

99089036034000

Filing a criminal complaint

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Modul	Sachverhalt
Leistungsschlüssel	99089036034000
Leistungsbezeichnung I	Filing a criminal complaint
Leistungsbezeichnung II	Filing a criminal complaint
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

Modul
Sachverhalt
Fachlich freigegeben durch
Handlungsgrundlage

- § 158 Code of Criminal Procedure (StPO) - criminal complaint; criminal complaint
- § 52 StPO - Right of the accused's relatives to refuse to testify
- § 55 StPO - right to refuse to provide information
- all offences of the Criminal Code (StGB)
- § 145d StGB - Pretending to have committed a criminal offence
- § 153 StGB - False unsworn statement
- § 164 StGB - False suspicion
- § 257 StGB - abetting
- § 258 StGB - obstruction of justice

Teaser

Anyone can file a complaint. Even if you personally are neither directly nor indirectly affected by the reported criminal offence, this path is open to you. By filing a criminal complaint, you express that you believe there is cause for criminal prosecution

Volltext

Anyone can file a complaint. Even if you personally are neither directly nor indirectly affected by the reported criminal offence, this path is open to you. By filing a criminal complaint, you express that you believe there is cause for criminal prosecution

All police stations, public prosecutors' offices and district courts are obliged to accept a report, regardless of their factual and local jurisdiction in the individual case. You can also file a report online via an internet portal (see -> Forms and other services).

Filing a report is free of charge for you.

Witness statement

By filing a complaint, you become a witness in the following criminal or administrative offence proceedings. As a witness you have the legal obligation to give truthful information.

If you are related to or related by marriage to the alleged perpetrator of the offence you have reported, you may refuse to testify. This also applies if you would

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incriminate yourself by giving evidence. If this is not the case, you must testify as a witness and then say everything that belongs to the matter of your own accord and not conceal anything. If you can no longer remember everything, you must make this clear.

You must also expect that you may be sworn in later court proceedings. Both false testimony and perjury are punishable by law and carry a not inconsiderable penalty. It is therefore best to make it clear in your testimony if you are not entirely sure. This also applies because false suspicion and pretending to have committed a crime are themselves prosecuted as criminal offences.

So if you claim, against your better knowledge, that someone has committed a criminal offence, although you know that this is not true, you can make yourself liable to prosecution. Even if you want to protect someone from prosecution or secure the benefits of an unlawful act for others by making a false statement, this can have criminal consequences for yourself.

Police investigation

If you have filed a complaint, the police are obliged to investigate the facts of the case. Once the investigation has been completed, the results are usually submitted to the public prosecutor's office. Depending on the results of the investigation, the public prosecutor decides how to proceed with the case. In the end, there may be a court conviction, a discontinuation of the proceedings or an acquittal. A discontinuation of the proceedings does not necessarily have to be without consequences for the perpetrator. He or she may, for example, be ordered to pay a fine or to do community service. In addition, a "victim-offender mediation" may be considered in appropriate cases.

Note: A report that exclusively concerns a tax or customs offence can also be filed with the tax office.

Erforderliche Unterlagen

if possible:

- Identity card / passport

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	<ul style="list-style-type: none"> • Photographs or other evidence proving the offence, for example: Proof of purchase Receipts Pictures of stolen or damaged items Screenshots of screen contents
Voraussetzungen	<p>In your opinion, there is cause for prosecution.</p> <p>Advertisement content</p> <p>The content and form of the report are not prescribed by law.</p> <p>The following questions have proven to be useful:</p> <ul style="list-style-type: none"> • Describe what happened. What actual indications can you give that a criminal offence has been committed? • State where it happened or try to describe the place. • Narrow down the period of time or give an exact time. • If you know the perpetrator or perpetrators, name him or them or state what you know about the persons and describe them. However, the criminal complaint can also be directed against unknown persons if the person reported cannot be named. • Describe the course of the offence from your point of view, if possible, in chronological order. • If you know anything about the causes or previous events leading up to the crime, please include these in your report. • Are there any other persons involved or are there any witnesses who saw or could have seen something? • If necessary, state the damage caused or a description of stolen objects.
Kosten	none
Verfahrensablauf	<p>By filing a report, you inform the prosecution authorities (police and public prosecutor's office) about the event and the course of events. You can contact any police station in writing, by telephone or verbally to file a report. This is also possible online.</p> <p>Online report</p> <ul style="list-style-type: none"> • Call up the online service via Amt24 (-> Forms and

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other services).

- Enter the city or municipality where the incident occurred. This will automatically select the province responsible for processing.
- Select the form for making a report to which you assign the offence. You can choose from the following: Theft/property crime Fraud Damage to property Hate and incitement on the internet Other criminal complaint
- Fill in the data fields according to the instructions. The entry is accompanied by legal instructions (witness or accused instruction, as well as criminal complaint requirement and discontinuation notice).
- It is possible to submit documents such as purchase receipts, receipts and/or pictures such as screenshots, pictures of damage or stolen objects with the complaint.
- You can cache the details at any time and complete them at a later date.
- By completing the entry, your advertisement will be sent automatically. You will receive an e-mail with a case number and the contact details of the office processing the report.

Receipt and examination

The responsible police department will receive and check the report. Reports of offences committed outside Germany or in another federal state will be handed over to the responsible authorities.

Investigations / Consequences

On the basis of the information you provide, the police will start an investigation. If the alleged perpetrators are known, they will be investigated as suspects. If you are unable to provide any information about them, the police will investigate on the basis of traces or statements by other witnesses; charges will then be brought against unknown persons

Only if there are no leads available will the public prosecutor's office close the case. The chances of success differ depending on the type of offence. Basically, the more information you provide, the higher

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	<p>the chances that the police will find the perpetrator.</p> <p>Tips:</p> <ul style="list-style-type: none"> • For some offences, such as damage to property, insult or simple or negligent bodily harm, a criminal complaint must also be filed. The necessary forms are available from the police. • If you think of further details after filing the complaint, you can add them at any time, but promptly if possible. • In principle, your statement must be complete and truthful. However, you do not have to make any statements that incriminate yourself or a relative.
Bearbeitungsdauer	
Frist	none
weiterführende Informationen	
Hinweise	<p>Your advertisement will be marked with a transaction number. You can use this number to</p> <ul style="list-style-type: none"> • Send additional information on your report, for example a statement of damage, to the police and • file a damage report with your insurance company.
Rechtsbehelf	inapplicable
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	