

Visit Report

**The Suðurnes Commissioner of Police
Police cells**

20-21 January and 13-14 February 2021

Summary

The Althingi Ombudsman visited the police cells in Suðurnes on 20-21 January and 13-14 February 2021. The Ombudsman's examination focused on the detention of persons in police cells, the facilities there and the general procedures and practices of the police in connection with detention.

In Suðurnes there are police cells in two locations, on Hringbraut in Reykjanesbær and in the town of Grindavík. The cells in Grindavík, however, are only used in exceptional cases and then generally for a very short time. From 1 January to 14 December 2020 there were 564 detentions in the police cells in Reykjanesbær but none in Grindavík during that same period.

Deprivation of liberty is one of the most onerous coercive measures that the state can apply. Persons who are legally deprived of their liberty nevertheless continue to enjoy fundamental rights in other respects, including the right to respect for private life. With reference to this, the Ombudsman directs the Suðurnes Commissioner of Police to ensure that unequivocal consent is obtained for an X-ray examination and to provide interpreting services if no form exists for consent in a language which the person understands. The recommendation is also made to the Minister of Justice and the National Commissioner of Police that they examine whether rules should specify arrangements for surveillance of suspects in connection with suspicion of narcotics concealed internally. The recommendation is also communicated to the Minister of Justice to consider whether there is reason to make arrangements so as to avoid the necessity of bringing individuals who are suspected of concealing substances internally before a court for a ruling on remand custody, *inter alia*, in view of proportionality considerations. Finally, the recommendation is directed to the Suðurnes Commissioner of Police to review procedures to have a case-by-case assessment made of the necessity of decisions involving invasions of privacy, such as the removal of personal possessions, body searches and video surveillance.

The police station premises on Hringbraut place considerable restrictions on police activities, for instance, with regard to security, privacy of detainees and facilities for personnel. With this in mind, the Ombudsman recommends that the Minister of Justice assess whether the premises satisfy the requirements of the activities and their scope, and determine, as appropriate, what actions are needed to improve this situation. In this regard, recommendations are also addressed to the Suðurnes Commissioner of Police concerning, *inter alia*, certain security issues in cells and sanitary facilities, as well as in the outdoor area. In light of the fact that detention of persons where there is suspicion of internal concealment of narcotics can last for more than 24 hours, the recommendation is made to the Minister of Justice and the National Commissioner of Police that the facilities in the police cells in Suðurnes are generally not sufficient for detention for longer than a 24-hour period.

The police cells in Grindavík, which as a rule are only used in exceptional cases, generally do not satisfy the requirements made for facilities and security under such circumstances. In this connection, the Ombudsman recommends to the Suðurnes Commissioner of Police that the police cells there should generally not be used without changes. Should it be considered necessary to use them, it is recommended that such a decision be undertaken only following an assessment of the facilities and security, having regard to the situation and condition of persons detained there.

Generally, seven employees are on duty at the police station on Hringbraut, and according to information received during the visit this is a minimum of personnel in terms of security. The police cells are given priority over general law enforcement; as a rule two employees see to their operation when individuals are detained there. In this connection, the Ombudsman recommends to the Suðurnes Commissioner of Police to seek ways to ensure adequate

staffing at the police station, having regard to its tasks and circumstances at any given time, as appropriate with the assistance of the National Commissioner of Police and the Ministry of Justice.

Persons who are arrested and placed in detention in police cells are often under the influence of intoxicants or narcotic substances, agitated or in another state which may require healthcare services. The Ombudsman recommends to the Suðurnes Commissioner of Police that measures be taken to have sufficient expertise available to assess whether special actions are needed, with regard to the health of persons detained in police cells, such as medication or transport to a healthcare institution. In this connection, it may be necessary to ensure the involvement of healthcare professionals before detention. The recommendation is also made to the Commissioner of Police, the National Commissioner of Police and the Minister of Justice to examine the detention of individuals suspected of internal concealment with a view to ensuring their safety, such as supervision by a healthcare professional or proximity to emergency services. Recommendations are also made to the Commissioner of Police regarding measures concerning the detention of those persons subject to self-harming behaviour or at risk of suicide, providing information to detainees on their right to have doctor sought and having an assessment made in each instance of the need for police presence in consultations with a physician.

The authorities may be obliged to take the initiative in providing guidance to citizens, including on channels for complaints against the administration. In the report, the Ombudsman recommends that the Suðurnes Commissioner of Police ensure that information is provided systematically on channels for complaints and appeals and employees specifically instructed on how to safeguard these rights of detainees. A special information sheet shall also be prepared for children detained in police cells and they shall, as appropriate, be given oral explanations as well. Furthermore, care must be taken to ensure that information provided to individuals who do not speak Icelandic is in a language they understand.

The acts and regulations which apply to detention in police cells require the recording of specific details. International supervisory bodies have also emphasised the importance of registration, as a basic tenet of protection against ill treatment and a premise for detainees to seek to enforce their rights. In this connection, the Ombudsman recommends that the Suðurnes Commissioner of Police ensure precision in the recording of detention reports, such as concerning how the arrested person is cared for, visits the person receives and when he/she is released.

The Ombudsman will continue to monitor the development of these issues, and requests that the Suðurnes Commissioner of Police and other authorities to whom these recommendations are directed provide an account of actions taken in response to the report by 1 March 2022.

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