal Code (the new one or the old one). Only natural persons are included.*

***Tab. 29.20 Prisoners***

***Prisoners*** *are the total number of persons placed in prisons in the Czech Republic; it is a sum of accused persons (in custody), convicted persons (serving a sentence of imprisonment), and inmates in detention centres.*

***Custody*** *is one of the security institutions by which the accused is secured for criminal proceedings and execution of sentence on the basis of a court decision. It is an institution of temporary deprivation of personal liberty, which prevents the accused from evading criminal prosecution, continuing criminal activity, or obstructing the discovery of facts relevant to the criminal prosecution. Custody is served in remand prisons or in special wards of prisons.*

***Security detention*** *is a means of protecting society by isolating particularly dangerous offenders of crimes / (criminal) offences and of acts otherwise criminal, while simultaneously affecting these persons therapeutically and in an educational way.*

*Serving of a* ***sentence of imprisonment*** *is, unlike a custody, a criminal sanction, the aim of which is to punish the convicted person and prevent him or her from committing further crimes and to educate him or her systematically to lead a proper life.*

***Tab. 29.22 Convicts who commenced the sentence of imprisonment***

*Commencements of the sentence of imprisonment include commencements from civil life, delivery of a convict to prison by the police, returns after prison breaks, returns after interruptions of the service of imprisonment pursuant to the Section 325 par.   
1 of the Code of Criminal Procedure, or a takeover from abroad.*

***Tab. 29.23 Convicts serving a sentence of imprisonment***

*A* ***recidivist*** *is the one who has already served at least one prison sentence before.*

***Tab. 29.24 Convicts serving a sentence of imprisonment for selected offences***

***Reported numbers*** *are frequencies of selected offences (alone and in combination with another offence) in sentences of imprisonment currently being served (as at 31 December of a given year). It means that one person may be sentenced to imprisonment for several offences at the same time and will therefore be counted separately in each category. Therefore, the total for individual offences will always be higher than for the number of persons serving a sentence of imprisonment in total. The individual lines thus cannot be added together!*

*Selected criminal offences are given according to the Criminal Code.*

***Tab. 29.25 Police, court, and prison personnel***

***Police officers*** *– only members of the Police of the Czech Republic (state police) are included.*

***Judges*** *– only criminal judges are included.*

***Prison guard*** *– only members of prison guards are included; civilian employees are not included.*

***Tab. 29.26 to 29.29 Traffic accidents***

***Rail accidents*** *– only serious accidents are shown, excluding suicides and attempted suicides.*

***Road accidents****, total – all road accidents reported to the Traffic Police.*

*A person involved in a traffic accident is obliged to report the accident to the Traffic Police in case of an injury or a death or in case of a damage to a third party’s property or a property (material) damage to any of the vehicles (including the load) exceeding CZK 100 000.*

***Air accidents*** *– data on air accidents are for general aviation only.*

*A* ***killed person*** *– a person who died on the scene of the accident, during the transport to a hospital or due to a road accident if death occurs within 30 days of the accident. (The data comply with the recommendation of the United Nations Economic Commission for Europe; they are reported in most of the EU Member States).*

*A* ***serious injury,*** *a* ***slight injury*** *– as classified by a medical doctor.*

***Tab. 29.30 Emergencies with interventions of fire units***

*A* ***fire*** *– any undesirable combustion, in which people or animals were killed or injured or in which property or the environment were damaged. A fire is also any undesirable combustion, which poses an imminent threat to human or animal life, property or the environment.*

*A* ***traffic accident*** *– an emergency related to an operation of a vehicle in motion, in which a person was killed or injured or there was some property damage. A case, in which fire units removed only small consequences of an accident (cleaning of a road or removal of leakages of substances – fuels, lubricants, coolants and the like) shall also be considered a traffic accident provided that it was a consequence of a traffic accident. Traffic accidents are classified by prevailing character of an accident. Provided that other works prevail in activities of fire units, e.g. due to a leakage of a hazardous substance to the environment, the intervention is classified according to its prevailing character. A traffic accident with a consequent fire always belongs to the fire category.*

***Leakages of hazardous chemical substances*** *– an intervention at an emergency connected with an undesirable leakage of hazardous chemical substances, including crude oil products (during production, transport or handling), and of other substances (hazardous substances are defined by law). Leakages are classified by the state of matter. An emergency to reduce or decrease the risk of uncontrollable leakage of flammable, explosive, corrosive, poisonous, harmful to health, radioactive, and other hazardous substances, crude oil products or other substances to the environment (natural gas, acids and acid salts, lye, ammoniac, etc.) including serious accidents pursuant to the Section 2(g) of an act on prevention of serious accidents.*

***Leakages of crude oil products*** *(****oil accident****) – an intervention especially to prevent a leakage and reduce its extent of exclusively crude oil products. It applies exclusively to leakages of crude oil products (petrol, diesel or lubricating oils). Leakages of these substances (fuels, lubricants, coolants and the like) from vehicles as a consequence of traffic accidents are classified as a traffic accident.*

***Technical emergencies, total*** *– interventions at emergencies resulting in removals of dangers or hazardous conditions.*

*A* ***technical emergency*** *– a removal of dangers or hazardous conditions of a large scale or with enormous consequences for health of persons, animals or property (e.g. a building collapse).*

*A* ***technical assistance*** *– a removal of dangers or hazardous conditions out of technological operation of plants (excluding traffic accidents). It applies to assistance with equipment of fire units without connection to any technological operation or manufacture (e.g. extrication of persons or objects, emergency opening, unlocking of locked premises, rescue of persons and animals; drawing, closing, and delivering of water, temporary or other repairs, and the like).*

*A* ***technological assistance*** *– a removal of dangers or hazardous conditions especially in technologies or operations. It applies to assistance with equipment of fire units (e.g. emergency supply of air, water, electricity; fire assistance, subsequent final suppression and extinction of centres of a forest fire, and the like).*

***Other assistance*** *– it cannot be classified to the previous categories of technical emergencies. It applies e.g. to taking down, transportation or pick-up of a patient, searching for missing persons, monitoring (e.g. of watercourses, of used scum baffles), control of traffic capacity of roads, and the like, assistances upon request of another entity (directly or indirectly provided assistance).*

*A* ***radiation accident and a radiological emergency*** *– an intervention at an emergency connected with an impermissible release of radioactive substances or ionizing radiation.*

***Other emergencies*** *– an intervention at an emergency of another type, e.g. an epidemic or an infection caused by a dangerous disease, interception of suspect consignments, and furthermore all interventions at emergencies, which cannot be classified to any of the previous categories.*

***Tab. 29.31 Interventions of fire units at natural disasters***

*A* ***natural disaster*** *– a large-scale emergency caused by natural influences in a global or local manner that jeopardise lives, health, property or the environment e.g. floods, spates, heavy rains, influence of snow, frost, windstorms, landslides, and earthquakes.*

*Natural disasters are registered by means of an attribute always in connection with the type of the emergency the consequences of which were eliminated.*

***Tab. 29.32 Basic economic indicators of the Fire and Rescue Service of the CR***

*The* ***Fire and Rescue Service of the CR*** *consists of the General Directorate of the Fire and Rescue Service of the CR (part of the Ministry of the Interior) and fire and rescue services in each of the Regions.*

***Fire units II, III, and V*** *– categories of fire units pursuant to the Fire Protection Act; it applies to municipal voluntary fire units, members of which perform the service in the unit as their job or voluntarily with the scope of operation beyond the cadastral territory of their founder, usually within 10 minutes driving distance from the place of location (fire units II and III) and units, members of which perform the service in the unit voluntarily with the local scope of operation on the cadastral territory of their founder (fire units V).*

***Tab. 29.33 to 29.36 Fires***

***Killed persons, total*** *– all killed persons found on the site of fire. The piece of data also includes persons the death of whom provably did not occur in direct connection with fire, e.g. as a result of a heart attack, a murder, and the like.*

***Killed persons in direct connection with fires*** *– persons, who died as a result of burn, combustion gas intoxication, and the like, as well as persons for whom it was impossible to find out whether they provably died in direct connection with a fire. The piece of data has been surveyed since 2014.*

*\* \* \**

*Further information can be found on websites at:*

– [www.justice.cz/web/msp/statisticke-udaje-z-oblasti-justice](http://www.justice.cz/web/msp/statisticke-udaje-z-oblasti-justice) *(Czech only)* *– Ministry of Justice*

– [www.vscr.cz/en](https://www.vscr.cz/en) *– Prison Service of the Czech Republic*

– [www.policie.cz/statistiky-kriminalita.aspx](https://www.policie.cz/statistiky-kriminalita.aspx) *(Czech only)* *– Police of the Czech Republic*

– [www.mdcr.cz/?lang=en-GB](http://www.mdcr.cz/?lang=en-GB) – *Ministry of Transport*

– [www.mvcr.cz/mvcren/](http://www.mvcr.cz/mvcren/) *– Ministry of the Interior*

– [www.hzscr.cz/hasicien/default.aspx](http://www.hzscr.cz/hasicien/default.aspx) – *Fire and Rescue Service of the Czech Republic*