

## Customer Information

### On filing complaints regarding the use of coercive measures by persons performing law enforcement tasks

#### e-Papír included in form

Case group: Complaints/ public interest disclosures

Identifier	Title of form
85	Rendészeti feladatot ellátó személy kényszerítő eszköz alkalmazásával szembeni panasz bejelentése
85	Application for complaint regarding the use of coercive measures by a person performing law enforcement tasks

This information is effective as of 16 April 2018.

#### Brief description of the case

Any person, whose rights or rightful interests have been harmed by coercive measures used by a ranger, a member of the Forestry Service, a mountain guard officer, a professional hunter, forestry personnel performing law enforcement tasks, forestry personnel authorized to perform law enforcement tasks, a fishery guard, a public area supervisor, a ranger employed by a local government or a rural guard (together referred to as persons performing law enforcement tasks) may submit a complaint to the police.

The complaint must be submitted within eight days of the use of the coercive measure, or of taking cognizance of the infringement, provided that the person submitting the complaint only took cognizance of the infringement of his rights later; however within 3 months of the use of the coercive means at the latest,

#### Who is eligible for the procedure

Persons whose rights or rightful interests have been harmed by the use of coercive measures specified in Act CXX of 2012 on the activities of persons performing certain law enforcement tasks and on the amendments to certain acts to fight truancy.

The complaint can be filed by the person concerned, their legal representative or by a person authorized by the person concerned or by their legal representative (hereinafter referred to as: representative).

No appeal procedure is provided for the administrative or misdemeanor proceedings in the case of measures taken by a public area supervisor; complaints may be filed concerning the use of coercive measures.

#### What data need to be submitted

- a) The customer and/ or their representative's name

- b) The customer's address
- c) A detailed description of the incident that the complaint concerns
- d) The customer's explicit request for a decision to be made by the authority

### **What documents are required**

If necessary, documents providing grounds for the complaint.

### **Costs and expenses of the procedure**

Free of charge.

### **Where shall it be addressed**

At a police station.

### **Administration deadline**

25 days

### **Available legal remedies**

Appeals are to be submitted to the police headquarters making the first instance decision.

Appeals are to be submitted within 15 days.

Free of charge.

### **Important terms**

Bodies performing law enforcement tasks may take the following measures while performing their tasks set forth in the law or for the purpose of other lawful measures:

1. Guard buildings, facilities and other property; stop unlawful acts
2. Restrain persons caught in a wrongful act
3. Confiscate objects temporarily
4. Conduct an identity check
5. Search clothing, bags and vehicles and seize vehicles
6. Apprehend persons caught in a wrongful act

### **Legislation relating to the procedure**

- Act LXIII of 1999 on the supervision of public areas, Article 15; Article 23, Paragraph (3); Article 26;
- Act CXX of 2012 on the activities of persons performing certain law enforcement tasks and on the amendments to certain acts to fight truancy, Article 1, Paragraph (1); Article 15; Article 22, Paragraph (4) b); Article 22, Paragraphs (5)-(7);
- Act CL of 2016 on the general rules of administrative proceedings and services, Article 13, Paragraph (1) a); Article 16 c); Article 36, Paragraph (1); Article 80; Article 116; Article 118, Paragraph (3);
- Act XCIII of 1990 on duties, Article 33, Paragraph (2) 3) and 29);
- Government decree 329/2007 (XII.13.) on the bodies of the Police and on the tasks and powers of the Police, Article 12, Paragraph (3) e).
- Government decree 487/2017. (XII. 29.) on differing and supplementary rules concerning the public administration procedures for the activities of private security personnel, private investigators and persons performing certain law enforcement tasks, Article 15.