



SIVILOMBUDSMANNEN
Norwegian Parliamentary Ombudsman

VISIT REPORT

SUMMARY AND RECOMMENDATIONS

Ullersmo Prison

29-31 August 2017



National Preventive Mechanism against
Torture and Ill-Treatment



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1 The Parliamentary Ombudsman's prevention mandate

Based on Norway's ratification of the Optional Protocol to the UN Convention against Torture, the Parliamentary Ombudsman has been given a special mandate to prevent torture and other cruel, inhuman or degrading treatment or punishment.¹ To fulfil this mandate, a special unit known as the National Preventive Mechanism (NPM) was established in the Parliamentary Ombudsman's office.

The NPM makes 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 can be announced or unannounced.

Based on these visits, the NPM issues recommendations with the aim of preventing torture and other cruel, inhuman or degrading treatment or punishment.

The Parliamentary Ombudsman, represented by the NPM, has right of access to all places of detention and the right to speak privately with people deprived of their liberty. The NPM also has right of access to all essential information relating to detention conditions. During its visits, the NPM seeks to identify risk factors for violations through independent observations and through conducting interviews with the people involved. Interviews with persons deprived of their liberty are given special priority.

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

¹ Act relating to the Parliamentary Ombudsman for Public Administration Section 3(a).

2 Summary

The Parliamentary Ombudsman's National Preventive Mechanism (NPM) visited Ullersmo Prison from 29–31 August 2017. The date of the visit was not announced in advance. Ullersmo Prison is a high-security prison. At the time of the visit, the prison could accommodate around 200 inmates, in 16 sections in 4 units. Parts of the prison were under renovation.

The prison and the health service were helpful throughout the visit, and all requested information was made available to the NPM.

The use of the security cells and the prison's restricted section were a particular focus during the NPM's visit.

There were several instances in 2016 and 2017 of Ullersmo Prison not making administrative decisions in connection with the use of security cells pursuant to Section 38 of the Execution of Sentences Act. Errors and shortcomings in the documentation of the supervision of inmates detained in a security cell were also identified during the visit. Logs were kept in different systems, and the systems were not verifiable. Overall, Ullersmo Prison's procedures for the documentation of administrative decisions and supervision in connection with the use of the security cells were deemed very inadequate.

In at least one case, a person who did not understand Norwegian or English was placed in a security cell without access to an interpreter. It emerged from the documentation from the prison that, in one case, an inmate had been detained naked in a security cell for over half a day, and without a blanket or mattress for some of this period. The supervision log did not specify whether the inmate had been offered rip-resistant clothing. Nor did the log specify whether the hatch had been open or there had been any conversation between the staff and this inmate, who was deemed to be suicidal. The Parliamentary Ombudsman is alarmed by the fact that inmates are kept in a security cell for many hours without clothing, a blanket or rip-resistant poncho. A situation like this entails a clear risk of inhuman and degrading treatment.

Inmates who were placed in the restricted section, Z-Øst, were alone in their cells for 23 hours or more a day. The procedure was that inmates were given the opportunity to spend one hour outside in the fresh air per day, which they generally spent alone in the exercise yard. Apart from 1–3 hours a week when the recreational supervisor visited the section, the inmates had no opportunity for activities or human contact. Some of them were never out of their cell for long periods of time. In this section, the inmates were routinely served food through a hatch in the door. This further reduced human contact and reinforced the individual inmate's sense of isolation.

It emerged during the visit that there were regularly inmates at Ullersmo Prison with such severe mental disorders and low level of functioning that they were generally unable to be part of the ordinary prison community. They risked spending long periods excluded from the company of others at the Z-Øst section. Information emerged that indicated that a low staffing level further limited the follow-up of the isolated inmates. Both the prison staff and the health service confirmed that they were unable to ensure that this group of inmates received treatment.

During the inspection of the Z-Øst section, the NPM visited cells where the standard of hygiene warranted considerable criticism. The inmates who had stayed in the cells did not appear to have

received sufficient follow-up and care from either the prison or the health department with respect to cleanliness and hygiene.

The entire Z-Øst section was in poor physical condition, there was limited human contact, few meaningful activities and no measures in place to break up the isolation of the inmates in this section. No one appeared to have designated overall responsibility for those detained in the Z-Øst section over time. Given what is generally known about the harmful effects of isolation, the Parliamentary Ombudsman is very concerned about the level of care for isolated inmates at Ullersmo Prison.

The health department did not have a set procedure for following up isolated inmates or those in a security cell.

Another matter that emerged during the NPM's visit was that a number of the inmates did not feel safe in the prison. This concerned a number of sections, and was based on few officers being present in the communal areas in the sections, the exercise yards and in some workplace situations. The physical design of the new section 4 appeared to have a detrimental effect on both the staff and the inmates' sense of security. The exercise yard in section 4, which was completed in summer 2017, was very limited with respect to size and exercise options.

Some of the staff said that they would like to spend more time on communal activities in order to build good relations with the inmates.

The information given to inmates on arrival was inadequate. Many of the inmates said that they had to ask other inmates for information about the prison's rules and procedures. It emerged that several of the officers at Ullersmo Prison were competent in different languages.

Most of the inmates who had been in contact with the health service stated that they received follow-up reasonably quickly. During the admission interviews with the health service, the issues of mental health and suicide risk were raised with the inmates.

Around 60% of the inmates were said to be employed in the prison. Inmates who had the offer of employment were generally satisfied with this. At several of the sections, those who did not have employment were locked out of their cells for a shorter period than that specified in international standards, for less than five hours on weekdays and less than four hours at weekends in some sections. It emerged that the programme activities had been reduced in recent years, and a number of inmates requested that programme activities were offered to others than those placed in the substance abuse rehabilitation unit.

The visit section was new and comprised 16 visit rooms of different sizes. The visit rooms were attractively furnished and some of them were suitable for visits from small children. The prison had a designated person with responsibility for children. In one of the visit rooms, a number of inmates sometimes received visits from their families at the same time. Some of the inmates and their next of kin found this unpleasant, and visiting children and young people could find it frightening.

Ullersmo Prison is one of few prisons in Norway where inmates can use Skype. At the time of the visit, only five inmates were approved to use Skype. It emerged that many officers and inmates were unaware of the fact that inmates could apply to use Skype during their time in prison.

Recommendations

The different sections at Ullersmo Prison

Section Z-Øst

- The physical standard of section Z-Øst, including the air quality, should be improved immediately.
- The practice of giving inmates food through a hatch in the cell door should be discontinued.
- The prison should ensure that inmates in section Z-Øst can hold private conversations with health personnel and lawyers.

Invasive coercive measures

Documentation of administrative decisions and supervision in connection with the use of a security cell

- In connection with the use of a security cell, an administrative decision must always be made pursuant to Section 38 of the Execution of Sentences Act and recorded.
- The prison should ensure that supervision is logged in a manner that ensures correct and complete documentation and prevents subsequent corrections.

Physical condition of the security cells

- The prison should ensure that clocks and dimmer switches are installed in all the security cells.

Supervision, care and assessment of whether to discontinue a measure

- The prison should, as early as possible, enter into a dialogue with the inmate in a security cell to ensure that the measure is discontinued when the conditions for the measure are no longer met. The supervision log should contain documentation of the measures, including motivational talks and any opportunity to spend time outdoors.
- Inmates who do not understand Norwegian or English should have access to an interpreter during a stay in a security cell.

Time outdoors in connection with the use of security cells

- Inmates in a security cell should have the opportunity for daily outdoor activity, particularly if the stay exceeds 24 hours.

Clothing during a stay in a security cell

- As a rule, inmates should wear their own clothes during a stay in a security cell. If there is a high risk of suicide, the inmate should be offered rip-resistant clothing.

Exclusion from company

Special recommendation for isolation of people with mental disorders

- The prison should introduce measures to prevent or mitigate the harmful effects of isolation. Measures should also be established to ensure that inmates are released from isolation as quickly as possible.
- The prison should ensure that the daily needs of isolated inmates are better addressed, including assistance in keeping cells clean, and providing activities and meaningful human contact.
- The prison should ensure that the staff receive guidance in relation to meeting and working with inmates with mental disorders.

Other invasive measures

Body searches

- Body searches should be carried out in stages, so that the inmate is given an opportunity to cover his upper body before the clothes covering his lower body are removed. Body searches should be carried out by an employee of the same gender as the inmate.

Use of handcuffs when escorting inmates to health services outside the prison

- The use of handcuffs when escorting inmates to health appointments outside the prison should be based on an individual assessment.

Protection and care

Security and sense of safety

- Through an increased presence of officers, the prison should improve the staff and inmates' sense of security.

Information on arrival

- Action should be taken to ensure that inmates receive verbal and written information about their rights and the procedures at the prison in a language they understand. The prison should ensure that foreign inmates have the opportunity to use an interpreter if necessary.

The health service

- The health service should ensure daily supervision of isolated inmates, including inmates in security cells.
- The health service should ensure that the arrival form specifies that suicide risk must always be assessed during the initial arrival interview.
- The prison and the health department should cooperate on ensuring that non-conformities do not arise in connection with the distribution of medication, and that any non-conformities are documented.

- The prison should ensure that all enquiries to the health department, including enquiries to dentists, physiotherapists and psychiatrists, are treated in confidence. Inmates should be informed that request forms for medical consultations can be placed in sealed envelopes, and envelopes should be made available to all inmates. The line for prison officer's signature on request forms for medical consultations should be removed immediately.

Activities and employment

- The prison should immediately implement measures to ensure that inmates who are not subject to restrictions have the opportunity to spend at least eight hours outside their cell every day.
- All of the outdoor areas should provide the opportunity for a variety of physical activities and for inmates to be able to shelter from the rain. The prison should immediately ensure that all disabled inmates have year-round access to the outdoor areas.

Contact with next of kin

- The prison should consider not using common visit rooms when inmates receive visits from children.
- The prison should ensure that inmates who cannot receive visits from family and friends due to long travel distances, receive information about the possibility to communicate with them via Skype.

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