

Police Legislation Model

Sweden

The Swedish Police Act, 1 October 1984



Police Legislation Model Sweden

The Swedish Police Act, 1 October 1984



Geneva Centre for the
Democratic Control of
Armed Forces (DCAF)

About DCAF

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military. Further information on DCAF is available at: www.dcaf.ch

Acknowledgements

DCAF would like to thank the members of the Editorial Board for their dedication and the time they devoted to review this series.

Publisher

Geneva Centre for the Democratic Control of Armed Forces. The Arabic translation is the sole responsibility of the translator.

Cover picture available without copyright restrictions on www.polisen.se

ISBN: 978-92-9222-091-4

© DCAF 2009. All rights reserved.

Editorial Board

The Editorial Board comprises international and regional experts representing civil society, legislative and executive authorities and security forces. The current members of the Editorial Board are:

- Pierre Aepli, Lausanne
- Mamduh Al-Akr, Ramallah
- Mahmud Asfur, Gaza
- Habib El Belkouch, Rabat
- Hans Born, Geneva
- Ghattas Choueiri, Beirut
- Roland Friedrich, Ramallah
- Pascal Gemperli, Geneva
- Ghazi Hamad, Gaza
- Ahmad Issa, Ramallah
- Khalida Jarrar, Ramallah
- Attalah Kuttab, Amman
- Antoine Laham, Geneva
- Jonas Loetscher, Geneva
- Arnold Luethold, Geneva
- Firas Milhem, Ramallah
- Albert van Nuenen Karioen, Apeldoorn
- Haytham Rawahneh, Amman
- DCAF's Police Reform Programme

Graphical assistance

- Wael Dwaik, Ramallah
- Alexander Schwarzer, Geneva

Translation

- Yaseen Al-Sayyed, Ramallah

The Arabic version has been translated from the English original text by DCAF.

TABLE OF CONTENTS

Introduction to the toolkit	5
Analytical framework and methodology	6
The Swedish Police	7
The Swedish Police Act, presented in the analytical grid	9
Structure and context	6
Vision and values	6
Mission	6
Relations and subordination	6
Organisation	7
Personnel	7
Duties and rights	7
Accountability and transparency	11
Other	11
The Swedish Police Act, presented in its integral form	16
General provisions	17
Bodies within the police service	18
Transfer of staff	19
General principles of police intervention	20
Obligation to report an offence	20
Certain powers vested in police officers	21
Final provisions	21

Introduction to the toolkit

Legislating for the security sector is a complex and difficult task. Many lawmakers thus find it tempting to copy legislation from other countries. This expedites the drafting process, especially when the texts are available in the language of the lawmaker, but more often than not, the result is poor legislation.

Even after being amended, the copied laws are often out of date before coming into effect. They may no longer be in line with international standards or they may not fully respond to the requirements of the local political and societal context. Copied laws are sometimes inconsistent with the national legislation in place.

In some cases, there is simply no model law available in the region for the type of legislation that is needed. This has been the case in the Arab region, where the security sector has only slowly begun to be publicly debated. It is thus difficult to find good model laws for democratic policing or for parliamentary oversight of intelligence services.

It is therefore not surprising that many Arab lawmakers have felt frustrated, confused, and overwhelmed by the task of drafting legislation for the security sector. They found it difficult to access international norms and standards because little or no resources were available in Arabic. Many of them did not know where to search for model laws and several were about to give up. Some eventually turned to DCAF for assistance.

The idea of a practical toolkit for legislators in the Arab region came when practitioners began looking for a selection of standards, norms and model laws in Arabic that would help them draft new legislation. Experts from the Arab region and DCAF thus decided to work together and develop some practical tools.

Who is this toolkit for?

This toolkit is primarily addressed to all those who intend to create new or develop existing security sector legislation. This includes parliamentarians, civil servants, legal experts and nongovernmental organisations. The toolkit may also be helpful to security officials and, as a reference tool, to researchers and students interested in security sector legislation.

What is in the toolkit?

The bilingual toolkit contains a series of booklets in English and Arabic that provide norms and standards as well as practical examples in various areas of security sector legislation. The first two series deal with police legislation, as Arab demand for support has been highest in this area.

Series 1 (in dark blue colour) contains three booklets, which can be considered together as the main framework of international norms and standards for democratic policing, namely the *Guidebook on Democratic Policing* (OSCE), the *European Code of Police Ethics* (Council of Europe), and the *Ten Basic Human Rights Standards for Law Enforcement Officials* (Amnesty International).

Series 2 (in orange colour) provides federal or state police legislation models. The Editorial Board has carefully selected models of police legislation from different regions of the world. All these examples promote policing models that put service delivery to the community at the center. They do not only represent approaches from different cultural and societal backgrounds, such as Africa, Asia or Europe, but also show a variety of state models and police organisation.

The Indian *Model Police Act, 2006* has been drafted by the Police Act Drafting Committee, set up by the Union Ministry for Home Affairs, and circulated to all states and territories to be used as model for drafting state police acts. India is a federal parliamentary republic comprised of 28 states and 7 union territories. The constitution ascribes authority over police to the states. Each state and union territory thus has its own police force. At the union level, federal police agencies, which are part of the Ministry of Home Affairs, support the states in their duties.

In Japan, the *Police Law, 1954* and the *Police Duties Execution Law, 1948* are very early models of community-based policing. Some experts praise Japan for devising the concept of community policing. The largely centralised but federal parliamentary monarchy counts 47 prefectures within an ethnically homogenous society. Each prefecture provides for a national police system with a structure of prefectural police agencies and a national police agency at the top of the hierarchy.

The national police agency is in charge of creating and implementing policies and standards.

In the 9 provinces of the federal parliamentary Republic of South Africa, the national, provincial and local governments all have legislative and executive authority. The South African Police Service reports to both national and provincial governments. Promulgated in 1995, shortly after the end of apartheid, the *South African Police Service Act (No 68 of 1995)* establishes the South African Police Service according to community-based, democratic standards.

Sweden is a decentralised unitary state and parliamentary monarchy with 21 independent police authorities. These are governed by a national police service, which reports to the Ministry of Justice. The *Police Act (1984:387)* defines the organisation of the police bodies on national and district levels. It also lists the police's duties and its powers.

In Switzerland, a federal state with direct democracy and strong subsidiary federalism, authority over the police lies with the 26 Cantons (states). The Canton of Zurich has recently developed new police legislation. In 2004, the cantonal parliament approved the *Law for the Organisation of the Police*, which defines the relations between the different cantonal police forces. The *Police Law 2008*, adopted by referendum, regulates the relation between the police and the public and defines police powers and duties.

Additional series will be added as the needs arise. The existing series can easily be expanded through the addition of new booklets, based on demand from the Arab region.

For the latest status of publications please visit: www.dcaf.ch/publications

What is the purpose of this toolkit?

The toolkit seeks to assist lawmakers in the Arab region in responding to citizens' expectations. Arab citizens demand professional service from police and security forces, which should be effective, efficient and responsive to their needs. They want police and security organisations and their members to abide by the law and human right norms and to be accountable for

their performance and conduct. The toolkit thus promotes international standards in security sector legislation, such as democratic oversight, good governance and transparency.

The toolkit offers easy access in Arabic and English to international norms as well as examples of legislation outside the Arab region. This allows to compare between different experiences and practices.

The scarcity of Arab literature on security sector legislation has been a big problem for Arab lawmakers. The toolkit seeks to address this deficiency. One of its aims is to reduce time lawmakers spend on searching for information, thus allowing them to concentrate on their main task. With more information becoming available in Arabic, many citizens and civil society groups may find it easier to articulate their vision of the type of police and security service they want and to contribute to the development of a modern and strong legal framework for the security sector.

Why is it important to have a strong legal framework for the security sector?

A sound legal framework is a precondition for effective, efficient and accountable security sector governance because:

- It defines the role and mission of the different security organizations;
- Defines the prerogatives and limits the power of security organizations and their members;
- Defines the role and powers of institutions, which control and oversee security organizations;
- Provides a basis for accountability, as it draws a clear line between legal and illegal behaviour;
- Enhances public trust and strengthens legitimacy of government and its security forces.

For all these reasons, security sector reform often starts with a complete review and overhaul of the national security sector legislation. The point is to identify and address contradictions and the lack of clarity regarding roles and mandates of the different institutions.

How to use this tool?

Based on its history and political constitution, each federation or state has individual needs and expectations towards its police services. The police legislation should appropriately reflect these expectations. Despite their individual situation, countries can benefit from other nations' experience as well as from international standards and best practices in the field of police legislation/policing. The police series of the toolkit "Legislating for the Security Sector" facilitates the drafting process and development of police legislation by providing international standards and models of democratic and community-based (national) police legislation.

Although each police system is unique, some common elements for a sound structure of police legislation can be identified. The Editorial Board of the toolkit "Legislating for the Security Sector" developed a grid that covers these main elements. Usually, police laws should be concise and general, comprise only the most necessary provisions and refer to other relevant national legislation and international laws and standards. Questions regarding specific issues and details should be addressed in additional regulation, such as rules of procedure. The advantage of this: the legislation remains clearly structured and necessary modifications can be applied more flexibly as they do not necessarily need to pass the more complex legislative process.

This booklet contains the Swedish police law in its original form, as well as its articles reorganised by topic, as shown on the right. This allows legislators to easily identify the specific topics that need to be covered in a police law, as well as to compare between different models..

Table1: *The analytical grid for comparing police legislation*

Subject	Content
Structure and context	<ul style="list-style-type: none"> • Description of the structure of the law • Context with the legal framework of the country • Relation to the state and the communityd • Definition of stakeholders and actors
Vision and values	<ul style="list-style-type: none"> • Description of the vision of the police • Definition of guiding values
Mission	<ul style="list-style-type: none"> • Description of the mission of the police
Relations and subordination	<ul style="list-style-type: none"> • Explanation of external relations of the police with other state institutions, such as judiciary or the military
Organisation	<ul style="list-style-type: none"> • Definitions of the internal organisation of the police, such as hierarchies and chains of command
Personnel	<ul style="list-style-type: none"> • Issues concerning human resources, such as employment, police ethics and code of personal conduct
Duties and rights	<ul style="list-style-type: none"> • Description of the police's rights and duties, especially towards the civil society
Accountability and transparency	<ul style="list-style-type: none"> • Issues about accountability, transparency and oversight of the police. • Provisions concerning ombuds offices, compensation and other related issues
Other	<ul style="list-style-type: none"> • Information not related to topics previously mentioned above. • Clarifications regarding removed articles

The Swedish Police

Overview

Sweden has a national police service, which reports to the Ministry of Justice. The police service comprises the National Police Board, the National Laboratory of Forensic Science and 21 regional police authorities, each responsible for the policing of its county.

The Police Act provides that each of the 21 counties in Sweden constitutes a police district, which is led by a police authority. The police authority is directed by a Police Board, which comprises politically appointed members, among them the head of the authority (County Police Commissioner).

The police authorities are responsible for policing at the local level, such as responses to emergency calls, crime investigations and crime prevention. Their responsibilities also include other duties, such as issuing passports and various permits and licences.

Who supervises the police?

Democratic oversight of security forces is important to ensure that the people's rights are respected and that democratic values and principles are observed. In the Swedish case, the following oversight bodies exist:

- The National Police Board
- The Office of the Parliamentary Ombudsmen
- The National Audit Office
- The Office of the Chancellor of Justice

Community Policing

Community policing is an important component in the Swedish approach to crime prevention. It includes high visibility policing and crime prevention initiatives in close cooperation with people who live or work in the community. The focus is on everyday offences in the covered area.

Police legislation in Sweden

The main laws regulating the police in Sweden are the Police Act (1984:387), the Police Ordinance (1998:1558), the Penal Code (1962:700) and the Code of Judicial Procedure (1942:740). The police's powers of investigation, such as witness protection and surveillance, are mainly regulated by the Penal Code and the Code of Judicial Procedure. Provisions dealing with the police's powers to maintain public order are found in the Police Act of 1984. This law regulates the police's powers of search, arrest, detention and the use of force. Additional provisions governing the work of the police are contained in the Police Ordinance (1998:1558), the Ordinance containing Instructions to the National Police Board (1989:773; reprinted 1996:55) and the Police Training Ordinance (1985:751).

Sources

- A presentation of *The Swedish Police Service*, The Swedish National Police Board, 2005
- Analysis of Swedish Police legislation, provided by Maria Bideke, International lawyer and Director of Law Association Justice International, <http://www.legislationline.org>
- *The Police Act with commentary*, The Swedish National Police Board, 1999

The Swedish Police Act, presented in the analytical grid

Subject	Articles of the Swedish Police Act
Structure and context	
Vision and Values	<p>Section 1</p> <p>The work of the police is one aspect of community involvement in the promotion of justice and security and shall be aimed at maintaining public order and safety, as well as providing protection and assistance for the public.</p>
Mission	<p>Section 2</p> <p>It is the duty of the police to</p> <ol style="list-style-type: none"> 1. prevent crime and other disturbances of public order or safety, 2. maintain public order and safety, prevent disturbances of the same and take action when such disturbances occur, 3. carry out investigations and surveillance in connection with indictable offences, 4. provide the public with protection, information and other kinds of assistance, whenever such assistance is best given by the police, and to 5. perform such duties as are incumbent on the police pursuant to special regulations.
Relations and Subordination	<p>Section 3</p> <p>The police shall co-operate with the public prosecution authorities as well as with other authorities and organisations whose activities concern the work of the police. In particular, it is incumbent on the police to maintain co-operation with the social services and to keep them informed in matters that might call for some measure on their part. Other authorities shall support the police in their work.</p> <p>Section 7</p> <p>The Government may entrust the Board with the task of directing police work aimed at preventing and detecting crimes against the safety of the realm. The Government may also instruct the Board to direct other kinds of police work in special respects. Where the Board directs police work any statutory provisions relating to police authorities shall, where relevant, also apply to the Board. Act 1989:445.</p>

Subject	Articles of the Swedish Police Act
<p>Relations and Subordination</p>	<p>Section 29</p> <p>What is said in section 10, first paragraph, subsection 1, 2 and 4, shall also apply to a sentry or any other person employed by the armed forces who is assigned to guard duty or to maintaining order, and the provisions in section 10, first paragraph, subsections 1 to 4, shall also apply to an officer of the coast guard who, pursuant to special regulations, is taking part in a police public order operation. The provision in section 10, first paragraph, subsection 2, also applies to a person who is otherwise to lawfully deprive someone of liberty, and the provision in the same section, first paragraph, subsection 4, shall also apply to a person who in the exercise of an official duty is empowered to effect a measure there specified. In interventions under Section 10, first paragraph, subsection 4, the second paragraph of that section also applies. Where a person referred to in the first paragraph lawfully deprives someone of liberty, section 19, subsection 1, also applies. The provisions in sections 10a and 13 also apply to a public order guard unless otherwise specified in his terms of appointment. If a guard has taken somebody into custody he shall, however, turn that person over to the nearest police officer without delay. Special provisions govern the right of an officer of the coast guard to apply section 13. (Acts 1986:656, 1988:446 and 1998:27).</p> <p>Section 30</p> <p>Further provisions regarding the implementation of this Act will be issued by the Government or by an authority appointed by the Government. Act 1998:27.</p>
<p>Organisation</p>	<p>Section 4</p> <p>Each county constitutes a police district. In each police district there is a police authority responsible for police work in the district. The government or an authority appointed by the government decides whether a police authority is to perform police duties outside its district. Police officers are state employees attached to a police authority unless the government decides otherwise. The government decides to whom the term 'police officer' can be applied. Act 1998:1555.</p> <p>Section 5</p> <p>A police authority is headed by a police board made up of the head of the police authority (the police commissioner) and by that number of other members determined by the government. The members of a police board, apart from the police commissioner, shall be appointed by the government. For each member a substitute shall also be elected.</p> <p>Section 5a</p> <p>One or more police committees may be set up by the police board to direct the police authority under the board in a part or parts of the police district determined by the board. A police committee shall consist of the police commissioner and of that number of other members, at least five and at the most ten, determined by the police board. Members are appointed by the police board. The police commissioner may decide that the head of a police area shall also be a member of a committee. For each member appointed by the police board a substitute shall also be elected. The first and the second sentences of the third paragraph of section 5 shall be applicable to the members and substitutes appointed by the board. Act 1990:997 and 1998:1555.</p>

Subject	Articles of the Swedish Police Act
<p>Organisation</p>	<p>Section 7</p> <p>The National Police Board is the central administrative authority of the police service and has supervisory powers over the same. The Board shall strive to achieve systematic planning, co-ordination and rationalisation within the police service.</p>
<p>Personnel</p>	<p>Section 5</p> <p>Appointed members and substitutes must be Swedish citizens, resident in the police district and eligible to vote in local council elections. They should be chosen in such a way as to ensure that there is some experience of municipal work among them. Furthermore, care should be taken to ensure that the different parts of the police district are represented. Acts 1989:128, 1996:1437 and 1998:1555.</p> <p>Section 7a</p> <p>An employee of the National Police Board assigned to police work aimed at preventing and detecting crimes against the safety of the realm may be transferred to another government service post. Specific provisions for such a transfer are issued by the Government. If the employee is a police officer he may only be transferred to another police officer post. A transfer of the kind referred to in the first paragraph to an authority in another field of activity may only be made if the duties are similar or if the employee is suitably qualified for the post. In cases or matters involving transfers, section 36, second paragraph, and sections 37 and 39 of the Civil Servants Act (1994:260) shall be applicable. Acts 1994:265 and 1994:1051.</p>
<p>Duties and rights</p>	<p>Section 8</p> <p>A police officer exercising an official duty shall, with due observance of the provisions of acts and other statutory instruments, intervene in a way that is justifiable in view of the object of the intervention and other circumstances. If he has to use force, the form and level of force used shall be limited to that required to achieve the intended result. An intervention that limits one of the basic freedoms and rights of Chapter 2 of the Instrument of Government must not be founded solely on the provisions of the first paragraph.</p> <p>Section 9</p> <p>Where a police officer learns of an indictable offence, he shall inform a senior officer thereof as soon as practicable. A police officer may refrain from reporting an offence if, in view of the circumstances in the specific case, it is of a petty nature and it is obvious that no other sanction than a fine would be imposed on the offender should he be charged with it. Act 1998:27.</p> <p>Section 10</p> <p>A police officer may, if other means are inadequate and if it is justifiable in view of the circumstances, use force to carry out an official duty, if</p> <ol style="list-style-type: none"> 1. he encounters force or threat of force, 2. a person who is to be detained pending trial or investigation or who is otherwise, with statutory support, to be deprived of liberty, attempts to escape or the officer otherwise encounters resistance when he is to effect such a measure,

Subject	Articles of the Swedish Police Act
<p>Duties and rights</p>	<ol style="list-style-type: none"> 3. it is a question of averting a punishable act or a threat to life, health or valuable property or a risk of extensive damage to the environment, 4. he, with statutory support, is to turn away or remove a person from an area or premises or conduct or assist in the search of a person, a bodily examination or some other similar measure, a seizure or some other impoundment of property or a search of premises as defined in the Code of Procedure, 5. he, with statutory support, is to stop a vehicle or some other means of transport, 6. he otherwise with statutory support is to gain entry to, cordon off, shut off or evacuate a building, a room or an area, assist someone who is performing an official duty with such a measure or some similar measure, or in connection with a foreclosure in accordance with what is prescribed thereof, or if 7. the measure otherwise is indispensable for the maintenance of public order and safety and it is evident that it cannot be implemented without the use of force. <p>In cases of the kind referred to in the first paragraph, subsections 4 and 6, force may only be used against a person if the police officer or the person he is assisting encounters resistance. Chapter 24 of the Penal Code contains further provisions governing the use force in certain cases. Act 1998:27.</p> <p>Section 10a</p> <p>What is said in section 15, first paragraph, of the Treatment of Detained Persons Act (1076:371) about the right to restrain a person by means of handcuffs shall also apply where a police officer takes someone into custody or otherwise restricts his freedom of movement. Act 1998:27.</p> <p>Section 11</p> <p>If a police authority is empowered by some special provision to decide that someone be taken into custody, a police officer may take that person into custody pending a decision by the police authority, if he finds that 1. the prescribed conditions for a decision to take the person into custody are satisfied and 2. that delay in effecting the measure will entail a threat to life or health or some other threat.</p> <p>Section 12</p> <p>If someone who appears to be under eighteen years of age is found in circumstances which obviously constitute an imminent and serious threat to his health or development, he may be taken into custody by a police officer with a view to being promptly delivered to his parents or to some other guardian or to the social welfare board by or through the agency of the officer who took him in charge. Act 1991:140.</p> <p>Section 13</p> <p>If a person by his conduct disturbs public order or poses an immediate threat to the same, a police officer may, if this is necessary to maintain public order, turn away or remove that person from a certain area or certain premises. The same applies if such a measure is required for the aversion of a punishable act. If a measure referred to in the first paragraph proves inadequate for achieving the intended result, the person may be taken into temporary custody.</p>

Subject	Articles of the Swedish Police Act
<p>Duties and rights</p>	<p>Section 13a</p> <p>If a person attempts to gain entry to an area or premises to which access has been prohibited under this act or some other statute, a police officer may turn away or remove him from the area or premises if this is necessary to maintain public order or safety. This also applies to someone who refuses to leave such an area or premises, or to someone who does not abide by an order to follow a directed route issued under this act. Act 1998:27.</p>
	<p>Section 13b</p> <p>If a police authority has decided to call off or disperse a public assembly or event under Chapter 2, sections 22 or 23 of the Public Order Act (1993:1617), a police officer may turn away or remove participants and onlookers if this is necessary to achieve the purpose of the decision.</p>
	<p>Section 13c</p> <p>If a crowd of people who do not constitute a public assembly or a public event under the Public Order Act (1993:1617), by their conduct are disturbing public order or are posing a threat to the same, the members of the crowd may be turned away or removed from the area or premises they are in, if this is necessary for the maintenance of public order. Such a measure may be taken without a previous decision by a police authority only if it is so urgent that such a decision cannot be awaited. Act 1988:27.</p>
	<p>Section 14</p> <p>If an unknown person is found by a police officer and there is special reason to believe that he is sought by the police or the subject of a wanted notice to be lawfully deprived of liberty when found, he may be taken into custody for identification if he refuses to give his identity or if there is reason to doubt the truth of the identity he has provided.</p>
	<p>Section 15</p> <p>A person taken into custody under this act shall be informed about the grounds therefore as soon as practicable. The police officer who effected the measure shall report it to a senior officer at the earliest opportunity. The latter shall, if the person is still in custody, immediately consider whether the decision is to remain effective. Where the senior officer decides that someone taken into custody under section 11 is to be detained further, or where the measure was taken under section 12, he shall promptly notify the police authority about the measure and the grounds on which it was effected. As soon as practicable after a person has been taken into custody under section 11, the police authority shall make a decision in accordance with what is prescribed thereto.</p>

Subject	Articles of the Swedish Police Act
Duties and rights	<p>Section 16</p> <p>A person who has been taken into custody under section 11 or section 13, second paragraph, shall be interviewed as soon as practicable. If the measure was effected under section 13, second paragraph, the person shall be released as soon as practicable after the interview. A person who is under eighteen years of age may, however, be detained with a view to his being promptly delivered by the police to his parents, some other custodian, an official of the social services department or some other appropriate adult. No person may be detained for more than six hours. If it is thought that the person taken into custody is in need of help or support from society, the police shall assist him with advice and information and, if suitable, confer with some other body responsible for providing for such needs. Where a person has been taken into custody under section 14, his identity shall be established as soon as practicable. Anyone taken into custody shall be released as soon as he has been identified. Such a person must not, however, be detained for more than six hours or, if it is particularly important that he be identified, for more than twelve hours. Act 1991:140.</p>
	<p>Section 17</p> <p>When a person is to be taken into custody under this act, it must not cause him greater inconvenience than necessary in view of the purpose of the measure, nor attract unnecessary attention. A person taken into custody must not be subjected to any other infringement of his liberty beyond that required by the purpose of the measure or to maintain order or safety. A person taken into custody may be placed in a police cell if this is necessary to maintain order or safety. This does not, however, apply to someone who is under the age of fifteen. Act 1998:27.</p>
	<p>Section 18</p> <p>If a person is to be arrested under Chapter 24 of the Code of Procedure, he may not be taken into custody or detained under section 13, second paragraph. Provisions concerning the taking of intoxicated persons into custody are contained in the Act on Police Interventions against Intoxicated Persons (1976:511).</p>
	<p>Section 19</p> <p>A police officer who with statutory support arrests or otherwise takes into custody or removes a person, may in connection therewith search that person to the extent required</p> <ol style="list-style-type: none"> 1. to seize weapons or other dangerous articles for safety reasons, or 2. to establish the person's identity. <p>A police officer may also search a person to the extent required to look for weapons or other dangerous articles that might be used in the commission of an offence against life and health, provided that, in view of the circumstances, it can be assumed that such an article may be declared forfeited in accordance with Chapter 36, section 3 of the Penal Code. Acts 1987:577 and 1993:1142.</p>

Subject	Articles of the Swedish Police Act
<p>Duties and rights</p>	<p>Section 20</p> <p>A police officer, with a view to looking for a person who is to be taken into custody with statutory support, may enter that person’s dwelling or some other house, room or place belonging to or utilised by him. The same applies to premises to which the public has access. If there is special reason to assume that the person sought by the police is staying with someone else, the police officer may also enter that place. Similarly, a police officer may gain entry to a dwelling or some other place with a view to looking for an article which is to be seized by the police under an act or some other ordinance; what is said above about a person sought by the police then applies to the owner or holder of the article. A police officer may search a vehicle at a specified place for the purpose of ascertaining whether it is carrying someone who has escaped from a correctional facility where he is serving a sentence of at least four years’ imprisonment, provided that there is reason to assume that the escaped person poses a serious threat to another’s life or health or to the safety of the realm, and provided that there is special reason to believe that he may pass that place. The same power is vested in a police officer looking for someone who is undergoing compulsory psychiatric care or has been referred to forensic psychiatric care and has escaped from a medical institution, if, in view of the circumstances, there is special reason to believe that the escaped person poses a serious threat to another’s life or health or to the safety of the realm. A measure referred to in the first and second paragraphs may be effected without a previous decision by the police authority only if there is danger in delay. Such a measure may be effected between 21:00 and 06:00 hours only if there are special reasons for this. The Code of Procedure contains provisions concerning searches carried out with a view to looking for objects which are subject to forfeiture, or for a person who is to be arrested or detained pending further investigation or trial, or who is to be taken to an interview or to a court of law. (Act 1991:665).</p>
	<p>Section 21</p> <p>A police officer may also gain entry to a house, a room or some other place if there is reason to believe that someone in that place has died, is unconscious or otherwise unable to call for help. Such a measure may also be taken when necessary in cases where the police are looking for a missing person, if the latter can be assumed to be needing help.</p>
	<p>Section 22</p> <p>A police officer may stop a vehicle or some other means of transport</p> <ol style="list-style-type: none"> 1. if there is reason to believe that it is carrying someone who has committed an offence, 2. if, for some other reason, this is necessary to lawfully deprive someone travelling in the vehicle of his liberty, otherwise limiting his freedom of movement or subjecting him to a search or bodily examination, 3. if this is necessary to perform a search of the vehicle, or 4. if this is necessary to control traffic or to perform a check of the driver or the vehicle in accordance with what is prescribed thereto. Act 1998:27.

Subject	Articles of the Swedish Police Act
Duties and rights	<p>Section 23</p> <p>If there is special reason to assume that an offence involving a serious threat to life or health or a serious risk of extensive damage to property will be committed in a certain place, a police officer may, with a view to averting the offence or providing protection against the same,</p> <ol style="list-style-type: none"> 1. gain entry to a house, a room or some other place to look for explosives, weapons or other dangerous articles, 2. close off, evacuate or prohibit access to a house, a room or some other place, prohibit the removal of a certain object or the use of a means of transport or take some other similar measure. If there is a serious risk that an offence referred to in the first paragraph will be committed, a police officer may also search persons who are present at that place with a view to searching for dangerous articles. A measure referred to in this section may be effected without a previous decision by the police authority only if there is danger in delay. Act 1998:27.
	<p>Section 23a</p> <p>A police authority may appoint as arrest facility guard or passport control officer someone who is not employed as such in the police service and who is not a police officer. A person appointed as arrest facility guard may also be assigned to security duties in premises other than an arrest facility. The nature and extent of the duties involved shall be stated in the terms of appointment. Such an appointment may be revoked. Act 1998:600.</p>
	<p>Section 24</p> <p>In connection with a serious disturbance of public order or safety, a police authority may prohibit access to a certain area or premises if this is necessary to maintain public order or safety. The same applies when there is a risk of such a disturbance. On the same conditions as those stated in the first paragraph, a police authority may also direct members of a crowd to follow a particular route. In urgent situations where a decision by the police authority cannot be awaited, a police officer, pending such a decision, may issue a ban or direction of the kind referred to in the first and second paragraphs. Act 1998:27.</p>
	<p>Section 25</p> <p>A transport company which carries goods, passengers or vehicles to or from Sweden shall, at the request of a police authority, promptly supply such current information about arriving or departing transports as the company has access to. A transport company is under no obligation to provide any information about a passenger other than the person's name and details about his route, luggage, travelling companions and how his ticket was booked and paid for. Information of the kind referred to in the first paragraph may only be requested by a police authority if it is believed to be of importance in the fight against crime. Act 1998:27.</p>

Subject	Articles of the Swedish Police Act
<p>Duties and rights</p>	<p>Section 26</p> <p>A transport company may supply the kind of information referred to in section 25 by making it available to a police authority via a computer terminal. A police authority may access information provided via a computer terminal only to the extent required to check transports. Information made available in this manner may not be altered or otherwise processed or stored by a police authority. Information about individuals supplied in a manner other than via a computer terminal shall be destroyed immediately if it proves to be of no use to the investigation and reporting of an offence. Act 1998:27.</p>
<p>Accountability and transparency</p>	<p>Section 27</p> <p>A written record shall be made of any intervention involving the turning away, removal, taking into a custody or arrest of a person. A written record shall also be made of any search of premises and similar measures taken under this act, as well of any seizure of articles. The record must include:</p> <ol style="list-style-type: none"> 1. the name of the authorising officer, 2. the grounds on which the decision to make the intervention was made, 3. the name of the officer who effected the intervention, 4. the name of the subject of the intervention, 5. the date and time of the intervention, and 6. other information pertaining to the implementation of the intervention. <p>The information referred to in items 1 and 2 in the second paragraph shall be recorded by the authorising officer, and the information referred to in items 3 – 6 by the senior officer in charge of the intervention. The Code of Procedure contains provisions concerning the recording of seizures, searches of a person or premises and bodily examinations. Act 1998:27.</p> <p>Section 28</p> <p>A record shall be made of any intervention involving the use of handcuffs, firearms or tear gas, or technical devices for stopping a vehicle or some other means of transport. Such a record must include the grounds for the intervention. The authorising officer is responsible for ensuring that a record is made. Act 1998:27.</p>
<p>Other</p>	<p>Section 6</p> <p>(Revoked through Act 1998:1555)</p>

The Swedish Police Act, presented in its original form

Swedish Police Act, October 1, 1984

General provisions

Aims of police work

Section 1

The work of the police is one aspect of community involvement in the promotion of justice and security and shall be aimed at maintaining public order and safety, as well as providing protection and assistance for the public.

Police duties

Section 2

It is the duty of the police to

1. prevent crime and other disturbances of public order or safety,
2. maintain public order and safety, prevent disturbances of the same and take action when such disturbances occur,
3. carry out investigations and surveillance in connection with indictable offences,
4. provide the public with protection, information and other kinds of assistance, whenever such assistance is best given by the police, and to
5. perform such duties as are incumbent on the police pursuant to special regulations.

Co-operation with other authorities and organisations

Section 3

The police shall co-operate with the public prosecution authorities as well as with other authorities and organisations whose activities concern the work of the police. In particular, it is incumbent on the police to maintain co-operation with the social services and to keep them informed in matters that might call for

some measure on their part. Other authorities shall support the police in their work.

Bodies within the police service

Section 4

Each county constitutes a police district. In each police district there is a police authority responsible for police work in the district.

The government or an authority appointed by the government decides whether a police authority is to perform police duties outside its district. Police officers are state employees attached to a police authority unless the government decides otherwise. The government decides to whom the term "police Officer" can be applied. **Act 1998:1555.**

Section 5

A police authority is headed by a police board made up of the head of the police authority (the police commissioner) and by that number of other members determined by the government.

The members of a police board, apart from the police commissioner, shall be appointed by the government. For each member a substitute shall also be elected.

Appointed members and substitutes must be Swedish citizens, resident in the police district and eligible to vote in local council elections. They should be chosen in such a way as to ensure that there is some experience of municipal work among them. Furthermore, care should be taken to ensure that the different parts of the police district are represented. **Acts 1989:128, 1996:1437 and 1998:1555.**

Section 5a

One or more police committees may be set up by the police board to direct the police authority under the board in a part or parts of the police district determined by the board.

A police committee shall consist of the police commissioner and of that number of other members,

at least five and at the most ten, determined by the police board. Members are appointed by the police board. The police commissioner may decide that the head of a police area shall also be a member of a committee. For each member appointed by the police board a substitute shall also be elected.

The first and the second sentences of the third paragraph of section 5 shall be applicable to the members and substitutes appointed by the board.
Act 1990:997 and 1998:1555.

Section 6

(Revoked through Act 1998:1555)

Section 7

The National Police Board is the central administrative authority of the police service and has supervisory powers over the same. The Board shall strive to achieve systematic planning, co-ordination and rationalisation within the police service. The Government may entrust the Board with the task of directing police work aimed at preventing and detecting crimes against the safety of the realm. The Government may also instruct the Board to direct other kinds of police work in special respects. Where the Board directs police work any statutory provisions relating to police authorities shall, where relevant, also apply to the Board.
Act 1989:445.

Transfer of staff

Section 7a

An employee of the National Police Board assigned to police work aimed at preventing and detecting crimes against the safety of the realm may be transferred to another government service post. Specific provisions for such a transfer are issued by the Government. If the employee is a police officer he may only be transferred to another police officer post. A transfer of the kind referred to in the first paragraph to an authority in another field of activity may only be made if the duties are similar or if the employee is suitably qualified for the post. In cases or matters involving transfers, section 36, second paragraph, and sections 37 and 39 of the Civil Servants Act (1994:260) shall be applicable.
Acts 1994:265 and 1994:1051.

General principles of police intervention

Section 8

A police officer exercising an official duty shall, with due observance of the provisions of acts and other statutory instruments, intervene in a way that is justifiable in view of the object of the intervention and other circumstances. If he has to use force, the form and level of force used shall be limited to that required to achieve the intended result. An intervention that limits one of the basic freedoms and rights of Chapter 2 of the Instrument of Government must not be founded solely on the provisions of the first paragraph.

Obligation to report an offence

Section 9

Where a police officer learns of an indictable offence, he shall inform a senior officer thereof as soon as practicable.

A police officer may refrain from reporting an offence if, in view of the circumstances in the specific case, it is of a petty nature and it is obvious that no other sanction than a fine would be imposed on the offender should he be charged with it.
Act 1998:27.

Certain powers vested in police officers

Use of force

Section 10

A police officer may, if other means are inadequate and if it is justifiable in view of the circumstances, use force to carry out an official duty, if

1. he encounters force or threat of force,
2. a person who is to be detained pending trial or investigation or who is otherwise, with statutory support, to be deprived of liberty, attempts to escape or the officer otherwise encounters resistance when he is to effect such a measure,
3. it is a question of averting a punishable act or a threat to life, health or valuable property or a risk of extensive damage to the environment,

4. he, with statutory support, is to turn away or remove a person from an area or premises or conduct or assist in the search of a person, a bodily examination or some other similar measure, a seizure or some other impoundment of property or a search of premises as defined in the Code of Procedure,
5. he, with statutory support, is to stop a vehicle or some other means of transport,
6. he otherwise with statutory support is to gain entry to, cordon off, shut off or evacuate a building, a room or an area, assist someone who is performing an official duty with such a measure or some similar measure, or in connection with a foreclosure in accordance with what is prescribed thereof, or if
7. the measure otherwise is indispensable for the maintenance of public order and safety and it is evident that it cannot be implemented without the use of force.

In cases of the kind referred to in the first paragraph, subsections 4 and 6, force may only be used against a person if the police officer or the person he is assisting encounters resistance. Chapter 24 of the Penal Code contains further provisions governing the use of force in certain cases. **Act 1998:27.**

Section 10a

What is said in section 15, first paragraph, of the Treatment of Detained Persons Act (1076:371) about the right to restrain a person by means of handcuffs shall also apply where a police officer takes someone into custody or otherwise restricts his freedom of movement. **Act 1998:27.**

Temporary custody, removal etc.

Section 11

If a police authority is empowered by some special provision to decide that someone be taken into custody, a police officer may take that person into custody pending a decision by the police authority, if he finds that

1. the prescribed conditions for a decision to take the person into custody are satisfied and

2. that delay in effecting the measure will entail a threat to life or health or some other threat.

Section 12

If someone who appears to be under eighteen years of age is found in circumstances which obviously constitute an imminent and serious threat to his health or development, he may be taken into custody by a police officer with a view to being promptly delivered to his parents or to some other guardian or to the social welfare board by or through the agency of the officer who took him in charge. **Act 1991:140.**

Section 13

If a person by his conduct disturbs public order or poses an immediate threat to the same, a police officer may, if this is necessary to maintain public order, turn away or remove that person from a certain area or certain premises. The same applies if such a measure is required for the aversion of a punishable act. If a measure referred to in the first paragraph proves inadequate for achieving the intended result, the person may be taken into temporary custody.

Section 13a

If a person attempts to gain entry to an area or premises to which access has been prohibited under this act or some other statute, a police officer may turn away or remove him from the area or premises if this is necessary to maintain public order or safety. This also applies to someone who refuses to leave such an area or premises, or to someone who does not abide by an order to follow a directed route issued under this act. **Act 1998:27.**

Section 13b

If a police authority has decided to call off or disperse a public assembly or event under Chapter 2, sections 22 or 23 of the Public Order Act (1993:1617), a police officer may turn away or remove participants and onlookers if this is necessary to achieve the purpose of the decision.

Section 13c

If a crowd of people who do not constitute a public assembly or a public event under the Public Order Act (1993:1617), by their conduct are disturbing public order or are posing a threat to the same, the members of the crowd may be turned away or

removed from the area or premises they are in, if this is necessary for the maintenance of public order.

Such a measure may be taken without a previous decision by a police authority only if it is so urgent that such a decision cannot be awaited.

Act 1988:27.

Section 14

If an unknown person is found by a police officer and there is special reason to believe that he is sought by the police or the subject of a wanted notice to be lawfully deprived of liberty when found, he may be taken into custody for identification if he refuses to give his identity or if there is reason to doubt the truth of the identity he has provided.

Section 15

A person taken into custody under this act shall be informed about the grounds therefore as soon as practicable. The police officer who effected the measure shall report it to a senior officer at the earliest opportunity. The latter shall, if the person is still in custody, immediately consider whether the decision is to remain effective.

Where the senior officer decides that someone taken into custody under section 11 is to be detained further, or where the measure was taken under section 12, he shall promptly notify the police authority about the measure and the grounds on which it was effected.

As soon as practicable after a person has been taken into custody under section 11, the police authority shall make a decision in accordance with what is prescribed thereto.

Section 16

A person who has been taken into custody under section 11 or section 13, second paragraph, shall be interviewed as soon as practicable.

If the measure was effected under section 13, second paragraph, the person shall be released as soon as practicable after the interview. A person who is under eighteen years of age may, however, be detained with a view to his being promptly delivered by the police to his parents, some other custodian, an official of the social services department or some other appropriate adult. No person may be detained for more than six hours. If it is thought that the person taken into custody is

in need of help or support from society, the police shall assist him with advice and information and, if suitable, confer with some other body responsible for providing for such needs.

Where a person has been taken into custody under section 14, his identity shall be established as soon as practicable. Anyone taken into custody shall be released as soon as he has been identified. Such a person must not, however, be detained for more than six hours or, if it is particularly important that he be identified, for more than twelve hours.

Act 1991:140.

Section 17

When a person is to be taken into custody under this act, it must not cause him greater inconvenience than necessary in view of the purpose of the measure, nor attract unnecessary attention. A person taken into custody must not be subjected to any other infringement of his liberty beyond that required by the purpose of the measure or to maintain order or safety. A person taken into custody may be placed in a police cell if this is necessary to maintain order or safety. This does not, however, apply to someone who is under the age of fifteen.

Act 1998:27.

Section 18

If a person is to be arrested under Chapter 24 of the Code of Procedure, he may not be taken into custody or detained under section 13, second paragraph. Provisions concerning the taking of intoxicated persons into custody are contained in the Act on Police Interventions against Intoxicated Persons (1976:511).

Search of a person etc.

Section 19

A police officer who with statutory support arrests or otherwise takes into custody or removes a person, may in connection therewith search that person to the extent required

1. to seize weapons or other dangerous articles for safety reasons, or
2. to establish the person's identity.

A police officer may also search a person to the extent required to look for weapons nor other dangerous articles that might be used in the commission of an offence against life

and health, provided that, in view of the circumstances, it can be assumed that such an article may be declared forfeited in accordance with Chapter 36, section 3 of the Penal Code. **Acts 987:577 and 1993:1142.**

Special powers in connection with a search of premises and similar measures

Section 20

A police officer, with a view to looking for a person who is to be taken into custody with statutory support, may enter that person's dwelling or some other house, room or place belonging to or utilised by him. The same applies to premises to which the public has access. If there is special reason to assume that the person sought by the police is staying with someone else, the police officer may also enter that place. Similarly, a police officer may gain entry to a dwelling or some other place with a view to looking for an article which is to be seized by the police under an act or some other ordinance; what is said above about a person sought by the police then applies to the owner or holder of the article.

A police officer may search a vehicle at a specified place for the purpose of ascertaining whether it is carrying someone who has escaped from a correctional facility where he is serving a sentence of at least four years' imprisonment, provided that there is reason to assume that the escaped person poses a serious threat to another's life or health or to the safety of the realm, and provided that there is special reason to believe that he may pass that place. The same power is vested in a police officer looking for someone who is undergoing compulsory psychiatric care or has been referred to forensic psychiatric care and has escaped from a medical institution, if, in view of the circumstances, there is special reason to believe that the escaped person poses a serious threat to another's life or health or to the safety of the realm.

A measure referred to in the first and second paragraphs may be effected without a previous decision by the police authority only if there is danger in delay. Such a measure may be effected between 21:00 and 06:00 hours only if there are special reasons for this.

The Code of Procedure contains provisions concerning searches carried out with a view to

looking for objects which are subject to forfeiture, or for a person who is to be arrested or detained pending further investigation or trial, or who is to be taken to an interview or to a court of law. **Act 1991:665.**

Section 21

A police officer may also gain entry to a house, a room or some other place if there is reason to believe that someone in that place has died, is unconscious or otherwise unable to call for help. Such a measure may also be taken when necessary in cases where the police are looking for a missing person, if the latter can be assumed to be needing help.

Section 22

A police officer may stop a vehicle or some other means of transport

1. if there is reason to believe that it is carrying someone who has committed an offence,
2. if, for some other reason, this is necessary to lawfully deprive someone travelling in the vehicle of his liberty, otherwise limiting his freedom of movement or subjecting him to a search or bodily examination,
3. if this is necessary to perform a search of the vehicle, or
4. if this is necessary to control traffic or to perform a check of the driver or the vehicle in accordance with what is prescribed thereto. **Act 1998:27.**

Special powers pertaining to the protective and preventive duties of the police

Section 23

If there is special reason to assume that an offence involving a serious threat to life or health or a serious risk of extensive damage to property will be committed in a certain place, a police officer may, with a view to averting the offence or providing protection against the same,

1. gain entry to a house, a room or some other place to look for explosives, weapons or other dangerous articles,
2. close off, evacuate or prohibit access to a house, a room or some other place, prohibit

the removal of a certain object or the use of a means of transport or take some other similar measure.

If there is a serious risk that an offence referred to in the first paragraph will be committed, a police officer may also search persons who are present at that place with a view to searching for dangerous articles.

A measure referred to in this section may be effected without a previous decision by the police authority only if there is danger in delay.
Act 1998:27.

Section 23a

A police authority may appoint as arrest facility guard or passport control officer someone who is not employed as such in the police service and who is not a police officer. A person appointed as arrest facility guard may also be assigned to security duties in premises other than an arrest facility. The nature and extent of the duties involved shall be stated in the terms of appointment. Such an appointment may be revoked.
Act 1998:600.

Section 24

In connection with a serious disturbance of public order or safety, a police authority may prohibit access to a certain area or premises if this is necessary to maintain public order or safety. The same applies when there is a risk of such a disturbance.

On the same conditions as those stated in the first paragraph, a police authority may also direct members of a crowd to follow a particular route.

In urgent situations where a decision by the police authority cannot be awaited, a police officer, pending such a decision, may issue a ban or direction of the kind referred to in the first and second paragraphs.
Act 1998:27.

Information from transport companies

Section 25

A transport company which carries goods, passengers or vehicles to or from Sweden shall, at the request of a police authority, promptly supply such current information about arriving or departing transports as the company has access

to. A transport company is under no obligation to provide any information about a passenger other than the person's name and details about his route, luggage, travelling companions and how his ticket was booked and paid for.

Information of the kind referred to in the first paragraph may only be requested by a police authority if it is believed to be of importance in the fight against crime.
Act 1998:27.

Section 26

A transport company may supply the kind of information referred to in section 25 by making it available to a police authority via a computer terminal.

A police authority may access information provided via a computer terminal only to the extent required to check transports. Information made available in this manner may not be altered or otherwise processed or stored by a police authority.

Information about individuals supplied in a manner other than via a computer terminal shall be destroyed immediately if it proves to be of no use to the investigation and reporting of an offence.
Act 1998:27.

Records

Section 27

A written record shall be made of any intervention involving the turning away, removal, taking into a custody or arrest of a person. A written record shall also be made of any search of premises and similar measures taken under this act, as well of any seizure of articles.

The record must include

1. the name of the authorising officer,
2. the grounds on which the decision to make the intervention was made,
3. the name of the officer who effected the intervention,
4. the name of the subject of the intervention,
5. the date and time of the intervention, and
6. other information pertaining to the implementation of the intervention.

The information referred to in items 1 and 2 in

the second paragraph shall be recorded by the authorising officer, and the information referred to in items 3 – 6 by the senior officer in charge of the intervention.

The Code of Procedure contains provisions concerning the recording of seizures, searches of a person or premises and bodily examinations.
Act 1998:27.

Section 28

A record shall be made of any intervention involving the use of handcuffs, firearms or tear gas, or technical devices for stopping a vehicle or some other means of transport. Such a record must include the grounds for the intervention. The authorising officer is responsible for ensuring that a record is made.
Act 1998:27.

Final provisions

Section 29

What is said in section 10, first paragraph, subsection 1, 2 and 4, shall also apply to a sentry or any other person employed by the armed forces who is assigned to guard duty or to maintaining order, and the provisions in section 10, first paragraph, subsections 1 to 4, shall also apply to an officer of the coast guard who, pursuant to special regulations, is taking part in a police public order operation. The provision in section 10, first paragraph, subsection 2, also applies to a person who is otherwise to lawfully deprive someone of liberty, and the provision in the same section, first paragraph, subsection 4, shall also apply to a person who in the exercise of an official duty is empowered to effect a measure there specified. In interventions under Section 10, first paragraph, subsection 4, the second paragraph of that section also applies.

Where a person referred to in the first paragraph lawfully deprives someone of liberty, section 19, subsection 1, also applies.

The provisions in sections 10a and 13 also apply to a public order guard unless otherwise specified in his terms of appointment. If a guard has taken somebody into custody he shall, however, turn that person over to the nearest police officer without delay.

Special provisions govern the right of an officer of the coast guard to apply section 13.

Acts 1986:656, 1988:446 and 1998:27.

Section 30

Further provisions regarding the implementation of this Act will be issued by the Government or by an authority appointed by the Government.

Act 1998:27.