



COMPLAINTS AGAINST POLICE OFFICERS



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If you disagree with a police officer's actions or failure to act while performing their duties and you think that your human rights or fundamental freedoms have been violated, you can make a complaint **no later than 45 days** after the event and send it to the following address:

Ministry of the Interior of the Republic of Slovenia
Police and Security Directorate
Police Complaints Division
Štefanova ulica 2, 1501 Ljubljana

T: 01 428 58 50
E: [gp.mnz\(at\)gov.si](mailto:gp.mnz(at)gov.si)

You can file a complaint with the Ministry of the Interior of the Republic of Slovenia (hereinafter referred to as the Ministry) **in writing, orally on the record, or electronically** to the official e-mail address of the Ministry. A complaint in electronic form which is not signed with a secure electronic signature authenticated by a qualified certificate is deemed to have been filed and signed by the person indicated as the signatory on the submission. You can also make a complaint via the eUprava (eGovernment) portal (<https://e-uprava.gov.si/si/podrocja/drzava-druzba/kazniva-dejanja/pritozba-zoper-delo-policistov>).

The complaint should be comprehensible. It should include:

- complainant's full name and permanent or temporary residence address;
- information on the complainant's representative, if any;
- address for notifications, which may include other information (e-mail address, telephone number);
- place, time and description of the act or omission by the police officer in the performance of their duties, when human rights or fundamental freedoms were allegedly violated;

- any facts and evidence (photographs, documents) on which the complaint is based; and
- complainant's signature.

In establishing violations of human rights or fundamental freedoms, particular consideration is given to the following allegations:

- omissions or inaction by police officers;
- use of instruments of restraint;
- use of police powers, and
- misconduct and inappropriate behaviour.

The following may not be the subject of a complaint procedure:

- objections or requests for judicial protection in minor offence proceedings;
- various writings and motions that do not meet the conditions for a complaint, particularly where they concern disagreement with the prescribed police methods and modes of operation or constitute a complaint against the procedures or actions of police officers that were not carried out during the performance of police duties.

In the complaint procedure, the circumstances of the application of police procedure and the exercise of police powers are established. However, it is not the purpose of the complaint procedure to establish whether the person who filed the complaint did or did not commit a criminal or minor offence. The complainant cannot avoid criminal or minor offence proceedings and the sanction prescribed for a criminal or minor offence through the complaint procedure.

In the complaint procedure, the complaint is independently, impartially and competently examined. The complainant and the police officer are guaranteed all procedural rights.

Complaints against police officers are handled at two levels:

- in a conciliation procedure with the head of the police unit;
- before a Ministry's panel.

HANDLING A COMPLAINT IN THE CONCILIATION PROCEDURE WITH THE HEAD OF THE POLICE UNIT

A conciliation procedure is an interview between the complainant and the head of the police unit to which the police officer against whom the complaint was made is assigned. The head of the police unit initially verifies all the facts relating to the complaint and whether the police officer's conduct was lawful, professional and ethical, i.e. in accordance with the applicable rules governing the work of police officers. After that, the complainant is invited for an interview where they are informed of the findings and of possible action to be taken in relation to the complaint; they are given the opportunity to present the facts in relation to the complaint and propose evidence for establishing the actual situation. A written record is made of the conciliation procedure. If the complainant agrees with the findings and measures, the complaint procedure is concluded with the signing of the written record.

HANDLING A COMPLAINT BEFORE A PANEL

The complaint is handled by a panel if the complainant does not respond to the invitation to the conciliation procedure but communicates in writing that they wish the complaint procedure to continue before a panel. The complaint is also handled by a panel if the complainant did not agree with the findings of the head of the police unit in the conciliation procedure, unless the documents irrefutably show that circumstances were adequately examined and the facts were wholly and correctly established and that further procedure before a panel would not result in a different decision. The decision not to examine the complaint is notified in writing to the complainant by the Ministry. This concludes the complaint procedure.

The complaint is handled directly before a panel (without a conciliation procedure) in the following cases of alleged serious violations of human rights or fundamental freedoms:

- if anybody has suffered serious bodily injury, particularly severe bodily injury or lost their lives in the police procedure to which the complaint is related;
- if the complaint is related to a police procedure in which instruments of restraint were used against more than three persons and slight bodily injury was caused;
- if the complaint is related to a police procedure in which 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 contains allegations of torture or cruel, inhuman or degrading treatment or punishment;
- if the complaint is made against heads of police units or heads of internal police units;
- if the complaint is made by a foreigner who does not reside in the territory of the Republic of Slovenia;
- in other cases of allegations of serious violations of human rights or fundamental freedoms.

The complaint is handled by a three-member panel, made up of a representative of the Minister of the Interior and two representatives of the public. The public representatives are appointed by the Minister of the Interior on the proposal of local communities or civil society organisations, the professional public and non-governmental organisations.

The rapporteur thoroughly examines the complaint handled before the panel, gathers the evidence and draws up a report to be presented at the panel meeting. Normally, the rapporteur is an authorised representative of the Minister of the Interior, but may also be the head of the police unit or any other police employee who is

authorised by a written decision of the Minister of the Interior upon the proposal of the Director General of the Police and is responsible for performing all tasks related to establishing the facts of the complaint.

The complainant and the police officer against whom the complaint was made are invited in writing to appear before the panel. The invitation is accompanied by a report on the findings in relation to the complaint. In the invitation, the complainant and the police officer are informed that they may, within five working days of receipt, submit comments on the report, which will be considered at the panel meeting. The invitation contains a caution that if they do not attend the panel meeting, the panel will still decide on the complaint. The complainant covers their own costs of attending the panel meeting while for the police officer attending the meeting, it is considered as part of their regular work obligation. At the panel meeting, the complainant and the police officer may present the facts related to the complaint.

After examining the complaint at the panel meeting, the members of the panel decide on the merits of the complaint in a vote. A decision is adopted if at least two panel members of the panel vote for it. The decision of the panel is final.

The head of the panel prepares and signs a written reply to the complainant, explaining the substance of the panel's decision.

When a complaint is upheld, the police must submit to the Ministry a written report on the adopted and implemented measures within 30 days of the conclusion of the complaint procedure.