

RULES
On special methods and operations of the Police during investigation
Of criminal cases.

CHAPTER I
General provisions

Article 1
Scope of validity

Those rules apply to the special methods and operations of the Police during investigation of criminal cases in accordance with the law on the application of criminal cases no. 88/2008.

Article 2
Definition

The investigative operations stipulated in those rules are called special methods and operations of the police during investigation of criminal cases. Their aim is to prevent, investigate and obtain all available evidence on indictable conduct and seek out the person who is suspected of an violation; all performed in such a manner that the person subject to investigation will not be aware thereof.

Article 3
Conditions

To authorise the applications of the special methods and operations of the police the following conditions must be fulfilled, unless exemptions are mentioned in those rules:

1. That there is a well-founded suspicion that a serious violation is in progress that may entail an imprisonment for a minimum of eight years or an violation against article 108, article 175 a, paragraphs 2 and 3 of article 202, article 206, article 244, article 247, article 248, article 249 a, article 250, article 251, article 254, article 262 or article 264 of the penal code no. 19/1940, article 117, article 123 and article 124, cf. article 146 of the law no. 108/2007 on brokerage; article 41 a of the law on competition no. 44/2005 or paragraph 4 of article 2, cf. article 4 or article 4 a and article 5 of the law on addictive substances no 65/1974.
2. That there is a reason to assume that important information in the investigation of the case may be obtained by those operations.
3. That it may be assumed that other investigative operations will not suffice to obtain such information.

Investigative operations in accordance with those rules can not be applied if it encourages indictable conduct that would not have occurred under other circumstances. The middle course is always to be observed when applying those operations.

Article 4
Decision

The decision to apply the special methods and operations of the Police are to be taken by the Commissioner of the Police or another senior officer at the discretion of the Commissioner of the Police. Possible costs for the use of special methods or operations according to those rules are to be paid from the police funds, including the buying of illegal merchandise or service. Such cost may be considered to be litigation costs in accordance with the law on the application of criminal cases no. 88/2008.

Article 5

When the methods and operations of the Police in accordance with those rules are concluded the police are to inform those that the operation was applied against thereof without delay, however without endangering further investigation into the case.

Article 6

The State Prosecutor supervises the execution of the methods and operations in accordance with those rules. The Commissioners of the Police shall advise the State Prosecutor of the application of the methods and operations in accordance with those rules as soon as possible.

CHAPTER II

Decoys

Article 7

Definition

A decoy is a police officer or another employee of the police who has police power and is in communication with a defendant who is suspected of intending to commit an indictable violation and this communication results in that the violation is committed and/or information is obtained about those who committed the indictable violation.

Article 8

Violation with addictive substances

Should the investigation be directed against an indictment against the law on addictive substances those addictive substances must have entered Icelandic jurisdiction to enable the use of a decoy.

CHAPTER III

Informers

Article 9

Definitions and objectives

An informer is an individual who informs the police of violations or of persons that are connected to criminal activities and may demand anonymity. A distinction is made between informers; on one hand the one who is in constant information connection with the police and on the other an informer who informs the police without establishing a real information connection.

The information contact is two-way connection between the police and the informer under the supervision and control of a senior police officer.

The objective of the information connection is to prevent criminal activities, inform on violations and to ensure the security of the informers and police officers, the knowledge of senior officers, responsibility and supervision.

The rules of this chapter apply to informers in constant connection as well as to other informants as the case may be.

Article 10

The establishment and dissolution of an information connection

An information connection can only be established in consultation with and the approval of a senior officer. By assessing if an information connection should be established various factors should be considered such as age, sex, criminal record and the reliability of the informant, what reasons and motivations are behind the will to part with information, what are the possible results of the information and if it is possible to ensure the security of the police officer and the informant, once the information connection has been established.

It is not allowed to establish an information connection unless the police officer concerned is considered qualified at the assessment of the Commissioner of the Police. By the assessment of qualification, the age and period of employment, work experience and/or other experiences, knowledge or ability that may be equalled to work experience in the police shall be considered. The information connection shall be severed if its results are unsatisfactory or their premises are nonexistent.

Article 11

Registration of an information connection

Once an information connection has been established a charter shall be kept where the following information is to be recorded:

1. Name, address, identification number and telephone number of the informer.
2. Pseudonym and number.
3. Information on the establishment and premise of the information connection.
4. The résumé of the informant.
5. Other items that may be important.

During the information connection a communication register shall be kept where the following information shall be entered:

1. The meetings of police officer and informer, telephone conversation and/or other communication between them.
2. Information received.
3. Results of information received.
4. New information on the informer
5. Consultation between a police officer and a senior officer and a reassessment of the information connection.
6. Dissolution of information connection and its reasons.

The anonymity of the informer and confidentiality towards him during all stages of the investigation and when it is concluded shall be ensured. Information on the name, the identification number, address and other traceable personal information shall be kept secret in the investigation data.

Article 12

Principal rules on communication

The information connection shall be organised and conducted by the police. At the beginning of the information connection the rules on the communication and the objective of the connection shall be made quite clear to the informer. The police officer shall observe utmost caution in all dealings with the informer and among other things inform on and consult with a senior officer on meetings, the venue of meetings and anything else of consequence.

The police officer shall endeavour to be in secure and regular communication with the informer and try to verify the truth of information received as soon as possible. The police officer shall not have other communications with the informer than those directly connected with his job and who are in congruity with the legal duties of the police. It is not allowed to engage in a sexual or emotional relation with the informer. Generally speaking two police officers shall communicate and meet with the informer and write a report on the communications.

Article 13

Surveillance

The police officer who handles the information connection shall be in close consultation with his superior on all aspects regarding the connection with the informer. The superior concerned shall meet with the informer with the police officer who handles the information connection if it is considered necessary to assess the premise of the connection or for some other urgent reasons.

The Commissioner of the Police shall see to that a regular surveillance is maintained on information connections and issues more precise instructions regarding the responsibility and role of the senior officers, the arrangement of communication, organisation, risk analyses, training and assesses the ability of the police officer for communications with an informer and his ability for co-operation with the police.

Article 14

Payments to informer and other measures

The police officer is not permitted to promise the informer concessions or perks if he testifies in a certain way, since such promises are illegal and a police officer unable give it.

It is appropriate for a police officer to draw attention to the fact that parting with information to the police might reduce a punishment, cf. paragraph 1 of article 70 of the penal code no. 19/1940, and paragraph 2 of article 4 of regulation on the legal status of captured persons, questioned by the police etc. no. 651/2009.

It is permitted to pay an informer for information that result in the prevention of a serious violation or that that a serious violation is solved. The amount shall be determined in each instance

with consideration to the importance of the information, the nature and seriousness of the violation, the efforts and expenses of the informer and the risk that he takes.

The Commissioner of the Police assesses finally the permission of the police to pay the informer.

No payment shall take place unless it is clear that the received information was successful.

The Commissioner of the Police decides on the payment to the informer and confirms it with an inscription on the request for payment.

The police officer concerned shall hand the payment over to the informer in the presence of his superior. The informer shall sign for its receipt if this is possible and it shall be confirmed by the police officer and his superior that the payment took place.

CHAPTER IV

Delivery under surveillance

Article 15

Definition and objective

Delivery under surveillance means to delay confiscation of, but to keep shipment of narcotics or other suspicious shipment to this country under constant surveillance in the country or from the country.

The object of delivery under surveillance is to solve who is the recipient of the shipment, the transport methods and conceivable distribution system and thereby gather evidence on indictable violation.

Article 16

Decision and control

The National Commissioner of the Icelandic Police decides on delivery under surveillance and stipulates on the control of the operations. Simultaneously he may request the co-operation of the police authority of other states.

Before the National Commissioner of the Icelandic Police decides if a delivery under surveillance should occur in this country or seeks the co-operation on that with Police Authorities of other countries he is obliged to inform the State Prosecutor and the Directorate of Customs.

Article 17

Conditions

It is permitted to allow a delivery under surveillance if this is requested by a foreign power, provided that the following conditions are met:

1. That technical equipment and manpower is available to ensure that the shipment is under a constant surveillance during the operation.
2. That it has been examined whether it is possible to change the content of the shipment, for example all the narcotics or a part thereof.

When a shipment under surveillance that is transported between countries with a transit in Iceland, there is the additional condition that the final destination is known, that the authorities concerned should ensure a constant surveillance on the shipment, that it will be confiscated and the parties concerned be prosecuted.

Article 18

Request for an operation

The request from foreign authorities for assistance with the delivery under surveillance shall be directed to the National Commissioner of the Icelandic Police and the following items shall appear therein:

1. The Authority that requests the operation and a confirmation to the effect that it has the authority to present such a request.
2. The reasons why the operation is necessary.
3. From what law enforcement agency in the state concerned the information on the shipment have originated.
4. As precise information as possible should be available.

- a. Content and the size of the shipment.
 - b. Transport route, transport method and timings.
 - c. Personal details on the suspects and their relations to other criminals.
 - d. Other aspects that may be significant for the operation.
5. The kind of assistance required.
 6. The law enforcement agencies of the state concerned who participate in the operation, names and ranks of those in charge and how it is ensured that they can always be contacted during the operation.
 7. How will the surveillance be enforced?
 8. Have other states where the shipment transits, approved the operation?

It is allowed to present the request in a telephone conversation if the operation is quite urgent, provided that it is ensured that a written request that fulfils the conditions of paragraph 1 will follow immediately.

The National Commissioner of the Icelandic Police assesses if the request fulfils the conditions of paragraphs 1 and 2.

Article 19

The tasks of law enforcement officers outside their native country

The National Commissioner of the Icelandic Police may allow law enforcement officers of other states to observe the delivery under surveillance on Icelandic territory provided that they have the necessary permits from the Authorities in their native country. However they do not have a police authority.

The National Commissioner of the Icelandic Police may allow Icelandic police officers to observe the delivery under surveillance outside Icelandic territory and to work under the command of foreign law enforcement authorities during that operation.

Article 20

Cessation of an operation

A delivery under surveillance is to be stopped forthwith, the shipment confiscated and the suspect arrested in the following circumstances:

1. The suspects have discovered that the shipment is subject to surveillance.
2. If police officers, customs officers, the crews of ships and aircrafts of the Icelandic Coast Guard Service or other participants in the operation are in danger.
3. That it is possible that the surveillance of the shipment will be interrupted so that it can not be confiscated.

Article 21

Recording of an operation

The whole process of an operation is to be recorded where its beginning and conclusion is described, what agencies participated in it or other aspects that are significant.

When an operation is concluded the National Commissioner of the Icelandic Police shall make a report on where it is described how effective the operation was, information on the suspects and those arrested and the confiscated merchandise. The report is to be delivered to the State Prosecutor.

Article 22

A domestic operation

The National Commissioner of the Icelandic Police can, having received the approval of the State Prosecutor, order a surveillance of a shipment between two or more jurisdictions of Commissioners of the Police domestically. The provisions of those rules shall then apply as is appropriate.

CHAPTER V**Shadowing****Article 23***Definition and objective*

Shadowing is an investigative measure that entails keeping up constant surveillance on human traffic in living quarters or in another defined area or in public by observing the movement of the person suspected of a violation.

The objective of the shadowing is to disclose who is suspected of having committed an indictable violation, obtain information on movements and communications and thereby obtaining evidence on indictable conduct.

Article 24*Execution*

Generally speaking shadowing shall consist in the vigilance of a police officer in living quarters or another defined area or surveillance on the movements of a person who is suspected of a violation, including a pursuit by car or another vehicle. Traffic regulations in accordance with rules on emergency driving do apply where appropriate.

The recordings of pictures and sound in other places than those mentioned in paragraph 2 of article 82 of the law on application of criminal cases no. 88/2008, is not allowed except in accordance with a previous court ruling. The same applies if a special technique is used in observing the comings and goings in places where paragraph 2 of article 82 of the law does not apply.

Article 25*Infiltrators*

An infiltrator is a police officer or other employee of the police who has the power of a police officer, an Icelander or a foreigner, and who places himself in a group of persons who are suspected to be behind serious violations and informs the police of such activities and of the persons connected with it. The rules on informers shall apply to infiltrators as appropriate. The decision to apply this investigative measure is subject to the approval of the State Prosecutor.

CHAPTER VI**Other investigative methods****Article 26***Disguise*

The police is allowed, having obtained the approval of the front man of a company or an institution, to use as a disguise working clothes, vehicles or other marked articles from a company or an institution in the investigation of a criminal case. By the same conditions the police are allowed to have a disguised police officer take up vigilance in the area of domination of a company or an institution, including participating in the operations of the company or institution as an employee without the knowledge of other employees or of the person under investigation.

Article 27*Web pages*

The police are allowed to observe and record information of what appears on web pages that are completely or partly open to the public, including web pages for communications and networks for contacts. For this reason the police are allowed to establish a user name and e-mail address without the designations of the police and send and receive messages by e-mail or other comparable means.

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Correct translation certified by
Páll Heiðar Jónsson
Authorised translator & interpreter
Miðtún 32, 101 Reykjavík, Iceland
Tel. 552 1106
Email: pallh@mmedia.is

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CHAPTER VII

Article 28

Date of validity

Those rules that are introduced in accordance with permission in article 89 of the law on the application of criminal cases no. 88/2008 become valid immediately.

At the Ministry of the Interior on May 20th 2011-08-28

Ögmundur Jonasson

Bryndis Helgadóttir

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