



CCPE (2015)1

CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS (CCPE)

Questionnaire for the preparation of the Opinion No. 10 of the CCPE on the relationship between prosecutors and police and/or other investigation bodies

A. Relationship between prosecutors and the police

1. Please briefly describe the relationship between prosecutors and the police or other investigation body in your country.
 - a. **The prosecution is in about 90% of all cases in the hand of the chief of police. The minor cases. All investigation in Iceland should be conducted in cooperation with the prosecution.**
2. Is there any dialogue with the prosecutor concerning the work of the police or other investigation body?
 - a. **Yes see no. 1.**
3. Is the prosecutor involved in training the police or other investigation body?
 - a. **Yes the training is always conducted in cooperation with the chief of police who are the head of police and also the head of prosecution in their district.**

B. Existing legal provisions and regulations

4. Is any relationship between prosecutors and investigation bodies determined by law or other provisions? Please describe briefly.
 - a. **The Police Act no. 90 13th June 1996**

5. Article 8 *Police investigations.*

1. *The police shall investigate offences in consultation with the prosecuting authority.*
 - b. **The Director of Public Prosecution (DPP) can give the police orders regarding the investigation of a single case or in general, and the police is obliged to follow those instructions according to the law on criminal procedure art. 21 of the Law on Criminal Procedure. (LCP)**
 - c. **The decision of the police to suspend cases can be appealed to the DPP who can overturn their decision and order them to investigate or to**

prosecute if the investigation is over when the case is suspended art. 52. and 145. LCP

C. *Responsibility of the prosecutor for setting priorities for investigating offenses*

6. How are priorities in starting criminal investigations in your country determined?
a. **Every criminal act shall be investigated according to the LCP. There has not been any formal prioritisation done in Iceland.**
7. Do prosecutors or the prosecution service in a direct way have an influence on this?
a. **Yes**

D. *Responsibility of the prosecutor during the investigation*

8. Are prosecutors responsible for the conduct of investigations in your country? If no, who is responsible for that?
a. **Yes**
9. When does the prosecutor receive a complaint (as soon as the complaint is filed, or after the investigation has been conducted by the police)?
a. **As soon as the complaint is filed. It is up to the police chiefs in what degree the prosecutors within the police look in to the complaint in the beginning but they shall do so in all the complicated and important cases.**
10. What is the degree of autonomy of the police or other investigation body, if any, during the investigation?
a. **Should be total autonomy. Only the DPP can give instruction about investigations.**
11. Does the prosecutor have the power to prevent or stop an investigation?
a. **Yes, but their decision can be appealed to the DPP.**
12. How is it decided which service of the police or other investigation body, if any, is competent to investigate?
a. **The 8 districts of the police are geographically decided. Only the district prosecutor office have the whole of Iceland as its district, and its competence is decided in the LCP to be the investigation and prosecution of economic crimes.**
13. If the prosecutor leads the police or other criminal investigation in your country, does the prosecutor have the power to monitor compliance with his/her instructions? If so, please briefly describe.
a. **Yes as the chiefs of police are the prosecutors they can monitor how their subordinate police personnel does its job. The same goes for the district prosecutor that is parallel to the police but responsible for investigation of economic crimes.**

E. *Responsibility of the prosecutor for the respect of the law*

14. Is it a responsibility of the prosecutor to control respect for the law by the police or other investigation body, if any? If yes, at which stage and by which means of control?
- a. **Yes. See above.**

F. Common principles concerning the police

15. Are there written regulations concerning the conduct of criminal investigations by the police or other investigation body?
- a. **Yes**

16. What are these regulations about? (for instance, the way to carry out interrogations, deprivation of liberty etc.)
- a. **Interrogations, deprivation of liberty, right of the suspect to defence, knowing what he is accused of, right to getting information on his arrest to relatives (if allowed), the right of minors to having a parent and social worker present jurying interrogation.**

G. General control over police

17. What is the general control system of the police or other investigation body, if any (internal/external?) Does the prosecutor play a role in this system?
- a. **The Ministry of Interior have the disciplinary power over the police and the DPP can complain to the Ministry if the police is not in line with its duties or does not react to the orders of the DPP.**
 - b. **The police officers and/or the chiefs of police can be held criminally liable if needed. The DPP investigate and prosecute member of the police for criminal act committed in their duties.**

18. Is the prosecutor competent to take sanctions?
- a. ??????????

H. Conclusions

19. What are the major challenges in relations between prosecutors and investigation bodies in your country?
- a. **Competence and recourses, that is related because it costs money to train people and keep up standards and know how.**