

Criminal Justice in Iceland: Recent Prison Developments

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Abstract

Iceland is usually depicted as a low crime country possessing many of the social features characterizing such nations. How does the notion of Iceland as a low crime country hold when different forms of crime data are used such as imprisonment and recidivism rates? What characterizes Iceland's confinement facilities? What is the typical sentence for different crime types? How has the situation regarding crime types and punishments developed in recent years? In this article, answers to these questions, and others, will be provided by using official sources, public data, news reports, and previous research on the subject.

Keywords: Prison, Iceland, corrections, alternatives to prison.

Introduction

Iceland has in recent years experienced both internal and external change. Iceland's population more than tripled in the 20th century and has continued to increase since; or from about 280 thousand inhabitants in 1999 to more than 330 thousand in 2016. At the same time Iceland has opened up to the outside world, detected among other things in an influx of new immigrants. In 1999 about 2,4 percent of the population was foreign born, but in 2016 this figure stood at 9 percent. The social fabric has therefore undergone major change in most recent years, with the economy experiencing a boom in the new millenium and then suddenly collapsing in 2008. In the post-crisis period Iceland has bounced back, experiencing economic growth in most recent years. What impact does this societal background have on crime control developments in Icelandic society?

Iceland prison situation

The state owns and runs all prison facilities in Iceland (see Prison and Probation Administration 2016). The Prison and Probation Administration, established in 1989 modelled after similar Scandinavian organizations, oversees daily operations of all facilities. Iceland's prisons have been divided into two categories. One type for prisoners serving sentences, and the other for those held in custody and solitary confinement during the initial investigation of their cases (see also Gunnlaugsson 2011).

In early 2016 five prisons were operated in Iceland in which convicted prisoners served their sentences, with a total of about 150 prison cells. Of the prisons, one was located in Reykjavík, and the others scattered across various regions of the country – two in southwest Iceland (*Litla-Hraun* and *Sogn*), one in western Iceland (*Kvíabryggja*), and one in the largest town of northern Iceland (Akureyri). Only the Reykjavík prison was originally built as a prison facility, dating back to 1874. The other buildings were all renovated to serve as prison facilities after originally having been planned for other purposes. A new prison opened in late 2016 outside Reykjavík in Hólmsheiði replacing the old prison in Reykjavík, which subsequently was closed in May of 2016. The new Reykjavík prison has cells for 56 prisoners including a custody facility. This facility will mainly be used as a reception unit for in-coming prisoners, shorter prison sentences and for those who fail to pay fines.

The custody facility has in the past few decades been located in the largest prison at *Litla-Hraun* but will move to the new prison in Hólmsheiði in early 2017. The *Litla-Hraun* prison resembles a maximum security facility located close to two small fishing villages about 60 km southeast of Reykjavík. More than half of the total prison population has been placed there or 87 inmates, including the custody facility. Before 1989 no prison for females existed in Iceland and they were placed among other male inmates. The *Kópavogur* prison was opened in 1989 and there all female inmates served their sentences until 2015 when it was closed down. Usually about four to seven female inmates served time at any given time and the remainder of the maximum capacity of twelve was filled with male inmates. The new prison in Hólmsheiði includes a separate division for women prison inmates and they started serving their term there in November of 2016.

The prison facility in Akureyri, north of Iceland, is located at the local police station, and has recently been renovated. It has a capacity for 10 inmates, mostly intended for shorter sentences. Moreover, the prison in north-west of Iceland, *Kvíabryggja*, looking more like any other farmhouse, is virtually an open prison facility. This prison has a capacity for 22 inmates and has recently been renovated. Most of the bankers and bank directors who currently have served time in prison have been placed there. Finally, in 2012, a new open prison facility *Sogn* was opened not far away from *Litla-Hraun* with a capacity for up to 20 inmates.

The total prison capacity of Icelandic prisons in early 2016 stood at about 150 cells which has been filled to its maximum capacity in most recent years. It is noteworthy, despite a marked population increase in Iceland, that the total prison capacity did not increase markedly from the mid 1990's, when the prison capacity was approximately 140 until early 2016 (Gunnlaugsson and Galliher 2000). The number of prisoners was around 145 inmates in 2009 and in early 2016 this figure stood at about 150.

With the new prison in Hólmsheiði the prison capacity will markedly increase, or to a total of 196 cells. This number of about 150 inmates serving in late 2016, currently at its historical peak, still shows the Icelandic per capita imprisonment rate to be low or around 50 per 100 thousand inhabitants, below almost all other European nations. Even though the number of prisoners does not necessarily reflect the crime rate in society, this figure implicitly tends to support the notion of Iceland as a low crime country. Yet it remains to be seen whether the prison space addition in Hólmsheiði will be used to its maximum with this new facility. If it will be used to its maximum, the prison rate is bound to increase as well.

Correctional statistics

The annual number of those under the supervision of the Prison and Probation Administration from 2000 to 2009, by type of sentence, showed a marked increase (Prison and Probation Administration 2009). The number of those receiving a fine doubled from a total of 639 in 2000 to 1206 in 2009. The vast majority of the fines were meted out for traffic violations, such as driving while intoxicated, and drug offenses. A significant increase can also be detected in probation, or from a total of 447 in 2000 to 588 in 2008, who do not have to serve in prison if they

meet the requirements of their probation. The increase in both fines and probation put no extra burden on prison capacity. Still, failure to pay fine can result in imprisonment. With prison facilities filled to its capacity during this time period it is possible that some of them expired and eventually might not be paid.

If the figures for incarceration are examined we also see a steady increase. From a total of 313 in 2000 receiving an unconditional prison sentence increasing up to 416 in 2008. In the 1990's figures for incarceration were very similar to the figure in 2000 (Gunnlaugsson and Galliher 2000). This increase of unconditional prison sentences during this time period put an enormous pressure on the prison system which was not met by opening new prison space at the time. The result was that prison space was filled to its capacity creating a long list of convicts awaiting a place of confinement. In November of 2009 this list stood at about 240 persons waiting to be placed in prison (Visir.is 2009; Ríkisúttvarpið 2009) and in 2015 this figure had increased to more than 400 (Visir.is 2015). Thus, government officials have faced a major pressure to meet this increase by creating more prison space or seeking prison alternatives. The new prison facility in Hólmsheiði opened in 2016 is aimed in part at solving this waiting-list problem. Where does this increase come from? Are specific crime types increasing or does it reflect an overall increase of all crime types?

Institutional records of prisoners for 2006-2015 (table 1) reflect an emphasis on confining those convicted of drug, property and different types of violent offenses. The ratio of drug offenders has varied from 28 to 34 percent of the prison population in this time period. Proportionately property offenders have decreased or from accounting for about 26 percent in 2000 down to a low of 18 percent in 2008. Violent offenders, including homicide, sexual crimes and other violence, have taken more space or from a total of 24 percent of all inmates in 2006 up to 35 percent in 2013 of the whole prison population. Both proportionately and in number, the most notable increase during this time period therefore consist of violent and drug offenders while property and traffic violators increasingly lagged behind.

Table 1. Percentage distribution of incarcerations in Icelandic prisons, by type of crime committed, 2006-2015.

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Homicide	6	8	8	7	7	6	7	7	7	7
Property crimes	23	22	18	24	26	25	26	22	23	25
Traffic violations	16	11	10	9	3	5	8	7	5	7
Drug violations	34	32	28	30	35	30	28	30	30	31
Sex crimes	9	15	13	10	12	12	12	14	14	11
Other violence	9	8	16	10	11	14	12	14	15	13
Other	3	4	7	10	6	8	7	6	6	6

Total number:	327	288	314	328	326	366	389	373	352	348

Source: Prison and Probation Administration annual reports, 2006-2015.

What lies behind this profound change? Most likely a mixture of events. Increased drug enforcement (Gunnlaugsson 2015), and harsher sentences meted out by the courts for both drug and violent crimes (Bragadóttir 2009; Hákonarson 2009; Magnússon and Ólafsdóttir 2003) undoubtedly play a role. Moreover, public concern in society for both sex and violent crimes has deepened in recent years with more media reporting (Björnsson 2007) and public pressure to increase penalties (Ólafsdóttir 2009; Visir.is, 2006).

Alternatives to prison have been adopted in recent years, clearly apparent for traffic violators whose number in prison has subsequently decreased. Traffic violations is a mixed category involving not only traffic violations but also car thefts, driving while intoxicated and driving without a license. What is the range of sentencing meted out by the courts?

Table 2. Percentage distribution of imprisonments, by length of sentence, 2007-2015.

	2007	2008	2009	2010	2011	2012	2013	2014	2015
Less than 30 days	23	27	27	25	27	30	26	25	28
30 days - 3 months	32	31	33	31	34	29	29	35	34
3-6 months	16	16	16	13	17	15	18	16	15
6-12 months	10	10	8	13	9	12	10	11	12
12 mths- 36 mths	14	11	11	13	11	8	13	9	7
36 months+	5	5	5	5	2	6	4	4	4

Total number:	402	416	447	407	477	493	563	530	490
Total length of Punishment in Yrs:	300	298	329	309	296	336	423	336	286

Source: Prison and Probation Administration annual reports, 2007-2015.

On the whole prison sentences tend to be relatively short. In 2007 about 55 percent of all prison sentencing included a three month sentence or less with a very similar proportion in 2015, or about 56 percent. In the 1980's about 66 percent of all sentences were three months or shorter (Gunnlaugsson and Galliher 2000), very similar to the situation in 2000. Thus, it appears that the ratio of shorter sentencing of three months or less in prison has decreased somewhat from earlier time periods, or from being about two-thirds of all sentencing in the 1990's down to about 55 percent during 2007-2015. What about proportion of longer prison sentences? There the trend appears to be somewhat different. In 2007 close to 20 percent of all prison sentences included a prison sentence of one year or

longer but in 2015 this proportion had dropped to about 11 percent of all prison sentences.

A growing number of incarcerations can be detected during 2007-2015, or about a 20% increase. Yet a peak had been reached in 2013 with a total of 563 receiving a prison sentence, going down to 490 in 2015. We also see an increase in total length of sentencing from 2007 to 2013 with a notable drop taking place in both 2014 and 2015. The total length of prison sentences meted out by the courts in 2007 was 300 years in prison but in 2013 this total had jumped up to around 423 years, or an increase of about one-third. In 2014 and 2015 we see a marked drop or down to a total of 286 years in prison, a similar length as in 2007. Thus, sentences gradually became longer in the new millennium in addition to a growing number of imprisonment sentences until reaching a peak in 2013 with a notable drop since then. This trend in both number and longer sentencing practices apparently contributed to the current pressure in the prison system, and added to the long list of convicts awaiting a place of confinement. In most recent years though a drop in both number of prison sentencing and in total length of punishment in years can be detected which might ease the pressure somewhat on the prison system and gradually shorten the list of convicts awaiting serving their prison sentence.

However, court sentencing policy is one thing, and time actually served in prison another. Paroles have increasingly been granted over the years. In the time period 2000-2008 about 40 percent of the prison population completed the sentence in prison while about 60 percent were granted parole before the whole term was served. In 2008 only about one-fourth completed the whole sentence and more than 70 percent were granted parole. This trend of granting more parole had started earlier. During the 1980's and 1990's increasingly more prisoners were granted parole, or from about 36 percent in 1985 to 57 percent in 1998 (Gunnlaugsson and Galliher 2000).

Thus, proportionately more prisoners have been granted parole in recent decades while at the same time we see a growing number of imprisonments. According to Iceland's penal code (law no 19 1940), an option of giving parole is made possible when two-thirds of the term has been served and after at least two months in prison. Yet there are frequent exceptions, and many prisoners are released when half of their term is completed. With the new prison legislation passed by Alþingi in 2016, convicts younger than 21 years old, can be released from prison when one-

third of their sentence has been served in prison. The relative share of half and two-thirds of terms completed before released on parole has not changed much over time. With a growing number of longer sentences over time more inmates have a possibility to be granted parole since shorter sentences than two months do not permit it. How many inmates are first servers and how many are recidivists?

How many prisoners have served time in prison before?

In the 1980's and 1990's usually about half of the prison population had served in prison before (Gunnlaugsson and Galliher 2000). In most recent years the rate of repeat servers seems to be decreasing. During 2000-2008 repeat prisoners were proportionately fewer than before with about 40 percent of inmates being recidivists in 2008. In 2009 about 60 percent of the inmates was first servers increasing to about 68 percent in 2013 (Prison and Probation Administration 2016). What accounts for this positive change is difficult to state with certainty, and some fluctuations can be detected in recent years. Yet, a growing number of prison sentences seems to have reached more new offenders than before. More services provided to prisoners while serving their term have also been offered in recent years, such as substance abuse treatment, which might have helped reducing recidivism.

Earlier, Baumer et. al., (2002) had found Iceland to have a similar rate of recidivism as in other nations for both reconviction and reimprisonment. Therefore, a small and relatively homogenous nation such as Iceland with a low crime rate was not found to reintegrate offenders at a higher rate than others. While there are perhaps several plausible explanations for this pattern, the authors (Baumer et. al. 2002) raise the possibility that functional aspects of exclusion may override prevailing reintegrative forces, even in communitarian societies such as Iceland, characterized by low crime rates. Yet recent figures of repeat prisoners seem to indicate that relatively fewer prisoners seem to return to prison than before.

Foreigners in Icelandic prisons

In the economic boom in the new millenium the number of foreign citizens in Iceland increased considerably. As was mentioned above about

2,6 percent of the population was from outside Iceland in 1999 increasing to about 9 percent of the population in 2016 (Iceland Statistics 2016). Most of them came from the eastern part of Europe to meet demands on the labor market for manpower in the growing economy. A large share of the population growth in Iceland in recent years has therefore come from immigrants. This new social environment of foreign born inhabitants and an increasing number of foreign visitors to Iceland can also be detected in the local criminal justice system. On the average about two foreign born citizens served time each day in Iceland prisons in 2000 but they numbered 24 in 2008, or about 17 percent of the total inmate population (Prison and Probation Administration 2009). In 2011 the total number of foreign born inmates had increased up to 89 inmates, or about 25 percent of the total serving time in prison for that year. Most of these offenders are first servers and therefore new to the prison system. Thus, it is evident that a large part of the current pressure on the prison system to open more prison space comes from both population increase and the ever more heterogenous nature of the Icelandic society. The crime types committed by foreign born inmates tend to follow the same crime types committed by local inmates. Property crimes, drug and violent offenses, constituted the bulk of the offenses committed by foreign citizens who served time in Icelandic prisons in 2011.

Iceland's criminal code and justice system

There are two court levels in Iceland. Eight district courts who judge both civil and criminal cases. Verdicts can be appealed to the Supreme Court which is the highest court in the nation. Iceland's criminal code largely reflects Danish influence which Iceland was in royal union with until 1944. Since then many changes have been made to the code. Yet, the models for these changes have continued to be drawn from the laws of other Nordic countries, in addition to incorporating international legislations as a part of Iceland membership to various international treaties (Ólafsdóttir and Bragadóttir 2006).

As for overall severity of punishment in Iceland, a recent study of punishment in the Nordic countries showed that on the whole punishment tended to be similar between these countries (Hennum 2003). A study of homicides showed however that these are relatively severe in Iceland compared with neighboring countries (Magnússon and Ólafsdóttir 2003).

A typical sentence in Iceland for homicide was in an earlier study shown to be 14 years in prison (Jónsson 1996). In the same study a typical sentence for rape was found to be 1 1/2- 2 years in prison and 1-2 months for a burglary to a private home. Yet, as was mentioned above, a tendency to increase penalties was detected in Iceland in the new millenium based on incarceration records. Moreover, the maximum penalty for drugs violations was increased to 12 years in prison from the previous limit of 10 years in 2001. Relatively more cases involving drug importation and sales have ended up in the upper limits of the sentencing range compared to most other offenses – another manifestation of the grave concern authorities show for local drug use.

Recent developments in alternatives to incarceration

Iceland has in the past few decades developed a total of four new alternatives to imprisonment (see also Gunnlaugsson 2011). In 1990 a program was established enabling inmates who have alcohol and drug problems to complete the last six weeks of their prison sentence at a rehabilitation center (Baldursson 1996).

In 1995 a new law came into effect (law no. 55, 1994) adopting community work service as an alternative to prison sentence. Those sentenced to six months or less could apply for community work instead of confinement. In 2012 also those who receive nine months or less could apply for community service with a further leniency in 2016 when all those who receive a 12 month unconditional prison sentence can also apply for community service. According to the law, 40 hours of community work is equivalent to a one-month prison sentence, and those who are granted this option will have to complete the work in at least two months. In most recent years more than one hundred people receiving an unconditional prison sentence have served their sentence each year by community work (Prison and Probation Administration 2016).

Another noteworthy prison alternative came into effect in 1995. Those inmates who are nearing completion of a longer sentence or those who have received a short sentence and secured steady employment or education, are eligible to serve their sentence at a half-way house run by a private, nonprofit association named *Vernud*. There, inmates pay a rent and can hold an outside job or attending school and have more interaction with their families, but under strict rules of conduct (Gunnlaugsson and

Gallihér 2000). In 2014 a total of 82 individuals served their prison sentence at *Vernd* (Prison and Probation Administration 2016).

Finally, electronic surveillance was introduced in 2011 (law no. 129). Those receiving a 12 month unconditional prison sentence or more, could have one month subtracted from their prison term. For example a two-year prison sentence makes possible a two month earlier prison release (Prison and Probation Administration 2016). In 2016, the period subtracted from the prison term was doubled (law no. 15), enabling an earlier prison release, serving longer by electronic surveillance than before.

These alternatives to traditional prison indicate a tendency in Iceland to replace punishment with rehabilitation in dealing with crime control. At the same time these measures reduce government prison expenditures and are thus politically attractive. Moreover, these alternatives help reducing the pressure on the prison system. Most prisoners can make use of these alternatives to prison, and in particular those who are nonviolent offenders and convicted of property offenses or violation of traffic laws. Yet, it is clear given the long list of convicts awaiting a place of confinement, that the nation's prison capacity might need to be expanded even beyond the new prison facility opening in Hólmsheiði in late 2016. The current fiscal crisis of the state might put some constraints on such plans paving the way for less costly measures to prison in the future. Yet a recent drop in long sentences and in the number of those receiving a prison sentence will undoubtedly help ease the burden on the prison system in the near future – if this positive trend continues in the near future.

Concluding remarks

Iceland is a small and relatively homogenous nation in the North-Atlantic and has for a long time been perceived as a low crime country. This view has been based on limited studies but has in most recent years been verified by improved local criminal records. Icelandic society has experienced both internal and external change in recent years. Iceland has opened up to the outside world reflected among other things in an influx of new immigrants.

On the heels of these social changes crime concerns have also changed, in particular towards drugs and violence (see also Gunnlaugsson 2011). This shift can be demonstrated in crime control developments, where both drug and violent offenders have taken more space in the prison system in

recent years. Moreover, a general trend towards somewhat longer sentencing practices, could also be detected in the new millenium until 2013, especially for drug and violent crimes.

This punitive trend in Iceland is not unexpected compared to many other countries in W-Europe, where similar sentiments have prevailed in late modernity (see for example Garland 2001 and Nelken 2009). This mood towards more punitiveness seems also to have reached the shores of Iceland, a small and relatively homogenous nation, geographically isolated in the North Atlantic. Harsh punitive attitudes are therefore not confined to large, heterogenous and complex industrial nations, but can also be detected in small and closely knitted societies such as Iceland. This penal development coincides with broad societal changes taking place in Iceland when the nation increasingly has entered the global community.

Yet, Iceland still possesses qualities setting the country apart from many other Western nations, with its low prison population and relatively lenient penalties. In this vein, Iceland might be similar to what Pratt (2008a; 2008b) describes as *Scandinavian exceptionalism*, with consistently low rates of imprisonment and relatively short sentences. In most recent years a drop in both the total number of prison sentences and total length of sentencing in years might strengthen again the position of Iceland as a country with low imprisonment and short sentences.

What the future holds for Iceland is not fully clear. It may be popular to mete out tougher court sentences and raise punishment levels but it is also costly to institutionally meet this challenge. Pressure to tackle and resolve new penal developments by providing sufficient prison facilities has proved to be difficult for Iceland due to a fiscal crisis of the state. Yet to meet public demand for tighter crime control and the long waiting lists accumulating in the prison system, more prison expenditures have proved to be unavoidable for Iceland. At the same time, it is likely that Icelanders will continue to see innovative alternatives to serving time in prison, which will both reduce government expense and replace punishment with rehabilitation – at least for specific crime types.

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