

# The Norwegian Bureau for the Investigation of

Klikk for å redigere undertittelstil i malen

Spesialenheten  
for politisaker



# Mandate

- Established on the 1st of January 2005
- Mandated to investigate and prosecute cases where employees of the police force or the prosecuting authority are reported to commit criminal acts on duty.

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- The Bureau has a national responsibility and is organized as an independent service outside the police and the public prosecuting authority. Administratively, the Bureau reports to the Ministry of Justice and professionally to the Director General of Public Prosecutions.
- The Bureau receives about a 1000 reports every year. About 10 % of the reports decided upon every year resulted in a penal sanction.

# Organisational chart

- Director of the Bureau (Deputy director and two legal adviser/prosecutors) and administrative staff
- Three Investigation Units – Headed by lawyers. In total 14 investigators, 4 lawyers employed, 11 lawyers assigned on a case-by-case basis

# Why one national body?

- Uniform treatment of cases, safeguarding basic rights for complainant and police officer/ public prosecutor
- Independence and trust of the general public
- Accessibility and communication of information
- Strong professional investigation competence

# ECHR art 2 and 3

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

# In-house prosecutors

- When establishing the Bureau the question of prosecuting powers was a key issue in the bill and in the discussions in the parliament.
- Considered important to accomplish the goals of independence and efficiency

# Prosecuting power in two levels

- The head of the regional investigation unit has the same prosecuting competence as a chief of police during investigation.
- The Director makes the decision whether to prosecute or not and has the same prosecuting competence as a public prosecutor.

# The role of the prosecutor during investigation

- NCPA Section 226: The purpose of the investigation
- The prosecutor is the leader of the investigation and has various prosecuting powers during investigation
- Team work with investigator in charge of the tactical and technical choices and measures

# Deciding the case – the role of the Director

- Written recommendation from the investigation unit makes the basis for the decision whether to prosecute or not.
- If the Director decides to prosecute a case, he or a lawyer within the Bureau which the Director delegates his powers to, will prosecute the case before the court.

# Challenges

- Mutual understanding and recognition of professional competence
- Capacity: co-operation with other experts
- Objectivity: The Director, thus informed of the investigation of serious cases etc, shall not be involved in the investigation of cases.

# Advantages

- A cases is handled from start to end in one organisation
- Easy to learn from each others experiences:
  - "What worked in court?"
  - "How was my case decided upon?"

# Case study 1

Gross Corruption – involving two police officers

Two police officers charged with illegally giving advantages to a sivilist while serving sentence in jail (2005) and later while he was on the run i Spain 2007/2008).

# Issues regarding the investigation

- Corruption – a matter of hidden dependancy (KPMG)
- Wiretap on cell phones(court order)
- Email/data surveillance (court order)
- Questioning police colleagues without informing the accused officers.
- Sivilist were hiding in Spain – rogatory letter asking Spanish authorities to arrest him.

# Conviction

- The sivilist was apprehended in Spain and transferred to Norwegian authorities
- Both officers and the sivilist was convicted to jail sentence. They all appealed. Court of appeal is set i June 2010
- Both officers lost their job and their ability to serve at officers i the future.

# Case study II

## Police officer participating in human Trafficking

One police officer embezzled norwegian passports and handed them to a member of the LTTE (Liberation Tigers og Tamil Eelam) In return the officer got rid of gambling debts

# Issues regarding the investigation

- Questioning illegal immigrants
- Using Interpol – Schengen Information Systems
- Norwegian penal code § 60a – organized crime.

# Questioning illegal immigrants

- Illegal Immigrants as victims of human trafficking
- Fear of consequences
- Hiding in different countries (Rogatory letter)

# Interpol - Schengen

- Tracking passport via SIS
- Tracking immigrants via SIS and Interpol
- Legal requests abroad. Rogatory letter asking other countries to assist Norwegian authorities with questioning

# Organized crime?

- LTTE – terrorist organization
- Human trafficking
- EU definition vs. Norwegian definition
- In 2005 there were little legal practice related to the definition "organized crime" in Norway

# Conviction

- LTTE agent was convicted for Human trafficking together with his brother.
- Police officer was convicted on several counts of embezzlement regarding passports and weapons. He was not charged for Human trafficking or participating. Neither was charged as a part of organized crime.

# Questions?

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Thank you for your attention!