

EXTERNAL

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MEDICAL CONCERN

Physical Restraint DENMARK

On 21 June 1994 Amnesty International made public a report entitled *Denmark: Police Ill-Treatment* (AI Index: EUR 18/01/94). It highlighted patterns of ill-treatment by police in Copenhagen, particularly during a demonstration on the night of 18-19 May 1993, during which police opened fire on demonstrators and at least 11 people were treated for bullet wounds, and during an extended anti-drugs operation in the Christiania area of Copenhagen in 1992 and 1993. The excessive use of physical restraint was one of the major forms of cruel, inhuman or degrading treatment pinpointed by the AI report. In particular, a method of restraint known as the "leg-lock", which was frequently used by the Copenhagen police during these episodes, was shown to be especially dangerous.

Within a week of the publication of the AI report the Danish Minister of Justice suspended the use of the leg-lock. The head of the Danish Forensic Medical Council expressed his opinion that the leg-lock is dangerous and may be life-threatening in certain circumstances. The Minister of Justice has ordered investigations by the Commissioner of National Police and the Forensic Medical Council into the leg-lock and other forms of physical restraint.

The leg-lock

The leg-lock is applied by forcing the detainee face down on the ground and handcuffing his hands behind his back. The knees are then forcibly flexed, with one foot wedged behind the other knee and the second foot hooked up over the handcuffs. The detainee is virtually unable to move or adjust the position of any of his limbs. In Denmark leg-locked individuals were typically left lying face down on the ground until removed by police. Some people report that police transported them while they remained leg-locked.

A less severe form of restraint used in the United States, known as "hog-tying", has been shown to have contributed to the deaths of 11 detainees. It is unclear at this stage whether the Danish leg-lock was officially or "unofficially" taught at the police academy.

Forensic opinion on the leg-lock

Prior to the release of the AI report, an independent forensic expert was contacted by AI to give his opinion on the leg-lock. He pointed out that, in addition to being painful and degrading, the leg-lock utilizes hand-cuffs for a purpose for which their design was unintended. It results in continuous forced flexion of the legs and continuous traction to the handcuffs, which is likely to increase the risk of 'handcuff neuropathy'. It also causes partial fixation of the muscles of the shoulder girdle, which are accessory muscles of respiration, compromising respiratory

movements. Respiration is further impaired by lying a person face down on the ground. The leg-lock, together with the practice of leaving the detainee lying prone, would therefore cause a situation in which sudden death may occur.

Sequelae of the leg-lock

A number of individuals suffered abrasions to the wrists following use of the leg-lock and some have residual scarring that is likely to be permanent. Others suffer continuing symptoms of numbness and/or tingling in the hands, and at least one former detainee has been diagnosed as suffering from a compressive neuropathy.

The leg-lock may also have played a role in leading to devastating brain damage in the case of an 18 year-old man. Benjamin Schou was arrested by police during the celebrations in Copenhagen's Town Hall Square in the early hours of 1 January 1992. He was restrained by three police officers. Video evidence shows that two of the officers placed their knees on Benjamin Schou's back and legs. He was later moved from the square and placed in the leg-lock position. In the police van the officers noted that Benjamin Schou was not breathing, and they arranged for an ambulance to meet them at the police station. After arrival at the police station officers cut loose a long scarf which Benjamin Schou was wearing around his neck. Although Benjamin Schou was resuscitated by paramedics he suffered severe and irreversible neurological damage. He is now cared for in a nursing home.

Following a police investigation, the Director of Public Prosecutions decided in November 1992 not to bring charges against the police in connection with the treatment of Benjamin Schou. This decision was submitted for review by the Minister of Justice, who put a series of questions to the Danish Forensic Medical Council about the case. These questions did not make any direct reference to the use of the leg-lock. In August 1993 the Minister of Justice upheld the decision of the Director of Public Prosecutions. Benjamin Schou's parents then filed a civil action against the Copenhagen police. As a result of the AI report, it has been agreed that Benjamin Schou's case should be resubmitted to the Danish Forensic Medical Council for further investigation.

The forensic medical expert contacted by AI was also asked to comment about the known facts of the Benjamin Schou case. His opinion, based on the information presented to him, was that the permanent brain damage suffered by Benjamin Schou is likely to be multi-factorial in origin, with the primary factor responsible being the leg-lock restraint.

Other excessive physical restraint

There are numerous reports of Danish police applying handcuffs too tightly, even when the leg-lock was not applied, with resultant abrasions and symptoms consistent with compressive neuropathy. The practice of leaning with the knee on the back or limb of a detainee also appears to have been a common form of restraint. In addition, there are numerous reports of beatings by police.

Conclusions

The AI report published in June 1994 highlights several cases of excessive use of force in physical restraint by Danish police. AI welcomes the suspension of the leg-lock and the announcement of investigations into the leg-lock and other forms of physical restraint used in

Denmark. AI is calling for the leg-lock to be banned and for police to be instructed to use the minimum amount of force necessary to restrain a person. An independent commission of inquiry should be set up to examine the use of force and restraint by the police. AI is also calling for a full, independent inquiry into the Benjamin Schou case and other allegations of police ill-treatment. Police officers found culpable should be subject to criminal or disciplinary proceedings, and compensation should be paid to victims for ill-treatment and injuries suffered.

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To: Medical professionals
From: Medical Office / Research Department - Europe
Date: 4 July 1994

MEDICAL LETTER WRITING ACTION

Physical Restraint DENMARK

Keywords

Theme: ill-treatment

Profession/association: .

Summary

On 21 June 1994 Amnesty International released a report entitled *Denmark: Police Ill-Treatment* (AI Index: EUR 18/01/94). The report highlighted several cases of police ill-treatment in Denmark, including the use of a dangerous form of physical restraint known as the "leg-lock". Within a week of the report's release the Danish Minister of Justice suspended the use of the leg-lock and ordered investigations by the Commissioner of National Police and the Forensic Medical Council into the leg-lock and other forms of physical restraint practised by the Danish police.

Recommended Actions

Letters from medical professionals, preferably written in English or your own language, should be sent to the addresses below:

- # welcoming suspension of the use of the leg-lock as a dangerous form of physical restraint that can cause injury and even death
- # urging that the leg-lock be banned outright
- # urging that Danish police be instructed to use the minimum force necessary to restrain individuals
- # asking whether the introduction of alternative forms of restraint is being considered, and if so, what process of medical evaluation they will undergo
- # calling for an independent commission of inquiry into the use of force and physical restraint by Danish police
- # calling for independent and impartial investigations of the case of Benjamim Schou and other allegations of police ill-treatment

Addresses

Dr Jørn Simonsen
 Chairman
 Danish Council of Forensic Medicine
 Retslaegeradet
 Frederik V's vej 11
 DK-2100 Copenhagen Ø
 Denmark

Iver Boye
 National Commissioner of Police
 Polititorv 14
 DK-1718 Copenhagen V
 Denmark

Erling Olsen
 Minister of Justice
 Slotsholmsgade 10
 DK-1216 Copenhagen K
 Denmark

Dear Minister

Copies to:

Poul Eefsen
 Director of Copenhagen Police
 Politigaard
 DK-1567 Copenhagen V
 Denmark

Hans Gammeltoft-Hansen
 Parliamentary Ombudsman
 Gammeltorv 22
 DK-1457 Copenhagen K
 Denmark

And copies to one or more of the members of the Parliamentary Legal Affairs Committee. The address of all members of the committee is:

Retsudvalget
 Folketinget
 Christiansborgslot
 DK-1240 Copenhagen V
 Denmark

The names of the members of the committee are as follows:

Ms Dorte Bennedsen

Ms Ebba Strange

Mr Erling Christensen

Mr Peder Sass

Ms Lisa Haekerup

Mr Lysholm Christensen

Ms Lissa Mathiasen

Ms Pia Christmas-Møller

Mr Holger Graversen

Mr Jorgen Winther

Mr Ole Esperson

Ms Pernille Frahm

Ms Sonja Albrink

Mr Henning Grove

Ms Elisabeth Arnold

Ms Inger Stilling Pedersen

Mr Helge Adam Møller

Mr John Vinter

Ms Inge Dahl-Sørensen

Ms Birthe Rønn Hornbech

Mr Sven Aage Jensby
Ms Else Marie Mortensen
Mr Viggo Fischer
Ms Pia Kjaersgaard

Mr Tom Behnke
Mr Bent Bundgaard
Mr Niels Anker Kofoed