



**The Parliamentary Ombudsman Norway**

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

## **VISIT REPORT**

**- Summary and Recommendations**

**Lillestrøm police  
custody facility  
2 February 2015**



# The National Preventive Mechanism's Visit to Lillestrøm Police Station 2 February 2015

## The Parliamentary Ombudsman's preventive role

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

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

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

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

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

## Summary

Norway's National Preventive Mechanism (NPM), a unit of the Parliamentary Ombudsman, visited Lillestrøm police station on 2 February 2015. The station contains the primary police custody facility for Romerike Police District, and has a total of 10 cells. The visit was unannounced. The overall impression was that the custody facility is managed and run in a satisfactory manner, and it was clear that the facility has reliable routines for ensuring that the needs of detainees are met. Moreover, those responsible for the operation of the facility generally ensure that measures implemented with respect to detainees are well documented.

During its visit, the NPM investigated the police's handling of serious incidents and the use of coercive measures. The custody facility appears to have robust admissions and detainee-monitoring procedures in place. The NPM observed that no overview was kept of incidents in which detainees were injured as a consequence of the legitimate use of force or accidents. The NPM also noted that the police often possess information about suicide risk and similar serious matters which should be passed on to the Correctional Services in connection with transfer to another facility.

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<sup>1</sup> The Parliamentary Ombudsman Act § 3a.

The NPM found no indications of disproportionate use of handcuffs in connection with admission, and body searches upon admission are carried out following an individual assessment and by an officer of the same gender. However, it was pointed out that a two-stage procedure should be introduced for the full removal of clothing in connection with body searches, and that consideration should be given to procuring rip-resistant clothing so that detainees at risk of suicide do not have to be naked in the custody facility.

Detainees have to share a cell fairly frequently (referred to as doubling up). A review revealed 163 instances of doubling up in 2014. The police linked the problem with the small capacity of the custody facility. In exceptional cases, cells have been shared by three or even four detainees. When so many people occupy a cell built for one, air quality is likely to be greatly reduced. Out of consideration for the integrity of the individuals concerned, such arrangements should be avoided, and lengthier stays should not be accepted.

A considerable number of detainees spend more than two days at the police custody facility. Many have also spent far longer periods there. Some 56 detainees spent more than three days at the custody facility in 2014, including 13 who were there for more than four days, three who were there for more than five days and a single person who spent more than six days at the facility on one occasion and more than seven days on a separate occasion. However, the available information indicates that the police are giving priority to preventing breaches of the holding-period time limit. The challenges in this area must be seen in the context of high prison occupancy rates. A positive finding was that the police are seeking to reduce the effects of isolation, in particular by granting frequent access to the exercise yard, including in the company of other detainees.

During its visit, the NPM also looked closely into detainees' access to health services. It was positive to note that the police generally practise a low threshold for taking detainees to the local accident and emergency unit. However, it was emphasised that the police and health personnel must be conscious of their differing roles. The task of health personnel (except when performing forensic work for the police) is solely to assess the patient's state of health, including when an examination is initiated by the police. Routinely bringing in detainees for health examination carries a risk of gradually becoming an automated procedure in which the focus shifts from assessing the patient's health to "clearance for detention". This change in focus has the potential to undermine trust between the patient and health personnel.

The available information shows that the custody facility generally provides satisfactory information about detainees' rights on admission, and that the right to contact a lawyer and the right to inform family are respected. However, findings made during the visit raise questions as to whether the police district is complying with the restrictions on the use of camera surveillance contained in applicable regulations.

The NPM undertook an inspection of the custody facility. It was recommended that the metal poles attached to the wall in the reception room be removed. The NPM also identified the lack of direct daylight and clocks in the cells as undesirable, although the available information indicates that custody officers offer detainees daily access to the facility's own exercise yard.

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

- The police should record incidents involving the use of physical force against detainees.
- In cases where a body search with full removal of clothing is deemed necessary following an individual assessment, the measure should be implemented in two stages, so that the detainee does not need to be completely naked. Consideration should be given to procuring suitable rip-resistant clothing for use by detainees deemed to be at risk of suicide.
- The police should only place multiple detainees in the same cell in extraordinary situations, and then only for the shortest possible period of time and following a comprehensive risk assessment. Clear procedures should be developed for risk assessment and supervision in connection with doubling up. The duration of such arrangements should be registered in all cases.
- The police should consider measures, including capacity expansions, to prevent doubling up in cells at the custody facility.
- The police should ensure that all enquiries regarding prison spaces, and the results of such enquiries, are entered in the custody record. Moreover, the reason for any breach of the holding-period time limit should be entered in the custody record.
- The police should develop written routines to ensure that special attention is given to minors detained in the custody facility.
- The police should keep up their efforts to alleviate the undesirable effects of isolation, particularly by evaluating the possibility of permitting visits from outside when persons have spent more than two days in the custody facility.
- The police should ensure that the need for isolation is the subject of a concrete assessment from a prosecution perspective, and ensure that this assessment is entered in the custody record.
- The police should ensure that detainees' requests for medical help are always met within a reasonable period, and that immediate medical help is provided in urgent cases.
- The police should not be able to hear what is said in the medical examination room. Nor should the police be able to look into the room, unless the medical personnel explicitly request this in special cases.
- Physicians at the accident and emergency unit and other health personnel should inform detainees when performing forensic work for the police which is not subject to a duty of confidentiality.
- Staff at the accident and emergency unit should never perform medical examinations which constitute, or may be interpreted as constituting, approval of detention in the custody facility. The police should help to prevent the spread of this view among the detainees.
- The accident and emergency unit should have a camera on hand to allow any injuries to a detainee to be documented by the physician in the patient journal.
- The police should ensure that all detainees, including persons who have been detained before, are offered written information on their rights in addition to the verbal briefing they receive. All detainees should be required to sign a declaration confirming that they have been informed of their rights in a language they understand.
- The police should ensure that information materials on rights in connection with arrest and admission are updated to clarify the right of detainees to notify a defence lawyer irrespective of the time of day. Local instructions should also be amended to reflect

this.

- The police should ensure that camera surveillance is only initiated following a concrete overall assessment of the detainee's health situation, and that body searches are never filmed.
- The police should remove the metal poles attached to the wall in the reception room.
- The police should upgrade the cells to give them a more humane design. Clocks should be installed in all cells.

The full visit report from Lillestrøm police station in Norwegian can be found on the website of the NPM [here](#) (pdf).



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