



Dear Mr.
Commanding Officer of the District of
Santarém of the Public Security Police
Avenida do Brasil, 1
2005-136 *Santarém*

Your Ref.

Your Communication

Our Ref.

Visit no. 23-2016

RECOMMENDATION NO. 8/2017/NPM

I

Under the provision contained in the article 19, paragraph b), of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, in order to improve the conditions of the detention zone in the *Santarém* District Command of the Public Security Police, I recommend you that the surveillance camera, installed in the anteroom of the detention cells, should be connected.

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II

The present position is based on the National Preventive Mechanism (NPM)¹ visit, on November 8, 2016, to the detention zone in the *Santarém* District Command of the Public Security Police.

¹ In Portugal, the quality of NPM was assigned to the Ombudsman, through the Resolution of the Council of Ministers no. 32/2013 of May 20.



According to the scope of intervention of the NPM², the conditions of habitability of the detention zone, namely those of cells and sanitary facilities, were analyzed, among other things, by analyzing their illumination, their aeration, their hygiene and their vigilance.

III

From the observation made during the visit of the NPM to the place of detention it was concluded that, in general, its physical, structural and organizational conditions are satisfactory. It was identified, however, that the video surveillance camera installed in the antechamber of the holding cells³ was not connected.

The use of video surveillance systems by security forces is intended, *inter alia*, to protect the safety of persons and property and [prevent] the practice of acts qualified, by law, as a crime⁴. Or in a different way: it is the protection (of the people) and preventive ends (of the commission of criminal infractions) that guide the placement of video surveillance systems in establishments similar to the place visited. However, it should be kept in mind that the images captured by the aforementioned equipment may also serve to counter any allegations of police officers practicing behavior that could be considered as torture or ill-treatment.

In view of the advantages resulting from the correct functioning of the video surveillance system - advantages which, not only for the inmates but also for the

² The objective of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is to establish a system of regular visits by independent international and national bodies to places where persons are deprived of their liberty in order to prevent torture and other cruel, inhuman or degrading treatment or punishment, having been ratified by Portugal in 2012, through Decree no. 167/2012 of the President of the Republic of December 13.

³ And, therefore, placed in compliance with the provisions of the article 10, no. 2 of the Regulation on the Material Conditions of Detention in Police Establishment, approved by the order of the Minister of Internal Administration no. 5863/2015, of May 26, published in «*Diário da República*» no. 106, 2nd series, of June 2 2015.

⁴ Article 1, paragraph 1, c) of Law no. 1/2005, of January 10, amended and republished by Law no. 9/2012, dated February 23, applicable *ex vi* no. 1 of article 10 of the aforementioned Regulation of the Material Conditions of Detention in Police Establishment.



members of the police forces and the institution itself, I think it is appropriate to properly connect the devices in question.

I conclude, being convinced of the personal commitment and cooperation with which you will receive this recommendation and thus contributing to the improvement of the conditions of detention of the *Santarém* District Command and consequently to reinforcing the appropriate treatment of the persons deprived of their liberty.

The Portuguese Ombudsman
National Preventive Mechanism

José de Faria Costa