

Visit Report

**The Northeast Iceland Commissioner of Police
Police Cells**

23 and 25 May 2022

**OPCAT monitoring of facilities where
persons deprived of their liberty reside**

Summary

The Althingi Ombudsman visited the police cells of the Northeast Iceland Commissioner of Police in the towns of Akureyri and Siglufjörður on 23 and 25 May 2022. The Ombudsman's examination focused on the detention of individuals in police cells, the facilities there and the general procedures and practices of the police in connection with the detention. In this instance, the Ombudsman did not announce the exact arrival time in advance.

The main station of the Northeast Iceland Commissioner of Police is on Þórunnarstræti in Akureyri, with four additional police stations located outside of Akureyri, i.e. in Húsavík, Siglufjörður, Dalvík and Þórshöfn. Persons arrested in the Police Commissioner's district are usually held at the police station in Akureyri, and there are also examples of remand prisoners being held there while they await transfer to Hólmsheiði Prison. During the 12-month period preceding the visit, 480 persons were arrested in the district, 299 of whom were held in police cells.

The Ombudsman has emphasised that an individual assessment must be made of the necessity of individual decisions that comprise an interference with the right to respect for private life. The report refers, among other things, to the use of video surveillance in the police cells of the police station in Akureyri, which is general practice and always takes place upon the detention of arrested persons. In this regard, the recommendation is addressed to the Northeast Iceland Commissioner of Police that the implementation of video surveillance be reviewed, so that an assessment is made in each case as to whether there is a reason to subject an arrested person or remand prisoner to continuous video surveillance. At the same time, its use raises questions about whether the procedure for using video surveillance needs to be clarified, and the suggestion that this be considered is directed to the National Commissioner of Police. The recommendation is also addressed to the Northeast Iceland Commissioner of Police that inmates in police cells be adequately informed about video surveillance, for example, with notices inside the cells.

The facilities in the Commissioner's police cells are generally adequate for detentions that do not last more than 24 hours. In this regard, however, various recommendations and suggestions are made to the Northeast Iceland Commissioner of Police, among other things, concerning access to a clock, lighting in cells, the location of a bell and sanitary facilities. The report also describes the conditions in the police cells in Siglufjörður, where detainees are kept only in exceptional cases and then only for a brief period.

The criteria of the European Committee for the Prevention of Torture (CPT) point out that holding children as well as young people in traditional police cells should be avoided. In Akureyri, six young people under the age of 18 were held in police cells during the 12-month period in question. In this regard, it should be noted that no child protection facility, such as Stuðlar emergency detention, is operated in the Police Commissioner's district. The Ombudsman's visit revealed that efforts were being made to keep young people in special cells, which do not have the same high-security appearance as other cells; however, records showed that in three of the six cases, young people were kept in traditional police cells. The report recommends to the Commissioner of Police that the procedure for detaining children take into account the special considerations that apply to them, including which cells should be used for their detention. The suggestion is also addressed to the Northeast Iceland Commissioner of Police and the Minister of Justice that they consider whether facilities at the police station are considered adequate with regard to the special considerations that apply to the detention of children. The recommendation is also made that the

Police Commissioner have a special information sheet prepared for children who are detained in police cells, as appropriate with the assistance of the National Commissioner of Police and the Ministry of Justice.

Remand prisoners are generally held in Hólmsheiði Prison, but may be detained for a short time in police cells, if circumstances permit. Since the closure of the prison in Akureyri there is no remand detention facility in the district of the Northeast Iceland Commissioner of Police. Prisoners who have been placed in remand custody must therefore be transferred to Hólmsheiði Prison. The Ombudsman's visit found examples of remand prisoners being kept in police cells in Akureyri when there were delays in their transport to the prison.

Following the visit, more information was requested from the Commissioner of Police, including on the length and number of remand detentions in police cells since the prison was closed. The police replies revealed that remand prisoners were generally not kept in police cells and in such cases only for a few hours at a time, and that more detailed information on the number and duration of remand detentions could be obtained from the Prison and Probation Administration. According to the information requested from the Prison and Probation Administration, there were examples of remand prisoners being held at the police station in Akureyri for up to three days. In the comments on the final draft of the report, more detailed information was received from the Commissioner of Police on remand detentions in police cells, which also included examples of detention of remand prisoners of up to 72 hours in police cells. Information from the Prison and Probation Administration and the police does not completely match in this respect, but according to the police's explanations, this may be due to the fact that the reference periods differ, as well as the fact that the institutions interpret the data in different ways. In light of this, the Ombudsman points out in the report that the available information and data, as well as the lack of this, indicate that records on detention of remand prisoners at the police station are inadequate.

Due to the fact that detailed information was not received from the police in the first instance about the detention of remand prisoners in police cells, the report refers to the role of the Ombudsman when it comes to OPCAT inspections and draws attention to the importance of receiving adequate information. In this regard, it is pointed out that satisfactory provision of information by the authorities is a prerequisite for the Ombudsman to be able to carry out the supervisory role provided for by law, based on the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Satisfactory record keeping in connection with the deprivation of liberty of persons is an important aspect in clarifying their conditions and whether they have enjoyed the basic rights that should be guaranteed to them. Such records are also a prerequisite for persons deprived of their liberty to be able exercise their rights, including the right to complain and appeal. The visit revealed that recording by the police of information on detentions was made using a word processing program and not the police records system (LÖKE) and thus was not in accordance with the operating procedures of the Commissioner of Police. From the responses of the police and the Prison and Probation Administration, the only conclusion was that uncertainty prevailed as to who was responsible for recording information on detainees held in police cells while awaiting transfer. The recommendation was therefore made that the Minister of Justice clarify responsibility for the detention of remand prisoners and the related registration.

It can be concluded from the available data and information from the police and the Prison and Probation Administration that the procedure is unclear regarding the actions and collaboration of

institutions when an arrested person is remanded and transferred to prison. This could result in a remand prisoner being detained for longer in a police station than is necessary and the recommendation is therefore addressed to the Commissioner of Police and the Prison and Probation Administration, as appropriate with the involvement of the Minister of Justice, that they clarify the responsibilities and procedures for detention and transport of remand prisoners.

The CPT has objected to remand prisoners being held in police cells, in part because the facilities there are generally not designed to hold persons deprived of their liberty for more than 24 hours. In the police cells in Akureyri, detainees have no outdoor access, for instance, and are isolated for the most part during their detention. Statutory provisions authorising the short-term detention of remand prisoners in police cells appear to be conditional upon the detainee having access to minimal facilities. With this in mind, the Ombudsman directs the Prison and Probation Administration and the Northeast Iceland Commissioner of Police to improve the procedure for the detention of remand prisoners to ensure they are transported without delay to an appropriate prison facility. It is also pointed out to these same parties, together with the National Commissioner of Police and the Minister of Justice, that facilities in police cells in general do not meet the requirements for the detention of remand prisoners.

The report focuses on the training and education of police officers, given that a good number of substitute police officers perform general law enforcement in the district. In this regard, the recommendation is made to the Northeast Iceland Commissioner of Police, as appropriate, in cooperation with the National Commissioner of Police and the Minister of Justice, that it is necessary to review and, as appropriate, increase training and education of substitutes. This will ensure that they have knowledge of human rights standards and legislation, as well as methods for the use of force and first aid, not least in light of the obligations incumbent upon the police when detaining arrested persons.

The right to healthcare has been considered a fundamental element of the protection of people in police custody. In that regard, the recommendation is made to the Commissioner of Police that information about the right to have a doctor called in is communicated adequately and that an individual assessment is made of the presence of police in medical consultations.

In parallel with the visit to the police cells of the Northeast Iceland Commissioner of Police, the Ombudsman also visited the Psychiatric Ward of Akureyri Hospital. In both visits, it was noted that there was a certain lack of remedies concerning the detention of persons who end up in the hands of the police due to a mental condition, in some cases due to the effects of substance abuse. For this reason, the report refers to discussion in the Ombudsman's annual report of the need for increased co-operation between the criminal justice, prison and healthcare systems so that individuals in this situation receive the healthcare services they are entitled to by law. In light of this, recommendations are made to the police to strengthen co-operation with the Psychiatric Ward of Akureyri Hospital and also to follow up on plans for adopting procedures in relation to statutory tasks in the field of law enforcement and healthcare services involving both institutions. The suggestion was also made that the Commissioner of Police take advantage of the updated registration options in LÖKE for incidents such as self-harming behaviour in police cells, and ensure that recording of such is adequate.

The authorities may be obliged to take the initiative in providing information to citizens, including information on avenues for complaints in the public administration system. In this regard, the recommendation is made that the Commissioner of Police ensure that information on complaint

and appeal routes is presented systematically to arrested persons in police cells and that staff are informed of how these rights should be ensured. The registration in detention reports was generally good, with the exception of the records which were lacking concerning the detention of remand prisoners; however, there were a few instances where longer periods elapsed between recorded monitoring than is prescribed by the operating procedures. Therefore, the recommendation was addressed to the Northeast Iceland Commissioner of Police to ensure the accuracy of records on when an arrested person is attended to.

The Ombudsman will continue to monitor the development of these issues, but requests that the Northeast Iceland Commissioner of Police and other authorities to whom recommendations or suggestions are directed, report on their responses to the report by 1 July 2023.

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