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REGULATION

On the legal status of arrested persons, interviews by the police etc.

CHAPTER I

Notifications to the family of arrested persons.

Article 1

A person arrested by the police in connection with the investigation of an offence has the right to contact an attorney immediately upon his/her arrest, and also his/her close family members. If an arrested person is under the age of 18, his parents shall be contacted immediately and a representative of the child welfare committee shall also be contacted, and they shall be urged to come to the police

station as soon as possible.

If an arrested person is incapacitated for other reasons, then his legal guardian shall be contacted and urged to come to the police station as soon as possible.

The duty officer or the officer responsible for the investigation of a case may postpone the arrested person's contacting his/her relatives if there is reason to believe that this may hinder the investigation of the case. However, the close relatives of a suspect shall be notified as soon as possible of his arrest and where he is being held in custody.

Article 2

The decision to postpone contacting close relatives shall be put down in writing and supported with arguments, and the arrested person shall be notified of the decision and the reason for it.

When evaluating whether there is a particular reason to believe that a suspect contacting a close relative will hinder an investigation, the following shall be kept in mind:

- a. that signs of a crime might be removed or evidence spoiled in some other way;
- b. that items might be concealed and their return to the rightful owner prevented;
- c. that the spoils of a criminal offence might be concealed;
- d. that accomplices who have not been arrested might be given warning.

CHAPTER II

Giving a statement in a police investigation.

Article 3

When the police carry on interviews of eye witnesses or other witnesses, the police may prepare a report on their statements without their express confirmation. In that case, great care should be taken to record these statements as precisely as possible, since it is assumed that this type of report has the same validity as a formal statement of the person in question, and may be presented in court.

An informal statement may be taken from the suspect, even though he/she will later be

summoned to make a formal statement. In that case, the provisions of Chapter VIII on Criminal Procedure no.88/2008 shall always be kept in mind. When taking an informal statement, the police shall use similar procedures as used when taking a formal statement, they shall ensure that the questions are clear and unequivocal, and the person in question shall be informed as to whether he is being questioned as a witness or a suspect, if the case has become sufficiently clear to make this possible.

Article 4

The police officer conducting the interview shall be polite towards the suspect and witnesses and take care to be calm and considerate at all times. At the beginning of the interview the provisions of Chapter VIII on Criminal Procedure shall be closely observed.

The police may not give the suspect any promise of concessions or privileges if the suspect gives evidence in a certain way. However, the police may

notify the suspect about the provisions of item 9 of paragraph 1 of Article 70 of the General Criminal Code no. 19/1940, which provides for permission to pass a more lenient sentence if the suspect informs on the participation of others in the criminal act. Furthermore, if the case comes to court, the prosecution will make a note of the fact that this assistance has been given and that the claim for a sentence will be adjusted accordingly. The prosecution is permitted to suggest that the sentence be reduced by up to 1/3 in that case. A record shall be made of how this notification was made. Normally, a suspect shall not be interviewed if he/she is considered to be under the influence of alcohol or other drugs and especially not in the case of a serious crime or when the evidence is limited. If this is done, however, it shall be noted in the report and the condition of the suspect described as exactly as possible.

Article 5