



COMPLAINTS AGAINST THE WORK OF POLICE OFFICERS



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If you disagree with the conduct or lack thereof of a police officer during the implementation of police tasks, which could entail the violation of human rights or fundamental freedoms, you can make a complaint **in 45 days** after the event and send it to the following address:

Ministry of the Interior
Sector for complaints against the Police of the
Police and Security Directorate
Štefanova ulica 2
1501 Ljubljana
T: 01 428 58 50
F: 01 428 58 51
E: pritozbe.mnz(at)gov.si

The complaint can be filed at the ministry in **written form, orally with minutes, or by electronic mail** to the official e-mail address of the ministry. It shall be considered that a complaint in electronic form, not signed with a safe qualified e-certificate, was filed and signed by a person who is declared on the application as the signatory.

The complaint must be comprehensible. It shall comprise:

- personal name and address of the permanent or temporary residence of the complainant,
- data on the potential complainant's authorised person,
- address for sending notifications, which can also contain other data (e-address, telephone number),
- place, time and description of the conduct or lack thereof of a police officer during the implementation of police tasks, where human rights or fundamental freedoms were supposedly violated,
- possible facts and evidence (photos, documents), which represent the basis for the complaint, and
- the complainant's signature.

When establishing violations of human rights or fundamental freedoms, the reasons for the complaint shall especially comprise statements about:

- refraining from acting or no actions of police officers,
- the use of coercive measures,
- the use of police powers, and
- communication shown in misconduct or improper attitude.

The complaint procedure shall not consider:

- any objections or claims for judicial protection in the offence procedure
- various written documents or incentives that do not fulfil the conditions of a complaint, especially when they refer to the disagreement with the prescribed methods and police's work methods or entail complaints against the procedures or actions of police officers that were not exercised during the implementation of police tasks.

In the complaint procedure, we establish the circumstances of the police procedure and the use of police powers. We do not establish whether or not the person who filed the complaint committed a criminal offence or a minor offence. By initiating a complaint procedure, you cannot avoid a criminal procedure or offence procedure and the stipulated sanctions for criminal offences or minor offences.

We verify the complaint in the complaint procedure independently, impartially and professionally. We guarantee the complainant and the police officer all procedural rights simultaneously.

Complaints filed against police officers are resolved on two levels:

- in the conciliation procedure with the head of the police organisational unit,
- before the ministry's panel.

Complaint resolution in the conciliation procedure with the head of the police organisational unit

A conciliation procedure is a meeting between the head of the police unit to which the police officer against whom the complaint was made is assigned and the complainant. The head of the police unit informs the complainant of the findings with regard to the complaint, and is obliged to allow the complainant to present facts in relation to the complaint and propose evidence for establishing the actual situation.

The head of police unit shall initially verify all facts in relation to the complaint. The head shall also verify whether the police officer's conduct was legal, professional and ethical, i.e. in accordance with the current regulations on the work of police officers. The head of the police unit shall invite the complainant for an interview where the head will present all findings and potential measures in relation to the complaint. Minutes shall be drawn about the conciliation procedure. If the complainant agrees with the findings and measures, the complaint procedure is completed when the minutes are signed.

Complaint resolution before the panel

The complaint is resolved before the panel if the complainant responds to the invitation for an interview with the police unit head and notifies them in written form that they wish to continue the complaint procedure before the panel. The complaint shall be considered by the panel if the complainant disagrees with the findings of the head in the conciliation procedure, except if the conciliation procedure documentation indisputably shows that the circumstances were sufficiently verified and the actual situation has been accurately and completely established, and a further procedure before the panel would not lead to a different decision. The ministry shall inform the complainant of the decision that the complaint shall not be considered, with a written notification. This shall end the complaint procedure.

The complaint shall be considered directly before the panel (without the conciliation procedure) in the following cases of recrimination of gross interference in human rights and fundamental freedoms:

- if a person was severely physically injured, especially severely physically injured or lost their life in a police procedure subject of the complaint;
- if the complaint refers to a police procedure where means of coercion were used against more than three persons and caused a light physical injury;
- if the complaint refers to a police procedure where firearms were used;
- if children, minors or members of national or ethnic communities or minorities or other vulnerable groups were involved in the police procedure;
- if the complaint contained statements about torture, cruel inhuman or humiliating conduct or punishment;
- if the complaint has been filed against the heads of police units or heads of internal organisational police units;
- if the complaint of an alien who does not reside on the territory of the Republic of Slovenia is considered;
- in other cases of recrimination of gross interference in human rights or fundamental freedoms.

The complaint before the panel shall be resolved by a three-member panel, comprising the Minister's authorised representative and two representatives of the public. The Minister of the Interior shall appoint the representatives of the public upon the proposal of local communities or civil society organisations, professional public and non-governmental organisations.

A complaint considered before the panel shall be thoroughly verified by the rapporteur, who shall also collect all evidence and prepare the report that will be presented at the panel's session. The rapporteur is usually the Minister's authorised representative or the

head of police unit or other police employee who has been appointed by a written decision of the Minister upon the proposal of the general director of the police and who is responsible for implementing all tasks when establishing the current complaint situation.

The complainant and the police officer subject to the complaint shall be invited in written form to attend the panel's session. The invitation shall also contain the report on the findings in connection with the complaint. The complainant and the police officer shall have five working days upon the receipt to give any comments that shall be considered at the panel's session. The complainant and the police officer shall also be notified in the invitation that the panel shall also decide on the complaint if they do not attend the panel's session, and that they shall cover their own costs of attending the panel's session. They can present all facts about the content of the complaint at the panel's session.

After the consideration of the matter of the complaint before the panel, the latter shall vote whether the complaint was justified or not. They shall adopt a decision based on the vote of at least two panel members. The panel's decision shall be final.

In accordance with the decision the head of the panel shall draft and sign a written reply for the complainant, where the panel's decision shall be explained.

When the complaint is considered justified, the police shall in 30 days after the concluded complaint procedure report to the ministry in written form on adopted and implemented measures.