

The Norwegian Police – use of force (physically)

According to The Police Act section 2 the Police shall, inter alia,

- 1) Protect persons, private and public property and uphold all lawful activity, maintain public order and security and, either alone or together with other authorities, provide protection against any threat to general security in the community
- 2) Prevent crime and other violations of public order and security
- 3) Expose and halt criminal activity and prosecute punishable acts in accordance with rules laid down in or pursuant to law
- 4) Provide citizens with assistance and service in situations of danger, when mandated by law and otherwise when circumstances are such that assistance is required and natural

To ensure public peace and order the police may intervene to halt disturbances when circumstances give reason to fear such disturbances, and to protect the safety of individuals of the general public. The police in such cases regulate the traffic, prohibit loitering in certain areas, render harmless or impound dangerous objects, turn away, remove and apprehend persons, order activity to be halted or modified, enter private property or area or order areas to be evacuated. The police may also take persons to police stations and search them.

Should anyone fail to comply with orders issued in this respect, the police may, for the said person's account, see to it that the necessary action is taken to prevent the said person's negligence from causing damage or injury or from endangering the general public.

The police may intervene immediately in the spheres of responsibility of other public authorities when circumstances entail or threaten serious breaches of peace.

Norwegian police officers are unarmed in the performance of their everyday duties, and firearms or other service weapons are usually only permitted when specially approved by the local chief of police for use in a police operation. However, short and long batons may be included in the standard equipment. The individual chief of police may permit officers to carry a handgun on regular car patrols. In that event, the handgun would be a revolver or pistol, with ammunition, and would be required to be kept in a locked compartment in a sealed bag or gun case.

Self-defense:

- Under Section 48 of the General Civil Penal Code, self-defense is when an otherwise criminal act is committed for the prevention of or in defense against an unlawful attack.
- The degree of physical force applied by the police officer to avert or defend against the attack must be necessary and in reasonable proportion to the attack.

With Act no.13 of 5 March 2004, the Norwegian parliament created a central national unit with responsibility for investigating cases that involve the question of whether a person serving in the police or prosecuting authorities has committed a criminal offence in the service. The Norwegian Bureau for the Investigation of Police Affairs became active on 1 January 2005.

The Norwegian Bureau is not part of the police force or the ordinary prosecuting authority. The Norwegian Bureau is an independent body that falls administratively under the Ministry of Justice and professionally under the Director of Public Prosecutions (DPP). The DPP can instruct the Norwegian Bureau to initiate or terminate an investigation. The DPP also deals with complaints about decisions reached by the Norwegian Bureau.

The Norwegian Bureau is headed by the Director of the Norwegian Bureau for the Investigation of Police Affairs. Investigations are implemented by 3 regional investigative divisions, which make recommendations (proposals) to the Director about whether or not a case should be considered for prosecution. The Norwegian Bureau comprises a permanent staff and lawyers on secondment.

By virtue of its duties, the Police have a variety of instruments of power. Without adequate control of the use of these instruments of power, the right to use force could become a threat to legal protection and democracy. When the police are accused of criminal acts or someone dies or is seriously injured as a result of the police or prosecuting authorities exercising their official duties, or someone dies or is seriously injured while in police custody, it is necessary to safeguard:

- the right for involved persons to be heard
- public confidence in the procedures concerning such situations
- national stability
- fundamental rights for citizens and police officers involved

The main tasks of the Norwegian Bureau is to investigate and decide whether or not to prosecute cases concerning suspicion of criminal acts committed by employees in the police force and prosecuting authority.

This can apply but is not limited to offences such as:

Violations of special provisions related to the exercising of authority – unlawful use of force, misuse of position, serious misconduct in the service – as well as more general criminal offences such as theft, fraud, corruption, sexual offences, traffic violations, etc.

Even though there is no reason to suspect a criminal offence, an investigation shall be implemented if someone dies or might have been seriously injured as a result of the police or prosecuting services exercising their authority, or if someone dies or is seriously injured during arrest or while being held in custody.

Cases with the highest priority are:

- Incidents where someone is seriously injured or dies as a result of the police or prosecuting authority exercising their duty.
- Cases that involve allegations of excessive use of force.
- Cases that involve a person or persons serving in the police having an unlawful cooperation/relationship with criminals.