

Norwegian Bureau for the
Investigation of Police Affairs



2011

annual report



2011

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annual report

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Foreword

The purpose of the Annual Reports from the Bureau is, in addition to presenting statistical data, to point to opportunities for learning through experience. This year's report focuses, among other things, on police detention.

The Bureau has forwarded 220 cases to administrative assessment since its establishment on 1 January 2005. Typically these cases have not resulted in punitive reactions, but the investigation has revealed a need for an improvement of routines. Close to 20 % of the cases that have been forwarded for administrative assessment deal with issues concerning the use of police detention. 6 out of the 12 cases in which the Bureau issued corporate penalty relate to incidents during detention. A repeated issue in these cases was insufficient control with procedural deadlines and/or a failure in the transferring of responsibility between employees. Oslo Police District was given a corporate penalty in 2011 after a 17 year old asylum seeker was held in detention for 5 days in 2010 without having been arraigned. Hedemark Police District was given a corporate penalty for, among other things, not having paid sufficient attention to the regulations regarding the deadline for arraignment in the Criminal Procedure Act.

In 2011 the Bureau considered several cases involving unlawful use of force in detention. Three of the cases have resulted in indictment or optional penalty writ. A custody officer has accepted a fine for not having supervised the arrested persons in accordance with regulations and instructions. The Bureau has considered several cases in which the arrested persons' right to an attorney has not been handled correctly. A reoccurring problem is

that decisions regarding measures taken during detention are not sufficiently documented.

Despite the fact that the number of cases is relatively small compared to the number of deprivations of liberty each year, the Bureau believes that they illustrate a situation that give rise to concern. The goal for the managing and operating of the police detentions must always be the highest possible level of knowledge and compliance with regulations and rights as well as a close attention to elements of danger. An infringement on the rights of persons deprived of their liberty is unacceptable.

The news media and society in general have had good reasons to be concerned with the horrific events that took place on 22 July 2011. How the police handled their tasks in relation to the events in question has been criticized and debated. The Bureau has so far not seen any information relating to the operative efforts of the police that suggest that the police have conducted themselves in a manner that may result in criminal liability. For this reason the Bureau has chosen not to initiate an investigation. One of the counsels for the aggrieved party filed a report on behalf of his client. The report, which related to a Police District's use of one of the youth at Sundvollen Hotel to collect facts, was dismissed because there were no reasonable grounds to initiate an investigation. Following an appeal, the decision of

the Bureau was maintained by the Director of Public Prosecution.

One of the objectives of creating of the Bureau was to strengthen the public's confidence in society's ability and willingness to investigate and prosecute crimes committed by members of the police and the prosecuting authority. The Bureau has, within the frame work of current regulations regarding freedom of information and confidentiality, chosen to present many of its decisions in anonymized versions on the Bureau's home page. For the purpose of giving insight to the content in reports received as well as how they are considered and assessed, the Bureau has, in 2011, presented summaries of all cases within the area of responsibility of Investigation Division West Norway. The summaries have resulted in few questions. The Bureau has asked the media about the value of this material. The feedback suggests that the publication of decisions or summaries is a useful initiative that definitely should be continued. In the opinion of the press, the system gives a good understanding of the kind of reports/complaints that are filed against members of the police and the prosecuting authority. The Bureau will continue to present summaries of cases from Investigation Division West Norway in 2012. The Bureau does not have the capacity to present summaries of decisions in all cases.



Organization and Staffing of the Norwegian Bureau for the Investigation of Police Affairs



Organization and Staffing of the Norwegian Bureau for the Investigation of Police Affairs.

The Bureau is organized with one level for investigations and one level for senior management and the final decisions regarding prosecutions.

The Bureau is organized with three Investigation Divisions.

The Director of the Bureau, who has the overall responsibility for the operations of the Bureau and decides on prosecutions in all cases, is located in Hamar.

The Bureau has 34 permanent employees of which 18 are investigators. Employees are localized with 16 in Hamar, 10 in Oslo, 4 in

Trondheim and 4 in Bergen. In addition to the permanent employees, 11 persons are engaged on assignment and handle processing of criminal cases.

These positions are held by 10 lawyers in private practice and a psychologist. They all have varied and comprehensive work experience from private and public enterprises. The system of using persons on assignment underlines the independence of the Bureau and furthers openness and trust.

Investigators in the Bureau must have a good knowledge of the organization and working methods of the police and must be able to conduct themselves with authority and confidence when required. The Bureau's investigators are mainly recruited from positions within the police. The Bureau also employs investiga-

tors with alternative professional backgrounds and work experience. Several of the permanently employed legal professionals in the Bureau have been employed by the prosecution authorities during their careers.

The collective experience of the legal professionals is varied and includes positions in state and municipal administrations, private enterprises and as lawyers.

The Bureau emphasizes professional development amongst its employees and has held three professional seminars during 2011. Topics during these seminars have included learning from experience based on the Bureau's own cases, methods for fighting organized crime, the use of physical force, how to approach persons with challenging personal disorders, human rights and legal authority for

intervention warranted by the Police Act, time of death and forensic assessments, the multicultural Norway and challenges for the Bureau. In addition to the Bureau's own employees and those on assignment there have been lecturers from the Organized Crime Section at Oslo Police District, the Police University College, the Norwegian Institute for Public Health, Kripos and the Norwegian Centre against Racism. A professional seminar was also held in Sweden in cooperation with the Swedish National Bureau for Police Affairs. Representatives from Denmark and Finland were also participating. The representatives of the different countries presented their systems for investigating the police. In addition, lectures were held on the topics of police violence and police corruption.

Several employees participated in different courses which, among other places, were held at the Police University College. These included a theoretical presentation and practical demonstration of arresting techniques, interview methodology and management of criminal investigations.

It is the objective of the Bureau to keep absence due to illness at a level of below 4 %. The absence due to sickness in 2011 was at 3.43 %.



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The police and prosecuting authority are, based on their mission in society, dependent on the public's trust.

DEPRIVATION OF POSITION BY COURT JUDGMENT

According to the Penal Code section 29, a person who has committed a criminal act which demonstrates that said person is unsuited for or may abuse a position may, if it is in the public's interest, be deprived of the position or the right to hold such a position in the future.

The police and prosecuting authority are, based on their mission in society, dependent on the public's trust. Consequently, it is often necessary to consider deprivation of position as the only penalty or as a penalty in connection with other penalties in cases where employees of the police or the prosecuting authority have committed criminal acts.

19 persons have been deprived of their right to a position in the police service by court judgment since the Bureau became active on 1 January 2005. This number relates to cases that have been investigated by the Bureau. The Bureau has no overview over the number of police officers who have been deprived of their position in criminal cases investigated by the police and prosecution authority within the regular system.

The 19 persons who have been deprived of their right to a position in the police service have been found guilty of different types of crimes. A grouping according to the main counts of the indictments for each individual case provides the following picture:

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| Gross corruption: | 4 |
| Sexual offences: | 3 |
| Misappropriation of drugs and the abuse of drugs: | 3 |
| Embezzlement/theft: | 3 |
| Breach of confidentiality: | 3 |
| Threats: | 2 |
| Document forgery: | 1 |

In two of the cases, the deprivation was limited to 5 years.

18 of the 19 cases involve men and 1 involves a woman. 18 of the persons were trained officers. The average age of the persons deprived of positions was 43 years old. 7 of the persons involved were older than 50 years at the time when the act was committed. The youngest person to be deprived of the right to a position in the police service was a 19 year old custody officer.

The cases involve gross breaches of confidences with regards to the role as a police officer or serious infringements on the rights of persons who are vulnerable and dependent on the police. The content of the sentencing in addition to the deprivation of position varies. In one case deprivation of position was the only reaction. The case involved a police officer who was convicted of corruption after having processed and approved an application for residence permit in Norway for a family member.

A custody officer who had leaked confidential information to persons with connections to criminal gangs was, in addition to being deprived of the right to have a position in the police service for 5 years, fined NOK 10.000. The harshest sentence in addition to the deprivation of position in cases investigated by the Bureau was an immediate prison sentence for 2 years.

The sentencing framework for the offences according to which the indicted person is sentenced is not essential to the question of deprivation of position. Several examples demonstrate that a breach of confidentiality, cf. the Penal Act section 121 subsection 1, with

a sentencing framework of 6 months imprisonment, has led to a deprivation of position.

In connection with the deprivation of position, and especially in relation to experienced police officers, the defense has argued that the consequences are too much of an infringement in that the convicted person also loses the right to a pension from the age of 57. The question was commented on by the Supreme Court in 2011 in a case regarding a police officer who was convicted of corruption. The fact that the convicted person lost the right to a pension by being deprived of his position was, according to the Supreme Court, a consequence of his criminal behavior that was without importance to the sentencing.

There are few examples of cases in which the Bureau has demanded that the convicted person be deprived of the right to hold a position in the police service, but where the Court has reached a different conclusion. A police officer was convicted for a violation of the Penal Code section 200, subsection 1, section 124, and section 325 no 1 and no 3 for having touched a woman's breasts in connection with an interview. Borgarting Court of Appeal did not deprive him of his position. The convicted person was acquitted for several similar incidents, and the Court of Appeal stated that a deprivation of position was not a relevant reaction when the conviction only related to a violation of section 200, subsection 1. Further, the action in question did, according to the assessment of the Court of Appeal, belong to a group of less serious offences under the scope of section 200 subsection 1.

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DOCUMENTING decisions in criminal cases

When the Bureau receives a report from a person claiming to be the victim of unlawful conduct from the police, the unit normally initiates its work by collecting from the police the relevant documents which relates to the incident in question.

The Bureau has, on several occasions, experienced that the police has no notes or a case regarding the incident in question or that the police documentation is insufficient. This also applies to incidents when coercive measures have been used against the person filing the report.

According to the terms of the Criminal Procedure Act and the Prosecution Instructions, documentation of decisions to use coercive measures must be ensured. This involves that when the police has used coercive measures and a person has been accused as a result of this, a case must be opened from where the applicable documents can be retrieved.

In 2011 the Bureau decided a case in which a Police District in 2010 received information about a person who had been driving a car while under the influence. The police turned out to the address of the person reporting as well as the reported person but did not run into the suspect. The car that the suspect had driven as well as his place of residence was searched in the presence of witnesses. When the police found out that the suspect was at a bar, a patrol unit was asked to go and assess whether the suspect seemed intoxicated. He was subsequently apprehended outside the bar, controlled and then transported to the po-

lice station for a closer examination of whether there were signs or symptoms of intoxication. As he was not considered to be under the influence, he was released shortly after.

When the suspect in a report to the Bureau claimed, among other things, that the police had used unnecessary force against him, the Bureau requested access to the case documents in question from the Police District. It turned out the Police District had not opened a criminal case. The police had basically nothing in writing about the incident in question. A note had been prepared only after the Police District learned that the suspect was dissatisfied with the way he had been treated.

The fact that the police, as society's civil enforcement system, use coercive measures against individuals and then violates current regulations by neglecting to ensure documentation of such use is a serious matter. Lack of documentation weakens society's ability to ensure that the police uses its authorizations in a legal and justifiable manner, both with regards to the material terms as well as the decision-making authority. Security under the law for the person subjected to coercive measures is also weakened. This may, among other things, lead to an uncertainty with regards to whether the person subjected to the infringement by



the police have been informed of his or her rights. An imprecise practice with regards to the requirements for documentation may result in an uncertainty in any situation as to whether the police are using its authority in accordance with the premise of the legislator.

In situations where the Bureau has pointed out that requirements regarding documentation have not been met, individuals within the police service has stated that the determining factor for not opening a case has been consideration for the person who has been searched or apprehended. When no criminal act has been proven, that police have wanted to spare the person from being registered with a case. These considerations are not acceptable in relation to law, security under the law and the need to be able to control the use of coercive measures by the police.

So far, none of the cases considered by the Bureau have been serious enough to result in a penalty against an individual. However, when a Police District was fined as a corporate for gross negligence in the line of duty in connection with a search, lack of documentation was one of several factors that resulted in a conclusion of criminal liability.

Even though no individual case has resulted

in criminal liability, this may change if there, amongst employees in the police service or in businesses can be demonstrated a practice which involves a repeated ignoring of the statutory requirements for documentation.

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According to the terms of the Criminal Procedure Act and the Prosecution Instructions, documentation of decisions to use coercive measures must be ensured.

The above mentioned case was appealed to the Director of Public Prosecution. The Director of Public Prosecution found, as had the Bureau, that there were no grounds for a penalty. Regarding the failure to open a criminal case and ensure documentation regarding the use of coercive measures, the Director for Public Prosecution stated that the office had been concerned with the importance of securing sufficient documentation regarding decisions in criminal cases as well as who is responsible for the decision for some time. The Director for Public Prosecution believed that the case illustrated a potential for improvement.

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Corrupt actions by police officers undermine trust in the legal system, and crimes such as these represent a threat towards important principles that are the foundation of our society.

Borgarting Court of Appeal passed a judgment on 30 June 2010 in which two police officers were found guilty of gross corruption. The basis for the case was an indictment issued by the Bureau regarding a business man who was repeatedly taken out of prison by the two police officers. It was alleged that the business man was needed for questioning, but in reality he spent the time working at his business or at home. For this,

the business man paid to one of the police officers NOK 55,000. The other officer received NOK 25,000. The money was given as sponsoring of the police officers hobby. The Supreme Court considered one of the police officers' appeal against the sentencing and concluded that the sentencing was correct (Supreme Court Records 2011 page 477).

The police officer was sentenced to a prison

term of 1 year and 6 months. He was also deprived of his position and the right to hold a position with the police for all time. The Supreme Court pointed out that sentencing must take into consideration how police officers perform invasive authority on behalf of the public and how it is a requirement that they are widely trusted in society. Corrupt actions by police officers undermine trust in the legal system, and crimes such as these represent a threat towards important principles that are the foundation of our society, especially the principle that we are all equal in the eyes of the law. If one allows the impression that persons with sufficient means or contacts can bargain their way out of legal obligations or decisions made by public authorities, this will negatively impact the trust in the legal system.

The fact that the received amount did not compare to the amounts that may be involved in corruption in business relations was not regarded as mitigating because the case involved such a serious breach of trust toward public authorities and a counteraction of the judicial system. As the actions so obviously made the convicted person unfit as a police

POLICE CORRUPTION IN NORWAY

The Supreme Court considered two cases in 2011 regarding the indictment of police officers for corruption. In both rulings the Supreme Court submitted important clarifications on certain legal issues. The seriousness of corrupt behavior by police officers is stressed in both rulings.

officer, the loss of this right had limited impact on the prison sentence that was meted out. The fact that the police officer, by losing his position, also lost his right to a pension from the age of 57, was, according to the Supreme Court, a direct result of his corrupt actions and had no bearing on the sentencing.

The Supreme Court made its ruling in the second case on 17 November 2011 (HR-2011-2143-A). The case involved a police officer who, while he was the enforcement officer in a Court of Enforcement case filed by A, worked privately for A to promote A's interests in a case directly related to the case before the Court of Enforcement. Hålogaland Court of Appeal sentenced the police officer to imprisonment for 10 months and deprived him of the right to hold a position in the police for all time.

The police officer claimed that his actions did not fall under the scope of the law because it was only to a limited extent that he received payment from A for the assignment. The payment he received was not related to his position with the police, but was compensation

for work performed for A during the police officer's time off.

The Supreme Court had no doubt that the police officer, both on and off duty, had used his knowledge and his position as enforcement officer in the police to A's advantage.

With reference to, among other things, circular from the National Police Directorate regarding side income for police employees, the Supreme Court submitted that the police officer was not entitled to take on this private assignment for A. Even though payment from A for this unjustified assignment in part covered expenses, the Supreme Court was of the opinion that the indicted person had benefited financially from his position in a way that fell under the scope of the law. The Supreme Court also believed that the advantage was inappropriate because, among other things, the employer had not been informed of the private assignment.

Further, there was no doubt that the corruption was to be regarded as gross even though the amount involved was relatively small

(NOK 55,000). The Supreme Court said: "As a law enforcement officer he is part of the legal system where neutrality is especially important, which is essential if the public is to have trust in the legal system.

With reference to the fact that the case was not as serious as the previously mentioned case, and that the convicted person had not obtained substantial financial gain as a result of the criminal offence, the prison term was reduced from 10 to 8 months.

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Employers' Attention to Information Regarding the

CONDUCT OF POLICE EMPLOYEES

The Bureau has considered several cases in which it has been revealed that superiors have received information regarding employees that should have been followed up more thoroughly.

A pronounced follow up would, in some instances, have prevented the commitment of criminal acts. Employees in the police service are subject to strict requirements regarding conduct. These requirements incorporate violation of law as well as other behavior of significance to a position in the police service. Not all behavior which is acceptable from a civilian will be acceptable from a police officer. According to the Police Regulation the conduct of a police officer shall be irreproachable. The police officer shall, whether on and off duty, behave in a manner that warrants such respect and confidence from the public as is required for the position. The Bureau points to two examples of incidents in which, in retrospect, it is evident that the police should have followed up information regarding conduct more thoroughly.

A 16 year old girl came with her mother to the police station in 2005 and reported the content of text messages she had received from

a police officer in the Police District. It was the opinion of the mother and the girl that the police officer had behaved in an inappropriate and blameworthy manner. The police received a document which gave an account of the content of the text messages. The communication from the girl did not result in a follow up from the superiors in the police district towards the police officer in question. In 2007 the girl contacted the Police District again. This time she informed that she suspected the same police officer of inappropriate behavior towards young girls online. She also submitted print outs of chat logs which clearly indicated that the person in question was an employee of the police. Several of the superiors in the Police District participated in the assessment of the information provided by the girl. Her communication was considered to be lacking in substance, and no measures were implemented. Again, the police officer was not made aware of the communication. In 2010, based on a communication from a different



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Not all behavior which is acceptable from a civilian will be acceptable from a police officer.

girl, investigations were initiated against the police officer which resulted in a comprehensive indictment and a conviction in the District Court. Many of the counts in the indictment related to incidents that occurred after 2007.

A superior in a Police District received information from the emergency room that they were worried that a police officer was stealing medication. According to the assessment of the superior, the information was not credible. The police officer in question was not made aware of the concern from the emergency room. The police officer was later investigated and convicted for, among other things, embezzlement of confiscated narcotics and the use of narcotics.

It is the view of the Bureau that the above mentioned examples as well as several other cases illustrate that certain police superiors demand too much from information regarding their own employees before such information

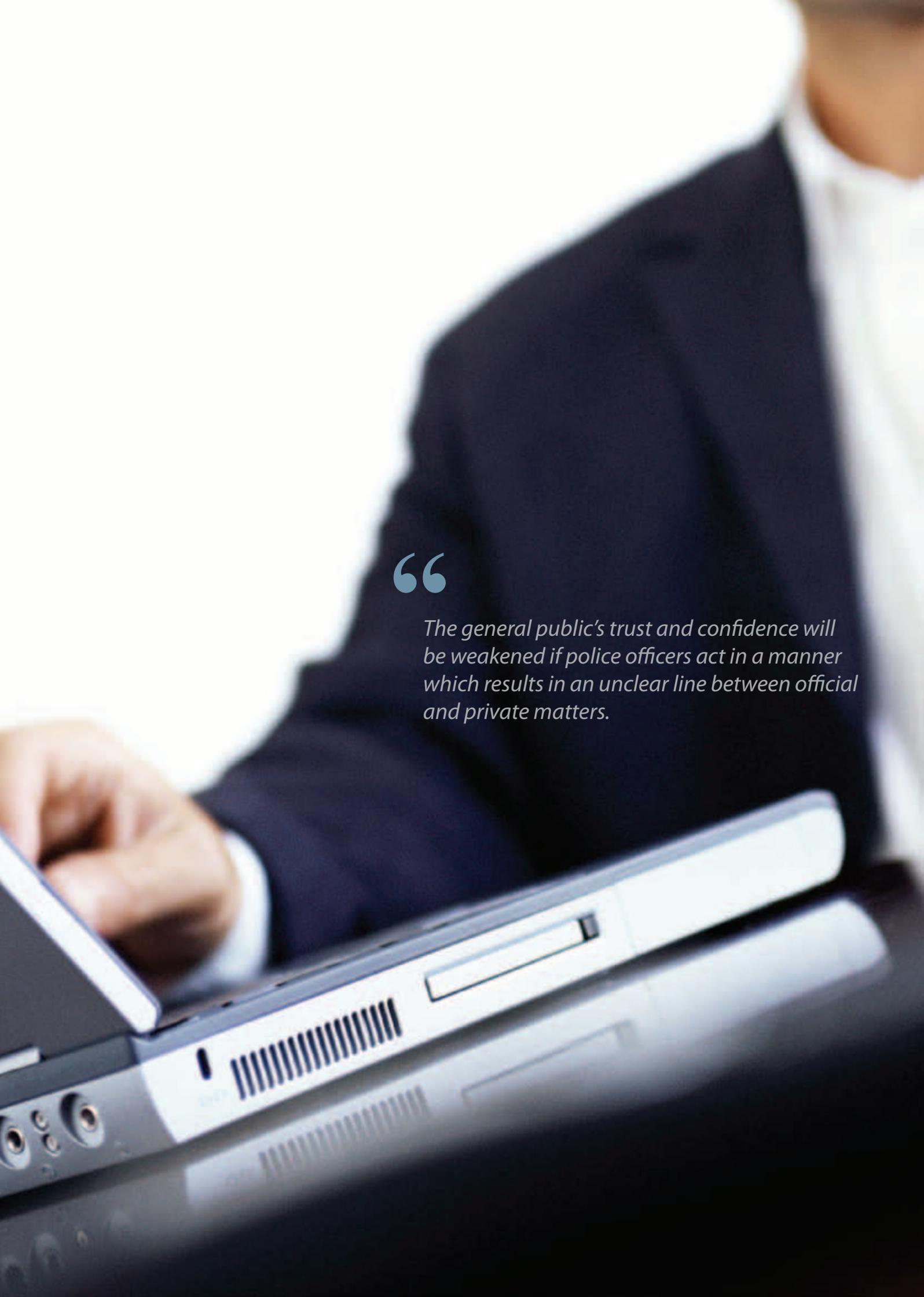
results in active follow-up. With regards to the above mentioned examples it is very difficult to see which considerations spoke against a more direct follow-up in relation to the police officers in question. If the information was untrue, the person in question should have been given the opportunity to refute it. Had the conduct been addressed, it would also have encouraged some self-searching from the persons in question.

Superiors in the police who fail to follow up information regarding the conduct of their employees may, in the utmost consequence, themselves be criminalized. The Bureau has initiated investigations in several cases and has assessed whether the discretion exercised by the superiors involved has been insufficient and reprehensible to an extent that warrants criminal liability. So far no one has been penalized. The police superiors have been criticized in several of the cases. The cases have been forwarded for administrative assessment.

The Bureau sees it as important that the police have a culture in which the follow-up and communication regarding negative information from the general public or others are a natural part of the interaction between superiors and employees. It is also important to ensure that the persons reporting feel that they are taken seriously. Currently clear regulations exist with regards to police follow-up of possible criminal conduct and administrative complaints. There should be no need for rules regarding other types of information which give rise to questions regarding the suitability and conduct of a police officer. A clear and responsible leadership should be the answer.

The Bureau has, in an article from the annual report for 2009, page 14, posed the question of whether criminal acts within the police may be prevented. This article concerns itself with some of the same issues as the article in the annual report from 2009.

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The general public's trust and confidence will be weakened if police officers act in a manner which results in an unclear line between official and private matters.

The Use of **POLICE SIGNATURE** in Private Contexts

Every year the Bureau receives reports in which police officers are accused of abusing their position. In some instances the reports are based in whole or in part on how the police officer has communicated with an outsider by using of the police e-mailing system or the stationery of the police.

A police officer helped a friend with the sale of a property. A dispute arose between the seller and the buyer, and the police officer communicated with the buyer on several occasions via the police e-mailing system. He also sent a letter to the buyer in an envelope which had the police district logo printed on it. In one of the communications the police officer said, among other things: "I investigate criminal cases on a daily basis and I am used to writing formal complaint." The buyer, who considered that he was being threatened by the police officer to drop a civil claim, reported the police officer for abuse of position, cf. the Penal Code section 124. It was argued that the police officer used the authority provided by his position to achieve the desired result in the dispute. The Bureau investigated the case and concluded that the investigation had not revealed evidence to suggest that the police officer knowingly had abused his position. The unit did, however, find reason to criticize the use of the police e-mailing system and envelopes. It was also considered unfortunate that the police officer, in his dialog with the other party, had made references to his position and experience as a police officer. Regarding the use of

the e-mailing system, reference was made to a circular from the National Police Directorate (POD) to the Chiefs of Police in 2008 in which it is stated regarding the use of the internet: "Employees shall use the e-mail address <name>@politiet.no only in connection with professional use of web related services." The decision of the Bureau was appealed to the Director of Public Prosecution who maintained the dismissal with regards to the Penal Code section 124. The Director of Public Prosecution did, as did the Bureau, criticize the conduct.

Several cases that are reported to the Bureau indicate that the police e-mail system, in some contexts, is used in conflict with the guidelines from POD. The general public's trust and confidence will be weakened if police officers act in a manner which results in an unclear line between official and private matters. Further, the Police Regulations dictates that police officers must make a clear distinction between official and private matters.

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INCIDENTS DURING DETENTION

A person in police custody is surrendered to their guards. It is the responsibility of the police and the prosecuting authority to ensure that there are legal grounds for each individual deprivation of liberty from initial detention to the release of the person. It is the responsibility of the police and the prosecuting authority to ensure that the basic needs and rights of the person deprived of liberty is fulfilled at all times. This requires that each individual who is assigned tasks in relation to the arrest conduct themselves in a proper and responsible manner, and that the police districts have good routines for this aspect of their activities.

A synopsis of several of the cases mentioned in this article as well as other cases regarding incidents during arrest can be found on the Bureau's web site.

In 2011 the Bureau decided upon two cases regarding serious incidents in the Central Detention Centre in Oslo. The first case that was investigated and determined by the Bureau involved a 17 year old asylum seeker who was arrested on 8 March 2010 on the suspicion of aiding and abetting in the sale of drugs. Prior to the remand hearing on 10 March, the prosecuting authority decided to revoke the application for remand in custody and the 17 year old should have been released. Due to, among other things, insufficient routines and unclear distribution of responsibility, he remained in police custody until 12 March. Oslo Police District was given a corporate penalty for gross negligence in the line of duty. The decision to prosecute put particular emphasis on the organizing of the transfer of responsibility and the lack of overview. Oslo Police District has informed the Bureau that the routines have been amended.

The use of corporate penalty is optional, and even if the corporate may be held responsible for a committed offence, considerations for and against corporate penalty should be made in each individual case. When the Bureau

later in 2011 decided on a case against Oslo Police District which also involved a person who was held in detention for too long, it was not considered appropriate to use corporate penalty even if the case was serious. A person was arrested on 7 June and brought to the Central Detention Centre where the prosecuting authority later the same evening upheld the arrest and issued an optional penalty writ for the possession of drugs. The writ was accepted. The arrested person had expressed that he wished to seek asylum in Norway and the National Police Immigration Service was notified. A police attorney with the National Police Immigration Service determined that the deprivation of liberty could be maintained until the asylum application had been registered. Both the Senior Operations Officer at the National Police Immigration Service and the detention centre were informed of the decision. The following was entered into the arrest journal: "Transferred and collected by the National Police Immigration Service 8.7.2010, 1.30 pm." However, the asylum seeker was not collected and remained at the detention centre until 13 July 2010 when he was released and collected for registration of his asylum

application. The investigation has not revealed who entered the information that the asylum seeker had been collected. It was the opinion of the Bureau that, as a consequence of several anonymous mistakes, a violation of the Penal Code's regulation regarding gross negligence in the line of duty had been committed.

As the case related to an incident that took place a while ago and the Police District had reported that the routines had been amended as a consequence of the case that resulted in corporate punishment, it was the opinion of the Bureau that a new corporate punishment would serve no preventive purpose. However, both the National Police Immigration Service and the Police District was asked to review the case administratively to prevent similar mistakes in the future.

The Bureau gave Hedmark Police District a corporate penalty in 2011 for gross negligence in the line of duty, also in relation to an arrest. When someone dies while in the custody of the police, the Bureau shall initiate an investigation regardless of whether there are grounds for suspicion of any criminal act. In March 2011 a person killed himself while in detention in Hedmark Police District. The Bureau did not have any objections to the supervision of the arrested person, but the investigation revealed that he was arraigned only four days after he was arrested. Another basis for the corporate penalty was the fact that there was no evidence that the Police District had contacted the criminal administration agency to arrange for a transfer to prison during the time the arrested person was held in custody.

The Bureau investigated the death of a person while she was in police detention in Bergen in 2011. The arrested person was assessed by a doctor prior to being placed in a cell where she went to sleep. The next morning she was dead due to drugs she had taken prior to the arrest. It was not possible to determine the exact time of death. The investigation revealed that she was under supervision in accordance with regulations throughout the night by all custody officers except one. No one understood that something was wrong. The Bureau asked the Police District to consider administrative training and guidelines for supervision of intoxicated arrested persons who are sleeping. It was also pointed out that the investigation had revealed that some of the persons interviewed in connection with the case

were unfamiliar with the content of the letter from the Police Directorate of 28 April 2009. This document examines prior deaths for the purpose of experiential learning in the Police Districts. Sound and video recordings from the detention was reviewed by the Bureau and revealed that one of the custody officers never looked through the inspection shutter during his inspections. The Bureau considered this to be a qualified deviation from the performance of duties as required by the arrest regulation, and the officer was given an optional penalty writ for gross negligence in the line of duty. The fine was accepted.

In cases involving incidents during detention it is often revealed that the arrested person has been completely undressed in connection with a body search. In some cases it is the stripping itself which is reported to the Bureau, but the investigation of reports of other incidents often reveals information about stripping. In several cases the interviewed officers gave the impression that it was routine for all arrested persons to be stripped before incarceration. In 2011 the Bureau investigated a case where a person was undressed completely during a body search before he was locked in the cell without getting his clothes back. In the opinion of the Bureau, there is a question whether the regulations regarding so called body visitation for safety reasons allows for a complete stripping of all persons placed in detention. The Bureau has pointed out that the regulations must be interpreted to mean that the extent of the body search for safety reasons must be assessed in each individual instance. Judicial precedent from the European Human Rights Court illustrate that a body search of persons deprived of their liberty, including stripping and intimate searches, may constitute a violation of article 3 regarding inhumane and degrading treatment if it is carried out without legitimate purpose and without appropriate respect for human dignity.

Cases in which arrested persons claim that they have been treated violently while in detention may prove difficult for a number of reasons. Sometimes it is difficult to prove what actually happened. The arrested person is often intoxicated or drugged and it boils down to one person's word against another. In other cases there is no doubt regarding the use of force, for instance because the arrested person resisted. The question becomes whether the

use of force was necessary and proportionate. In 2011 the Bureau requested sentencing in three cases involving the use of force in detention. A police officer was indicted for unprovoked use of violence against a person who was being placed in a security cell. The police officer acknowledged the incident and the District Court issued a postponed sentence for 30 days in prison and a fine for NOK 20,000. The appealed sentencing, which, among other things, relates to the request for deprivation of position, will be heard by the Court of Appeal in 2012. A custody officer assisted during a body search for safety reasons. When the arrested person refused to take off his jacket, the arrested person was forced to the ground and pressure was applied to his arm resulting in a fracture. The custody officer did not accept the optional penalty writ from the Bureau, and the case will be heard by the court in 2012. In the final case a police officer hit the shoulder of an arrested person before he grabbed him around the neck and held him to the floor. The use of force was a reaction to what he perceived as a kick towards the police officers who was going to search him. The police officer held the person down by placing his knee on the head of the arrested person. The police officer has not accepted the optional penalty writ from the Bureau, and the case will be heard by the court in 2012. In the two cases where writs were issued, emphasis was put on the fact that the police officers quickly resorted to relatively violent use of force. It is the opinion of the Bureau that further efforts should have been made to resolve the situations by less intrusive means. Sound and video recordings from the detention have been secured in all three cases.



Statistics

Case processing time and reports received

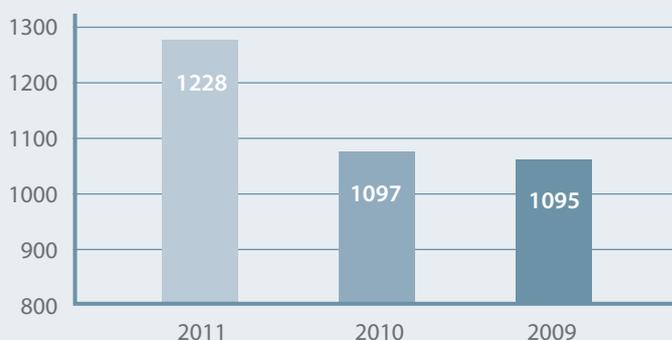
The Bureau has an average case processing time of 166 days for cases decided in 2011. This is a reduction compared to 2010 when the case processing time was 177 days. The goal of the Bureau is an average case processing time of no more than 150 days.

The Bureau has registered 1 228 new cases in 2011. 1 359 reports (938 cases) have been concluded in the period. The reason why the number of concluded reports is higher than the number of received reports is that several cases are duplicated during the case processing. A case is duplicated if the criminal offence falls under multiple penal provisions. Some cases are not duplicated until they reach the prosecution stage. For this reason, the number of cases going to prosecution increases in the year when the decision is made. In respect of the number of cases received, this will be reflected in the numbers for the year when the original case was registered, i.e. in certain cases, the previous year.

AVERAGE CASE PROCESSING TIME



REPORTS RECEIVED



| TOPIC | 2011 | 2010 | 2009 |
|---|--------------|--------------|--------------|
| Case processing from receipt of case until prosecution decision is made | 166 days | 177 days | 214 days |
| Cases received | 904 cases | 833 cases | 829 cases |
| Reports received | 1228 reports | 1097 reports | 1095 reports |
| Concluded cases | 938 cases | 951 cases | 923 cases |
| Concluded reports | 1359 reports | 1352 reports | 1377 reports |
| Decisions to prosecute (indictment, charge, optional penalty writ, waiver of prosecution) | 55 reports | 49 reports | 71 reports |
| Appeals to the Director of Public Prosecutions | 164 cases | 145 cases | 120 cases |

30 % of cases dismissed without investigation

The objective of the investigation is to obtain the information necessary to determine whether to indict and to prepare if the case should go to court. The question of whether or not an investigation should be initiated is one of discretion. During the assessment, emphasis is placed on elements such as probability and fairness. The Bureau has a low threshold for initiating investigations. The content of many reports are not providing reasonable grounds for the initiation of investigations. There are several reasons for this. Some people who file reports believe that an act carried out by the police is an offence when in fact it is fully legitimate according to law.

The Bureau also receives some reports according to which it is obvious that the person reporting the incident is motivated by the desire to obstruct the police in an ongoing investigation. A number of reports are plainly frivolous or without foundation. From the statistics for 2011 it appears that 30 % of reports received are dismissed because there are no reasonable grounds for the initiation of an investigation. In 2010 this figure was 35 %. Even if a report is dismissed for this reason, this does not mean that the case has not been thoroughly assessed. In the majority of cases, the Bureau has reviewed case documents from the reporting person's criminal case with the police ("the mirror case").

In many cases the Bureau has ensured an in depth account of the matter from the person submitting the report in addition to the assessment of the report itself. Even in cases where no investigation is initiated, a written underlying argument for the decision is given.

Percentage of cases resulting in fines or indictment

The task of the Bureau is to investigate and evaluate cases with regards to prosecution in accordance with the frame work provided by legislation and legal practice. Legislation provides the police with broad authority and in several areas legislators have set a relatively high threshold for imposing criminal liability. Legal practice has also determined that the police shall be allowed a relatively broad framework when the question of punishment in connection with the lawful performance of duty is considered. Among other things, emphasis is placed on the fact that the police often have a duty to intervene in unclear and difficult situations. The Bureau has to determine each individual case in accordance with the principles of sound prosecution practice. This means, among other things, that a reasonable doubt concerning actual circumstances which are of importance when determining whether cases considered by the Bureau are punishable shall – as with other criminal cases – favor the suspect.

An indictment shall not be issued unless one is convinced of criminal liability and believe that this can be proved in a court of law. Of the 1 359 processed reports in 2011, 55 resulted in a decision to prosecute in the form of optional penalty writs, indictments, decisions to prosecute or waivers of prosecution. In 2011 a total of 26 persons or corporate entities were fined, indicted or prosecuted. A further review of cases that resulted in a decision to prosecute can be found on pages 22 - 25.

“

The Bureau has a low threshold for initiating investigations.

Statistics

Case processing times

The Bureau is established up with a premise that the case processing within the unit shall be carried out on two levels and that the Director of the Bureau shall not participate or provide detailed guidelines for the work carried out in the investigation divisions. When a case is deemed to be sufficiently prepared, the investigation divisions issue a written recommendation or suggestion. The recommendation is written by a permanently employed legal professional or an assigned attorney. All recommendations and decisions made by the Bureau are given underlying reasons. Stating the underlying reasons is of course resource-draining. It is, however, considered that this practice provides valuable information to the persons filing reports as well as to the persons being reported. The underlying reasons provided by the Bureau will, in some cases, provide guidelines for the police in areas where there may be a need for an adjustment of routines/practices.

In some decisions the Bureau criticizes the police or the prosecuting authorities' performance of duty regardless of criminal liability. An open and accessible investigation and decision-making process is important in order to fulfill Norway's obligations in respect of the European Convention on Human Rights. The Council of Europe's Commissioner for Human Rights has pointed to the Bureau's explained prosecution decisions as an example of sound legal practice.

The Bureau may utilize all lawful methods of investigation. The gathering of evidence is mainly done by interviewing the person reporting as well as witnesses and suspects. In a majority of the cases filed with the Bureau the person reporting is already a party to a criminal case with the police. The term "Mirror Case" describes the police case documents in the criminal case against the person filing the report and these documents are normally obtained if such a "Mirror Case" exists.

The Bureau is professionally subordinated to the Director General of Public Prosecution, and the Director General of Public Prosecution may impose initiation, implementation and suspension of an investigation. The Director General of Public Prosecution also processes appeals against decisions made by the Bureau.

Who reported cases in 2011?

The overview provides information about the persons who submitted reports in cases determined in 2011. The overview also includes cases in which the Bureau has initiated investigations on its own initiative.

The majority of reports are submitted by the aggrieved party. 77 % of persons submitting reports in cases that have been prosecuted are men, 23 % are women.

| WHO REPORTED? | SHARE IN 2011 | SHARE IN 2010 | SHARE IN 2009 |
|-----------------------------|---------------|---------------|---------------|
| The Bureau's own initiative | 3 % | 1 % | 2 % |
| Police district | 13 % | 13 % | 14 % |
| Aggrieved party | 71 % | 73 % | 70 % |
| Aggrieved party's lawyer | 9 % | 11 % | 11 % |
| Others | 4 % | 3 % | 3 % |
| Total | 100 % | 100 % | 100 % |

Who was reported in 2011?

The overview provide information regarding categories of positions and (to some extent) origins within the department for reported

persons in cases that have been decided by the Bureau in 2011.

| WHO WAS REPORTED? | SHARE IN 2011 | SHARE IN 2010 | SHARE IN 2009 |
|---|---------------|---------------|---------------|
| Policemen/women | 64 % | 62 % | 72 % |
| Police attorneys | 12 % | 11 % | 9 % |
| Public prosecutors | 2 % | 2 % | 1 % |
| Civilians working with the police | 2 % | 2 % | 1 % |
| Others (including enterprises and Chiefs of Police) | 15 % | 22 % | 16 % |
| Custody officers | 5 % | | |
| Total | 100 % | 100 % | 100 % |

Summary of registered cases in 2011

It is important to point out that with regards to the type of offence that has taken place the table is based on the preconception of the person reporting. As the cases are investigated, the code for the

type of incident may be amended in connection with the decision of whether to prosecution.

| TYPE OF CASE | NO. 2011 | NO. 2010 | NO. 2009 | NOTES |
|---|----------|----------|----------|---|
| Unlawful use of force | 91 | 88 | 75 | |
| Unlawful deprivation of liberty | 23 | 22 | 24 | |
| Unlawful search | 28 | 14 | 19 | |
| Breach of confidentiality | 78 | 50 | 57 | |
| Falsifying information | 32 | 24 | 32 | E.g. submitting a false report, false statement, false report of criminal act |
| Drug violations | 4 | 0 | 6 | |
| Sexual offences | 0 | 14 | 19 | |
| Theft etc. | 26 | 25 | 18 | |
| Gross lack of judgement in the course of duty | 358 | 329 | 310 | Several of these cases also concern the abuse of power |
| Improper conduct | 43 | 44 | 42 | |
| Dereliction of duty | 61 | 71 | 56 | |
| Traffic violation | 36 | 30 | 25 | |

Decisions to prosecute in

2011

Here is a summary of cases from 2011 in which the Bureau decided to prosecute. The summary details indictments, optional penalty writs and waiver of prosecution.

INDICTMENTS

- On 3 March 2011 a police officer was indicted for violation of the Penal Code section 228, subsections 1 and 2 no 2 and the Penal Code section 325 subsection 1 no 1. In connection with a difficult arrest the indicted person applied pressure against the torso of the person being arrested. The arrested person was lying on his stomach on the ground and was hand cuffed behind his back. In connection with the incident he stopped breathing and went into cardiac arrest which resulted in brain damage. The District Court hearing was held in June 2011, and Aust-Telemark District Court passed a suspended sentence of 30 days in prison with two years probation. Agder Court of Appeal heard the appeal in January 2012, and acquitted the indicted person.
- On 16 March 2011 a police officer was indicted for violation of the Penal Code section 228, subsection 1, cf. section 232 and the Penal Code section 325, subsection 1, no 3 for unprovoked use of violence against an arrested person. The ground for the counts point to, amongst other things, the fact that the indicted person grabbed the arrested person around the neck with both hands while inside the detention. He then forced his head back, and hit him in the back of the head with his fist. The indictment also applied to the use of violence against an arrested person after he had been led to a cell. The indicted person pressed his knee against the throat of the arrested person resulting in difficulty of breathing. The arrested person was handcuffed throughout the incident, and other police

officers were present. The evidence in the case includes a video recording which is considered to confirm the above described use of force. Sunnmøre District Court passed a judgment on 1 September 2011 which more or less complied with the indictment. The Court believed that the knee of the indicted person was placed on the upper part of the back of the aggrieved party and sentenced him to a prison term of 30 days and fined him NOK 20,000. The prison term was postponed with two years probation. The Bureau's request for deprivation of position by judgment was not taken into account. The Bureau has appealed the sentencing and the appeal will be heard in February 2012.

- A civilian employee was indicted for embezzlement on 14 April 2011. The indicted person was in charge of the welfare funds and income from soft drink vending machines and tanning booths and had sole right to disposal over the account into which the money was placed. From 2004 to 2010 the indicted person repeatedly withdrew money from the account for personal use. During the same period the indicted person also made deposits into the account from his own funds. The indictment concerns the embezzlement of about NOK 39,000. Oslo District Court passed a judgment on 7 December 2011 and sentenced the indicted person to 36 days in prison. The prison term was postponed with two years probation. The judgment is legally binding.
- A civilian police employee was indicted on 30 December 2011 for 13 counts of breach



of confidentiality, cf. the Penal Code section 121, and for violation of a professional duty, cf. the Penal Code section 324. The indicted person received, from a former colleague who is now working at a private business, the names of persons applying for positions in said private business. The indicted person checked whether the applicants were in the police register and informed the former colleague of the findings. The main hearing is scheduled for March 2012.

- A civilian police employee was indicted on 24 November 2011 for violation of the Penal Code section 120. In a Court of Enforcement case regarding the collection of a vehicle, she wrote in a report that the vehicle was not at the address in question despite the fact that she had seen it at said location during a distraint. The main hearing in the District Court is scheduled for March 2012.
- A custody officer was indicted on 29 November 2011 for 6 violations of the Penal Code section 257. The indictment concerned theft of police effects from the work place, theft of keys and admissions cards from colleagues, theft of a considerable number of knives, knuckle-dusters and batons confiscated by the police. The indictment also concerned violation of the Penal Code sections 255 and 294 and the Firearm Weapons Act section 33. The main hearing in the District Court is scheduled for March 2012.

OPTIONAL PENALTY WRIT

Gross negligence in the line of duty

- A police officer (A) was issued an optional penalty writ for NOK 10,000 for gross negligence in the line of duty. On several occasions A accessed the police register and read case documents in a criminal case against a family member. A also printed documents and gave to the family member. The conduct was not considered a breach of confidentiality as the family member would have been given access to the content of the documents following an assessment and decision by the person responsible for the case. The fine has been accepted.

- A police officer (A) was issued an optional penalty writ for NOK 8,000 for violation of the Penal Code sections 324 and 325 subsection 1 no 1. A stopped the driver of a car (B) whom he considered was driving recklessly and immediately confiscated B's driver's license. A few days later A decided that the matter could be resolved with a fine, and he mailed the fine to B. A informed B that he would keep B's driver's license until he received confirmation that the fine was accepted. B did not sign off on the fine. A kept the license in his office for about 5 months before he filed a report and presented the case to the prosecuting authority. In the opinion of the Bureau A's conduct represented such a breach with the rules of procedure in the Road Traffic Act section 33 no 3 and circular from the Director General of Public Procedure that it was grounds for criminal liability. A's failure to comply with regulations was considered a breach of professional duty. The keeping of B's driver's license until the fine was accepted was considered unlawful and a gross negligence of duty. A refused to accept the fine. The District Court acquitted A for violation of the Penal Code sections 324 and 325 subsection 1 no 1. Regarding the Penal Code section 324, the District Court submitted that A had not demonstrated sufficient intent. Regarding the Penal Code section 325 subsection 1 no 1, the District Court submitted that the conduct was blameworthy and a misjudgment, but that it did not constitute gross negligence in the line of duty. The Bureau appealed the acquittal, and the appeal will be heard. The appeal hearing is scheduled for February 2012.

Breach of confidentiality

- A police officer was issued an optional penalty writ for NOK 8,000 for breach of confidentiality. The police officer had passed on information to his live-in partner regarding a person's relationship with the police. The information included ongoing cases as well as cases that were concluded. The person in question was in a dispute with persons in the family of the live-in partner. The fine was accepted.
- A police officer was issued an optional penalty writ for NOK 5,000 for breach of confi-



dentiality. Without any professional reason the police officer had accessed the police registry and found information regarding a person. The information was passed on to a family member for whom the information was of interest. The fine was accepted.

- A police officer was issued an optional penalty writ for NOK 10.000 for breach of confidentiality and inappropriate conduct. When a person filed a report in a case involving threats, the police officer informed the person about professional assignments etc. that he had been involved in in relation to a person in the family circle of the person filing the report. The information had no relevance to the conduct that was being reported. The fine was accepted.

Offence against the person

- A police officer was issued an optional penalty writ for NOK 12.000 for violation of the Penal Code section 228 subsection 1. The police officer was annoyed with a person who was a passenger in a car which had been stopped in a speed control. When the passenger interfered with the colleague's job of issuing a fine and did not comply with orders to remove himself, the officer grabbed the passenger and escorted him away from the patrol car. He then slapped the passenger in the face and used his right hand to grab the person around the throat which resulted in a pressure towards the person's larynx and vocal cords. The fine was accepted.
- A custody officer was issued an optional penalty writ for NOK 10.000 for violation of the Penal Code sections 228 subsection 1 and 325 no 1. He assisted a police officer in placing a person in a security cell. For safety reasons the person was asked to remove his jacket,

which he refused to do. The custody officer proceeded to wrestle the arrested person to the floor and apply pressure against his arm resulting in a fracture of the upper arm. The fine was not accepted and the case will be heard in the District Court in February 2012.

- A police officer was issued an optional penalty writ for NOK 10.000 for breach of the Penal Code sections 228 subsection 1 and 325 no 1. The police officer and a custody officer were placing a person in a security cell. The arrested person was quarrelsome because he wanted a smoke before he was put in the cell. When the police officer believed that the arrested person tried to kick them, he reacted by hitting the shoulder of the arrested person with one hand before he grabbed him around the neck with his right arm and held him to the floor. The police officer placed his knee on the head of the arrested person to hold him down. The fine was not accepted, and the case has been submitted to the court.

Other

- A Chief of Police was issued an optional penalty writ for NOK 10.000 for violation of the Penal Code section 352 subsection 2. While she was participating in a major public event, she fired a signal flare from a crane approximately 30 meters above the ground in the direction of buildings on the other side of a river. The flare landed on the roof of a private home and resulted in a fire in on the roof and in the loft below. The fine, which was issued in accordance with resolution by the King in Council, was accepted.

Violation of the Road Traffic Act

- A police officer was issued an optional penalty writ for NOK 8.000 for careless driving. Turning a turn-out he ran a red light at an intersec-

tion and collided with a passenger car which had entered the intersection on a green light. The collision resulted in personal injury as well as considerable material damage. The decision was based on the assumption that the police officer had not been sufficiently observant and had driven too fast when he entered the intersection. The fine was accepted.

- A police officer was issued an optional penalty writ for NOK 5.000 for violation of the Road Traffic Act section 3. The police officer was driving a turn-out at around 3 am. His used blue flashing lights. The siren was not turned on. He ran the red light at a traffic light and was not sufficiently observant of traffic. In the intersection he collided with a taxi which had entered the intersection on a green light. The fine was accepted.

- A police officer was issued an optional penalty writ for driving at a speed of 90 km/hr in a 60 km/hr zone. The police officer was driving a civilian vehicle and was on his way to an assignment with a colleague when the speed was measured with a laser. The assignment to which they were headed did not warrant a deviation from the applicable speed limits. The fine was calculated to NOK 9.000 according to standard rates. In accordance with regulations regarding the loss of right to hold a driver's license, the driver's license was suspended for six months. The writ was accepted.

- A police officer was issued an optional penalty writ for NOK 6.000 for violation of the Road Traffic Act section 31 subsection 1, cf. section 3. During a turn-out he ran a red light without being sufficiently observant and careful. He collided with a car which was entering the intersection on a green light. Both cars were damaged. The fine was accepted.

Decisions to prosecute in

2011

CORPORATE PENALTY

Gross negligence in the line of duty

- Oslo Police District, as a corporate entity, was issued an optional penalty writ for gross negligence in the line of duty, cf. the Penal Code section 325 subsection 1 no 1. 17 year old asylum seeker was arrested for suspicion of aiding and abetting in the sale of drugs on 8 March 2010 at 7.30 pm. He was questioned by the police the same day and the remand hearing was scheduled for Oslo District Court on 10 March. However, on 10 March the prosecuting authority decided to revoke the application for remand in custody following a closer assessment of the case and the criminal case was dismissed. The asylum seeker should have been released at this time. Due to, among other things, insufficient routines and unclear distribution of responsibility, he remained in police custody until 12.30 pm on 12 March. Oslo Police District was fined NOK 50.000. The fine was accepted.

- Hedmark Police District was given a corporate penalty after a person took his own life while in police detention. No objections were made to the supervision of the arrestee person. The corporate was held responsible for other aspects of how the deprivation of the person's liberty had been handled. The deceased had been apprehended by Hedmark Police District on Thursday, 25 March at 12.50 pm and was placed in the detention at 1.35 pm. He was only arraigned four days after he was arrested, on Monday, 29 March. After the District Court returned a verdict for remand, the arrested person was returned to detention where it was discovered on Tuesday, 30 March that he had taken his own life. As the 3 day time limit had been exceeded, the deprivation of liberty was without legal grounds. Further, there was no evidence to suggest that the Police District

had contacted the criminal administration agency to arrange for a transfer to prison. The orderly book contained no information as to why he had not been transferred to prison. The fine for NOK 50.000 was accepted.

WAIVER OF PROSECUTION

- A prosecution attorney failed to release a person remanded in custody despite the fact that the Court of Appeal declined approval of the request for continued remand. The Court of Appeal made their ruling on Friday afternoon, and by the time it was sent to the Police District it was so late that it was impossible to request postponement. Despite the fact that the defender contacted the prosecution attorney repeatedly on Friday evening, the prosecution attorney insisted that the person remain in remand and that a request for postponement would be filed after the weekend. The Bureau considered the continued deprivation of liberty as illegal and decided on a termless waiver of prosecution with regards to the Penal Code section 223. Following an appeal, the Director of Public Prosecution overturned the decision of the Bureau and the person was issued a termless waiver of prosecution with regards to the Penal Code section 325 subsection 1 no. 1 regarding gross negligence in the line of duty. A more detailed presentation of the case is found in the Bureau's overview of cases forwarded for administrative assessment during the first half of 2011. See case no. 30.

- A police student (A) was, in connection with a search, given the assignment of researching whether it was legal to be in possession of a GSM-jammer. The police had confiscated such an item in connection with the search. A did not register the confiscated item in any report, not even after his superior at a later time asked him to do so. A kept it in his locker. After

a while A forgot that he had the item, and when, at a later time, found it while cleaning his locker, he considered it embarrassing to ask his superior what to do with the item and chose to throw it away. The Bureau submitted that A had acted in violation of regulations regarding the handling of confiscated items etc. A's conduct was considered a neglect of duty (section 324). Prosecution was waived because, among other things, A had limited experience with police work.

- Three police officers accompanied a foreigner abroad by plane. Upon their return to Oslo Airport, Gardermoen, they shopped at the duty free shop. Instead of passing through customs, they walked through the police area at the airport and out to the arrivals area before they left the airport. The Bureau submitted that the three police officers had violated the customs regulations which impose a duty on everyone to pass through the customs check point. Nothing in the situation in question gave reason for the police officers not to pass through customs like all the other passengers. Prosecution was waived. Among other things, emphasis was put on the fact that there seem to be no directives from the employer as to how entry after this type of assignments should be made. There is no information to suggest that the police officers carried with them goods or merchandise which should have been declared.



Emergency Turn-Outs

2011

Several of the cases which are reported to the Bureau require immediate investigative response. This applies to situations in which a person has been seriously injured or there has been loss of life as a result of the actions of the police or the prosecuting authority. In cases where serious crime is suspected, an immediate investigative response may also be required in order to secure evidence. The Bureau covers the entire nation and may, for this reason, have difficulties in reaching a crime scene or initiate actions as rapidly as desired. This

means that, as a rule, the immediate securing of evidence must be done with the assistance from the police.

Police officers who have taken part in direct actions frequently have to be shielded and wait for some time before giving their statement to the Bureau regarding the incident. In 2011 the Bureau was deployed and initiated immediate investigations in 16 instances. This does not include arrest actions and searches planned in advanced.

7 January 2011

Sunnmøre Police District

A police officer had used violence against a person while the person was in police custody.

24 January 2011

Rogaland Police District

During a turn-out at night a police officer ran a red light and collided with a taxi.

27 January 2011

Hordaland Police District

The Bureau was informed about a traffic accident involving personal injury. A delivery van had hit two patrol cars that were lined up at an angle in the road. The police had carried out a pursuit prior to the accident.

15 April 2011

Agder Police District

A person died in connection with a car chase. The driver drove off the road and into a building. He died from the injuries he suffered in the collision.

18 May 2011

Agder Police District

A patrol car was in pursuit of a driver suspected of driving under the influence. The pursued car collided with an oncoming car resulting in personal injury.

20 June 2011

Hordaland Police District

A person died while in police custody.

3 July 2011

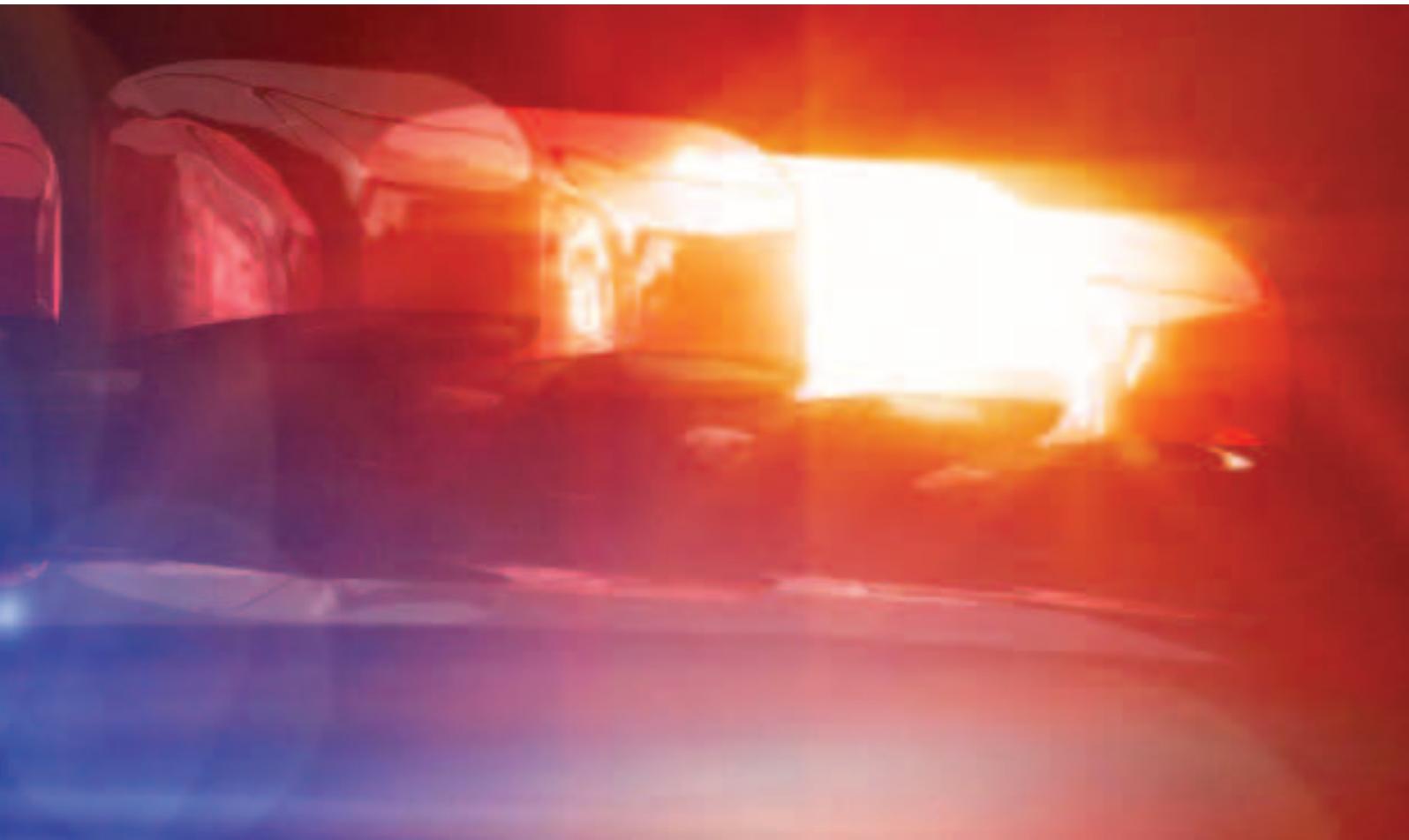
Oslo Police District

The police arrested a man in the centre of Oslo in connection with a fight. During the arrest the man was brought to the ground resulting in a skull fracture and internal bleedings.

23 July 2011

Østfold Police District

A man inside a bus terminal was to be arrested on the suspicion of murder. The man threatened both bystanders and the police with a knife. The man was repeatedly asked to put the knife down. Pepper spray and warning shots were used, but the man did not surrender. A police officer aimed and fired a shot into the man's thigh.



5 August 2011

Agder Police District

A vehicle refused to stop at the signal from the police and collided with another vehicle at a bus stop. There were two people in the car which had refused to stop at the signal from the police and one person in the other car involved in the collision. The driver of the oncoming vehicle suffered personal injury.

16 August 2011

Vestfold Police District

A police officer on a motorcycle was on his way to an assignment when the bike skidded in a curve and collided with a passenger car in the opposite lane. The police officer suffered serious injuries.

30 August 2011

Sunnmøre Police District

A passenger car had failed to stop at the signal from the police and escaped from the police. The driver of the passenger car collided with a truck and was jammed inside the car.

5 September 2011

Follo Police District

The Bureau was notified that an arrested person had been found lifeless in custody. Resuscitation was administered and the person was taken to the hospital where he later died.

29 September 2011

Oslo Police District

A passenger car carrying 5 people drove into a building while trying to escape from the police. Several of the people in the car were seriously injured.

10 December 2011

Hordaland Police District

A driver of a car drove into a wall during a car chase and suffered personal injury.

25 December 2011

Sunnmøre Police District

The Bureau was notified of a police operation in which the police turned out to a private home where a mentally unstable person with a knife was staying together with others. The person died.

30 December 2011

Midtre Hålogaland Police District

The police turned out in connection with a person having ensconced himself in a building. The person threatened to shoot. When the police intervened, the person inflicted injuries to himself which later resulted in death.

Administrative Assessments

Experiential learning – transfer of cases to Chiefs of Police for administrative assessments

The Bureau has forwarded 57 cases to Chiefs of Police or Directors of special agencies for administrative assessment in 2011. In 2010 a total of 50 cases were forwarded for administrative assessment.

When the Bureau forwards cases for administrative assessment, this means that information was discovered during the investigation of the case which should be followed up within the police or the prosecuting authority. This may, among other things, apply to cases in which no penalty has been imposed, but where the police should learn from the case and consider amending their routines. Cases may also be sent for administrative assessment if the Bureau believes that the case may give grounds for disciplinary reactions towards employees in the police services. Cases in which penalty have been imposed may also be suited for administrative review and experiential learning.

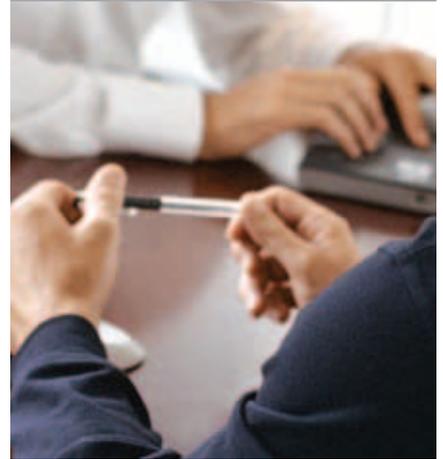
The Director of Public Prosecution, in memorandum no. 3/2006, has stated that criticism from the Bureau should, as a rule, be limited to the issues that have been the subject of investigation and be part of the judicial evaluations. General criticism of police operations, organization and routines etc. should be

addressed separately and directly with the Chief of Police or the Director of Public Prosecution. If the criticism concerns the National Police Directorate's area of responsibility, the Directorate should be informed. The committee which evaluated the Bureau and published their report "A Responsible Police Force" (NOU 2009:12) in May 2009, addresses issues which concerns knowledge based experiential learning. The committee believes that the role of the Bureau as an agency of expertise should be emphasized and that the National Police Directorate's responsibility for experiential learning should be strengthened. This point of view has received broad support in several consultative statements.

Additional cases from 2005 to 2011 that was forwarded for administrative assessment can be found on the Bureau's web page: www.spesialenheten.no



The Department of Justice has assigned the National Police Directorate with the task of facilitating the development of the police as a learning organization. In 2011 the Police Directorate has worked on a plan regarding knowledge based experiential learning. Amongst a number of current initiatives in this plan is an analysis of the decisions of the Bureau with an eye to learning.



Examples of cases that were sent for administrative assessment in 2011:

FOLLOW-UP OF A CALL TO THE POLICE OPERATIONS CENTRE – FEAR OF A PERSON'S LIFE DUE TO THE COLD WEATHER

A person informed the media that he had contacted the police on New Year's Eve when he was unable to find a friend who had asked to be picked up by car. In his conversation with the police operator, the person expressed concern because the woman was poorly dressed and it was very cold outside, but the police did not initiate any action. The friend was found dead on 1 January 2011 next to a parking lot. The Bureau initiated an investigation on the basis of the media coverage and collected the sound recording of the conversation between the person and the operator. The operator explained during interview that based on the telephone conversation, he had not understood that it was an emergency. As there were only two operators on duty and they received a large amount of calls and assignments, he did not enter the conversation into the logbook.

The Bureau did not find that the operator was guilty of any neglect of duty by not initiating a turn out. The conversation did not give immediate reason to fear for someone's life. The case was dismissed with regards to the operator as there was no proof of an offence. The Bureau noted that in light of the tragic result of the case, one may ask whether operators should be more encouraging towards the public and to a greater extent seek to clarify facts. In the case in question the police should have obtained information regarding at which point in time there had been contact between the

persons involved, in which areas they had looked and if the female could have received help from or found refuge with someone else. The answers to such questions would have given the police a better basis for assessing the situation. The Bureau contacted the Norwegian Police University College and was informed that as of today there are no literature or guidelines which addresses the tasks of the police operator in particular. The school informed that they were working on plans for an education of instructors. The Police District informed that when selecting operators they look for competent generalists with experience from operative duty.

The Bureau considered that the case should be reviewed with an eye to learning.

THE RIGHT OF ARRESTED PERSONS TO CONTACT AN ATTORNEY

Two persons who were arrested and placed in detention reported that they had not been given the right to contact an attorney in accordance with current regulations, cf. the Criminal Procedure Act section 94 subsection 1 and the arrest regulation section 2-3. According to a circular from the Director of Public Prosecution (4/2006), a request to contact an attorney should be honored as soon as possible and no later than two hours after the arrival at the police station. Upon arrival at the police station after 10 pm, one may as a rule wait until the following day. One of the two arrested persons was placed in the cell at 8.24 pm and it was registered that he wanted to contact a lawyer. He did not get to talk to his

lawyer until around 2 pm the following day. A custody officer explained to the Bureau about a note on the poster board in the detention from which it followed that arrested persons should not be allowed to contact a lawyer. None of the employees or the persons responsible for handling the criminal case were able to provide information about the note during the investigation. The Bureau was unable to uncover who may have given the order that arrested persons should not be allowed to speak to a lawyer. The Bureau did not find grounds to impose corporate penalty against the Police District. The Police District was requested to review the case and ensure proper training so that arrested persons are given the opportunity to contact a lawyer in accordance with current regulations.

DETENTION OF CHILD UNDER THE AGE OF 15

A 14 year old boy was transported by car to his home by the police. The boy had acted out and did not want to remain with a relative who was responsible for him while his parents were travelling. When the boy behaved in a threatening manner towards the police officers who drove him home, the local child welfare unit was contacted. They informed that they were unable to assist. The case was then presented to a police attorney who decided to place the boy in detention. The boy was put in detention fifteen minutes after midnight and he remained there until he was picked up by his father at 11.55 pm. The decision to use detention was based on rules of criminal proceedings. The police attorney stated that



the decision was based on the assumption the boy had turned 15. The attorney also pointed to the fact that none other than the police were ready to take responsibility for the boy. The Bureau did not find any evidence suggesting that the police attorney knowingly had detained a child under the minimum age. It is evident that the police attorney originally was told that the boy was 15 years old. However, information regarding his date of birth was also provided. The Bureau stated that police detention of children must be used only as a last resort and only after a thorough and careful assessment of whether the rules of criminal proceedings are met and the intrusion is a necessary and proportionate measure. Reference was made to the Prosecution Instructions section 9-2 and the Convention on the Rights of the Child article 37. The Police District was requested to consider whether to educate its employees on the legal framework regarding intervention against children.

DETENTION OF PERSON WITH DIABETES

A person who was apprehended and placed in police detention reported the police for insufficient consideration of the fact that he has diabetes. The person was apprehended at 1.04 am and was released at 2.20 pm the same day. The police was aware of the fact that the person had diabetes, and he measured his blood sugar level prior to being put in the cell. He was, however restricted from carrying out subsequent readings and at the time of release his values indicated moderate hypoglycemia. The Bureau submitted that the conduct of the

police did not give grounds for criminal liability. However, supervision of the person should to a greater extent have ensured that he did not reach a state where there was danger of hypoglycemia. Because the police was familiar with his condition, he should have been held under closer supervision than that which was evident from the log. The Bureau has considered several cases involving persons with diabetes, and these cases have revealed a need for education and awareness amongst police officers with regards to the elements of danger.

SECURING VIDEO RECORDINGS FROM THE DETENTION AREA

A person was brought to the detention due to intoxication and disruption of order. The person resisted when he was taken to the cell, and this resulted in a scuffle. The police had to forcefully remove his winter shoes which had long shoe laces. After an hour in the cell, the person complained about pains in one of his legs. He was transported by the police to the emergency room where it was established that he had suffered a fracture. During transportation to the emergency room the person stated that he would report the police for illegal use of force. The detention area was under camera surveillance, but the video from the arrest was not secured. Because the person had been transported to the emergency room and it was possible that the injury had occurred while he was in detention, and also because he had stated that he wanted to file a report, the recording should have been secured before the deletion routine was carried out after 48 hours. The Bureau did not conclude

that the police had used force to an extent that warranted criminal liability. The arrested person did not have a clear recollection of the course of events and stated that he believed he had resisted. The Police District was asked to review their routines for securing video recordings. Following an appeal, the Director of Public Prosecution maintained the decision of the Bureau to dismiss the case and pointed out, as did the Bureau, that it was unfortunate that the recording from the detention had not been secured.

USE OF A QUICK TEST TO TEST FOR DRUGS IN URINE

A person reported the police after he was apprehended and brought in to a police station for a urine test. The decision to apprehend and to use a quick test to test for drugs was made by a police officer. During the interview the police officer informed the Bureau that it was his understanding that the person had agreed to provide a urine specimen. According to the Criminal Procedure Act section 10-5 a urine specimen is considered to be a physical examination, cf. the Criminal Procedure Act section 157. Section 157 states that when there are reasonable grounds to suspect a person of a criminal offence that may result in deprivation of liberty, said person may be subjected to physical examination when this is considered to be of importance to the enlightenment of the case, and provided it does not involve a disproportionate infringement. Without the consent of the suspect, physical examination may only be decided by the court or – when there is a risk that the purpose of the examina-



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Even when no penalty is imposed, the Bureau might in its decision, criticize actions taken by officers of the police or prosecuting authority.

tion may be wasted – by the prosecuting authority. The Director of Public Prosecution has stated that consent to physical examination does not suspend the material conditions in the Criminal Procedure Act section 157, and that a review of the legality should be carried out by the prosecuting authority. This means that even if the suspect agrees to provide a urine specimen for the purpose of performing a quick test, the prosecuting authority must consider whether the conditions in the Criminal Procedure Act have been met. The Bureau has determined several cases in which it has found that the decision to use a quick test was not made in accordance with current regulations. Further, these cases often lack documentation regarding the decision etc. The fact that there are no guidelines for the legal framework regarding the use of such tests is believed to be a contributing factor. The Police University College informs that classes which teach the use of quick tests to test for drugs in urine stress the need to involve the prosecuting authority to determine legality. In relation to the police officer in question, the case was dismissed. The Police District was asked to review their routines for the use of quick tests to test for drugs in urine.

FOLLOW-UP OF POSSIBLE SUSPECT AT HIS PLACE OF RESIDENCE – CONSIDERATIONS IN RELATION TO THE CRIMINAL PROSECUTION ACT

A person reported two police officers from a Police District for illegal ransacking. The police officers explained that they called on the person at his private home to talk to him.

They had received information that he might have been involved in the sale/distribution of pills. The police officers said that they had not planned to search the residence. They claimed that they were invited into the home and that the person displayed signs and symptoms which, together with the received information, were determining for the subsequent search. The Bureau dismissed the case but forwarded it for an administrative assessment of whether the working methods in such cases are in accordance with the Criminal Procedure Act and whether there is a sufficient awareness of this within the force. The working methods, as described by the police officers during the interview with the Bureau, involve a difficult line between the regulations of the Criminal Procedure Act regarding ransacking of person and place of residence and the regulations regarding questioning of suspects/witnesses. An infringement by the police on a person's private sphere requires statutory authority. The Criminal Procedure Act contains rules regarding the conditions for and implementation of such an infringement as part of an investigation into criminal acts. The Bureau was of the opinion that it was likely that the visit at the person's place of residence would involve a search and that the police officers would involve in conversations with the person or his cohabitant which should have been conducted as formal interviews.

THE USE AND DELETION OF PICTURES FROM THE POLICE PHOTO REGISTER

A person reported a Police District for having failed to delete a picture that was taken of

him in connection with a criminal case that was dismissed many years ago. The person had experienced how friends and people he knew had been to photo confrontations at the police station and had seen a picture of him in this connection. According to the Prosecution Instructions section 11-2, pictures are to be deleted if the suspect has had his case settled in a manner that does not declare him guilty. The Bureau concluded that human error in connection with a routine deletion of pictures in the hard copy of the Police District's photo registry was likely the reason why that picture was still in the registry. The Bureau dismissed the case because the investigation revealed that it would be impossible to determine when the possible mistake was committed and by whom. The case was sent for administrative assessment of routines for the maintenance of the hard copy of the photo registry.

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BORGARTING COURT OF APPEAL

Abuse of position to obtain sexual favors etc.

A police officer from Nordre Buskerud Police District was indicted on three counts of rape (section 192), five violations of the Penal Code section 193 concerning abuse of position, and three attempts to obtain sexual favors by abusing his position. The indictment also included, among other things, violations of the Penal Code, section 325 first subsection no 5. The police officer was convicted on 12 April 2010 by the District Court of Eiker, Modum and Sigdal and sentenced to four years in prison. The judgment was predominantly in accordance with the indictment. He was also deprived of the right to hold a position in the police service for all time and sentenced to pay compensation for non-pecuniary damage. The police officer appealed the judgment, and the case was heard by Borgarting Court of Appeal in January 2011. The Court of Appeal found the accused not guilty in one of the counts of rape. The same applied to two of the violations of the Penal Code section 193. The Court (the legal judges) did not find it sufficiently proven

that the police officer was guilty in any of the counts of rape. It was consequently decided that this question would be given a new hearing before different judges.

The new hearing was carried out in November 2011, and the police officer was acquitted for both counts of rape.

Following this, the police officer is legally sentenced to a prison term of one year and three months, deprivation of position in the police and deprivation of the right to hold a position in the police service for all time. He was also sentenced to pay compensation for non-pecuniary damage to the aggrieved for the counts for which he was found guilty

SUPREME COURT

Legal interpretation, sentencing, deprivation of rights and confiscation in case regarding gross corruption

A police officer from Helgeland Police District was indicted for gross corruption in January 2010. While the police officer was the enforcement officer in a Court of Enforcement case,

“ Court Cases in 2011

When the Norwegian Bureau for the Investigation of Police Affairs issues an indictment, the case is prosecuted in court by one of the Bureau's attorneys. In 2011 the Bureau prosecuted 8 criminal cases.

he promoted the interests of one party within the same case for which he received financial remuneration. Brønnøy District Court acquitted the police officer on 11 June 2010. The majority of the Court (lay judges) believed that the actions were blameworthy but not to an extent that qualified as corruption in the eye of the law. The appeal hearing took place before Hålogaland Court of Appeal in February 2011. The Court of Appeal acquitted the police officer, and the legal judges of the Court of Appeal decided that the case would be given a new hearing before different judges. After a renewed appeal hearing, Hålogaland Court of Appeal passed judgment on 6 June 2011 in which the police officer was found guilty. The police officer was sentenced to a prison term of 10 months and deprived of the right to hold a position in the police for all time. NOK 55,000 was confiscated in accordance with the Penal Code section 34. The convicted party appealed the judgment from the Court of Appeal.

The Supreme Court, in a judgment of 17 November 2011, sentenced the police officer to imprisonment for 8 months, deprivation of

the right to hold a position in the police for all time and confiscation of NOK 55,000.

The Supreme Court submitted that there was no doubt that the conduct for which the police officer was indicted fell under the scope of the law and that the corruption was gross. The prison term was reduced from 10 to 8 months with reference, among other things, to the fact that the conduct was not as serious as the conduct in Norwegian Supreme Court Reports 2011, page 477.

MOSS DISTRICT COURT

Abuse of position to obtain sexual favors etc.

A police officer in Østfold was, in September 2010, indicted for three counts of violation of the Penal Code section 193 for abusing a position of power to obtain sexual favors from two young girls. He was also indicted for attempts to violate the Penal Code section 193 and violation of the Penal Code section 224. In addition, the indictment covered counts regarding the possession of photographs and videos that depict sexual abuse against children or

sexualizes children. Ten counts in the indictment relate to the Penal Code section 325, no 5 and the contact that the Police Officer had with young girls via different web communities. The main hearing of the case was before Moss District Court in Mai 2011, and Moss District Court passed a judgment on 24 June 2011 in which the Police Officer was acquitted for one count of violating the Penal Code section 193 and for violation of the Penal Code section 224. Otherwise the judgment was according to the indictment. He was sentenced to two years in prison and was deprived of the right to hold a position in the police for all time. He was also sentenced to pay NOK 160,000 in compensation for non-pecuniary damage. The police officer and the Bureau have appealed the judgment. The appeal has not yet been heard by the Court of Appeal.

AUST-AGDER DISTRICT COURT

Unnecessary use of force while the arrested person was lying on his stomach

A police officer in Telemark was indicted for violation of the Penal Code section 228, subsection 1 and 2, alternative 2 and the

Court Cases in 2011

Penal Code section 325, subsection 1, no 1. In connection with an arrest, the person indicted applied pressure against the torso of the arrested person. The arrested person was lying on the stomach on the ground and was hand cuffed behind his back. In connection with the incident he stopped breathing and went into cardiac arrest which resulted in brain damage. The District Court hearing was held in June 2011 and Aust-Telemark District Court passed a postponed judgment sentencing the police officer to 30 days in prison with two years probation. Agder Court of Appeal heard the appeal in January 2012. The police officer was acquitted.

THE SUPREME COURT

Sentencing in a case regarding gross corruption

The Supreme Court passed a judgment on 1 April 2011 in a case regarding sentencing of a police officer convicted of gross corruption and gross negligence in the line of duty, cf. the Penal Code section 276 b, cf. 276 a and the Penal Code section 325, no 1. The police officer had, on several occasions, taken a prisoner who was serving a sentence from the prison. This was done without any relation to police matters and only to serve the personal interests of the prisoner.

The police officer received NOK 50,000 from the prisoner for taking him from the prison. The Supreme Court pointed out that the case involved a serious breach of trust towards public authorities and a counteraction of the judicial system. The Supreme Court believed that the sentencing made by the Court of Appeal for a prison term of 1 year and 6 months was appropriate.

The Court of Appeal sentenced the police officer to pay legal costs in accordance with the Criminal Procedure Act section 436, sub-

section 2. When the Court of Appeal acquitted him for a count for which he had been found guilty in the District Court, the Court of Appeal should have considered the question of costs especially in this regard. The ruling regarding legal costs was consequently set aside. The appeal regarding sentencing was rejected. The Supreme Court submitted that the fact that the police officer was deprived of his position and would suffer a financial loss as a consequence was a direct result of the corruption and would have no bearing on the sentencing. With regards to sentencing, no importance was placed on the fact that by the time the Supreme Court considered the case over 6 years had passed since the corruption. (Supreme Court Records 2011 page 477).

OSLO DISTRICT COURT

Embezzlement of welfare funds

A former civilian employee with Oslo Police District received a sentence from Oslo District Court in accordance with the indictment for the embezzlement of about NOK 39,000 cf. the Penal Code section 255. The sentence for 36 days in prison was postponed. The convicted person was in charge of the welfare funds of the police station which consisted of welfare funds from the employer as well as income from the operating of tanning booths and sale of soft drinks. Over a period of 6 years, the convicted person repeatedly borrowed money from the welfare funds for personal use. The embezzled funds were continuously repaid. The judgment is legally binding.

SUNNMØRE DISTRICT COURT

Unprovoked use of force against person in police detention

In March 2011 a police officer was indicted for violation of the Penal Code section 228 subsection 1 cf. section 232 and the Penal Code section 325 subsection 1 no 3 for unprovoked use of violence against an arrested person. The

grounds for the counts pointed to, amongst other things, the fact that the indicted person grabbed the arrested person around the neck with both hands while inside the detention, forced his head back, and hit him in the back of the head with his fist. The indictment also included use of violence against an arrester person after he had been led to a cell. The indicted person pressed his knee against the throat of the arrested person resulting in difficulty of breathing. The arrested person was in handcuffs throughout the incident, and other police officers were present. The Bureau requested that the District Court pass a sentence for an unconditional prison term of 30 days and deprivation of the right to hold a position in the police, cf. the Penal Code section 29.

Sunnmøre District Court, in a judgment passed on 1 September 2011, found it proven that the indicted person had held the arrested person in the manner described in the indictment. The Court also believed that the indicted person had used unnecessary force when accompanying the arrested person from the rummage room to the cell. With regards to the use of force inside the cell, the Court believed that the knee of the indicted person was placed on the upper part of the back of the aggrieved party. The District Court convicted the indicted person for violation of the Penal Code section 228, cf. section 232 and the Penal Code section 325 no 3 and sentenced the indicted person to a prison term of thirty days and fine for NOK 20,000.

The prison term was postponed with two years probation. The indicted person was sentenced to pay compensation to the aggrieved party in the amount of NOK 30,000. The Bureau's request that the indicted person be deprived of the right to hold a position in the police was not taken into account. The Court expressed, among other things, how a



deprivation of position would put the indicted (52) and his family in a very difficult situation. It was also mentioned, although this, according to the Court, was given little weight, that the indicted person had had a considerable work load. The indicted person has received a previous sentence (2004) for gross negligence in the line of duty (the Penal Code section 325 subsection 1 no 1) for having used his duty to inform Child Welfare Services in Norway as a means to obtain a confession from a suspect in a case regarding crime against property. In the opinion of the Court with, among other things, reference to the time that had passed, the previous case was not considered suited to shed light on the indicted persons suitability for the position.

The Bureau has appealed the judgment of the District Court with regards to sentencing. The appeal will be heard in Frostating Court of Appeal in February 2012.

HALLINGDAL DISTRICT COURT **Confiscation of driver's license in violation of current regulations**

A police officer was given an optional penalty writ for violation of the Penal Code section 325 subparagraph 1 no 1 (gross negligence in the line of duty). During a traffic control he confiscated the driver's license of a driver and a few days later issued a ticket fine he then mailed to the driver. Only about 5 months after the driver's license had been confiscated did he write a report in the matter which provided

the prosecuting authority with a basis for considering whether to uphold the confiscation. The police officer kept the driver's license in his office during the time period in question despite notification from the driver that he did not accept the ticket fine.

The Bureau has appealed the assessment of evidence and the application of law, and the appeal hearing is scheduled for February 2012 in Borgarting Court of Appeal.



Meetings and Lectures in **2011**

NATIONALLY

The Director of the Bureau has given lectures at a meeting for the Chiefs of Police, at a national seminar for Senior Officers of the prosecuting authority, at a regional seminar for newly employed legal professionals within the prosecuting authority, and at a seminar for the prosecuting authority in Telemark and Vestfold. Further, the Director has given lectures at the Police Division in the Department of Justice and at the Police University College studies for Senior Operations Officers. He also made a speech at the seminar on ethics at the Police University College as well as at the Armed Response Unit seminar in Vestoppland Police District. The Director has, together with Investigation Division Mid-Norway and Northern Norway given a presentation on the activities of the unit to the District Governor of Svalbard.

Investigation Division West Norway has held lectures for the police students in training at Hordaland Police District, for the Chief of Police, for operational managers and union representatives at Hordaland Police District, and for personnel at Sunnmøre Police District. Investigation Division East Norway has held lectures for SWAT, during a course for Critical Incident Managers in Oslo and Rogaland Police District, for new employees at the National Police Immigration Service, and at the Police University Colleges studies for instructors in arresting techniques, for employees at Fet and Rælingen Office of the District Sheriff, and for employees at Halden Police Station. Further, a cooperation meeting was held together with Agder Police District. Investigation Division Mid-Norway and Northern Norway have held lectures for the management group in Vestfinnmark Police District and have met with the Enforcement Officer in Trondheim.

The Official Norwegian Report (NOU) 2009: 12 "A Responsible Police Force – Transparency, Control and Training," concludes that the Bureau emerges as an agency which identifies problems, and that the expertise and knowledge of the Bureau is in demand in the Police Districts. Decisions by the Bureau form a useful starting point for experiential learning. As a measure to comply with the recommendations in the report, a meeting was held between the Director of the Bureau and the management of the National Police Directorate in 2011 during which it was discussed how the work in the Police Directorate regarding experiential learning may benefit from the decisions made by the Bureau.

INTERNATIONALLY

In 2011, as in the previous year, a joint conference was held for employees of the Bureau and of the Swedish National Bureau for the Investigation of Police Affairs (further information regarding the Swedish Bureau may be found in previous annual reports and online at spesialenheten.no). The conference was held in June in Stockholm and also included representatives from Finland and Denmark. In addition to the exchange of information regarding the activities and cases of the units, the participants heard contributions on police violence and corruption.

Since 2006 the Bureau has participated in the European Partners against Corruption (EPAC). In 2011 a mutual European standard for Police Oversight was completed. The Bureau has participated in the work group which developed the standard. The Bureau also participated in the yearly EPAC conference in 2011. The conference was held in Austria and the main topics were the Fight against Corruption and Human Rights.

The photo was taken during a seminar for the Bureau in December 2011 where most of the permanent employees and persons engaged on assignment participated.



ABOUT US



The Norwegian Bureau for the Investigation of Police Affairs was established on 1 January 2005 and is assigned the task of investigating questions of whether employees in the police or the prosecuting authority have committed a criminal offence in the course of their duty.

The Bureau does not form a part of the police or the ordinary prosecuting authority. It is an independent organization that is administratively subordinated to the Ministry of Justice (Civil Department) and professionally subordinated to the Director of Public Prosecution. The Director of Public Prosecution may issue orders to the Bureau concerning initiation, implementation and suspension of investigations.

The Director of Public Prosecution also handles appeals against decisions made by the Bureau. The Bureau is headed by its Director and investigations are carried out in three regional Investigation Divisions that submit recommendations (proposals) to the Director regarding how a question of prosecution should be decided. The work of the Bureau is carried out by permanently employed staff and individuals on secondment.

Open and positive communication

"One of the objectives of creating the Bureau was to strengthen the general public's confidence in the community's ability and willingness to investigate and prosecute crimes committed by members of the police and prosecuting authority..

An important condition for achieving this objective is that the general public is given information about the system, how the Bureau is organized, how it functions and what decisions it makes.

It is essential that the Bureau establishes, as far as possible, an open and positive channel of communication with the media about the work of the Bureau in general as well as the individual cases.

By providing information that is both correct and impartial, the Bureau's standpoint and its decisions will be more easily understood and accepted. Issuing statements about individual cases requires a thoroughly considered strategy and an awareness concerning what information one may, or should provide in the situation at hand."

(The Director of Public Prosecutions – Circular no 3/2006)



Articles from Previous **Annual Reports**

2008

- Protection of Civil Society
- The Bureau Tries a Case through Three Judicial Instances – Use of Force during Arrest
- Performance of Police Duties – When Is It Punishable?
- Frequent Breaches of Confidentiality
- High-Speed Vehicle Pursuits and Shunting
- Corruption Is Harmful to Society
- Reports of Racism
- Police Use of Handcuffs

2009

- Detaining in Custody – Incidents Involving Persons in Police Custody
- Corporate Penalties
- Processing Time
- The Swedish National Police-Related Crime Unit
- Can Criminal Offences in the Police Be Prevented?

2010

- The Police Operations Centre
- The Police's Duty of Activity When a Person Is Deprived of Their Liberty
- Misuse of Register Data
- The Use of Blunt Physical Force by the Police
- Sexual Involvement between Police Officers and Parties in Criminal Cases
- The Duty to Register Crime Reports

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The divisional offices are staffed by investigators who are often out on assignment. Visitors should therefore make appointments in advance. All the divisions can be contacted on the given telephone number and email address given above.

