

***Recommendation from the Council for the Administration of Criminal Justice
and Protection of Juveniles***

- Summary -

Transport of detainees and their property

Recommendation to the Dutch State Secretary of Security and Justice, dated June 25, 2012

Detainees¹ have to be transported regularly, for example to court, the hospital or for the purpose of a transfer to another institution. This transport is largely organised by the Transport & Support Service, which is part of the Custodial Institutions Agency. Each day the transporters face the logistical challenge of getting all these people to their destination on time. The fact that, depending on the purpose and destination, various agencies are involved in this transport (such as institution where the detainee resides and the court police) constitutes an additional complication. Things sometimes go wrong, despite the fact that the transport usually takes place without any problem. For example, journeys sometimes take very long and it is often unclear who is responsible and who is authorised to make decisions about security measures. The lack of uniform legislation and regulations causes problems for parties involved in the transport. Supervision of transport is limited and the detainee has no right of complaint. Unlike the transport of persons, the transport of detainee property is for the most part clearly arranged; yet this too can yield practical problems, such as lost or damaged property.

Recommendations

The Council provides an overview of the regulations in the field of the transport of detainees and their property. The Council subsequently makes recommendations to the State Secretary of Security and Justice for improving both the regulations and the implementation.

These five recommendations are:

- lay powers and responsibilities down in legislation and regulations and make these clear to all parties involved
- provide an independent complaints procedure for all detainees who are transported
- provide independent and effective supervision of all forms of detainee transport
- provide 'customised transport' that satisfies predetermined conditions and is in line with the characteristics of the detainees to be transported
- work on the implementation of this recommendation in a comprehensive way, so that coherent and consistent legislation and regulation for the entire field of transport is created

Responsibilities and powers should be held by the parties that play an essential role in transport: the director of the institution where the detainee resides and the person who performs the transport. The Council describes how this division of responsibilities could be shaped. In addition, the Council elaborates how the performance of transport could be improved, how a fully fledged complaints and appeals procedure could be shaped and how the supervision of all transport movements could be realised. The Council recommends limiting transport as much as possible and organising it as a 'customised

¹ The term 'detainees' in this summary refers to people who are imprisoned, people who are placed under a hospital order (in Dutch 'Terbeschikkingstelling' or tbs) and juveniles who are placed in a Juvenile Institution.

process', taking into account the specific characteristics of for example juveniles, foreign nationals and ill detainees.

*The recommendation can be obtained from the secretariat of the Council
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