

2. Police Internal Affairs

Internal Affairs Sector

Article 171.

Internal Affairs Sector monitors the legality of work performed by Mol law-enforcement officers.

Head of Sector manages Internal Affairs Sector.

Head of Sector regularly and periodically submits reports of the performance of the Internal Affairs Sector.

Forms and modes of supervision

Article 172.

Internal Affairs Sector monitors the legality of work performed by Mol law-enforcement officers, especially regarding safeguard and protection of human rights when performing police tasks and using police competences.

The mode and manner of performing police monitoring is prescribed by the Minister.

Employees of Internal Affairs Sector

Article 173.

Officially authorized persons in the Internal Affairs Sector have all police authorities regarding their rights and duties in the course of supervision and they are equal with other police employees with official status.

The procedure of Internal Affairs Sector

Član 174.

Internal Affairs Sector proceeds according to suggestions, complaints and submissions of physical and legal bodies, written addresses of police employees, according to its own initiative and also according to gathered information and knowledge.

Head of Sector informs the Minister in written form of all cases of taking of not taking actions of the police that are not in accordance with the law and takes necessary measures to determine their accountability.

Police member can not be called upon accountability for addressing Internal Affairs Sector.

Obligations and competences in carrying out supervision

Article 175.

Police employees are obligated to allow officially authorized persons of the Internal Affairs Sector to carry out supervision and give them necessary expert assistance

In the course of supervision, officially authorized persons of the Internal Affairs Sector have competence to:

- 1) Have insight into files, documentation and database which is provided, gathered and issued by the police according to their competences.
- 2) Take statements from police employees, injured persons and witnesses
- 3) Request from the police and police employees to supply files and information to the Sector that is from their competences which are necessary for the process of monitoring;
- 4) Have insight into official police premises which are used by the police in its work
- 5) Request attest and data about technical sources used by the police and demand evidence of capability of police employees to cooperate technical and other sources that they use in their work.

Officially authorized persons in the Internal Affairs Sector can not interfere into certain police actions or disturb or put in danger the confidentiality of police actions, **when they carry out supervision.**

Documentation **relating to the implementation of** competences from Paragraph 2 of this Article and marked confidential may be inspected by employees of the Ministry that carry out supervision of the police only in the presence of the responsible person who determined the level of confidentiality or by a person authorised by that responsible person.

Minister can also authorize other police employees in the Ministry to perform certain tasks of supervision of the police, besides officially authorized persons in Internal affairs.

Duties of Internal Affairs Sector

Član 176.

Internal Affairs Sector, officially authorized persons in Internal Affairs Sector and other police officers in the Ministry authorized to carry out supervision of the police take necessary measures, gather facts and evidence in the course of supervision.

Head of Sector informs the Minister and the Director with investigation results and gives recommendations to the Minister how to eliminate detected illegalities and also gives **propositions** to start adequate procedures to establish accountability.

Supervision of Internal Affairs Sector

Article 177.

Supervision of the Head of Internal Affairs Sector, police employees in Internal Affairs Sector and other police officers in the Ministry authorized to carry out supervision of the police conducts the Minister in a way prescribed by Regulation from Article 172 paragraph 2 of this Law.

If there is a reasonable danger that the supervision of the police over the use of their police competences specified in this or other law prevent the implementation of these measures or make it difficult or endanger human life and health of the persons carrying them out, police officer can refuse to access documentation, inspection of premises or communication of certain data or information until the Minister has taken a decision thereon.

If the **subject** of police supervision oversteps the competence of Internal Affairs Sector or is connected with other acts or is a case of major significance, the Minister can decide to forward that case to other organizational unit competent to start the procedure.

Competences of the Minister and obligations of Internal Affairs Sector toward the Minister

Article 178.

Minister gives the Sector guidelines, obligatory work directions, **directives** and prescriptions to carry out certain tasks and take certain measures that are within their competence.

On Minister's request, officially authorized persons and other police employees in Internal Affairs Sector submit data, documents and reports relating to certain questions from their area of work.

Reporting to the Government and National Assembly about the work of Internal Affairs Sector

Article 179.

On request of the Government and working body of National Assembly competent for security and law enforcement, the Minister files a report regarding the work of Internal Affairs Sector.

3. Supervision of law enforcement by handling complaints

Procedure for handling complaints

Article 180.

Everyone has the right to file a complaint to the Ministry against Mol police officers specifically if he/she believes that by acting unlawfully and inappropriately police officers violated their rights and freedoms.

Person from Paragraph 1 of this Article can file a complaint to the Ministry within 30 day of the alleged violation of their rights and freedoms.

Every complaint filed against a police employee is considered first by the head of organizational unit in which the implicated officer is employed or by police officer authorized by the head of organizational unit (hereinafter: unit head). If the complainant agrees with the position taken by the unit head regarding the review of the complaint, the review procedure will be completed. This fact shall be entered on the record for handling a complaint which is signed also by the complainant. This procedure must be concluded within 15 days of receiving the complaint.

In case where the complainant doesn't appear at the interview or he/she appears but does not agree with the findings of the unit head, and also in cases where findings from the complaint show that there is reasonable doubt that the criminal act **which is officially prosecuted** was committed, the unit head must forward all files regarding the complaint to the Commission, who will conduct further proceeding of the complaint.

All complaints are resolved by the Commission that consists of three members: Head of Internal Affairs Sector or other officially authorized person authorized by the Minister, a representative of the police authorized by the Minister and a civilian representative. Civilian representative who participates actively in resolving complaints in the area of police directorate, is appointed and dismissed by the Minister according to proposal of local government authorities.

Civilian representative who actively participates in resolving complaints regarding police officers in the headquarters, is appointed and dismissed by the Minister according to proposal of experts organizations and NGOs. Civilian representative is appointed for a four year period with a possibility to be reappointed.

Complaint resolution procedure in the Ministry is concluded by sending a written response to the complainant within 30 days of the conclusion of the procedure with the head of organizational unit of the police. The complaint procedure is concluded by sending a written notice to the complainant and complainant can pursue legal and other remedies to preserve his/her rights and freedoms.

Complaints procedure is regulated by the Minister.

Duty to preserve confidential data

Član 181.

Persons who perform supervision of the police are obligated to keep and protect confidentiality of data and information which they obtain in the process of supervision, even when the police employee is no longer a member of the police service.