

Customer Information

Complaints against measures taken and / or coercive means used by law enforcement personnel

e-Documents included

Case group: Complaints / public service announcements

Identifier	Title of form
85	Rendészeti személy intézkedésével és / vagy kényszerítő eszköz alkalmazásával szembeni panasz bejelentése
85	Complaints against measures taken and / or coercive means used by law enforcement personnel

This information is effective as of 1 January 2018.

Information

Short description of the case

Persons whose rights or legitimate interests have been infringed by measures taken, by the failure to take appropriate action and/or by coercive means used by nature protection guards, members of the forest protection service, professional hunters, forestry staff in charge of law enforcement, member of the forestry authority performing law enforcement duties, fishing guards, public area inspector, local governmental nature protection guard, field guard (hereinafter jointly referred to as: officials performing police tasks) may submit their complaint to the police.

The complaint on the measures taken and/or on the failure to take appropriate action and on the coercive means used, or if the complainant became aware of an infringement of a right at a later stage, shall be submitted within eight days from becoming aware of the infringement, but not later than three months from the date of the measures taken, the failure to take appropriate action and the coercive means used, respectively..

Who is entitled to the procedure?

Persons whose rights or legitimate interests have been infringed by measures taken, by the failure to take appropriate action and/or by coercive means used in accordance with Act CXX of 2012 on the activities of persons performing certain law enforcement tasks and the modification of certain acts in order to ensure efficient measures against truancy.

Submitting the complaint can be in person, by legal representative or any person authorized by the complainant or his/her legal representative (hereinafter referred to as: representative).

Following measures by the public domain directorate, no procedures by administrative authorities or procedural remedies are launched; the measures may be the subject of a complaint.

What data need to be submitted?

- a) Name of customer and / or representative
- b) Home address of customer
- c) The detailed description of the event serving as the subject of complaint.
- d) Customer's explicit application for a decision by the authority

What documents are required?

If necessary, documents establishing the complaint.

Costs and expenses of procedure

Exempt from fee.

Where shall it be addressed?

Police department.

Administration deadline

21days

Available legal remedies

Appeals shall be lodged to the police department making the decision in the first instance.

Deadline: 15 days

Costs and expenses of appeal: HUF 5,000

Important concepts

During execution of its tasks as stipulated in the relevant legislation or for the purpose of other legal measures, the body performing police tasks may use the measures listed below as follows:

1. Guarding buildings, premises and other assets, preventing the continuation of unlawful activities
2. Restraining the person found in the act of committing an offence
3. Confiscating items temporarily
4. Stop and search
5. Inspecting clothing, parcels and vehicles as well as intercepting vehicles
6. Apprehending the person found in the act of committing an offence

Relevant legislation

- Section 15. §, section 23 subsection (3), section 26 of Act LXIII of 1999 on public domain inspectorates
- Section 1, subsection (1); section 15; section 22, subsection (4), point b); section 22, subsections (5)-(7) of Act CXX of 2012 on the activities of persons performing certain law enforcement tasks and the modification of certain acts in order to ensure efficient measures against truancy

- Section 13, subsection (1), point a);section 16, point c);section 36, subsection (1);section 80; section 116;section 118, subsection (3) of Act CL of 2016 on the General Rules of Administrative Proceedings and Services
- Section 29, subsection (2);section 33, subsection (2), point 3 of Act XCIII of 1990 on Duties
- Section 12, subsection (3), point g) of Government. Decree No. 329/2007. (XII.13.) on the organs of the Police and on the responsibilities and powers of the organs of the Police