

Customer Information

On filing a complaint about measures taken by an armed security guard and / or enforcement of a coercive nature

e-Papír included in information

Case Group: Complaints / Public Notifications

Identifier	Title of form
86	Fegyveres biztonsági őr intézkedésével és/vagy kényszerítő eszköz alkalmazásával szembeni panasz bejelentése
86	Filing a complaint about measures taken by an armed security guard and / or enforcement of a coercive nature

This information is effective as of 1 January, 2018

Information

A brief description of the case

Anyone whose rights or legitimate interest have been violated by a measure taken by an armed security guard, as well as the security guard's failure to act and / or his enforcing of a coercive nature, can file a complaint with the police.

The complaint about the act and / or the failure to take action, the use of coercion – or if the plaintiff obtained knowledge later on of the violation of his /her rights, shall submit the complaint in 8 days from the date of obtaining knowledge of the violation, but no later than within 3 months.

Who is eligible for the procedure

All those whose rights or legitimate interest have been violated by the failure to act according to the CLIX 1997 Act on Armed Security Guard, Nature Conservation and Field Guard Service, and /or the enforcement of a coercive nature and / or the failure to do so.

Complaints can be submitted personally, by a legal representative, or by an authorized representative appointed personally by the plaintiff or his legal representative (hereinafter referred to as "the representative").

What data are required

- a) Name of the client and / or his representative.
- b) Address of the client.
- c) Detailed description of the event to which the complaint relates.
- d) The explicit request of the client for the authority to adjudicate.

What documents are needed

If available, documents giving details of the alleged offender against whom the complaint is made, which can be attached electronically

Costs and expenses of the procedure

Tax-free.

Where to address it

Police Department.

Deadline for administration

15 days

Available legal remedies

The appeal must be filed with the police headquarters which makes the decision in the **at** first instance.

Deadline for submission: 15 days

Appeal Cost: HUF 5000

Relevant concepts

In accordance with the duties assigned by statute to an armed security guard, he is entitled and obliged to take the following measures:

1. In the course of the guarding of a building, facility and / or other property, the guard shall instruct the person who is violating or endangering its safety to cease his activity.
2. Check their identity.
3. Remove any object that comes from a crime scene or has been used in committing the crime, or is adequate to commit an offence, from the person whose identity has been checked and who has been apprehended or detained.
4. Check his clothes and any packages.
5. Hold the person in custody
6. Hand him over to the Police

In order to interrupt the security-threatening activity , the armed security guard may take the following measures against the perpetrator by observing the principle of proportionality:

1. Force a person by physical strength to act or stop and deploy a muzzled service dog with or without a leash;
2. Use hand cuffs in order to prevent a person being detained from escaping, attempting to escape or injuring himself during the execution of a personal guarding or escorting task;
3. Deploy a chemical or electric shock device, a police baton, a no-muzzle service dog on a leash in order to prevent an attack or to deal with resistance;
4. Deploy a no muzzle unleashed dog or a firearm in case of an attack against the operation of the state or in order to prevent an armed attack against a vitally important operation, facility, supply consignment.

Relevant legislation

- CLIX 1997 Act on Armed Security, Nature Conservation and Field Watch, (1) - (2), 10 / A. § Paragraphs 2 to 5;
- the General Administrative Order of 2016 CL. (1) (a), Article 16 (c), Article 36 (1), Section 80, Section 116, Section 118 (3);
- Act XCIII of 1993 on fees, Article 29 (2), Article 33 (2) paragraph 3;
- Decree 329/2007 on the bodies of the police and the tasks and powers of the police. (XII. 13.) Government Decree Section 12 (3) (g)