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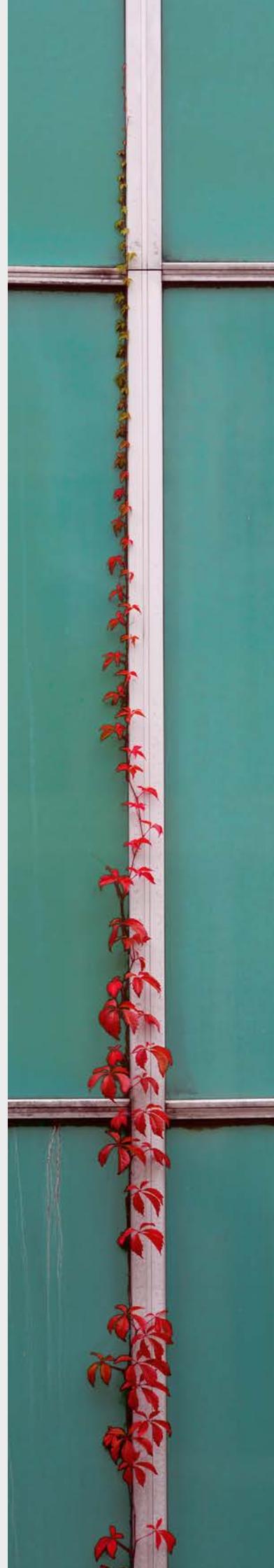
The Parliamentary Ombudsman Norway

**National Preventive Mechanism against
Torture and Ill-Treatment**

VISIT REPORT

- Summary and Recommendations

**Drammen police
custody facility
22 October 2014**



The National Preventive Mechanism's visit to Drammen police station 22 October 2014

The Parliamentary Ombudsman's preventive role

After Norway's ratification to the Optional Protocol to the Convention against Torture (OPCAT) in the summer of 2013, the Parliamentary Ombudsman was given a mandate to prevent torture and other cruel, inhuman or degrading treatment or punishment.¹ To fulfil this mandate, a special unit called the National Preventive Mechanism (NPM) was established in the Parliamentary Ombudsman's office.

Representatives of the NPM make regular visits to locations where people are deprived of their liberty, such as prisons, police custody facilities, psychiatric institutions and child welfare institutions. The visits may be announced or unannounced.

On the basis of these visits, recommendations are issued with the aim of preventing torture and other cruel, inhuman or degrading treatment or punishment.

The Parliamentary Ombudsman, through the NPM, is authorized to enter all places of detention and to engage in private conversations with those who have been deprived of their liberty. The NPM also has access to all essential information relating to detention conditions. Through independent observation and dialogue conducted during its visits, the NPM seeks to uncover risk factors that could open the way for abuses to occur. Conversations with persons deprived of their liberty are given special priority.

The National Preventive Mechanism also conducts extensive dialogue with national authorities, civil society groups and international human rights bodies.

Summary of the report

The Parliamentary Ombudsman's National Preventive Mechanism (the NPM) visited the Drammen police station on 22 October 2014. The station houses Southern Buskerud Police District's primary police custody facility, and has a total of 18 cells. The police district was notified of the visit four weeks ahead of time, and was asked to submit certain information.

The NPM's visit to the Drammen custody facility was well arranged by the police. The overall impression was that the facility is solidly led and managed. Between 2009 and 2013, the police district was penalized with fines on four occasions, three of which concerned the Drammen custody facility. The sanctions have resulted in several measures that have contributed to a higher degree of professionalism in police custody tasks. One aspect of the police response has been to raise the status of duties performed by custody officers.

During its visit, the NPM examined the police's handling of serious incidents and use of force in the custody facility. The general impression was that officers in the facility work thoroughly and methodically when the risk of violence and injury is greatest. The NPM found some recordkeeping weaknesses in the supervision of high-risk detainees. It was found that strip searches take place after

¹ The Parliamentary Ombudsman Act § 3a.

individualized assessments. In 2012, the Norwegian Bureau for the Investigation of Police Affairs fined the police district after a detainee, with back against the wall, had been fastened by handcuffs to two metal rings in the wall. The metal rings in that cell have since been removed. Excessive use of handcuffs was not shown to be a problem in the custody facility.

Because police custody is unsuitable for lengthy stays, the NPM looked closely at police efforts to ensure transfer to prison within two days. From 1 September 2013 to 1 September 2014, 112 people spent more than two days in the custody facility. The NPM took special notice of the fact that two minors spent almost three days in the facility in the summer of 2013. As for efforts to relieve the harshness of time spent in custody cells, the records contained little indication of measures taken or considered to alleviate the effects of isolation.

During the visit, the NPM also looked into detainee access to health care. In its conversations with detainees, no complaints were made regarding access to the local accident and emergency care centre (*legevakt*). The care centre's special routine for seeing detainees who are taken there for medical treatment appeared to be sound in practice. It emerged, however, that the police are usually present in the room as the medical examination is conducted. The NPM also found some weaknesses in regard to detainees' right to have relatives or third parties notified of their admission to custody as well as their right to contact defence counsel and receive information about their rights as persons taken into custody or arrested.

The NPM undertook an inspection of the custody facility's premises. In the reception room, behind a bench along the wall, three metal rods mounted on the wall were observed. It was stated that these were no longer in use and could be removed. Most cells lack direct daylight, and none has a clock. It also emerged that the light on the cells is generally left on 24 hours per day for supervisory purposes, including the ability to monitor detainees by video if necessary. Several persons in custody felt that the lighting was bothersome at night. The custody facility lacks a suitable area where those in detention can have access to fresh air.

On the basis of findings made during its visit, the NPM issues the following recommendations:

- The police should establish procedures to record the results of supervisory actions and observations involving high-risk detainees, focusing on their respiratory rate and body position.
- Consideration should be given to expanding the local custody instruction guide to include practical guidelines for carrying out strip searches, including the removal of clothing in two stages.
- The police, in cooperation with the Correctional Services, should further strengthen efforts to comply with the two-day deadline for transfer to prison. The police should ensure in particular that the deadline is observed for minors in all cases.
- The police should find a suitable room where minors can wait in the company of a child welfare officer before being driven home or returned to the relevant institution.
- The police should strengthen efforts to mitigate the adverse effects of isolation, in particular by considering the possibility of visits from outside for persons held in custody for more than two days.

- The police should ensure that detainees are permitted to speak directly with health personnel at the local accident and emergency care centre, and that phone calls can take place without police and custody officers overhearing.
- The police should not be able to hear conversations in the patient room at the local accident and emergency care centre. Nor should the police be able to see into the patient room, unless requested by health personnel in special instances.
- The police should ensure that all detainees are offered written and verbal information, as soon as possible and in a language they understand, about the rights of persons detained or arrested.
- The police should establish a procedure asking all detainees to sign an affirmation that they have been informed of their rights in a language they understand.
- The police should ensure that all detainees are informed of their right to have relatives or third parties informed of their admission into custody; the police should also ensure that detainees are asked whether such notification is desired.
- The police should ensure that notification or attempted notification of defence counsel is always carried out without undue delay, regardless of time of day.
- The police should ensure that informational materials on the rights of persons arrested or detained are updated to clarify this right of notification.
- The police should remove the metal rods attached to the wall of the reception room.
- The police are advised to consider upgrading one or more custody cells to give them a more humane design.
- A better lighting-control system should be created for all the cells, and it should include an option to dim the lights at night without compromising the opportunity to observe persons in detention; all cells should also have clocks installed.
- Detainees should be assured of sufficient access to fresh air. At a minimum, persons detained should be able to breathe fresh air and see daylight on a daily basis, and be given a genuine opportunity for movement and the feeling of being outdoors.



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Torture and Ill-Treatment**

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