

Effective investigation into  
cases of alleged ill-treatment by  
police officers: Norwegian  
experience

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## Key issues

- ECHR article 2 and 3
- Mandate and organisation of the Norwegian Bureau for the Investigation of Police Affairs
- Handling of cases

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## ECHR article 2 and 3

- ECHR Article 2 and 3; procedural obligation to carry out an effective investigation into alleged breaches of the substantive limb of these provisions
- Practical impact on how to build and organise an investigation unit and on its daily work

## Five principles developed by the European Court of Human rights

- Independence
- Adequacy
- Promptness
- Public scrutiny
- Victim involvement

## The Norwegian Bureau for the Investigation of Police Affairs

- Criminal Procedure Act para 67: investigation of allegations against employees of the police or the prosecuting authority for committing a criminal offence in the course of their duty
- One national unit since 01.01.2005
- 1968-1988: appointed chief of police or dedicated prosecutors
- 1988-2005: regional investigation units with one judge, one lawyer and one police officer

## Organisation



## Organisation

- 36 permanent employees (18 investigators)
- Appr. 14 000 employees in the Norwegian police force (including police prosecutors)
- The Norwegian Bureau for the Investigation of Police Affairs handles about 1000 reports every year

## Investigating cases

- Mandatory investigation when someone is dead or severely injured when taken care of by the police or as a result of actions taken by a police officer, regardless of any suspicion
- In general within our mandate: low threshold to open investigation
- All investigation necessary to establish the facts and secure evidence

## Prosecuting powers

- When establishing the Bureau the question of prosecuting powers was a key issue.
- The Bureau is organised with two levels of prosecuting power
- The head of the regional investigation unit has prosecuting powers during investigation (to order use of coercive measures: search, seizure, arrest etc).

## Prosecuting powers

- The Director takes the final decision in all cases and has the same prosecuting competence as a public prosecutor
- The Director decides whether to prosecute (indictment or fine) or not (case is dropped)

## Deciding whether to prosecute or not

- Written decision in every case: accounting for the facts of the case, the investigation and legal assessment
- The written decision is sent to the parties, chief of police concerned and sometimes published on our website ([www.spesialenheten.no](http://www.spesialenheten.no)) and/or sent to the media

## Administrative assessment – cases concerning detention

- The report or the investigation unveils information which should be followed up administratively by the chief of police (National Police Directorate, leader of specialised unit etc)
- Since 2005 – ca 20 % of the cases sent to administrative assessment concerns detention

## Experience from investigating cases concerning detention

- 11 deaths in police custody since 2005
- Use of force by police and custody officers, and also behaviour and language
- Access to medical care, access to a lawyer, access to food and a clean mattress/blanket
- Decisions before and under detention and documentation of decisions and measures taken during detention

## ...experience...

- Inspection during custody
- Safety precautions
- Training of officers
- Leadership and management

## Securing evidence

- Videosurveillance
- Interviews of victim, officers, leaders
- Medical reports
- Forensic investigation
- Reconstruction

## Competence/skills

- Challenge: small organisation
- Investigation: inhouse experienced investigators – generalists
- Need for assistance in specialised areas (ex securing and analysing data, forensic)
- Inhouse legally educated staff with a variety of professional backgrounds