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Norwegian Bureau for the
Investigation of Police Affairs



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FOREWORD

The Bureau has been in operation since January 2005, and each year since 2008 has issued an annual report providing statistics on the Bureau's work during the previous year and articles based on experience of cases dealt with by the Bureau.

It is our impression that the annual reports have played a valuable role in police training. In the Bureau's experience of giving lectures, stories about actual incidents often capture the attention of the audience and provide a good basis for reflection and discussion.

When presenting cases, the Bureau stresses the importance of anonymity. We are particularly heedful when it is asserted that a case has been presented in a manner likely to enable identification. However, it is not practicable to prevent all possibility of identification. For example, it cannot

be avoided that colleagues at the duty station concerned know who was involved in a case referred to.

In our experience, there is considerable interest in using the Bureau's cases for training purposes. An increasing number of students request assistance in finding rulings that can be used in work on a study assignment. An example of such use of the Bureau's cases can be found in this annual report. In his master's thesis on use of force by the police, Jens Ørbæk, a Bureau staff member, poses the question of the responsibility of the police itself for the lack of confidence and lack of willingness to cooperate on the part of the general public. You can find his article on pages 5-7.

Another important topic we have found reason to include in this annual report is the work of the police on domestic violence. Will the police be able to follow up the Government's action plan and the directives of the Director of Public Prosecutions in a manner that influences work on specific cases? In recounting the case on pages 8-11, our intention is not to criticise, but to present details that may encourage questions to be asked at duty stations regarding whether the right approaches are adopted in work in a demanding field that is given high priority.

For some years, the Bureau has provided

on our website summaries of decisions in all the cases we have dealt with. In our experience, this has helped to improve the knowledge of persons with an interest in the Bureau's consideration of complaints and concerning the reasons for the high percentage of unprosecuted cases.

In 2015, the Bureau's average case processing time of 204 days was unacceptably high. The reason for this was that, in both 2014 and 2015, the Bureau had an unusually heavy workload associated with specific investigation assignments. As a result of this, other assignments had to wait. The average case processing time in 2016 was 183 days. In 2017, it is natural to aim for a further reduction in processing time.

Jan Egil Presthus,

Director of the Norwegian Bureau for the Investigation of Police Affairs





«Is the police responsible for the citizens' mistrust and lack of cooperation?»

COMPLAINTS REGARDING USE OF FORCE BY THE POLICE

In connection with a master's course in police science at the Norwegian Police University College in 2016, Special Investigator Jens Ørbæk at the Bureau submitted a thesis concerning use of force by the police. Ørbæk examined and discussed a total of 114 cases and 300 testimonies of parties to cases decided by the Bureau in 2013. In the following article, Ørbæk has summarised his findings and assessments for the Bureau's annual report.

According to Tyler (2006), members of the public are willing to accept decisions taken by the authorities provided that they are seen to be fair. This constitutes the core of "Procedural Justice", based on the view that value-based conduct and dialogue ensure good relations between the police

and the public. These core values find expression in both a formal and an informal dimension, and are also expressed in the requirements regarding the exercise of duty laid down in section 5-2 of the Police Instructions (see graph below).

"Procedural fairness" has a positive effect on public satisfaction, willingness to cooperate and trust in the police. Evidence of this has been provided by the research carried out by Mazerolle et al (2013) and Hough et al (2010).

In the criminal cases from 2013, altogether 85% of the aggrieved parties were unwilling to comply with the instructions of the police. The question is whether their lack of willingness to cooperate is associated with

the manner in which the police exercise their duty or whether other factors play a more important role.

I - FORMAL CHARACTERISTICS - TIME, PLACE, GENDER AND AGE OF THE PARTIES

The investigation showed no correlation between the occurrence of incidents and specific days of the week or times of the day. Nor does there appear to be any correlation with increased workload or with seasonal variations in nightlife activities.

More complaints were received in Oslo and Hordaland than in other police districts. However, when population figures, the number of police full-time equivalents and the crime rate are taken into account, no clear picture emerges. Some small►

PROCEDURAL JUSTICE

The police must involve the public

The police shall be neutral and objective

The police must be perceived as showing dignity and respect

The police must demonstrate credible motives that inspire confidence

THE POLICE INSTRUCTIONS

The police shall act as protectors, helpers and guides

The police shall show courtesy at all times

The police shall be calm and maintain authority

The police must comply with legislation and established practice



(continued)

police districts received fewer complaints regarding unlawful use of force. The differences may reflect random variation, police density, proximity to the public or cultural differences between police districts. Granèr (2004) maintains that, in small places, the police place more weight on contact-promoting activities and a soft approach to the public than on use of force.

Larsson (2010) points out that confidence is built over time through relations between the police and the public. It is natural to assume that both geographical and social distance may have significance for the relationship of trust between the police and the public. If a conflict arises between the parties, the trust that has been built up will probably influence the willingness to comply with the instructions of the police.

The reported incidents are usually associated with conflicts between men. The proportion of men is 82% (N=114) of the aggrieved parties and 84% (N=219) of the police employees. Even when taking into account the skewed gender distribution of the operational service personnel, female police officers appear to be strongly underrepresented.

Forty per cent of the police officers involved are 30–39 years of age when the incidents occur. The average age of newly graduated police officers is 26. This means that a large proportion of those reported for unlawful use of force have less than 10 years' experience (see graph at top right).

A number of studies (Lagestad, 2010; Granèr, 2004) point out that young male police officers, to a greater extent than

female officers and older colleagues, view the police as an "operational force", and have a different approach to the public. According to Knutsson (1995), not until they have 15 years' experience, do male police officers begin to resemble their female colleagues in the exercise of their profession. Wathne (1996) and Finstad (2000) maintain that female police officers show more understanding and patience, while their male colleagues to a greater extent choose to use force.

II - TYPE OF ASSIGNMENT AND LOCATION

Fifty-five per cent of reported incidents occur during uniformed duty, but only to a small extent do the tasks involve high-risk situations. Although there has in recent years been considerable focus on the role of the police in assisting child welfare and health services, these categories together constitute no more than 12% of cases.

Reports concerning use of force are relatively evenly divided between private, public and police reasons (see graph at bottom right).

III - USE OF FORCE AND RESULTING INJURIES

Force is mainly used by the police in accordance with the requirements of the Police Instructions. It is seen to be "necessary and proportionate" and "more moderate measures" are tried first. The police issue cautions and regulation in 65% of cases, and weaker means are applied before stronger in 62% of the incidents. "Normal use of force" is that which is most often reported and, to a lesser extent, the use of more serious means of force. Sixty-five per cent of aggrieved parties report that they were "held physically", while

58% report that they were "brought to the ground".

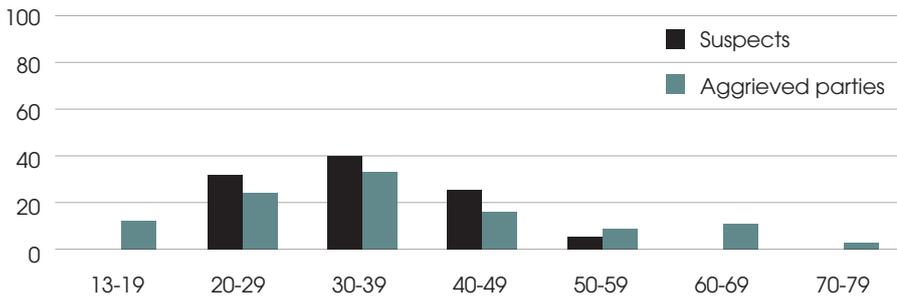
Use of blunt force is reported in 22% of cases, but this often concerns borderline cases, where it is not clear whether the aggrieved parties were pushed/shoved. Uncontrolled falls are reported in 30% of cases, and physical injury or discomfort occurred in as many as 69% of the incidents. The Norwegian Police Directorate's circular 2007/011 states that persons taken into custody are to be made to lie on their side "when control has been established". This is due to the increased potential risk involved in the use of the prone position, as previously pointed out by the Bureau. It is therefore somewhat surprising that the prone position is used in 14% of cases, and that this is reinforced by the use of leg restraints in 6% of the situations.

By means of questionnaire surveys and testing, Lohne Lie (2010) established that operational service personnel lacked skills and knowledge regarding arrest techniques. Wathne (2009) also drew attention to challenges in connection with police procedures for transfer of experience. Although it is not possible to eliminate injuries resulting from the use of arrest techniques, it is of major importance that the police have sufficient knowledge of the potential risk involved in the use of this type of force.

IV - POLICE CONDUCT AND COMMUNICATION

No observation has been made of police conduct and communication contrary to the formal requirements of the Police Instructions. As a rule, the police conduct

COMPARISON OF AGE CATEGORIES FOR ALL SUSPECTS AND AGGRIEVED PARTIES (%)



themselves “in a calm and controlled manner, and are neither offensive nor condescending”. There is some uncertainty attached to the informal dimension “courteous conduct and communication”. The police are seen as courteous in 55% of cases, but 40% of respondents selected the “do not know” option. This may be because the police are not concerned with documenting their own conduct or that this was difficult to measure.

There is nothing to indicate that “prior acquaintance” with the parties had any particular significance for the number of complaints against the police. In only 25% of cases was there information that the police had prior negative experience of the aggrieved parties.

V - THE AGGRIEVED PARTIES’ CONDUCT AND COMMUNICATION

In almost 75% of incidents, the aggrieved parties are not “calm and controlled”, and their behaviour is far more unrestrained than that of the police. In approximately 60% of cases, they are also “impolite”. Given the type of assignment, this is perhaps not so surprising. Nor can the aggrieved parties be expected to behave as professionally and level-headedly as the police. However, it is worth noting that “offensive and condescending” behaviour on the part of the aggrieved parties occurs in less than 50% of incidents.

Only 34% tell of previous “negative experience” of the police. Skogan (2006) shows that negative experience of encounters with the police has far greater consequences for the relationship of trust than does positive experience. This may indicate that the aggrieved parties

react to something in the situation without this necessarily being reflected in the investigative steps taken by the Bureau.

As many as 85% of the aggrieved parties have been unwilling to comply with the instructions of the police and as many as 75% “have given physical resistance”. The simplest course of action would be to point out the legal obligation to comply with police’s exercise of authority; however, theory and research show that the police play a central role in obtaining respect, confidence and willingness to cooperate. Moreover, in the situations concerned, 43% of the aggrieved parties were observed to be under the influence of alcohol or drugs.

VI - MOTIVE - CLAIMS FOR COMPENSATION AND COUNTER-CHARGES

In 60% of cases no compensation was claimed. Although there may have been a lack of guidance and information, there is nothing to indicate that complaints against the police were motivated by expectations of financial compensation.

In as many as 76% of cases, charges had been brought by the police against the aggrieved parties themselves. In some cases, the complaints against the police

and a penalty received by the aggrieved party had been close to each other in time. The aggrieved parties doubted that their complaints would influence the outcome of the proceedings against themselves, but felt the penal reaction to be unfair in view of the fact that they themselves had been subjected to unlawful use of force.

Are the police themselves responsible for public lack of confidence and lack of willingness to cooperate?

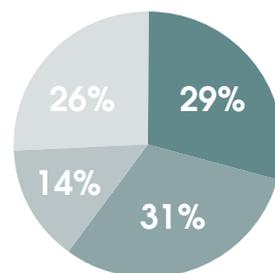
The main conclusion of the master’s thesis is that “no clear grounds have been found for contending that police conduct and dialogue are contrary to the core values of procedural justice or of the Police Instructions”. However, in the light of the study, there is reason to pose a number of questions that may have a bearing on citizens’ willingness to cooperate and on their trust in the police.

- Do police districts differ on account of geographical and/or social distance?
- Are there gender-related differences in the way the police relate to the public?
- Are there good enough procedures for transfer of experience concerning the risks associated with arrest techniques?

The aggrieved parties often maintain that they were rebuffed when they asked why it was necessary to use force, and that this influenced their decision to lodge a complaint against the police. It is of central importance for maintaining public confidence and willingness to cooperate in the future that the police:

- involve the public
- conduct themselves neutrally and objectively
- are perceived as showing dignity and respect
- demonstrate credible motives that inspire confidence

LOCATION OF REPORTED OFFENCES (%) (N=114)



- Public area only
- Private area only
- Police vehicle/area only
- Combination of areas

The category “combination of areas” implies that the use of force continues after an aggrieved party is placed in a police car and/or police custody.



DOMESTIC VIOLENCE

During the last year, the Bureau has dealt with two cases concerning police handling and follow-up of information relating to family conflicts. Both cases, subsequent to police involvement, culminated in the killing of a partner.

In one of the cases, the Bureau found reason to initiate an investigation. The case was referred to the Bureau by the management of the police district.

In its assessment of the case, the Bureau found, on the basis of the Government's action plan against domestic violence and the Director of Public Prosecutions' Circular No. 3/2008 on domestic violence, that there were grounds for asking whether the police district had succeeded in following up the Government's and the prosecuting authority's measures for combating domestic violence in a manner that was effective in individual cases. No basis was found for criminal liability of individuals or of the police district as a corporate entity, but the case raised a number of issues that the Bureau considered should be reviewed because there was much to be learned from them. Since domestic violence is a serious and important topic in the public debate on social issues, the Bureau considers it appropriate to provide a brief account of the case in its annual report.

The woman, who was later killed, contacted the police herself on 12 June

because she was afraid that her husband intended to take their child with him to his native country and not return to Norway. In an interview with an experienced investigator, the woman gave an account of her situation, and the investigator made a number of enquiries with a view to assisting her. The woman insisted that her husband must not learn that she had contacted the police, and told that one year previously he had pushed her into a wall. She did not wish to press charges for this. The investigator informed the woman of the possibility of shelter at a crisis centre. It was also suggested to the woman that she could consider living for a time with close relatives. Following the interview, the investigator and the woman had telephone contact on several occasions. The investigator noted in the police duty log the information received during the interview with the woman.

On 29 June, the police were alerted of a disturbance at the woman's address. When a patrol turned out, they found the woman, her husband and her father at the address. The patrol officers examined the woman at the address and received the charges brought by her against her husband. In the



examination, the woman told that, during the previous month, her husband had both threatened her with violence and had threatened to kill her almost daily. On one occasion, he had threatened to kill her with a knife. On another occasion, he had been violent towards her. He had taken hold of her sweater and had pushed her down on the floor. The woman requested that her husband be prosecuted and punished for threats and violence. She did not consent to the case being dealt with by the National Mediation Service.

The patrol coded the charge brought by the woman as domestic abuse with bodily harm (see section 219 of the Penal Code of 1902). A Chief Investigation Officer, who reviewed the charge before it was assigned for investigation, reconsidered the coding of the case twice, and finally changed it to assault (see section 228 of the Penal Code of 1902). The husband's threats were thus not reflected in the coding of the case by the police.

The responsibility for following up the case was assigned to a different investigator than the one who had spoken to the woman on

12 June. The investigator who was assigned the case was on holiday when the case was assigned for investigation. When the investigator returned from holiday, other tasks were deemed to be more important. No measures were taken by the police until 27 July, when the woman on her own initiative called at the police station to request an injunction prohibiting her husband from visiting her and to request that she be issued with a personal violence alarm. A brief examination was made of her, during which she told of her fear that her husband would take their child with him to his native country and also of the threats and acts of violence in 2014 and 2015, of which the police were already informed. The woman stated that she was frightened that her husband would carry out his threats. No sound recording was made of the examination, which was not particularly thorough. After the examination, the investigator ordered a personal violence alarm for the woman. The investigator did not investigate whether any information of interest had been recorded in the police duty log.

Following the examination, the investigator notified a superior officer concerning the



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case. The superior officer then prepared an investigation plan for further work by the police, involving a new statement from the woman, examination of the husband, examination of the woman's parents and some other measures.

Some time after the examination, the investigator contacted the prosecuting officer concerning the case. As a result of the contact, it was decided that the case would be sent to the prosecuting officer without taking further investigative steps. The husband (the suspect) was not summoned for examination by the police. Nor was he in any other way informed by the police that they were processing charges against him.

It was decided that no injunction was to be served on the husband prohibiting him to visit. Importance was attached to his right of access to the child. However, no formal decision was made that such an injunction was not to be served.

The case was submitted for prosecution via the superior officer who had prepared the investigation plan. The superior officer made no further review of the case, but paid regard to the decision made by the prosecuting officer and the fact that it was busy at the office. The investigation plan was therefore never followed up. None of the examinations specified by the plan were carried out.

On 15 September, the prosecuting officer dropped the case owing to insufficient evidence, attaching importance to the lack of any evidence for repeated threats and violence other than the woman's own statement. The prosecuting officer was not

aware that there was information in the duty log that might have been of interest. The case was referred by the prosecuting officer to the National Mediation Service with an application for mediation between the woman and her husband. The case was thus transferred to the National Mediation Service despite the fact that the woman had explicitly stated that she did not consent to mediation by the National Mediation Service.

The investigator who had spoken to the woman on 15 June was the officer at the police station with responsibility for ordering and supplying the personal violence alarm. Owing to the investigator's holiday, the personal violence alarm was not ordered until 18 August. The alarm was supplied to the woman on 27 August. When she received the alarm, the woman told that her husband had moved out, and that she did not think it likely that he would carry out his threats to kill her. When the woman was reminded of the possibility of shelter at the crisis centre, she said that she wanted to stay at home. It was recorded in the duty log that the personal violence alarm had been supplied, and that the husband had moved out and continued to threaten to kill the woman. On 4 September, the woman contacted the investigator who had spoken to her on 15 June and had later supplied her with the personal violence alarm. She then told that her husband had made further threats to kill her. Since the woman was somewhat unspecific regarding the threats, she was recommended to note what form they took.

On 23 September, the woman again contacted the police station and asked to

speak to the investigator who had supplied her with the personal violence alarm. The woman then told that her husband threatened to kill her every day, and that she now felt increasingly unsure of what her husband might be capable of. He had also told her mother that he would kill her if they were divorced. The woman's mother was very frightened. The woman stated that she had the help of a lawyer in connection with the divorce. The information given by the woman was regarded as a new charge and, on 28 September, the woman appeared in person at the police station to sign the charge. It was then agreed that the woman would return to the police station the following day and that the police would then secure and translate text messages that the woman had received from her husband to her mobile telephone.

The woman again asked whether her husband could be served an injunction to prevent him from visiting her. The investigator decided to wait until the next day before asking the prosecuting officer who had previously considered the question of a ban on visiting whether the husband should now be served such an injunction.

The woman was killed by her husband at her home on the evening of 28 September. Just days before the woman was killed, she and her husband had attended meetings with the National Mediation Service.

In its assessment of the conduct of the police, the Bureau found that the charges and the information provided by the woman were of a nature covered by the Government's action plan against domestic violence and the Director of

Public Prosecutions' Circular No. 3/2008 on domestic violence. The Circular states that this applies, among other things, to violence, force, threats and deprivation of liberty. According to the circular, high quality and good progress are of paramount importance in domestic violence cases. The Director of Public Prosecutions also writes that the investigation should in general be broad-based, and that cases concerning domestic violence require active prosecution management and close cooperation between the investigator and the prosecuting officer.

In its assessment, the Bureau considered that the case raised issues concerning whether the police, in their handling of information on violence and threats of violence against the woman, had fulfilled their obligations to prevent crime, and whether the case had been dealt with in accordance with the quality requirements of the Director of Public Prosecutions. Moreover, the case gave reason to ask whether, in the situation, the woman had received the protection she was entitled to from the police. Regarding the woman's right to protection, reference was made to the Supreme Court's decision in Norwegian Supreme Court Reports Rt-2013, page 588.

The Bureau expressed the view that the investigation of the charges received by the police in connection with the turn-out on 29 June was weak when seen in relation to the directives of the Director of Public Prosecutions. Progress in the work of the police was largely initiated by the woman herself, and the information concerning threats was not given the necessary attention during the investigation

and prosecutory treatment of the case. The Bureau raised the issue of the police's failure to question the husband and that it was left to the National Mediation Service to inform the husband that the woman had reported him to the police. Neither the investigator of the case nor the prosecuting officer had much experience of work on domestic violence cases or knowledge of such cases. The work of the police on the case was insufficiently coordinated. Instead of tackling the charges with efficiency and high quality, the police did little prior to dropping the case to clarify the circumstances surrounding the threats and the risks associated with them.

The investigator who had had contact with the woman during the period immediately prior to the killing seemed to be actively engaged in providing good support for the woman. In the view of the Bureau, given the developments in the case, this investigator should not have had the sole responsibility for assessing the risks associated with the threats and deciding how the police were to act.

At the time the case was dealt with, the post of Domestic Violence Coordinator in the police district was vacant. In an interview with the Bureau, the person who had previously held the post told that the post had mainly involved tasks at a strategic level of the police district, and that the coordinator had only to a small extent been involved in work on individual cases at the stations.

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The Release of

PICTURES AND VIDEO RECORDINGS TO THE MEDIA

In 2016, the Bureau dealt with a number of cases concerning the release by the police of pictures and video recordings to the media. The cases were assessed according to the provision of the Penal Code concerning violation of the duty of professional secrecy.

Emloyees of the police and prosecuting authority are subject to the duty of secrecy pursuant to section 23 of the Police Records Act, which provides that they have a duty in regard to criminal cases to prevent other persons from gaining access to or knowledge of information concerning any person's personal affairs.

Section 34 (first paragraph) of the Police Records Act and section 9-8 of the Police Records Regulations provide rules concerning the release of information to the public deriving from a criminal case. Such release of information may only be made when necessary in order to safeguard the generally deterrent effect of criminal prosecution, for public control of the exercise of authority or in order to provide objective and sober information on incidents of public interest. Information may also be provided for the purpose of helping to solve a crime.

Information on criminal cases that is provided to the public must be given in a factual and sober form without evaluative comments. Its purpose shall

be to encourage an objective and sober media coverage of the prosecution and processing of criminal cases. Further purposes include correcting erroneous statements or false rumours, creating necessary balance in a report, warning against dangers and solving crimes. Information that may easily reveal a person's identity must not be provided except when necessitated by the purpose of the communication or when the name may be assumed to be well-known in connection with the case or when further identification is necessary in order to prevent suspicion being directed against innocent persons.

One of the cases decided in 2016 concerned a married couple who lodged a complaint against the police for releasing photographic and video material deriving from surveillance of them in connection with a case concerning social security fraud. The material was both published in an online newspaper and presented in a news item in the television news programme NRK Dagsrevyen. Although faces and registration plates were obscured, the couple were recognised and received a

number of unpleasant reactions. Prior to the trial of the couple, a police officer had provided journalists in a local newspaper and the Norwegian Broadcasting Corporation with a video and a number of surveillance photographs. The material was provided on condition that the faces of the couple were obscured so that they were unrecognisable and that the material was not released until the start of the trial. The trial was postponed, but the material was nevertheless released on the same day. When the couple raised the matter with the prosecuting officer for the case, he stated that he was not aware that the material had been released to the media.

In its assessment of the case, the Bureau pointed out that, when the police provide information to the media, the need of the public for information must be weighed against the regard for protection of the privacy of the person(s) the information concerns. According to the wording of the legislation, the police, when providing documents concerning a current criminal case, are themselves responsible for ensuring that the material is presented without identifying characteristics. If identifying characteristics cannot or should not be released, e.g. because the information is not already known, the main rule must be that the police themselves carry out the necessary deletion of information. The same assessment is assumed to have been made by the Supreme Court in a case where the Norwegian Bureau for the Investigation of Police Affairs was ordered to release to the Norwegian Broadcasting Corporation anonymised recordings from a surveillance camera at the Oslo Accident and Emergency Unit. We refer to Norwegian Supreme Court Reports Rt-2015, page 1467.

The need for deletion of information

prior to release must apply to all pictorial material. The central question is whether or not the material contains identifying characteristics.

The Bureau found the case to be of public interest and that the police wanted there to be media coverage of the case and investigation methods for preventive purposes. The Bureau found that release of the material involved a violation of the statutory duty of secrecy, but that the officer had not acted with gross negligence. In the assessment it was borne in mind that the material had been released under a clear assumption of anonymity. When assessing the officer's conduct, it was also found that he had been convinced that his superior officers had no objections to release of the material to the media. Nor did superior officers provide any guidance concerning how such material should be released. The case was dropped owing to insufficient evidence and was referred to the Chief of Police for administrative assessment.

Another case decided by the Bureau in 2016 concerned a person who was arrested at his home and charged with writing hateful statements. During the arrest, a television team was present, which filmed both the arrest and the home of the person charged. The arrest was a main item in a news bulletin screened the same evening. The person who was arrested lodged a complaint against the police for violation of the duty of secrecy.

The Bureau found that arrest of a person is subject to the duty of secrecy pursuant to section 23 of the Police Records Act. It was furthermore pointed out that the police must perform their duty in such a way as to ensure that a person who is the object

of police intervention is not laid open to public exposure to a greater degree than required by performance of the police action (see section 6, third paragraph, of the Police Act).

Reference was made to section 5-5, third paragraph, of the Police Instructions, where it is stated that the police, subject to the legal restrictions, and as far as otherwise found possible and justifiable from the point of view of police duties, shall, when so requested, provide the public and the mass media with information concerning the police service and its work.

The Bureau did not find that the prosecuting officer in the police, by allowing the television team to be present and film the arrest, had violated the provisions of the Penal Code concerning violation of the duty of secrecy. The exception in section 34 of the Police Records Act (see section 9-8 of the Police Records Regulations) was deemed to apply.

The Bureau placed particular emphasis on the fact that the television report was objective and sober. It was mainly the feet of persons that had been filmed and only a small part of the entrance; so that, in the view of the Bureau, personal privacy considerations had been safeguarded. Moreover, the purpose, i.e. to document that the police were addressing the problem of hateful statements precisely in order to promote general compliance with the law in this area, was taken into consideration as a purpose covered by section 9-8, first paragraph (4), of the Police Records Regulations. The case was dropped on the ground that no criminal offence was deemed proven.

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The Bureau is regularly invited to take part in various international fora.

INTERNATIONAL COOPERATION 2016

Nordic cooperation meeting

In October 2016, the Swedish authority with responsibility for investigation of criminal offences committed by police employees, Avdelningen för Särskilda Utredningar (the Special Investigations Department) invited senior officials of the corresponding authorities of other Nordic countries to a meeting in Stockholm. In addition to the Swedish hosts, the meeting was attended by representatives from Den uafhængige politiklagemyndighed (DUF) (the Danish Police Complaints Authority), the Director of Public Prosecutions in Finland and the Norwegian Bureau for the Investigation of Police Affairs, represented by the Director, Jan Egil Presthus. Among other things, the meeting served as an opportunity to present the respective countries' investigation arrangements and to discuss possibilities for offering practice periods or exchange schemes to employees of corresponding authorities in the other Nordic countries. The DUF undertook to prepare an overall written presentation of the various arrangements of the Nordic countries. It was agreed that we would meet again in Oslo in 2017.

European partners against corruption (EPAC)

Since 2006, the Bureau has taken part in EPAC's annual conferences. In 2016, the conference was held in Latvia. The main topic of the conference was anti-corruption work in the public administration and in the police.

International seminar in Montenegro on internal control in the police

In December 2016, at the request of the Norwegian Centre for Integrity in the Defence Sector (CIDS), the Bureau participated in a seminar on internal control in the police held by the Ministry of Internal Affairs in Montenegro.

The purpose of the seminar was to gather representatives from various internal control organisations, as well as experts from international organisations, to exchange views on organisational models, work on control of the police, best practice and experience. Investigative Prosecutor Helle Gulseth participated from the Bureau. In addition to Norway, Montenegro, Serbia and Hungary presented their models.

Furthermore, a representative of the Belgrade Institute of Comparative Law gave a presentation of international standards.

Other participants at the seminar were the management of the internal control unit in Montenegro, the Director of Integrity in the Montenegrin Ministry of Internal Affairs, representatives from a working group at the Ministry of Internal Affairs associated with Integrity, a representative of the prosecuting authority, the head of the Parliamentary Oversight Committee in Montenegro, the Director of the Norwegian Police University College and two representatives of the Organisation for Security and Cooperation (OSCE).

It is envisaged that further use of the experience gained from the seminar will be made by the Montenegrin Ministry of Internal Affairs and CIDS when developing and strengthening the internal control unit in Montenegro.





Hypotheses in investigations

KNOWLEDGE OF OTHER CULTURES

When investigating a criminal offence, it is often necessary to begin the work on the basis of several possible explanatory models.

A hypothesis is a conjecture, assumption or explanation that seems reasonable on the basis of existing knowledge, and which one attempts to disprove or confirm.

In some police investigations reviewed by the Bureau when processing complaints, it emerges that, in connection with the investigation, the police have held hypotheses or opinions associated with the cultural backgrounds of persons involved. The Bureau considers that such hypotheses or opinions may in some cases have affected the work of the police without being sufficiently knowledge-based. The Bureau does not know whether this is a feature of many police investigations, but nevertheless finds reason to mention its observation as a possible basis for reflection by personnel with investigative responsibilities.

In the investigation of a possible homicide, the police held for some time a hypothesis based on the religious and cultural affiliation of the closest relatives of the deceased, that they may have interfered

with the scene of the crime. Little was done to clarify whether there was a basis for the hypothesis, although it would in all likelihood not have been particularly difficult to obtain information that could confirm or disprove it. Nor were the relatives informed that the police held such a hypothesis.

In the investigation of charges of violence and threats of violence in a case where the person accused of making the threats later killed the person who brought the charges, the police were, in view of the cultural background of the persons involved, unsure whether the threats could be understood with the same degree of seriousness as if the same threats had been made by persons of a Norwegian cultural background. Nothing was done to confirm or disprove the basis for the uncertainty.

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*Breaches of the Duty of
professional Secrecy Committed by*

PROVIDING INFORMATION TO FAMILY MEMBERS OR ACQUAINTANCES

The Bureau deals with a number of reports where police employees are accused of providing information subject to the duty of professional secrecy to family members or other close acquaintances.

Such reports are usually submitted by persons who have become familiar with information via a third party because the person who received the information has passed on to others what he or she has heard concerning someone's dealings with the police. In some cases, reports are also made by the person who received the information. This generally occurs as a result of a conflict between the person submitting the report and the police employee.

An officer (A) with managerial responsibilities, in a lunchtime conversation with a police colleague (B), who had a similar managerial role at another police station, told that she knew that a new employee (C) at B's workplace had a partner (D) who had been charged with domestic violence. A had learned of this in connection with a judicial examination. D later learned of the conversation and lodged a complaint against A for violation of the duty of secrecy. The Bureau dismissed the case owing to insufficient evidence. The Director of Public Prosecutions reversed the dismissal and decided that A was to be fined NOK 5 000.

The Director of Public Prosecutions pointed out that A had had no official purpose for providing the information and that B had had no official purpose for receiving it. The fine was accepted.

A police officer who was on sick leave read in the police duty log that the police, owing to a suspicion of unlawful sale of alcohol, had an address in his neighbourhood under observation. The officer gave the information to his wife, who passed it on, so that the suspects were alerted. The officer was fined NOK 13 000 by the District Court.

In a report of concern to the Norwegian Police University College, a young woman informed that her previous boyfriend, a police cadet, had sent her pictures of work situations via the mobile telephone application Snapchat. She told further that she had seen pictures from police activities that the cadet had shared with his brother, who was also a police employee. In the woman's opinion, several of the pictures could reveal personal data. This applied, among other things, to pictures of traffic controls and pictures of the police duty



log. The woman also stated that the brothers had, in her presence, discussed police behaviour in a manner that she perceived as improper. When examined by the Bureau, the cadet admitted sending pictures, but denied that he had communicated information that was subject to the duty of secrecy. The pictures had been deleted and could not be recovered. The case was dropped owing to insufficient evidence. The Norwegian Police University College was requested to follow up the case administratively.

A woman, who had previously cohabited with and had a child with a police officer, informed his employer that he had on several occasions given her information about police duties. She stated, among other things, that he had given her information that was subject to the duty of secrecy concerning persons they observed when they were together. The woman also told that, in connection with a house sale, he had told a family member that the purchaser had several convictions. The Bureau examined the woman and the officer, and dropped the case as time-barred. The incidents she referred to in

her statement had occurred several years previously. The charge associated with the house purchaser was dropped owing to insufficient evidence. In connection with the processing of a complaint against the dropping of the case, the Director of Public Prosecutions requested a more thorough investigation of whether the officer had looked up the house purchaser in the police records. The Director of Public Prosecutions nevertheless later upheld the dismissal of the case, but stated as follows in that connection:

“Allegations concerning police officers’ searches in the police records without an official purpose and violation of the duty of secrecy must be thoroughly investigated, among other ways, by retrieving the search history and other data from the Police Operational Management System (PO), etc. The police record and have access to extremely sensitive information. If the police are to retain broad access to information, it is necessary that they can be trusted to use the information for the intended purposes only. Such trust is also a precondition for future requests for extended powers and access to methods for the police.”

Providing information subject to the duty of secrecy to family members or other close acquaintances is a criminal offence. A police officer who violates the duty of secrecy weakens confidence in the police and puts himself in a vulnerable situation.



USE OF BODY CUFFS ON PERSONS IN POLICE CUSTODY

In 2016, the Bureau considered two cases concerning police use of body cuffs on persons in police custody. Body cuffs are also referred to as “escort equipment”.

In connection with the Bureau’s processing of these cases, an enquiry was sent to the Police Directorate concerning authorisation of such equipment.

In its reply to the Bureau of 14 November 2016, the Police Directorate stated that body cuffs are a handcuff-based belt system developed to control/handle particularly difficult persons, that can be obtained by police districts and special bodies through the Police General Services. Body cuffs consist of a body belt coupled to handcuffs and ankle irons. In 2011, the Police Directorate authorised the equipment for the use of the Police Immigration Unit in connection with return transport. On 5 June 2012, the equipment was authorised by the Police Directorate for general use by the police. According to the Directorate’s reply to the Bureau, the equipment may thus also be used in police custody facilities provided that the conditions laid down in section 3-2 of the Police Instructions and section 6 of the Police Act are met.

The cases considered by the Bureau concern incidents in custody facilities in

West Police District (March 2015) and South-East Police District (March 2016). In both incidents, persons in police custody who had been placed in body cuffs had partly succeeded in freeing themselves from the equipment. While this was happening, they were not subject to continuous supervision. Once free, they were able to use the lock, which is made of metal, to swing and strike at things around them. In both incidents, there was considerable vandalism, and it was difficult for the personnel at the custody facility to gain control of the situation. In one of the incidents, several officers with helmets and shields had to enter the cell in order to gain control of the person in custody.

In a report dated 23 May 2016 of a visit to the central custody facility in Bergen, the Parliamentary Ombudsman’s National Preventive Mechanism against Torture and Ill-Treatment informed that the West Police District has access to body cuffs and that these are exceptionally used at the custody facility to prevent self-harming. According to the report, the police district has no complete record of the use of this equipment.



The Parliamentary Ombudsman writes moreover that a person taken into custody who is placed in body cuffs must have continuous supervision in the room, and the accident and emergency unit must be contacted. "The reason for this is that body cuffs can be used in such a way that they render both legs and arms passive, and may therefore involve a health risk similar to that caused by use of a restraint bed or straitjacket."

In one of the cases the Bureau has considered, the use of body cuffs was not perceived as justified by the fear of self-harming, but by the aggressive conduct of the person in custody towards the police.

In the view of the Bureau, experience of the cases may give reason to question the suitability of the equipment for use in the custody facility. In addition to the risk pointed out by the Parliamentary Ombudsman, the possibility of escape is regarded as involving both a risk of self-harming and a risk of injury to police personnel. In the view of the Bureau, it is also appropriate to ask why the Directorate has arranged for the use

of such an invasive measure in custody facilities without at the same time providing instructions for use, supervision and risk factors or informing that, before being used locally, such instructions must be provided. Neither West Police District nor South-East Police District had instructions available at the time of the incidents.

The Bureau has currently no detailed knowledge of how often body cuffs are in use in Norwegian police custody facilities. Nor does the Bureau know whether any other police districts than West Police District practice continuous supervision.

The case from West Police District was decided by the Bureau in 2016. No basis for criminal liability was found for employees of the police district or for the corporate entity. The case was referred to the police district for administrative assessment. A copy of the Bureau's decision was sent to the Police Directorate. Processing of the case from South-East Police District is not yet finished.

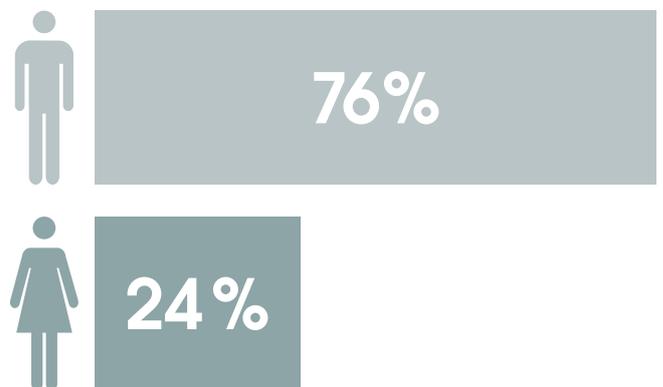
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STATISTICS 2016

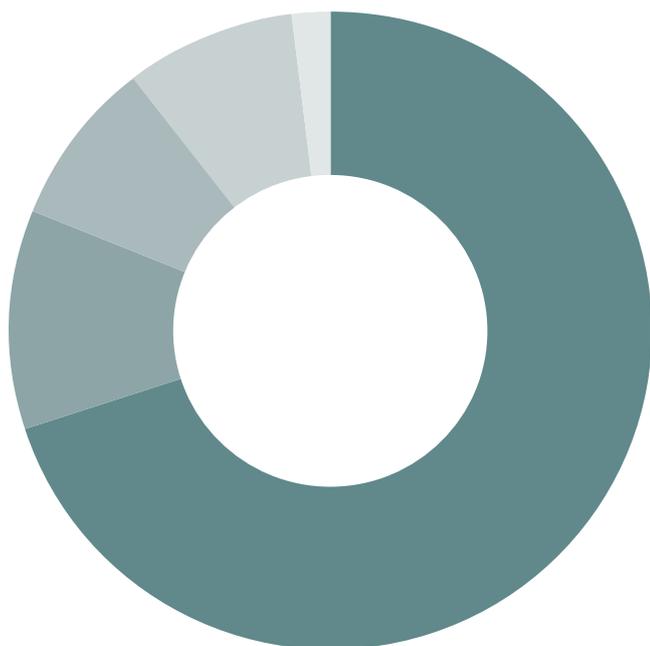
RECORDED COMPLAINTS



COMPLAINANTS (distribution by gender)

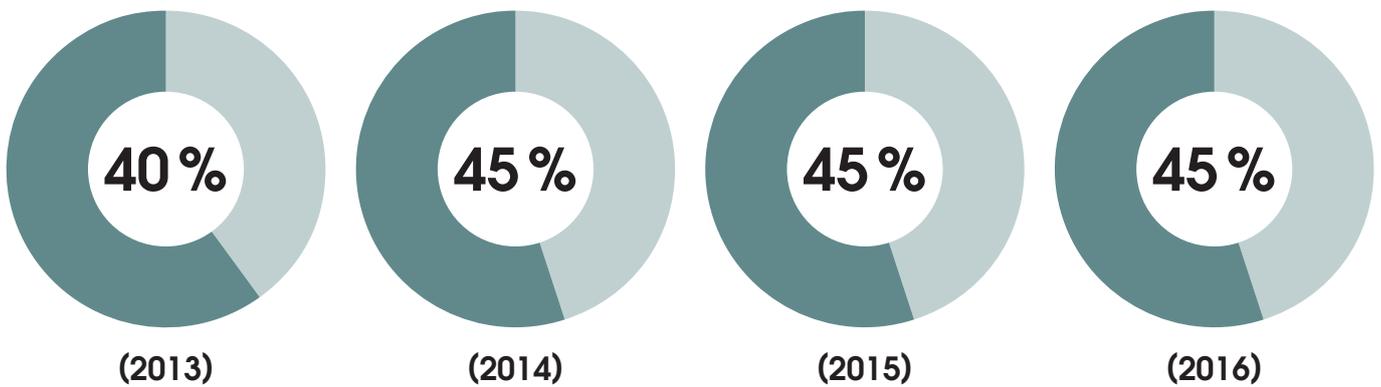


WHO LODGES COMPLAINTS?



- The aggrieved party
71 %
- The aggrieved party via his/her lawyer
11 %
- The police district itself
9 %
- Others (e.g. witnesses to incidents)
8 %
- The Bureau itself
1 %

NO REASONABLE GROUNDS FOR INVESTIGATION (Number of cases dropped without investigation)

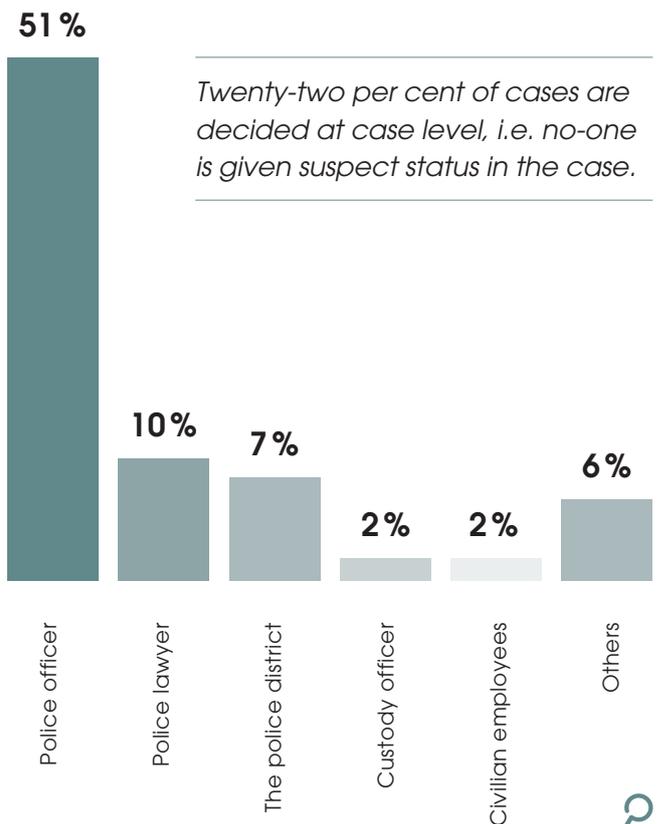


The question of whether investigation is to be initiated is discretionary. Pursuant to section 224 of the Criminal Procedure Act, a criminal investigation shall be carried out when, as a result of a complaint or other circumstances, there are reasonable grounds to investigate whether any criminal matter requiring prosecution by the public authorities subsists. Major factors in the assessment of whether there are reasonable grounds for initiating investigation include the probability that one or more criminal acts have been committed, the seriousness of any such criminal acts and a specific assessment of objectivity.

The Bureau has a low threshold for initiating investigations. The Bureau drops 45% of cases without investigation partly because many complaints concern entirely lawful performance of duty and partly because some complaints are clearly subjective or groundless. The Bureau also receives complaints where the motive of the complainant is clearly to obstruct the work of the police in an ongoing investigation. Although a case is dropped without investigation, a number of enquiries have generally been made, and a reasoned decision is written.

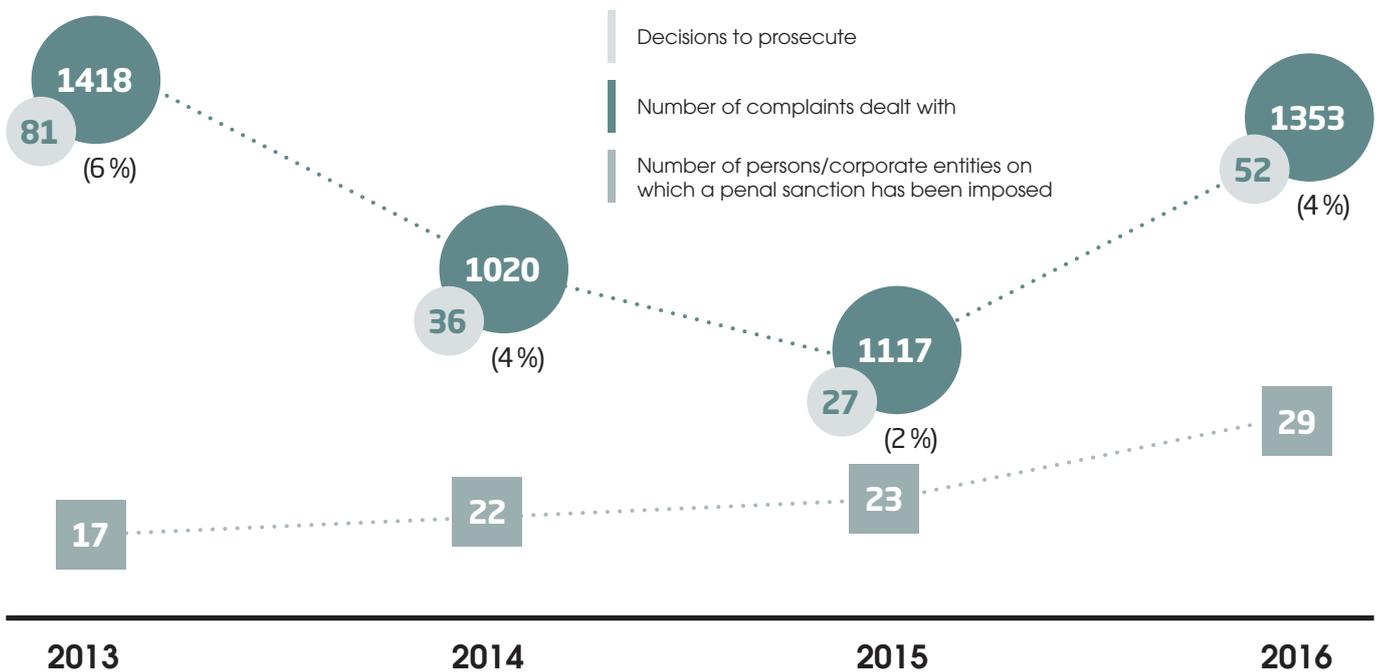
Summaries of all decisions are made available at www.spesialenheten.no

WHO ARE COMPLAINTS LODGED AGAINST?



STATISTICS 2016

DECISIONS TO PROSECUTE



In 2016, 52 of 1353 complaints dealt with resulted in an optional fine, indictment or waiver of prosecution (4%). Penalties were imposed on a total of 29 persons. More detailed accounts of the cases are provided on pages 24–27.

As a prosecuting authority, the Bureau must decide cases in accordance with frameworks that follow from legislation and case law. The law provides the police with extensive powers, among these, the right to use force in carrying out their duties.

Both the legislature and the courts have established that the police must be allowed a wide margin of error before being made criminally liable for otherwise lawful performance of duty. Criminal liability must be assessed in relation to the officer’s perception of the situation at the time.

ADMINISTRATIVE ASSESSMENTS (Cases referred to chiefs of police or directors of special bodies)

For more information, see pages 32 and 33.



APPEALS TO THE DIRECTOR OF PUBLIC PROSECUTIONS

203

In 2016, the Director of Public Prosecutions considered 203 appeals against decisions made by the Bureau.

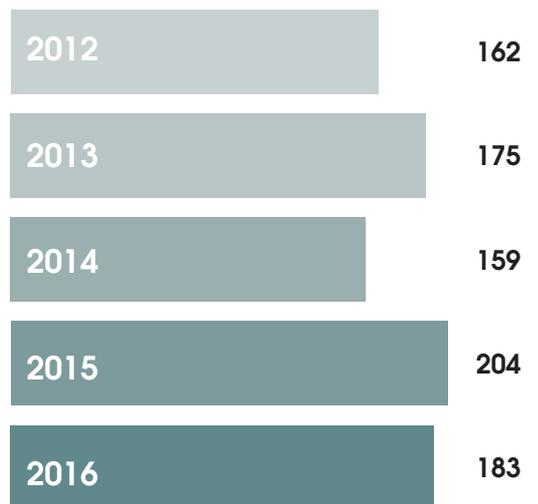
190

In 190 of the cases, the Bureau's decision was upheld. In eight cases, the Director of Public Prosecutions changed the reason for dropping the case. In four cases dropped by the Bureau, the Director of Public Prosecutions ordered further investigation. In one case that had been dropped by the Bureau, the Director of Public Prosecutions requested the Bureau to impose a fine.

21%

In 2016, 21% of cases decided were appealed.

PROCESSING TIME (days)



The Bureau aims at an average case processing time not exceeding 150 days.





DECISIONS TO PROSECUTE 2016

In 2016, 52 out of 1353 complaints considered resulted in indictment, an optional fine or waiver of prosecution. A total of 29 persons (no corporate entities) were sentenced to penalties.

DRUG-RELATED CRIME AND CORRUPTION

- On 6 February 2016, on the orders of the Director of Public Prosecutions, a police officer was indicted for aiding and abetting import or attempted import of a very considerable quantity of drugs (see, respectively, section 162, first paragraph, third paragraph and fifth paragraph) of the Penal Code of 1902). On the orders of the Director of Public Prosecutions, the officer was also indicted for gross corruption (see, respectively, section 276b and section 276a, first paragraph (b), of the Penal Code of 1902). The indictment for corruption states that he, in connection with his post as a police officer shall have received money and other economic advantages from a co-accused amounting to a minimum total value of NOK 2.1 million. The indictment also includes several violations of the Firearms Act. The main hearing of the case began at Oslo District Court in January 2017.

SEXUAL OFFENCES

- On 4 April 2016, a police officer was indicted by the Bureau for misusing his position on two occasions in order to engage in sexual activity (see section

193 of the Penal Code of 1902) and violations of sections 201 (b) and 324 of the Penal Code of 1902. Through his work, the accused came into contact with vulnerable women. When one of the women was at the police station to file a charge, the accused made sexual insinuations, which he followed up with a number of SMS text messages asking to visit her. When, on the following day, he called on the woman at her home, he had sexual intercourse with her. The other woman was visiting Norway to retrieve the ashes of her recently deceased husband when the accused came into contact with her through his duties. The accused asked the woman to meet him, and proposed that they should have sexual intercourse when they met. The grounds associated with the violation of section 201 (b) stated that, in SMS text messages that he had sent to a young colleague, the accused had offered her a massage, asked whether she had shaved her private parts and proposed that they should take a shower together. The count of the indictment concerning violation of section 324 stated that the accused, without any prior encouragement, had sent SMS

text messages to a woman who had had dealings with the police, among other things, when she had brought a charge against her ex-partner, who had recently moved out. In the text messages, the accused had asked to visit the woman and had asked her to send him pictures of herself in a bikini.

VIOLENT CRIME

- On 25 January 2016, a custody officer was fined NOK 10 000 for violation of section 228, first paragraph, of the Penal Code of 1902. A person who had been placed in police custody refused to leave the custody facility and it was necessary for several officers to evict him forcibly. When the person was in process of standing up outside the custody facility, the custody officer gave him a kick and several blows to the head. The custody officer claimed that he had thought the person was about to attack him, and that he himself had been very frightened and had acted in self-defence. In the assessment of the Bureau, there had been no threat that could have justified use of kicks and blows. The fine was accepted.
- On 17 November 2016, on the orders of the Director of Public Prosecutions, a police officer was fined NOK 15 000 for violation of sections 288, first paragraph, and 325 (1) of the Penal Code of 1902 and, respectively, section 31, first paragraph, and section 3, of the Road Traffic Act. The officer had been driving a uniformed patrol car when he had become aware of a motorcycle with a driver and passenger. The registration plate of the motorcycle was not visible, and the officer decided to stop it for inspection. He used his blue light to indicate that the driver was to stop. The driver then braked the motorcycle on the hard shoulder, and the passenger jumped off. When the officer saw that the driver of the motorcycle was

attempting to avoid the inspection by push-starting the motorcycle, he decided to stop him by driving the patrol car into the left side of the motorcycle. The cycle overturned at the side of the road, and the driver fell off, fracturing his left leg in the collision with the car. The fine was not accepted.

CARELESS HANDLING OF FIREARMS

- On 22 January 2016, a police officer was fined NOK 10 000 for careless handling of a firearm in a manner likely to endanger the life or health of others (see section 352, first paragraph, second sentencing alternative, of the Penal Code of 1902). The officer was in the duty officer's office when he placed a finger in the pistol holster he carried on his hip. As he drew his finger out of the holster, the pistol went off. The bullet ricocheted first off the floor then off a wall before striking a colleague on the buttocks. The fine was accepted.
- On 15 February 2016, a police officer was fined NOK 10 000 for careless handling of a firearm in a manner likely to endanger the life or health of others (see section 188 of the Penal Code of 2005). In connection with a request regarding control of pistol holsters, the officer placed a finger between the holster and the pistol that a colleague carried on his hip, and pulled the trigger. Before pulling the trigger, he had not checked whether the pistol was loaded. Another colleague who was present was struck in the belly by a fragment of the bullet or of some material hit by the bullet. The fine was accepted.
- On 17 February 2016, a police officer was fined NOK 12 000 for careless handling of a firearm in a manner likely to endanger the life or health of others (see section 188 of the Penal Code of 2005). In connection with a request regarding control of

pistol holsters, the officer placed a finger between the holster and the pistol that a colleague carried on his hip, and pulled the trigger. Before pulling the trigger, he had not checked whether the pistol was loaded. The bullet that was fired struck the colleague approximately 46 cm above the heel, exiting approximately 22 cm above the heel. The fine was accepted.

- On 24 May 2016, a police officer was fined NOK 10 000 for careless handling of a firearm in a manner likely to endanger the life or health of others (see section 188 of the Penal Code of 2005). In a weapon room, he aimed a pistol at a wooden shelf, cocked it and pulled the trigger. The bullet went through a wall into another room, where it went through the neck support of a chair and continued into a third room, where it struck some shelving. The officer had not checked that the pistol was not loaded. The fine was accepted.
- On 18 July 2016, a police officer was fined NOK 10 000 for careless handling of a firearm in a manner likely to endanger the life or health of others (see section 188 of the Penal Code of 2005). The officer aimed an MP5 at the wall of an equipment room, cocked it and pressed the trigger. The bullet went through a corridor and an office before ending up in a window frame. The officer acted in the belief that there was no bullet in the chamber when he pulled the trigger. The fine was accepted.
- On 23 September 2016, a police officer was granted a waiver of prosecution (see section 69, first paragraph, of the Criminal Procedure Act) for careless handling of a firearm in a manner likely to endanger the life or health of others (see section 188 of the Penal Code of 2005). The officer was taking part in target practice. He carried the weapon in a shoulder strap with the

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(continued)

muzzle pointing downwards when he accidentally fired a shot, which struck the concrete floor. The officer was himself struck by a fragment.

VIOLATION OF THE DUTY OF SECRECY

- On 14 April 2016, on the orders of the Director of Public Prosecutions, a police officer was fined NOK 5 000 for violation of the duty of secrecy (see section 121, first paragraph, of the Penal Code of 1902). The officer informed another police officer that the partner of one of the officer's colleagues was under investigation for domestic violence. The fine was accepted.
- On 3 May 2016, a civilian police employee was fined NOK 7 000 for violation of the duty of secrecy (see section 209, of the Penal Code of 2005). The officer concerned informed a person who was at work in a grocery store checkout that the police wanted to contact this person's grown-up daughter in order to serve a document. The fine was accepted.

GROSS LACK OF JUDGMENT IN THE COURSE OF DUTY / VIOLATION OF OFFICIAL DUTIES

- On 25 April 2016, a police officer was fined NOK 12 000 for violation of official

duties (see section 324 of the Penal Code of 1902) for making a total of 335 searches in the criminal intelligence system Indicia without having an official purpose (see section 21, first paragraph, of the Police Records Act). The searches included persons who were suspected or charged in a major criminal case that was being investigated in another police district. The matter was reported to the Bureau because the officers in charge of the investigation considered the search activity to be suspicious. The fine was accepted.

- On 26 May 2016, a police officer was fined NOK 14 000 for violation of official duties (see section 171 of the Penal Code of 2005 and section 324 of the Penal Code of 1902). From January 2015 to December 2015, he had read more than 900 logs in the criminal intelligence system Indicia without having an official purpose (see section 21, first paragraph, of the Police Records Act). The logs the officer had read all concerned cases relating to sex and prostitution.

- On 25 August 2016, a police officer was fined NOK 15 000 for violation of official duties (see section 324 of the Penal Code

of 1902). The officer had regularly and without any official purpose searched for a number of persons in the police records (see section 21, first paragraph, of the Police Records Act). The searches concerned persons he had had dealings with or an interest in, including several well-known persons. The fine also concerned violation of official duties associated with handling and storage of ammunition that had been seized in connection with criminal cases. The fine was accepted.

- On 16 November 2016, a custody officer was fined NOK 15 000 for violation of official duties and gross lack of judgment in the course of duty (see sections 324 and 325, first paragraph (1), of the Penal Code of 1902). The custody officer had failed during the night to carry out several inspections of the custody facility required by the instructions because he had been sleeping during working hours. Although he had been sleeping, he had noted in the custody log that the inspection had been carried out in accordance with the instructions. The fine was not accepted.

- On 17 November 2016, a custody officer was fined NOK 15 000 for violation of official

duties (see section 324 of the Penal Code of 1902). The fine also concerned violations of section 145, second paragraph, of the Penal Code of 1902 concerning unlawful access to data and section 291 of the Penal Code concerning vandalism. In the optional penalty writ, the custody officer was also charged in connection with a private conflict with opening and examining criminal cases against a person in the police case-handling system (BL). He was further charged with changing the password to and opening a person's e-mail account and Facebook account. As a result of the changes, the holder of the accounts no longer had access to them. The fine was not accepted.

- On 23 November 2016, a civilian police employee was granted a waiver of prosecution (see section 69, first paragraph, of the Criminal Procedure Act) for violation of official duties (see section 324 of the Penal Code of 1902 and section 171 of the Penal Code of 2005). The civilian employee had on two occasions searched for persons in the criminal case register without having an official purpose for the searches.

VIOLATIONS OF THE ROAD TRAFFIC ACT

- On 13 October 2016, a police officer was indicted by the Bureau for exceeding the speed limit (see, respectively, section 31, first paragraph, and section 5 of the Road Traffic Act). The officer was indicted for driving at an average speed of 135 km/h over a distance of 4395 metres. The highest permitted speed on the stretch of road concerned was 80 km/h. The main hearing is scheduled for 15 February 2017.

- On 4 February 2016, a police officer (driver) was fined NOK 5 000 for violation of, respectively, section 31, first paragraph, and section 3 of the Road Traffic Act. During a turn-out, the officer had driven through a red light at excessive speed for the circumstances, and had failed to pay due regard to other road users. At the intersection, he had collided with a cyclist who had cycled into the intersection through a green light. The police car's blue light was used, but not the siren. The fine was accepted.

- On 18 February 2016, a police officer (driver) was fined NOK 8 000 for violation of, respectively, section 31, first paragraph, and section 3 of the Road Traffic Act. The officer was in an emergency turn-out using the blue light but not the siren. At a four-legged intersection, he drove through a red light at excessive speed for the circumstances, and collided with a passenger car. The fine was accepted.

- On 4 May 2016, a police officer (driver) was fined NOK 5 000 for violation of, respectively, section 31, first paragraph, and section 3 of the Road Traffic Act. During a turn-out, the officer drove through a red light at excessive speed for the circumstances, and collided with a bus. The fine was accepted.

- On 10 June 2016, a police officer (driver) was fined NOK 5 200 for violation of, respectively, section 31, first paragraph, and section 3, of the Road Traffic Act. Two police vehicles drove one behind the other. The driver of the vehicle in front flashed his left indicator, took up a position near the middle of the road and slowed down to cross the opposing lane and drive into a rest area. The officer in the car behind then crossed the opposing lane in order to overtake. The two vehicles collided, and both suffered material damage. The fine was accepted.

- On 4 July 2016, a police officer (driver) was fined NOK 5 200 for violation of, respectively, section 31, first paragraph, and section 3, of the Road Traffic Act. The officer was keeping an eye on a motorcyclist before turning off the E6 into a side road. He was too late in noticing a pedestrian who was in the process of crossing the road at a pedestrian crossing. As a result of being struck by the car, the pedestrian, who had come approximately one metre out into the road, suffered bruises and moderate swellings. The fine was accepted.

- On 24 August 2016, on the orders of the Director of Public Prosecutions, a police officer (driver) was fined NOK 10 000 for violation of, respectively, section 31, first paragraph, and section 3, of the Road Traffic Act. The officer was taking part in

a surveillance exercise when he drove towards the right-hand verge of the road with the intention of making a U-turn. He was not sufficiently aware that there was a vehicle behind him that he was obliged to give way to. When he turned left, he collided with the other car, resulting in material damage. The fine was accepted.

- On 1 September 2016, a police officer (driver) was fined NOK 6 000 for violation of, respectively, section 31, first paragraph, and section 3, of the Road Traffic Act. The officer drove at excessive speed for the circumstances, with the result that he drove off the right-hand side of the road in a left turn. There was major material damage to the police car. The fine was accepted.

- On 26 September 2016, a police officer (driver) was fined NOK 7 000 for violation of, respectively, section 31, first paragraph, and section 3, of the Road Traffic Act. The officer was on an emergency turn-out using the blue light, but not the siren. In a four-legged intersection, he drove through a red light at excessive speed for the circumstances, and collided with a tram. A passenger in the police car was injured. The fine was accepted.

- On 13 October 2016, a police officer (driver) was fined NOK 10 000 for violation of, respectively, section 31, first paragraph, and section 3, of the Road Traffic Act. The officer decided to pursue a vehicle in the opposing lane. He slowed down and made a U-turn in front of an oncoming lorry. He was not sufficiently attentive to the distance and speed of the lorry. Despite braking hard, the driver of the lorry was unable to avoid a collision. The officer's driver's licence was withdrawn for five months. The fine was accepted.

- On 14 October 2016, a police officer (driver) was fined NOK 7 000 for violation of, respectively, section 31, first paragraph, and section 3, of the Road Traffic Act. During a turn-out, the officer drove through a red light at an intersection at excessive speed for the circumstances resulting in collision with another vehicle. The fine was accepted.

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COURT CASES 2016

When the Bureau issues an indictment, the case is prosecuted in court by one of the Bureau's lawyers.

Nord Troms District Court

Exceeding the speed limit / the right of the police to deviate from speed limits

A police officer was fined by the Bureau for, while on duty, driving at 96 km/h in an 80 km/h zone. His speed was measured by a Central Mobile Police Force patrol by means of laser, and the officer admitted driving at the speed measured. The officer did not accept the fine, and the case was brought before the district court. The reason why the officer refused to accept the fine was that he believed that he was entitled to deviate from the speed limit. According to section 2 (4) of the Traffic Rules, when necessary for or considerably facilitating performance of duty, the driver of an emergency vehicle or other police vehicle may deviate from speed limits. The officer pointed out that he had been assisting the child welfare authorities with transport of an asylum seeker under 18 years of age who earlier in the day had behaved aggressively. In its assessment of the case, the district court referred, among other things, to the Supreme Court's decisions in Norwegian Supreme Court Reports Rt-1990, page 666, and Norwegian Supreme Court Reports Rt-1993, page 294, and concluded

that the conditions for exceeding the speed limit were not present. There was nothing in the situation to indicate a pressing need to exceed the speed limit. During the proceedings, the officer also submitted that he had been ignorant of when the conditions for exceeding the speed limit were present. In the view of the court, such ignorance of the law did not constitute a ground for excuse. The officer was sentenced to pay a fine of NOK 4 300. The judgment is legally enforceable.

Haugaland District Court

Misuse of position in order to engage in sexual activity

An officer was indicted by the Bureau for misusing his position on two occasions in order to engage in sexual activity (see section 193 of the Penal Code of 1902) and for violations of sections 201 (b) and 324 of the Penal Code of 1902). The accused had misused his position in order to engage in sexual activity with vulnerable women with whom he came into contact in connection with his police duties. When one of the women was at the police station to file a charge, the accused made sexual insinuations, which he followed up with a



number of SMS text messages asking to visit her. When, on the following day, he called on the woman at her home, he had sexual intercourse with her. The other woman was visiting Norway to retrieve the ashes of her recently deceased husband when the accused came into contact with her through his duties. The accused asked the woman to meet him, and proposed that they should have sexual intercourse when they met. The grounds for the violation of section 201 (b) were that the accused, in SMS text messages to a young colleague, had offered her a massage, had asked whether she had shaved her private parts and had proposed that they should take a shower together. The count of the indictment for violation of section 324 stated that the accused, without any prior encouragement, had sent SMS text messages to a woman who had had dealings with the police, among other things, when she had brought a charge against her ex-partner, who had recently moved out. In the text messages, the accused had asked to visit the woman and had asked her to send him pictures of herself in a bikini. The accused had previously been reprimanded by his employer for his conduct in relation to a woman with whom he had attempted to gain contact. His conduct was assessed as not being in compliance with the provisions of sections 4-1 and 5-2 of the Police Instructions. Haugaland District Court found the officer guilty on all counts of the indictment and sentenced him to nine

months' imprisonment. He was deprived of his position and of the right to hold any position in the police in future. He was sentenced to pay to one of the aggrieved women NOK 50 000 in compensation for non-pecuniary damage. At the time of writing, this judgment is not legally enforceable.

Sarpsborg District Court
Gross lack of judgment in the course of duty

On the orders of the Director of Public Prosecutions, a police lawyer was fined NOK 10 000 for violation of section 325, first paragraph (1), of the Penal Code concerning gross lack of judgment in the course of duty. The police lawyer had decided that a person was to be arrested pursuant to, respectively, section 175 and section 171 of the Criminal Procedure Act despite the fact that there was no legal basis for such coercive action. In the grounds for the decision, the Director of Public Prosecutions pointed out that a person's refusal to make a statement to the police does not constitute a risk of destruction of evidence. The fine was not accepted, and the case was brought before the district court. The district court sentenced the police lawyer to pay a fine of NOK 1 000. In assessing the fine, the court took into consideration that the size of the fine was hardly crucial to the purpose of the penalty or to the deterrent effect of the sentence. Nor, in the view of the court, was there any specific purpose of deterrence

that required a large fine to be imposed. The accused and the Director of Public Prosecutions have appealed against the district court's judgment. The appeal at the Court of Appeal is scheduled for 2017.

Borgarting Court of Appeal
Gross fraud, etc.

A civilian employee at the Police Immigration Unit was indicted by the Bureau for, among other things, gross fraud, theft from the workplace, violation of official duties and violations of the Firearms Act. The ground for the fraud indictment was that he had submitted unjustified claims for overtime pay. The count of the indictment concerning violation of official duties related to searches in police records without an official purpose. When the case was heard by Oslo District Court, the defendant was non-unanimously acquitted on all counts by the majority of the court. In the appeal at the Court of Appeal in June 2016, the defendant was convicted on all counts. One count of the indictment, which concerned violation of section 325 (5) of the Penal Code of 1902, was withdrawn during the appeal because, following the entry into force of the new penal code of 2005, the offence is no longer punishable. The Court of Appeal imposed a sentence of 36 days' imprisonment with a probation period of two years. The defendant was in addition sentenced to pay a fine of NOK 10 000. The judgment is legally enforceable.

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EMERGENCY TURN-OUTS 2016

23 February 2016

South-West Police District

In connection with forced stopping of a vehicle, a police officer was struck by the vehicle that was to be stopped. The police were in the process of setting up a semi road block when the vehicle drove at them at high speed. The vehicle struck a police officer as he was on his way out of the patrol car. The police officer was seriously injured.

18 July 2016

West Police District

The police turned out in response to a report that an armed person who had threatened to shoot himself and others had entrenched himself in a flat. The police negotiated with the person for several hours and, among other measures, CS gas was thrown into the flat. The police decided to enter the flat and, on their entry, a situation arose where shots were fired by the police. The person in the flat was wounded in the hand and in the arm.





In cases involving serious injury or loss of life as a result of actions carried out by the police or prosecuting authority in the course of duty, the Bureau turns out and initiates immediate investigations. There may also be other cases where an immediate response is called for. The Bureau has a duty scheme so that it can be contacted 24 hours a day in the event of serious incidents. In 2016 the Bureau turned out and initiated on-the-spot investigations in five cases.

28 October 2016

South-West Police District

During a turn-out to another assignment, a police patrol reacted to the driving behaviour of a motorcyclist. The officers decided to stop the motorcycle, and pursued it. Shortly after, the motorcyclist drove off the road and struck a bus shelter. The motorcyclist died the following night as a result of his injuries.

1 November 2016

Inland Police District

A Central Mobile Police Force patrol pursued a car which had exceeded the speed limit. The car drove off the road, and landed on its roof. The driver was taken to hospital, and died two days later.

27 November 2016

Agder Police District

Shots fired in the course of duty with fatal consequences. Just after 05.00 hours on the night to Sunday 27 November 2016, in connection with an operation where a person had failed to stop when signalled to do so by the police, and had at least once shot at the police, two police officers fired shots with their service pistols. One or more of the shots struck and injured the person, who later died of his injuries.

In 2016, the Bureau referred 54 cases to chiefs of police or directors of special bodies for administrative assessment.

ADMINISTRATIVE ASSESSMENTS 2016

Agder Police District

Deficient entry in the duty log and deficient securing of potential evidence

The police received a tip-off that the driver of a passenger car had made several overtakings that were perceived to be dangerous, and that the driver had crossed a double prohibitory line. The driver was stopped by a police patrol, and admitted overtaking a couple of times, but denied that he had crossed a double prohibitory line. The case was concluded on the spot by the patrol issuing an oral order to the driver. Information was entered in the police duty log, including information on the tip-off and that the driver had been stopped, the type of car and that an oral order had been issued to the driver. The name of the driver was not noted in the log. An officer who had overheard the incident on the police radio communications system and who later read about it in the duty log lodged a complaint against the patrol for deficient handling of the incident. Reference was made to the fact that the driver's name was not given in the duty log and that the driver had been a senior police officer. The operator who had entered the incident in the duty log was examined as a suspect by the Bureau. In addition, documentation was obtained and testimony was taken to clarify the rules and procedures for entry in the duty log. This established that both the name and the perso-

nal ID number of the driver should have been entered in the log. The operator stated that he was well acquainted with the rules, and agreed that the entry in the log was deficient. He explained the deficient entry as a slip. On the basis of the operator's explanation, the Bureau deemed it not proven that he had deliberately or with gross negligence failed to enter the driver's details in the log. The case against the operator was dropped on the ground that no criminal offence was deemed proven. The Bureau requested the police district to review the case administratively, and referred in that connection to two factors in particular. It follows from item 5.1 of the instructions for the operational management system of the Norwegian police that the unit shall on its own initiative correct information if it is incomplete and therefore misleading. The Chief of Police was requested to consider correction. The Bureau referred otherwise to its request in connection with investigation of the case for release of the sound log, and that the sound log had automatically been deleted by the police district five days after the Bureau had requested the release. According to the police district, failure by the police district to comply with the request in time was due to the absence of qualified/authorised personnel. The officer who had brought the charge appealed to the Director of Public Prosecutions against the Bureau's

decision to drop the case. The Director of Public Prosecutions upheld the decision to drop the case, and supported the importance of following up the case administratively. With reference to the fact that the sound log had not been secured in time, the Director of Public Prosecutions, on a general basis, underlined the importance of implementing procedures for immediate securing (freezing) of material deemed to be of importance as evidence, so that it will be available if later found to be relevant as evidence.

Trøndelag Police District

Questions concerning possible corruption in connection with the receipt of tickets to an attractive event.

The police district notified the Bureau that an employee with responsibility for approving events had received tickets for an attractive event from an organiser. The Bureau considered the question of possible criminal liability for the recipient of the tickets in relation to the provisions of the Penal Code concerning corruption. In this connection, it was found that a gift to a public employee in connection with the processing of a case would be deemed improper. It was pointed out that section 20 of the Civil Service Act provides a certain guidance in this connection. The provision prohibits a senior official or civil servant from receiving a

gift, commission, service or other benefit which is likely, or which by the donor is intended, to influence his official actions, or the acceptance of which is forbidden by rules. Reference was also made to the *Veileder om gaver i tjenesten* (Guide to Gifts in the Course of Duty) issued by the Ministry of Local Government and Modernisation. The Guide states that invitations to arrangements and events with only a modest professional content or which are of a purely social or entertainment character should, as a general rule, be declined, and that this particularly applies to tickets to expensive or otherwise particularly attractive productions or events. The Bureau found that it would not disregard the employee's statement that the intention had always been to pay for the tickets. The employee had also, following questions from the employer concerning the tickets, approached the organiser and paid for the tickets. It was known that the proportion of tickets that were to be made available for sale to the public via ordinary outlets was already sold out when the employee received the tickets. It could therefore be asked whether the possibility he was given of purchasing tickets directly from the organiser was in itself an improper advantage. On the basis of a concrete assessment, the Bureau found that it would not draw this conclusion. It was also taken into consideration that, according to information from the organiser, it is also normal for the public to be given the opportunity of purchasing tickets from the organiser if the organiser has tickets available. Viewed as a whole, the Bureau did not find that the purchase of tickets from the organiser could be deemed a criminal offence. Since, on the basis of the investigation, there was deemed to be a basis for criticising the employee for obscure conduct in relation to the question of whether or not the tickets should be paid for, the case was referred for administrative assessment.

Nordland Police District

Destruction of a cat

An animal welfare organisation lodged a complaint against the police district following the destruction of a cat by a police patrol. On a weekday at approximately 7.30, the police were notified that a cat had been run over near a town centre. A police patrol that arrived at the scene destroyed the cat by striking it over the head with a baton. The animal welfare organisation pointed out in its complaint that the police were not qualified to make a veterinary assessment of the cat's condition, and that the cat, according to witnesses, had stood up after the first blow, and was then gi-

ven three or four more blows to the head before it died. In connection with investigation of the complaint, the Bureau obtained printouts of the police duty log, the sound log of the police radio communications system and pictures of the cat taken by witnesses. Three statements were taken from witnesses, and the officer who destroyed the cat was examined with the status of suspect. The suspect told that the cat had been suffering. Its spine was askew and its head was crushed on one side. When the police arrived, the cat had been lying like this for approximately one hour. After the cat was dead, it was taken to a veterinary surgeon to check whether it was microchipped. In its assessment of the case, the Bureau referred to section 4 of the Animal Welfare Act, whereby an animal may be destroyed immediately if it is obvious that it will not survive or recover. The general rules for destruction may be derogated from in emergencies or where there is a duty to help (see section 12, third paragraph). The patrol had considered shooting the animal, but did not find this to be appropriate, among other reasons, because of the danger of ricochet. The case was dropped on the ground that no criminal offence was deemed proven. In the view of the Bureau, the investigation showed that there was some uncertainty among operational personnel regarding how destruction of animals should be assessed. The case was therefore sent for administrative review with a question as to whether there may be a need for more training.

Møre og Romsdal Police District

Police assistance to the child welfare authorities – use of force and the regard for the best interests of the child

The police were requested to assist the child welfare authorities in fetching a 14-year-old boy for placement in a foster home. The boy was on a work experience placement for schoolchildren, and was at a factory when he was called to the reception to sign papers. In the reception, he was met by police officers, who informed him that they were there to assist the child welfare authorities. Four police officers took part in the assignment. Representatives of the child welfare authorities were not present. The boy was unwilling to accompany the police. He was therefore handcuffed and taken to the police car by force. The boy's parents subsequently lodged a complaint against the police for unlawful use of force and for gross lack of judgment in the course of duty. After a broad investigation, the Bureau concluded that there were no grounds for a penal reaction. However, the Bureau – and the Director

of Public Prosecutions in connection with consideration of an appeal against the Bureau's decision to drop the case – criticised the procedure followed by the police in planning and carrying out the assistance assignment. It was pointed out that it follows from section 13-5, second paragraph, of the Police Instructions that the authority that has requested assistance should in general be represented at the location when the assistance is provided. This is also expressly stated by the Directorate for Children, Youth and Family Affairs in its letter of 27 May 2015 concerning the interpretation of section 6-8 of the Child Welfare Act on use of coercion when carrying out investigations and when enforcing decisions. The same follows from the *travaux préparatoires* to the Child Welfare Act. In this case, there had been no need for the boy to be fetched immediately, and it was therefore difficult to understand why closer cooperation with child welfare authorities had not been arranged. The police had known in advance that the boy might be opposed to the move, and that the assignment might prove difficult. Closer cooperation with the child welfare authorities would to a greater extent have safeguarded the best interests of the child. The procedure that had been chosen – to fetch the boy at a factory during work experience placement – was characterised as injudicious and capable of subjecting the boy and his family to additional strain. The Director of Public Prosecutions pointed out that the boy had been induced to come to the reception by deceiving him, and that this was capable of weakening the boy's confidence and willingness to cooperate with the police. Questions were also asked regarding the lawfulness of using force when the boy refused to accompany them voluntarily. It is unclear whether the police had made an assessment of whether the assignment could be handled more gently if it were postponed until later. The use of handcuffs on a 14-year-old boy was, in the circumstances, found to be disproportionate, but not to constitute a criminal offence. Reference was also made to the fact that it follows from section 13-4, first paragraph, of the Police Instructions that, in the cases where the request for assistance indicates the use of physical force by the police, the decision to do so must be made by the Chief of Police if so permitted by the time available and the situation. It was stated that the police district at the time of the incident had no instructions regulating the handling of assistance requests from the child welfare authorities. The police district was requested to review its procedures.

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The Bureau's

ORGANISATION AND STAFFING

The Norwegian Bureau for the Investigation of Police Affairs was founded on 1 January 2005 for the purpose of investigating cases where employees of the police or prosecuting authority are suspected of committing criminal offences in the course of duty. The Bureau is not part of the police, but an independent body administratively subordinate to the Ministry of Justice and Public Security and professionally subordinate to the Director of Public Prosecutions.

The Bureau has 35 permanent employees, of which 15 are investigators. In addition, 12 persons are engaged on assignment. The Bureau is organised on two levels, one level for investigation and one level for overall management. The Director of the Bureau, who has overall responsibility for activities and decides on prosecutions in all cases, is located in Hamar. The Bureau has three investigation divisions, which are located in Hamar/Oslo, Trondheim, and Bergen.



Administratively subordinate to the
Civil Affairs Department of the Ministry of
Justice and Public Security

Professionally subordinate to
the Director of Public Prosecutions

Director of the Bureau for the
Investigation of Police Affairs

Investigation Division
West Norway

Investigation Division
East Norway

Investigation Division
Mid Norway and North Norway



Who Works at the Bureau?

THE DIRECTOR OF THE BUREAU

The Bureau has two organisational levels: one level for investigation and one level for overall management. The Director of the Bureau, who has overall responsibility for activities and decides on prosecutions in all cases, is located in Hamar.

The Director of the Bureau decides all of the Bureau's cases (except cases where the question of prosecution is decided by the King in Council or by the Director of Public Prosecutions). In all cases, including those dropped without investigation, a reasoned decision is provided in writing, stating the details of the report, the enquiries conducted by the Bureau, the facts of the case and a legal opinion concerning the matter. The decision is prepared by one of the lawyers at the office of the Director of the Bureau.

If there are no reasonable grounds to investigate whether a criminal offence has been committed in the course of duty, the case is dropped without investigation in accordance with section 224 of the Criminal Procedure Act. If the case is investigated and the evidence strongly contraindicates that a criminal offence has been committed, the case is dropped on the ground that no criminal offence is deemed proven. If the facts of the case cannot be sufficiently clarified, or if there is doubt concerning whether the objective or subjective conditions for criminal liability are met, the case is dropped owing to insufficient evidence. When the conditions for criminal liability are present, a writ

prescribing an optional fine, a waiver of prosecution or an indictment is issued. In accordance with good prosecution practice, indictment is not to be issued unless one is convinced of culpability and that this can be proved in a court of law.

If, through a report received or in connection with the Bureau's investigation, factors come to light indicating that a case should be considered administratively, the Bureau is required to send the case to the chief of police concerned, the director of the relevant special body or other appropriate body (see section 34-7 of the Prosecution Instructions). For further information, see pages 32 and 33.

The decision must be sent to the parties to the case (as a rule the complainant and the reported officers) and the chief of police of the district concerned. If the case concerns the Norwegian Police Directorate's sphere of responsibility, it is sent to the Directorate. In matters submitted for administrative assessment, the Norwegian Police Directorate receives a copy of the decision.

The decisions of the Bureau can be appealed to the Director of Public Prosecutions.



Jan Egil Presthus

Director of the Bureau since 2005

Law degree from the University of Oslo, 1986. Experience from the Ministry of Justice and the Directorate of Immigration, as a police lawyer and head of the Criminal Investigation Department in Asker and Bærum Police District and as Chief Municipal Executive of the municipality of Tynset.



Guro Glærum Kleppe

Deputy Director since 2011

Law degree from the University of Oslo, 1999. Experience from the Legislation Department of the Ministry of Justice and as a Legal Adviser for the Director of the Bureau since 2007.

Rune Fossum

Legal Adviser since 2012

Law degree from the University of Oslo, 1989. Experience from Lofoten & Vesterålen, Moss and Hamar Police Headquarters and Hedmark Police District, Deputy Judge at the Office of the District Stipendiary Magistrate in Sør-Østerdal.

Camilla Lie

Legal Adviser since 2012

Law degree from the University of Oslo, 2002. Experience as a lawyer at the law firm of Ro Sommernes, Deputy Judge at Øvre Romerike District Court and as a Senior Adviser at the office of the Parliamentary Ombudsman for Public Administration.

Mona Skaaden-Bjerke

Legal Adviser since 2013

Master of Laws from the University of Oslo, 2006. Experience as an Assistant Lawyer at the law firm of Campbell & Co AS and as a lawyer at the Norwegian Public Roads Administration.

Kristine Schilling

Legal Adviser since 2014

Law degree from the University of Oslo, 1995, and LL.M. degree from the University of Kiel, 1996. Experience as an Assistant Lawyer, Deputy Judge, lawyer with own legal practice and as an Acting District Court Judge at Bergen District Court.

Monica Pedersen

Adviser (processing of criminal cases) since 2005

Experience as a medical receptionist at Volvat Medical Centre and Ullevål Hospital and as an executive officer at Borgarting Court of Appeal.

Eva Rustad Sletten

Higher Executive Officer (processing of criminal cases) since 2007

Experience as a secretary from Asker and Bærum Police District, the Norwegian Police Security Service and as General Manager of Hobbyhuset AS.

Mie Willumsen

Higher Executive Officer (processing of criminal cases) since 2008

Experience from AS Regnskap & Revisjon and as a secretary at the Office of the Director of Public Prosecutions.

Malin Sandsbråten

Executive Officer (processing of criminal cases and administration) since 2014

Experience from the Office of the County Governor for Hedmark as a trainee in commercial subjects and as an Executive Officer at the Directorate of Defence Buildings.

Vigdis Thomassen Aaseth

Adviser (finance and personnel) since 2005

Civil Service Administration and Financial Management from the Norwegian Business School. Experience from various private companies and the Norwegian National Rail Administration.

Hilde Elvsveen

Higher Executive Officer (payroll and accounts) since 2011

Experience from Regnskapskontoret AS, Møller Bil AS and Einett Regnskap AS and from the Norwegian Government Agency for Financial Management.

Hanne Brenden Thomas

ICT Adviser since 2009

Computer engineer from Bergen University College, 1997. Experience from Hedmark Central County Hospital and Sykehuset Innlandet.



Who Works at the Bureau?

THE INVESTIGATION DIVISIONS

The Bureau receives reports from private individuals, lawyers and police districts. In some cases, the Bureau opens a case on its own initiative, for example, on the basis of media coverage. Pursuant to the Criminal Procedure Act, it is obligatory to investigate cases where a person dies or is seriously injured as a result of an act carried out in the performance of duty or while the person was in the custody of the police or prosecuting authority.

The Bureau conducts enquiries to assess whether there are reasonable grounds for initiating an investigation. The complainant is often interviewed in order to obtain more information concerning the complaint. Documentation is obtained from the police, such as the duty log for an incident or the sound and video material from the custody facility. If there is a related criminal case against the complainant, the documents relating to the case are as a rule obtained.

The Bureau has the right to employ all lawful methods of investigation. In the Bureau's cases, evidence is primarily obtained by examining the complainant, witnesses and suspects. In some cases, there are grounds for search, arrest and remand in custody. In

most cases, documentation will have been obtained as part of the preliminary enquiries. Beyond this, it may, for example, be relevant to examine the scene of the incident, obtain medical assessments, seize telephones or computers and obtain logs of searches made in police records.

When a matter is regarded as adequately investigated, the case is sent to the Director of the Bureau with a recommendation written by one of the division's permanent lawyers or by one of the lawyers on assignment.

INVESTIGATION DIVISION EAST NORWAY

The investigation division is responsible for cases involving employees in the following police districts: Oslo, Inland, South-East, East and Agder. In addition, the division has responsibility for cases involving employees at the office of the Director of Public Prosecutions, the Public Prosecutors in Oslo, Hedmark- og Oppland, Vestfold og Telemark, and Agder, the National Authority for Prosecution of Organised and Other Serious Crime, the National Bureau of Crime Investigation (Kripos) and the National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim).



Liv Øyen

Head of Investigation Division East Norway since 2009

Law degree from the University of Oslo, 1998. Experience from the Correctional Services Department/Central Prison Administration at the Ministry of Justice, Fjordane Police District and Oslo Police District.

Knut Wold**Investigative Prosecutor since 2006**

Law degree from the University of Oslo, 1992. Experience as a police lawyer at Skien Police Headquarters, Assistant Lawyer at the law firm of Haugland, Glimsholt og Torgrimsby ANS, Deputy Judge at Sør-Østerdal District Court and Executive Officer at the Ministry of Justice, the Ministry of Children and Family Affairs, the Norwegian Animal Health Authority and the Norwegian Food Safety Authority.

Helle Gulseth**Investigative Prosecutor since 2011**

Law degree from the Universities of Bergen and Oslo, 2000. Experience as an Assistant Lawyer/lawyer/partner at the law firm of Drevland & Grape DA, three years working as a legal adviser on assignments for the Ministry of Justice in Afghanistan and Moldova.

Marit Oliver Storeng**Investigative Prosecutor since 2011**

Law degree from the University of Oslo, 2007. Experience as operational support in the Correctional Service at Oslo Prison and as an Adviser at the Correctional Service's north-east region.

Espen Krogh**Special Investigator since 2005**

Graduated from the Norwegian Police University College, in 1995. Experience from Oslo Police District.

Camilla Nilsson**Special Investigator since 2005**

Graduated from the Swedish National Police Academy in 1993. Experience running a one-person enterprise, as a project manager in a private company and from Stange and Hamar Municipality. Police officer at Normalspolisen Stockholms PD and Länskriminalen Stockholm.

Jens Ørbæk**Special Investigator since 2005**

Graduated from the Norwegian Police College in 1989. Experience from Asker and Bærum and Hedmark Police Districts.

Øivind Frøisland**Special Investigator since 2009**

Graduated as a pre-school teacher in 1993 and from the Norwegian Police University College in 1997. Experience as head of department at a day-care facility in the municipality of Nesodden, from Follo,

Romerike and Hedmark Police Districts and from the National Bureau of Crime Investigation (Kripos).

Gyda Hoberg**Special Investigator since 2009**

Trained as a tax auditor. Experience as a tax auditor at Oslo/Hedmark County Tax Assessment Office, Special Investigator at the National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim), Head of Division at Hedmark County Tax Assessment Office and Head of Section at Tax Norway East.

Bao Thai Ly**Special Investigator since 2011**

Graduated from the Norwegian Police University College in 2001. Experience from Agder, Nordre Buskerud, Oslo and Follo Police Districts.

Pål Hoff Johansen**Special Investigator since 2013**

Graduated from the Norwegian Police College in 1983. Police experience from Follo and Moss, the National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim), the Tax Crime Unit in Oslo and Akershus and Gjensidige Forsikring.

Yvonne Hasler Garthe**Special Investigator since 2014**

Graduated from the Norwegian Police University College in 2000. Experience from Kragerø police station and Oslo Police District.

Espen Østerud**Special Investigator since 2015**

Graduated from the Norwegian Police University College in 2000, Master of Justice, Queensland University of Technology, 2005. Experience from Romerike and Oslo Police Districts and the National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim).

Raymond Thorsen**Special Investigator since 2016**

Graduated as a general teacher in 1997, graduated from the Norwegian Police University College in 2000. Experience from Hurum Rural Police Station, Drammen Police Station and the National Bureau of Crime Investigation (Kripos).

Wenche Kristin Fredriksen**Higher Executive Officer (processing of criminal cases and administration) since 2014**

Experience from Kongsberg Police Headquarters and the National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim).

Ada Cathrine Høst Mytting**Lawyer on assignment since 2016 – Lawyer at the law firm of Mageli ANS, Hamar since 2012**

Law degree from the University of Oslo, 2003. Experience from the Office of the County Governor for Oslo and Akershus, Assistant Lawyer at Bøsterud & Co. Assistant Lawyer and lawyer at the law firm of Lund & Co DA and as Deputy Judge and Acting District Court Judge at Hedmarken District Court.

Morten Engesbak**Lawyer on assignment since 2016 – Lawyer/partner at the law firm of Mette Y. Larsen & Co since 2016**

Law degree from the University of Oslo, 2000. Experience as Assistant Lawyer and lawyer at the law firm of Advokatene Bohinen, Dahl & Midsem. Lawyer with own legal practice and as lawyer/partner at the law firm of Stabell & Co. Permanent counsel for aggrieved parties at Oslo District Court and Borgarting judicial district since 2011.

Bjørn Rudjord**Lawyer on assignment since 2016 – Lawyer/partner at the law firm of Elden DA, Oslo since 2000**

Law degree from the University of Oslo, 1993. Experience from Vestoppland and Oslo Police Districts, Deputy Judge at Fredrikstad District Court and Acting Public Prosecutor at Oslo Public Prosecutors.

Mats J. Iversen Stenmark**Lawyer on assignment since 2016 – Lawyer at the law firm of Stenmark, Oslo since 2016**

Law degree from the University of Oslo, 2005. Experience from the Ministry of Justice and the National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim), Assistant Lawyer at the law firm of Arntzen de Besche, Deputy Judge at Elker, Modum and Sigdal District Court and at Alstahaug District Court. Acting Judge of the Court of Appeal. Law Clerk at Borgarting Court of Appeal and Research Fellow at the Faculty of Law, Institute of Public Law at the University of Oslo.►



INVESTIGATION DIVISION WEST NORWAY

The investigation division is responsible for cases involving employees in the following police districts: Møre og Romsdal, West and South-West. In addition, the division has responsibility for cases involving employees at the Public Prosecutors in Rogaland, Møre og Romsdal, Sogn og Fjordane og Hordaland, and official acts carried out abroad.

**Ellen Eikeseth Mjøs**

Lawyer on assignment and Head of Investigation Division West Norway since 2011 – Lawyer and partner at Sentrumsadvokaten in Bergen since 2010

Law degree from the University of Bergen, 1996. Experience as a research fellow at the Faculty of Law, University of Bergen and from Hordaland Police District. Permanent counsel for aggrieved parties at Bergen District Court and Gulating Court of Appeal since 2011.

Kathrine Knapstad Larssen

Investigative Prosecutor since 2011

Law degree from the University of Bergen, 1998. Experience as Deputy Judge at Brønnøy District Court and as a Lawyer at the law firm of Kyrre ANS.

Anita Rundsveen

Special Investigator since 2005

Graduated from the Norwegian Police College in 1988. Experience from Fana Rural Police Station, police officer in Hordaland Police District, the Norwegian Police Security Service and the Central Mobile Police Force.

Kjetil Torgersen

Special Investigator since 2008

Graduated from the Norwegian Police College in 1984. Experience from Telemark and Hordaland Police Districts. Peace observer in Hebron, 2002.

Tine Landro Sjøflot

Special Investigator since 2012

Graduated from the Norwegian Police College in 1991. Experience from Hordaland Police District, insurance investigator at Vesta Forsikring AS, Special Investigator at the Norwegian Bureau for the Investigation of Police Affairs 2008–2011.

Randi Kaalaas

Special Investigator since 2015 (temporary post)

Graduated from the Norwegian Police University College in 2002. Experience from Hordaland Police District.

Eirik Nånndal

Lawyer on assignment since 2013 – Lawyer at the law firm of Sentrumsadvokaten in Bergen since 2017

Law degree from the University of Bergen, 1998. Experience as lawyer at the law firm of Turid Mæland, Bergen. Seminar tutor at the Faculty of Law, University of Bergen. Permanent Defence Counsel at Bergen District Court and Gulating Court of Appeal since 2014.

Karsten Krüger Engedal

Lawyer on assignment since 2016 – Lawyer at the law firm of Kyrre ANS, Bergen since 2012

Law degree from the University of Bergen, 2001. Experience from Helgeland and Hordaland Police Districts.

Åge Gustad

Lawyer on assignment since 2016

– Lawyer at the law firm of Advokatene Holmen, Visnes, Todal, Gussiås og Gustad, Kristiansund since 2015

Law degree from the University of Bergen, 1999. Experience from the Directorate of Immigration, Nordmøre og Romsdal Police District. Head of Department at the National Police Immigration Service, Deputy Judge and Acting District Court Judge at Nordmøre District Court.

INVESTIGATION DIVISION MID NORWAY AND NORTH NORWAY

The investigation division is responsible for cases involving employees in the following police districts: Finnmark, Troms, Nordland and Trøndelag. In addition, the division has responsibility for cases involving employees at the Public Prosecutors in Troms og Finnmark, Trøndelag and Nordland.



Halvor Hjelm-Hansen

Lawyer on assignment and Head of Investigation Division Mid Norway and North Norway since 2013 – Lawyer and partner in the Law firm of Erbe & Co DA, Trondheim since 2008

Law degree from the University of Oslo, 1989. Experience from the Ministry of Foreign Affairs and the Ministry of Transport and Communications, police lawyer at Sør-Trøndelag Police District, head of the Norwegian Police Security Service's division in the Sør-Trøndelag Police District and Acting Public Prosecutor at Trøndelag Public Prosecutors.

Per Martin Utكيلen

Investigative Prosecutor since 2016

Law degree from the University of Oslo, 1995, case management at the Norwegian Business School (BI), 2012. Experience from Fjordane, Ringerike and Sør-Trøndelag Police Districts and as a lawyer at SpareBank 1.

Terje Storø

Special Investigator since 2005

Graduated from the Norwegian Police College in 1987. Experience from Helgeland and Sør-Trøndelag Police Districts.

Toril Olsson

Special Investigator since 2008 (temporary post)

Graduated from the Norwegian Police College in 1977. Experience from Oslo and Sør-Trøndelag Police Districts.

Kristin Hauge Bardal

Special Investigator since 2015

Foundation course in Criminology, 1996. Graduated from the Norwegian Police University College in 1999. Experience from Inntrøndelag, Nord-Trøndelag and Sør-Trøndelag Police Districts, the National Bureau of Crime Investigation (Kripos) and as an insurance investigator at Gjensidige Forsikring.

Kai Stephansen

Lawyer on assignment since 2013 – Lawyer/partner at the law firm of Strand & Co, Trondheim since 2010

Law degree from the University of Oslo, 1995. Experience as head of health and social services in the municipality of Selbu, Execution and Enforcement Commissioner in Trondheim. Assistant Lawyer at the law firm of Strand & Co since 2008.

Roy Hedly Karlsen

Lawyer on assignment since 2016 – Lawyer/partner at the law firm of Bjerkan Stav since 2014

Law degree from the University of Tromsø, 1997. Experience as Assistant Lawyer and Lawyer at the law firm of Berg & Spjelkaviknes, Oslo. Lawyer at the law firm of Wiig, Hohle, Knudsen, Brevik and Lawyer/partner at the law firm of Advokatene Christian Wiig & Co.

Magnhild Meringen

Lawyer on assignment since 2016 – Lawyer/partner at the law firm of Advokatene på Storkaia DA, Kristiansund since 2007

Law degree from the University of Oslo, 1998. Experience from the Ministry of Health and Social Affairs. Head of Gjemnes National Insurance Office. Head of department at Ytre Nordmøre municipal tax assessment office and as an Assistant Lawyer at the law firm of Advokatene på Storkaia DA.

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

2011

- Deprivation of Position by Court Judgment
- Documenting Decisions in Criminal Cases
- Police Corruption in Norway
- The Conduct of Police Employees
- The Use of Police Signature in Private Contexts
- Incidents during Detention

2012

- The Police and the Public
- The Decision to Search
- Documenting Seizure, Search and Examination in connection with Committal to Custody
- Strip Search of Persons under Arrest
- Breach of the Duty of Secrecy
- The Detainee's Right to be Heard
- Correct Use of Handcuffs
 - Seeing the Unique in the Usual
- Police Action against Foreign Beggars
- The Duty of the Police to Inform
- The Duty of the Police to Deal with Dangerous Situations

2013

- Analysis of Cases Concerning Use of Force
- Information Leaks from the Police to the Media
- Discipline in communications
- Status in Interviews with the Bureau
- Arrest - et inngripende tiltak
- Custody – an Invasive Measure
- The Requirements of the Criminal Procedure Act regarding Report of Search
- Photographing/Videoing Police Performing their Duties
- Police Management

2014

- 10 years since the Bureau was established
- Approval of Overtime
- Custody/Incidents involving Persons in Police Custody
- Police Methodology and Methodological Development
- Notification of Complaints
- «The police do not answer my enquiries»
- Misuse of Police Records
- Assistance to the European Committee for the Prevention of Torture (CPT)
- Prevention of Torture
- Investigation of Cases involving Shooting by Police

2015

- The 10th Anniversary of the Bureau
- Police Ethics
- Investigation of Police Shootings
- Accidental Shootings
- Misuse of Police Records
- Dealing with Requests for Assistance
- Necessary for or Considerably Facilitating Performance of Duty
- New Provisions concerning Offences Committed in the course of Official Duty



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Investigation Division West Norway

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North Norway**

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Trondheim

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 e-mail address on the left.

www.spesialenheten.no