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## **Police Act (1996 as amended 2000)**

### **Police Act**

No.90 13<sup>th</sup> June 1996

With amendments as made through to 14 April 2000

### **Chapter I**

#### **Role of the Police, Etc.**

##### **Article 1**

*Role.*

1. Police activities shall be operated by the state.
2. The role of the police shall be:
  - a. to protect public safety and maintain law and order, to seek to ensure the security of citizens under the law and protect the right of ownership, the public interest and lawful activities of all types;
  - b. to seek to prevent offences and to prevent events that interfere with public safety and the security of the state;
  - c. to work on the solving of crimes, stop unlawful conduct and pursue matters in accordance with the provisions of the Code of Criminal Procedure or other statutes;
  - d. to be of assistance to citizens as appropriate and to assist them when hazards threaten;
  - e. to give the authorities protection or assistance with the execution of their functions in accordance with the provisions of the law or tradition, as necessary;
  - f. to collaborate with other authorities and institutions involved in tasks connected with the duties of the police;
  - g. to carry out other tasks that are entrusted to them by law or fall to them by tradition.

##### **Article 2**

*Connections with international law.*

In the course of their work, the police shall observe the international legal obligations that Iceland has accepted.

##### **Article 3**

*Policemen.*

Those who are appointed or temporarily appointed to work as policemen under paragraph 3 of Article 28, or temporarily engaged under paragraph 4 of Article 28, shall be regarded as policemen.

### **Chapter II**

#### **The Organisation and Supreme Control of the Police**

##### **Article 4**

*Supreme control of the police.*

The Minister of Justice is the supreme head of the police in Iceland. The Commissioner of the National Icelandic Police administers police affairs under the minister's authority. [The Commissioner of the National Icelandic Police shall be stationed in Kópavogur unless the minister decides otherwise.]<sup>1)</sup>

<sup>1)</sup> Act No. 121/1999, Article 2.

##### **Article 5**

*Commissioner of the Icelandic National Police.*

1. The role of the Commissioner of the Icelandic National Police is:

- a. to convey and make known to police commissioners commands and decisions by the supreme executors of state power concerning the functioning of the police in any way, and to take measures to have these decisions implemented in the work of the police and monitor to ensure that this is done;
  - b. to furnish the Minister of Justice with information on all aspects of police affairs, which he can use to prepare and base his decisions on;
  - c. to submit proposals to the Minister of Justice concerning general instructions to police commissioners;
  - d. to work on, and submit, proposals concerning rationalisation, co-ordination, development and security in the functioning of the police;
  - e. to attend to international contact in the sphere of law enforcement;
  - f. to give police commissioners assistance and support in their police work;
  - g. to attend to tasks which, by their nature or due to circumstances, call for centralisation or national co-ordination, or collaboration with the police in another country;
  - h. to exercise overall control of, or give instructions regarding the execution of, individual law-enforcement operations that require extensive preparation or the participation of policemen from more than one administrative area. The Commissioner of the Icelandic National Police shall, after obtaining the approval of the Minister of Justice, announce his decision to the police commissioner or commissioners involved regarding the direction of each law-enforcement operation with suitable notice.
- [i. to maintain a register of complaints of crime received by police, containing all necessary information on the individual cases, a police journal containing information on communications to police and the manner in which they are resolved, a register of arrested persons, and any other registers necessary in the interests of law enforcement in order to avert imminent danger or to prevent crime. The Minister of Justice shall issue further rules on these registers.] 1)

2. Special tasks to be executed by the Commissioner of the Icelandic National Police are as follows:

- a. to operate a police investigation department to investigate tax and financial offences;
- b. to operate a police investigation department to investigate high treason and offences against the constitution of the state and its supreme authorities, and to assist police commissioners with the investigation of serious offences, ...<sup>2)</sup>
- c. to operate a general department to attend to the systematic recording of information on police affairs, be in charge of the purchase of vehicles, equipment and clothing for the police and conduct regular inspections of police stations and their furnishings and equipment;
- d. to operate an international department to attend to communication with other countries;
- e. to operate a laboratory to attend to the examination of documents and fingerprints and other such technical forensic investigations;

[f. to operate an alcoholic beverage monitoring department to monitor the handling of alcoholic beverages.]<sup>3)</sup>

3. The Minister of Justice shall give further instructions<sup>4)</sup> on the functions of the Commissioner of the Icelandic National Police.

4. The Commissioner of the Icelandic National Police shall be assisted by a deputy commissioner. The Deputy Commissioner shall deputise for the Commissioner of the National Icelandic Police.

5. When the Commissioner of the National Icelandic Police is connected in such a way with a matter or a party that he would be disqualified from sitting as a judge in the case, he shall stand down and the Minister of Justice shall then appoint a person who meets the legal requirements to handle the case.

1) Act No. 15/2000 <sup>2)</sup> Act No. 29/1998, Article 1. <sup>3)</sup> Act No. 78/1998, Article 1.. <sup>4)</sup> Reg. No. 396/1997. Reg. No. 406/1997.

## **Article 6**

*Police administrative areas and their control.*

1. The country shall be divided into police administrative areas which shall coincide with the division into governmental administrative areas. District commissioners shall be police commissioners, each in their own administrative area, with the exception of Reykjavík, where control of the police shall be in the hands of a special police commissioner. A deputy police commissioner shall be employed in the office of the Commissioner of the Reykjavík Police.

2. Police commissioners shall be in charge of the police forces, each in their own administrative area. They shall be in charge of the day-to-day control and operation of the police in their respective administrative areas and be responsible for the execution of the functions of the police within those areas.

3. Police commissioners shall be in overall charge of search and rescue operations on land. Special laws apply to rescue operations covered by the Iceland Civil Defence programme. The minister shall set rules on collaboration between the police and rescue teams.

4. Under special circumstances, the Minister of Justice may entrust parties other than the ordinary police commissioners in each administrative area to exercise control of the police there on a temporary basis.

5. The Minister of Justice may appoint another person who meets the legal requirements instead of the ordinary police commissioner to handle an individual case.

## **Article 7**

### *Geographical scope of police functions.*

1. Policemen shall have police powers in all parts of the country.

2. The working area of each policeman shall be the administrative area in which he is permanently or temporarily appointed, or employed, to work.

3. The Minister of Justice may decide that part of a police force shall engage in police work in all parts of the country. He shall set rules<sup>1)</sup> on the work of that police force and how it is to be commanded.

4. Exceptions from the provisions of paragraph 2 may be made in the following cases:

a. [The Commissioner of the Icelandic National Police may decide, after consulting the police commissioner, that the police force in one administrative area shall, on a temporary basis, engage in police work in another administrative area, in which case he shall also decide who is to exercise command of it. In accordance with a proposal by the Commissioner of the Icelandic National Police, the Minister of Justice may make provisions on the systematic collaboration between police forces on the execution and direction of particular law-enforcement operations and the transfer of manpower between police forces in a specific area in order to protect public safety and maintain law and order. In addition, the minister may, in accordance with a proposal by the Commissioner of the Icelandic National Police, entrust police commissioners with specific law-enforcement operations outside their own administrative areas on a temporary basis if this is considered advantageous in terms of local conditions.]<sup>2)</sup>

b. A policeman may cross the boundary of his working area in order to complete a police action that he has begun within it. In the same way, a policeman may execute police work outside his administrative area if the nature of the operation, or urgent necessity, so requires.

c. A policeman who is at work but is travelling through another police administrative area may intervene in the conduct of persons he finds committing offences.

5. A policeman shall inform his superior as soon as possible of measures he takes under paragraph 4 *b* and *c*. In the same way, the police commissioner of the relevant administrative area shall be informed of the measures taken by the policeman.

<sup>1)</sup> Reg. 774/1998 <sup>2)</sup> Act No. 29/1998, Article 2

## **Article 8**

### *Police investigations.*

1. The police shall investigate offences in consultation with the prosecuting authority.

2. The investigation of an offence shall normally be begun in the administrative area in which it was committed (*cf.*, however, the provisions of Article 5 (2) *a* and *b*).

3. The Minister of Justice shall set further rules<sup>1)</sup> on the administrative areas in which offences shall be investigated, the direction of investigations, when offences are to be investigated under the direction of the Commissioner of the Icelandic National Police under Article 5 (2) *a* and when police commissioners should seek the assistance of the Commissioner of the Icelandic National Police for an investigation under Article 5 (2) *b*.

4. A forensic department shall be operated in connection with the office of the Commissioner of the Reykjavík Police to carry out site investigations and other similar investigations. The forensic department shall serve all police administrative areas, and the Minister of Justice shall set further rules regarding its operations.

<sup>1)</sup> Reg 396/1997, Reg. 406/1997.

## **Article 9**

*Executors of police authority.*

1. The Commissioner of the Icelandic National Police, the Deputy Commissioner of the Icelandic National Police, police commissioners, the Deputy Commissioner of the Reykjavík Police, the Principal of the National Police College, the legally-qualified officers of the police commissioners and policemen shall exercise police authority.

2. The Minister of Justice may, in exceptional cases, entrust other police employees with police authority on a temporary basis in order to execute special tasks.

3. [The crews of coastguard vessels and coastguard aircraft...]<sup>1)</sup> shall exercise police authority when they execute, or assist with, law enforcement.

4. The Director of Internal Revenue, customs directors, their legally qualified officers and customs officers shall exercise police authority in their working areas when they execute, or assist with, law enforcement.

5. Local council chairmen shall exercise police authority under the Local Council Chairmen Act.

6. District policemen shall exercise police powers when they are engaged in their work.

7. Those who are summoned to assist the police according to law shall exercise police authority while they are engaged in that work.

8. Students in the National Police College shall exercise police authority while they are engaged in police work.

<sup>1)</sup> Act No. 29/1998, Article 3.

## **Article 10**

*District policemen.*

1. After receiving permission from the Commissioner of the Icelandic National Police, police commissioners may engage district policemen to work in their administrative areas, providing they meet the conditions of Article 38 (2) *a*, *b*, and *c* of this Act.

2. The role of district policemen shall be to engage in general law enforcement work when this is necessary, including maintaining law and order, under the direction of policemen, at public meetings and entertainments.

3. The Minister of Justice shall set rules<sup>1)</sup> on the number of district policemen and their work.

4. District policemen shall enjoy the same rights and bear the same obligations, as policemen while they are engaged in police work.

<sup>1)</sup> Reg. 283/1987.

## **Article 11**

*Collaboration between the police and other authorities and institutions.*

1. The police shall assist the prosecuting authority in its work.

2. The police and other authorities and institutions shall co-operate mutually on projects with a bearing on law enforcement, such as preventive measures. In particular, the police shall work with the social welfare, health and educational authorities on preventive measures, as the need arises and as circumstances permit, and inform these parties of matters that require action on their part.

## **Article 12**

*Co-operative committees of the police and the local authorities.*

1. In each police administrative area there shall be a co-operative committee concerned with police affairs. It shall comprise three persons: the commissioner of police in the area, who shall be the committee chairman, and two local government officials nominated by the local authorities in the police administration area. Meetings shall be held at least twice a year.

2. The committee shall be the forum for contact and collaboration between the police and the local authorities in the administrative area. Its functions shall include making proposals on improvements in matters regarding law enforcement in the area, and it shall use its influence to make the general public aware of the work of the police.

## **Chapter III**

### **Duties of the Police and the Execution of Police Functions.**

#### **Article 13**

*General rules.*

1. Persons who exercise police authority shall demonstrate alertness in their work and have a clear understanding of their duties and the responsibility involved in their work.

2. Persons who exercise police authority shall perform their work diligently and conscientiously, at all times observing complete impartiality and fairness. They shall make efforts to ensure that people are not caused greater damage, injury, inconvenience or loss of amenity than is unavoidable under the circumstances. They may not employ a greater degree of duress against a suspect than is permitted in law and is necessary to overcome his resistance to lawful measures, nor apply unlawful coercion of any other type against him, for example by the use of threats.

3. [In carrying out their work, persons who exercise police authority shall carry special identification papers. The Minister shall issue regulations determining the appearance, content and use of police identification papers.<sup>1)</sup> <sup>2)</sup>

<sup>1)</sup> Reg. 282/1997. <sup>2)</sup> Act No. 29/1998, Article 4.

#### **Article 14**

*The use of force.*

Those who exercise police authority may use force in the course of executing their duties. At no time, however, may they use force to a greater extent than is necessary on each given occasion.

#### **Article 15**

*Measures taken in the interests of public peace and quiet, public order, etc.*

1. The police may intervene in the conduct of citizens in order to maintain public peace and quiet and public order or to prevent an imminent disturbance in order to protect the safety of individuals or the public or to avert or stop criminal offences.

2. For this purpose, the police may, amongst other things, assume the control of traffic, prohibit persons from remaining in particular areas (e.g. by cordoning the areas off or restricting movement through them), take dangerous items into their keeping, order people to move away, or remove them, order an end or a change to actions or an activity, enter privately owned areas and order the removal of persons from such areas.

3. If a person disobeys police instructions under paragraph 2, the police may take the necessary measures at the person's expense to prevent his disobedience causing damage or injury or constituting a hazard to the public.

4. The police may demand any person to give his name, ID number and address, and to present an identification document to substantiate the information given.

5. The police may concern themselves with matters which by law come under other authorities if it is considered necessary to stop, or prevent, a serious disturbance of public peace and quiet and public order and it is not possible to contact the relevant authority or it is impossible for it to take measures, or if such measures are ineffective or it is foreseeable that they would be initiated too late. The appropriate authority shall be informed of the police's actions as soon as possible.

#### **Article 16**

*Authority to make arrests.*

1. A person exercising police authority may arrest a person and take him to a police station or other place where the police have facilities:

- a. for the purpose of maintaining law and order, e.g. if the person loses control of himself in public or causes an outrage in a public place, or danger of a public disturbance,
- b. if he does not hold a permit to be in the country,

2. The police shall explain to the person the reason why he is being taken to the police facility. No person may be held for longer than is necessary.

#### **Article 17**

*Searches.*

1. The police may, if necessary, search any person who is removed or arrested by the police, for weapons or other dangerous objects.

2. If a person is placed in a prison cell, the police may search him and take into their keeping items which he is carrying and could use to inflict injuries on himself or others. If it is considered that the person's condition, or other circumstances, give reason, then money and other items which he is carrying and which are thought to be in danger of being damaged, destroyed or lost, may be taken from him.

3. Valuables which the police take into their keeping under paragraphs 2 and 3 must be returned when the person is released, providing that the conditions for their confiscation under the Code of Criminal Procedure do not apply.

#### **Article 18**

*Obligation to take charge of children.*

The police shall be obliged to take charge of children under the age of 16 who are found in places where their health or welfare are in serious danger and place them under the control of their guardians or the child welfare authorities if this is considered necessary.

#### **Article 19**

*Obligation to obey police orders.*

The public shall be obliged to obey orders given by the police, e.g. in connection with traffic control or in order to maintain law and order in public places.

#### **Article 20**

*Obligation to assist the police.*

1. If necessity so demands, the police may summon any adult person to assist them for purposes including the prevention of disorder or disturbance in public places. Persons shall be obliged to obey a summons by the police if they are able to render assistance without jeopardising their own life, health, welfare or substantial interests, or those of their closest relatives.

2. Those who are summoned by the police to give assistance under paragraph 1 shall exercise police authority while they are engaged in this work, and shall enjoy the same protection as other policemen.

#### **Article 21**

*Prohibition against obstructing the police.*

No person may in any way obstruct a person from executing police work.

#### **Article 22**

*Confidentiality.*

1. Policemen and other police workers shall be subject to a confidentiality obligation regarding matters of which they become aware in or through their work and which should remain secret in terms of lawful public or private interests. This shall apply to information on persons' private circumstances which it is natural to keep secret, information regarding police working methods and planned police measures and other information which should be kept secret according to law, police working rules or the nature of the case.

2. The confidentiality obligation shall remain in force even after the individual's employment ends.

#### **Article 23**

*Involvement by personnel in cases concerning themselves or their close relatives.*

No police employee may take action in a case concerning himself or his close relatives unless his intervention in the case is necessary in order to protect persons' lives, health or property against an imminent danger, or there is a danger that the postponement of an action would result in its aim not being achieved.

#### **Article 24**

*Intervention in industrial disputes.*

The police may not intervene in industrial disputes in any way other than to maintain peace and avert damage, injury and problems, in this context as elsewhere.

#### **Article 25**

*Police work outside working hours.*

1. A policeman may engage in police work in his free time if:

- a. it is necessary in order to protect people's lives or health, or substantial public interests;
- b. it is necessary to avert or stop serious offences, or
- c. it is necessary in order to arrest a person who is suspected of a serious criminal act.

2. In cases where a policeman has become involved in a case under paragraph 1, he shall without delay inform his superior of this. If he has engaged in such work outside his working area, he shall inform the police commissioner of that administrative area.

#### **Article 26**

*Authority to entrust customs work to the police.*

The Minister of Justice may, by agreement with the Minister of Finance, determine that policemen shall carry out customs work, together with other law-enforcement work, according to further instructions by a police commissioner and in conformity with rules set in consultation with a director of customs. Where such an arrangement has been decided, it shall be mentioned in the advertisement covering the policeman's job.

### **Chapter IV**

#### **Appointments to Positions in the Police.**

#### **Article 27**

*The number of policemen.*

At any given time, the Minister shall decide the number of policemen in each administrative area in consultation with the Commissioner of the Icelandic National Police, after proposals have been received from the police commissioners concerned.

## **Article 28**

*Appointments to positions in the police.*

1. [The Minister shall appoint for periods of five years at a time]1) the Commissioner of the Icelandic National Police, the Deputy Commissioner of the Icelandic National Police, the Commissioner of the Reykjavík Police and the Deputy Commissioner of the Reykjavík Police.

2. The Commissioner of the Icelandic National Police, the Deputy Commissioner of the Icelandic National Police, the Commissioner of the Reykjavík Police and the Deputy Commissioner of the Reykjavík Police shall meet the same general requirements as district court judges for permanent appointment to their positions. The conditions regarding minimum age shall not, however, apply in the case of police commissioners and the Deputy Commissioner of the Reykjavík Police.

3. [The Minister of Justice shall appoint chief constables and deputy chief constables for periods of five years at a time. The Commissioner of the Icelandic National Police shall appoint other policemen for periods of five years at a time. All persons appointed to positions in the police shall have passed an examination in the National Police College. The Minister shall issue regulations containing further instructions concerning job levels within the police.

4. The Commissioner of the Icelandic National Police may authorise police commissioners to engage a person for police work on a temporary basis due to vacations, absences due to illness or accidents or temporary leave taken by policemen, even though he has not passed an examination in the National Police College, providing that he meets the conditions of Article 38 (2) of this Act and no one who has taken an examination in the National Police College is available to fill the position.]2)

1) Act No. 83/1997, Art. 31. 2) Act No. 29/1998, Art. 5.

## **Article 29**

*Oath.*

All policemen who are appointed or engaged to work shall swear the following oath: "I swear by my honour to carry out my policeman's work diligently and conscientiously in all respects and to work according to the best of my ability to uphold the Constitution and other laws of the Republic of Iceland."

## **Chapter V**

### **Matters Concerning Policemen's Terms of Employment.**

#### **Article 30**

*Compensation.*

The State Treasury shall compensate policemen for bodily injury and damage to objects which they suffer in connection with their work. Compensation shall be paid for the loss of a breadwinner where such occurs.

#### **Article 31**

*Prohibition on strikes.*

Policemen may neither go on strike nor take part in the calling of a strike.

#### **Article 32**

*Additional jobs.*

1. A policeman may be commissioned to perform additional jobs, in exchange for fair remuneration, in the service of the state, providing that this does not entail the neglect of the duties involved in his position.

2. Before a policeman intends to accept paid employment in the service of another party concurrent with his work, enter the management of a business concern or establish a business, he shall inform his police commissioner of this. Within two weeks, the policeman shall be informed if the aforementioned activity is considered to be incompatible with his position and he is forbidden from engaging in it. Such a prohibition may be referred to the Commissioner of the Icelandic National Police.

3. A police employee shall be forbidden to engage in an activity of the type mentioned in paragraph 2 if it is subsequently revealed that it is incompatible with his work in the service of the state.

4. In assessing whether an activity is to be considered incompatible with police work, attention shall be given to whether there is reason to think that the additional job will cause neglect of the duties accompanying the policeman's position, or that it will conflict in some way with his police work or in some other way prevent the person concerned from carrying out his police work properly.

5. The Minister of Justice shall set general rules on the type of additional jobs that are considered permissible.

## **Chapter VI**

### **Costs of Law Enforcement.**

#### **Article 33**

*Cost of maintaining the police.*

Costs arising from the activities of the police shall be borne by the State Treasury.

#### **Article 34**

*Special law-enforcement costs.*

1. Each police commissioner may make the issue of an entertainment licence subject to the condition that policemen will be present at the place of entertainment, and also that the licensee will pay the cost of this law enforcement according to rules set by the Minister of Justice.

2. Furthermore, provision may be made in such rules for the payment of the cost of protective measures in connection with work in public places and the transport of unusual or hazardous loads when a police commissioner considers it necessary to order such protection.

## **Chapter VII**

### **Complaints against the Police.**

#### **Article 35**

[1. A complaint against a police employee for an alleged punishable offence committed in the course of his work shall be submitted to the Director of Public Prosecutions, who shall be in charge of the investigation of the case.

2. In the investigation of such cases, the Director of Public Prosecutions may make use of the authorisations that the police normally have.

3. The police shall assist the Director of Public Prosecutions with the investigation of cases under this Article as requested.]<sup>1)</sup>

1) *Act No. 29/1998, Article 6.*

## **Chapter VIII**

### **The Icelandic National Police College.**

#### **Article 36**

*Role of the Icelandic National Police College.*

1. The Icelandic National Police College is an independent institution. The college shall operate a basic training department to give trainee policemen an education in general police matters, and a higher department providing continuing, further and special education for professional policemen.

2. The Icelandic National Police College shall be a forum for research in police matters and shall act in an advisory capacity to the authorities in matters concerning the police.

#### **Article 37**

*Direction of the Icelandic National Police College.*

1. [The Minister shall appoint the principal of the Icelandic National Police College for periods of five years at a time.]<sup>1)</sup> He shall meet the same requirements as police commissioners for appointment to the position and shall have a good knowledge of matters concerning the police.

2. A chief constable and deputy chief constable appointed by the Minister of Justice [for periods of five years at a time]<sup>1)</sup> shall work at the Icelandic National Police College.

1) *Act No.83/1997, Art. 32.*

### **Article 38**

*Admission of new students and structure of study courses.*

1. The Commissioner of the Icelandic National Police shall advertise for students for the college throughout the country. He shall determine the number of students who may begin training each year on the basis of forecasts on the rate of replacement in the Icelandic National Police.

2. Prospective policemen shall meet the following general conditions:

a. They shall be Icelandic citizens aged between 20 and 35 and shall not have been sentenced for a punishable offence under the Criminal Code;

b. they shall be mentally and physically healthy, and pass a medical examination by the police physician;

c. they shall have completed at least two years' general post-compulsory-level education, or other comparable education, with satisfactory results; they shall have a good command of Icelandic, one of the Scandinavian languages and English or German; they shall hold an ordinary driver's licence and be able to swim;

d. they shall pass an entry examination according to the demands of the college committee, with the emphasis on knowledge of Icelandic and physical stamina.

3. A selection committee shall choose applicants for admission to the Icelandic National Police College. The committee shall comprise five members: one nominated by the Minister of Justice, one by the Commissioner of the Icelandic National Police, one by the Association of Icelandic District Commissioners, one by the National Association of Police Officers and one, who shall be the chairman of the committee, by the Principal of the Icelandic National Police College.

4. The course of studies in the Icelandic National Police College shall be divided into two semesters, during the first of which students shall not receive wages. Before students begin their second semester, the Commissioner of the Icelandic National Police shall arrange for at least eight months' practical training for them in the Icelandic National Police. Students shall receive wages during their second semester in the college.

### **Article 39**

*Regulations on the Icelandic National Police College.*

The Minister of Justice shall issue regulations<sup>1)</sup> containing further provisions on the direction of the Icelandic National Police College, its staff, conditions of admission, the structure of its courses and the demands to be made in examinations.

1) *Reg. No. 490/1997.*

## **Chapter IX**

### **Miscellaneous Provisions.**

#### **Article 40**

*Further rules on the application of this Act.*

The Minister of Justice shall set further rules<sup>1)</sup> on the application of this Act.

1) *Reg. No. 396/1997. Reg. No. 401/1997. Reg. No. 528/1997, cf. Reg. No. 716/1997, 603/1998 and 467/1999.*

#### **Article 41**

*Punishments.*

Violations of Articles 19-21 shall be punished by fines unless heavier punishments are provided for in other statutes.

**Article 42**

*Commencement.*

1. This Act shall take effect on 1st July