

## Customer Information

### On filing complaints regarding measures and/or coercive measures used by armed security guards

#### inNOVA included in form

Case group: Complaints/ public interest disclosures

Identifier	Title of form
IN-86	Fegyveres biztonsági őr intézkedésével és/vagy kényszerítő eszköz alkalmazásával szembeni panasz bejelentése
IN-86	Application for complaint regarding measures and/or coercive measures used by an armed security guard

This information is effective as of 1 February 2020.

#### Brief description of the case

Any person, whose rights or rightful interests have been harmed by measures taken or not taken or coercive measures used by an armed security guard may submit a complaint to the police.

The complaint must be submitted within eight days of taking or failing to take the measure or of using the coercive measure; or of taking cognizance of the violation, provided that the person submitting the complaint only took cognizance of the violation of their rights later; however at the latest within 3 months of taking/ failing to take the measure or using the coercive measure.

#### Who is eligible for the procedure

Persons whose rights or rightful interests have been harmed by taking or not taking measures or by using coercive measures specified in Act CLIX of 1997 on armed security guards, environmental protection and rural guard services.

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).

#### What data need to be submitted

- The customer and/ or their representative's name.
- The customer's address.
- A detailed description of the incident that the complaint concerns.
- The customer's explicit request for a decision to be made by the authority.

#### What documents are required

If available, documents providing grounds for the complaint; can be attached electronically.

#### Costs and expenses of the procedure

Free of charge.

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

At a police station.

### **Administration deadline**

15 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.

Cost of the appeal: HUF 5000.

### **Important terms**

Armed security guards are entitled and obliged to take the following measures while performing their tasks set forth in law:

1. while guarding buildings, facilities and other property; request persons violating or endangering security to stop their activity
2. conduct an identity check
3. confiscate objects originating from a crime or used for committing a crime and any objects suitable for attack from persons identified, persons restrained or apprehended
4. restrain persons caught in a wrongful act and
5. bring them into the police station

In order to stop an activity endangering security, the armed security guard may apply the following against the perpetrator, provided that the requirement of proportionality is met:

1. physical force in order to force them to perform or stop an action; a muzzled service dog on or off leash;
2. handcuffs in order to prevent a restrained person from escaping or – while performing a body guarding or escorting task – to prevent a person whose personal liberty is restricted from escaping or from self-harm;
3. a chemical or electric taser, baton or unmuzzled service dog on leash to prevent an attack or to break resistance;
4. unmuzzled, off-leash service dog or gun to counter an armed assault or assault by an armed person against an activity, facility or shipment crucial to the operation of the state or supply to the citizens.

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

- Act No. CLIX of 1997 on armed security guard service and on ranger and rural constable services, Article 10, Paragraphs (1)-(2); Article 10/A, Paragraphs (2)-(5);
- 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 29, Paragraph (2), Article 33, Paragraph (2) 3;
- 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) g).