



**FOLKETINGETS
OMBUDSMAND**

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Thematic report 2023

Transport of inmates

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1. Introduction

The Ombudsman's monitoring visits to institutions for adults in 2023 focused on the Prison and Probation Service's transport of inmates.

Inmates can be in a vulnerable situation in connection with transport. At the same time, security considerations play an important role during the Prison and Probation Service's transport of inmates. Prior to transport, inmates are most often searched, and inmates are generally handcuffed during transport.

Transport of inmates is carried out by the police and the Prison and Probation Service. Previously, the police carried out most of the task of driving remand prisoners to questioning, court appearances, etc. while the Prison and Probation Service institutions handled transport of persons serving a sentence to healthcare treatment, transfer to another Prison and Probation Service institution, etc.

In 2018, the first transport officers completed their training as a special staff group in the Prison and Probation Service. Transport officers are trained to handle transport of both remand prisoners and people serving a sentence. With the arrival of transport officers and the creation of three specialised transport and guard units under the Prison and Probation Service, the Prison and Probation Service has with the three transport and guard units taken over part of the police's work with transport of remand prisoners, and the three units have taken over part of the transport from Prison and Probation Service institutions.

Therefore, the investigation has particularly been directed at the Prison and Probation Service's transport and guard units.

The monitoring visits were carried out by visiting teams consisting of staff from the Ombudsman, the Danish Institute for Human Rights and DIGNITY – Danish Institute Against Torture. During the monitoring visits, the visiting teams have focused on, among other things, use of handcuffs, handcuff transport belt and force, body search, use of interpreters, observance of discretion considerations and the relation between the inmates and the Prison and Probation Service officers carrying out the transports.

2. The investigation's main results

The Ombudsman's main impression is that the Prison and Probation Service has organised the work of transporting inmates in a professional and appropriate manner.

In addition, the investigation has generally shown that the Prison and Probation Service ensures that the inmates being transported are shown consideration. The Prison and Probation Service is thus generally aware of what security measures are necessary for each transport, such as whether use of handcuffs is necessary. At the same time, the Prison and Probation Service staff generally have a good tone of communication towards the inmates.

However, despite this overall impression, the investigation has also uncovered matters that give grounds for recommendations directed at the Prison and Probation Service's transport of inmates and for highlighting matters on which the Prison and Probation Service should increase its attention.

By a legislative amendment in 2022, Prison and Probation Service staff, including transport officers, have increased access to using handcuffs or handcuff transport belt during inmates' one-off absences from closed state and local prisons, such as transport to court appearances. In those cases, it is no longer a requirement that use of handcuffs must be necessary in order to prevent threatened violence, overcome extreme resistance, prevent suicide or other self-harming behaviour or to prevent escape. Furthermore, the requirement of a handcuff report and recording of the use of handcuffs has been removed in connection with inmates' one-off absences from closed state and local prisons.

The investigation has shown a degree of uncertainty in the Prison and Probation Service in relation to when transport and guard situations are subject to the relaxed rules on use of handcuffs and when the ordinary rules on use of handcuffs apply, cf. item 5.4.1 on handcuffs below.

Therefore, the Ombudsman generally recommends that the Prison and Probation Service increase focus on

- the rules applicable to specific transports being used as the basis for the assessment of whether the inmate must be handcuffed in a transport situation
- giving guidance on complaint options and documenting use of handcuffs for those transports where this is still required.

In addition, the Ombudsman generally recommends that the Prison and Probation Service increase focus on

- use of interpreters or other measures in order to remedy language barriers during transport

- maintaining discretion during transport and escort of inmates to outpatient treatment.

The investigation has also uncovered matters that have formed the basis of more general discussions with the relevant authorities in the Prison and Probation Service. For example, during meetings in connection with monitoring visits, there have been discussions about initiatives that may establish a coherent overview of completed transports and that may substantiate the Prison and Probation Service's preparation and documentation of conditions during individual transports. It has also been discussed how an overview can be established of the transport and guard units' use of force so that the Group's and the units' managements can follow developments in the extent and nature thereof.

Further discussions have been scheduled with the Prison and Probation Service about the general recommendations in this report and the other matters that the investigation has uncovered. The specific recommendations given by the Ombudsman to the Prison and Probation Service's transport and guard units can be found in their entirety at www.en.ombudsmanden.dk under About the Ombudsman, Monitoring activities, Monitoring visits to institutions where citizens live, Monitoring visits according to UN rules, Monitoring visits to institutions for adults in 2023.

The investigated conditions and the results of the investigation are described in further detail under item 5.

3. The investigation's subject matter

3.1. The investigation's delimitation and focus areas

The thematic investigation has covered the Prison and Probation Service's transport of inmates, meaning both the specialised transport officers' work and practice in Prison and Probation Service institutions during prison officers' transport of inmates.

The monitoring visits have focused on the Prison and Probation Service's cooperation with other authorities and on the preparation of transports, including preparation of and communication with the inmates being transported. In addition, the investigation has focused on interventions towards inmates in connection with transport, meaning use of handcuffs, force and body search. Furthermore, the investigation has covered discretion considerations in connection with transport of inmates to healthcare treatment, the physical conditions during transport and relational aspects during transport.

The investigation has covered transport of inmates in connection with escorted leave for court appearances and outpatient treatment and with transfer of inmates from one Prison and Probation Service institution to another.

The investigation has not covered the Prison and Probation Service's transport of inmates in connection with escorted leave for family visits and family events, funerals, etc.

As described in item 3.2 below, the police also carry out transport of inmates in the Prison and Probation Service, particularly remand prisoners. The police's transport of inmates was not covered by the investigation.

3.2. The investigated authorities

'Koncern Transport og Bevogtning' (hereinafter referred to as the Transport and Guard Group) manages and coordinates the transport officers' work all over Denmark. The Group is part of the Department of Prisons and Probation, Centre for Security. The Group currently has three transport and guard units placed in Copenhagen, Hobro and Kolding. A fourth unit is expected to be established in Ringsted, probably in 2024.

The investigation has to a great extent focused on the work that the Transport and Guard Group carries out based on cooperative agreements with the National Police and the Prison and Probation Service in general.

It is generally the police that carry out transport of remand prisoners. If the police assess that there are no special security-related circumstances or similar, the police can leave transport of remand prisoners to the Transport and Guard Group, which will take over the transport if the transport and guard units have the capacity for it. In other instances, the police will transport the inmate to court appearances etc.

Based on the same assumptions, the Transport and Guard Group takes care of the police's transport of people with a preventive measures sentence and people who are placed in surrogate custody. This particularly applies to young people (aged 15-17) and people who, due to mental challenges, are placed in an institution or at a psychiatric ward instead of being placed in a local or state prison. The investigation has been directed at transport of inmates in the Prison and Probation Service, but, during the visits to the transport and guard units, the visiting teams have also monitored several transports of people placed in surrogate custody in order to gain insight into how the units manage this part of their tasks. The procedure and security considerations are basically the same, and the observations from these transports are included in the Ombudsman's overall assessment of the

Transport and Guard Group's practice. When the report mentions the Group's transport of inmates, this may therefore also cover transport of people in surrogate custody.

The Transport and Guard Group also carries out transports for the Prison and Probation Service. These are particularly transports of inmates who are serving a sentence in a prison. It can be transfers of inmates between Prison and Probation Service institutions or transport of inmates to healthcare treatment.

In 2022, it was decided that the Transport and Guard Group would to a larger extent take over and prioritise transports by the Prison and Probation Service rather than transports by the police. Therefore, the Transport and Guard Group has since May 2022 carried out all scheduled transfers of inmates serving a sentence between Prison and Probation Service institutions. The Group has also taken over many of the Prison and Probation Service's other scheduled transports of inmates going to healthcare treatment or court appearances.

During the monitoring visits, there was considerable staff turnover in all three units under the Transport and Guard Group, partly because there are continuously new officers in training and internships and transport officers wanting supplementary training either within the Prison and Probation Service or the police. Furthermore, during the monitoring visits, the units in Copenhagen and Hobro were understaffed in relation to the set staffing level.

The issues that this may cause will be included in the discussions with the Prison and Probation Service that, as mentioned, are scheduled as a follow-up to the recommendations in this report and the other matters that the investigation has uncovered.

The Transport and Guard Group generally only carries out scheduled transports. Non-scheduled transports for the Prison and Probation Service and the police are carried out by the institution itself or by the police, unless the Transport and Guard Group has the capacity to take the task on the day. This could be instances where an inmate who is disruptive or suicidal has to be transferred urgently from a smaller local prison to an institution with an observation or security cell.

The investigation has shown that there is a well-functioning cooperation among the units in the Transport and Guard Group, and the units have a well-functioning cooperation with the police and the Prison and Probation Service in general. This helps ensure that important information about the inmates is exchanged to a relevant and necessary degree.

Both the Transport and Guard Group's management and transport officers gave the impression that the Group's takeover of transports from the police and the Prison and Probation Service has led to fewer cancelled transports, including transports to scheduled healthcare treatments.

4. Investigation method

The investigation has been conducted by visiting two state prisons and three local prisons where the visiting teams collected information about the Prison and Probation Service's transport of inmates – both transports carried out by the Transport and Guard Group and transports carried out by the institutions. This was done by obtaining written material prior to the visits and through conversations with inmates, management and staff at the institutions. In addition, to the extent possible, the visiting teams monitored transports carried out by the institutions in relation to the visit.

Furthermore, the investigation has been conducted through meetings with the Transport and Guard Group and by visiting the three transport and guard units in the Group. During the visits, the visiting teams were shown the relevant parts of the transport and guard units' facilities, including the guardroom in the Copenhagen unit where the Group's on-duty and operational functions are placed.

During the visits to the three transport and guard units and to the state and local prisons, the visiting teams monitored 21 transports in total, cf. the factbox below.

In addition, in six instances, tasks were observed in relation to transport of inmates in other ways than by driving along in the vehicles transporting the inmates. These observations were made to investigate how the Transport and Guard Group handles the task of coordinating transport of several inmates for appearance in court, for instance when larger sets of cases are to be processed, and the inmates come from several different institutions, or when several arrestees are to be brought to a constitutional hearing.

Facts on the monitored transports

How were the transports carried out?

The thematic investigation was carried out by visiting teams from the Ombudsman monitoring 21 transports by escorting the inmate(s) in the means of transport used. Where relevant and possible, the person from the visiting team would also monitor the procedure before the transport (body search etc.) and the conclusion of the transport. One of the transports was carried out partly by airplane, otherwise all the transports were carried out by car.

To the extent allowed by practical circumstances, the visiting team spoke with the transport officers and the inmates during the transports. The team also offered the inmates a follow-up interview.

Who was responsible for the transports?

18 of the 21 monitored transports were carried out by the transport and guard units under the Prison and Probation Service, two transports were carried out by one of the Prison and Probation Service institutions, and one transport was carried out partly by the Transport and Guard Group, partly by an institution.

What sort of inmates were transported?

In 14 of the monitored transports, the inmates being transported were placed in one of the Prison and Probation Service's local prisons (remand prisoners and people serving a sentence). In three of the transports, the inmates were placed in an open or closed prison (people serving a sentence). In addition, three inmates were placed in a psychiatric facility while one inmate was placed in a secure residential institution for young people (surrogate custody).

What was the purpose of the transports?

The purpose of 10 of the transports was to bring inmates to healthcare treatment, while the purpose of nine of the transports was to bring inmates to court appearances. The purpose of two of the transports was to transfer inmates from one Prison and Probation Service institution to another, for instance from a local prison to an open state prison.

The duration of the monitored transports varied from approximately 10 minutes to 3 hours.

5. The investigated conditions

5.1. Introduction

As mentioned, the investigation has focused on the Prison and Probation Service's own preparation of transports and on preparation of and communication with the inmates being transported. Read item 5.2 and 5.3.

The investigation has also focused on interventions towards inmates in connection with transport, meaning use of handcuffs, force and body search. Read item 5.4.

In addition, the investigation has concerned discretion considerations in connection with transport of inmates to healthcare treatment. Read item 5.5.

Furthermore, the investigation has focused on the physical conditions during transports and on relational aspects during transports. Read item 5.6.

Lastly, the investigation has focused on the Transport and Guard Group's cooperation with other authorities. Read in particular item 3.2 above.

5.2. The Prison and Probation Service's preparation of transports

It has been investigated what matters are included in the assessment of the need for security measures during transport. The investigation has also included how the Prison and Probation Service otherwise prepares transports of inmates, including to what extent relevant information about the inmate is given to the officers transporting the inmate.

A number of matters are included in the Prison and Probation Service's assessment of the need for handcuffs, staffing and any other security measures. This includes security and threat assessments and the general knowledge about the inmate based on previous and current imprisonment.

Based on interviews with transport coordinators in the Group, it is the Ombudsman's impression that cooperation internally in the Prison and Probation Service and with the police generally means that information of relevance to the transport is exchanged to the extent necessary, including relevant information about the inmate's mental condition and health-related conditions.

However, in this connection, it has been uncovered that records about transports of inmates are only made to a limited extent, including records about information that could be relevant for future transports. The investigation has therefore led to discussions with the Transport and Guard Group about initiatives that may establish a coherent overview of completed

transports and that may substantiate the Prison and Probation Service's preparation and documentation of conditions during individual transports.

As mentioned, further discussions have been scheduled with the Prison and Probation Service about follow-up on the recommendations in this report and the other matters that the investigation has uncovered.

5.3. Preparation of and communication with inmates

5.3.1. Briefing inmates on forthcoming transports and on the transport process

The investigation has focused on whether the inmate is briefed about and is thus given the opportunity to prepare for a scheduled transport, including the purpose of the transport.

If the transport is due to a permanent move, the inmate may want to say goodbye to other inmates or staff. The inmate may also need to inform people who have booked or might intend to book a visit or write to or call the inmate.

For transport to healthcare treatment, the inmate may need to prepare mentally for a given treatment or operation.

According to the collected information, the time when inmates are informed of a scheduled transport varies. If there are no security-related circumstances to consider, the inmate is informed of the transport when it is being scheduled. If there are special security-related circumstances, the inmate will typically not be informed until the day itself or possibly the day before. In individual cases, the briefing takes place immediately before departure.

Based on interviews with transport officers and the Group's management, it is the overall impression that the Prison and Probation Service is aware that it is important for the inmate to be briefed as soon as possible before a transport.

The investigation has also focused on the extent to which the inmates are prepared for how a scheduled transport is supposed to take place.

Based on observations of the transport procedures and information from inmates, management and staff in the three transport and guard units, it is the Ombudsman's impression that the inmates are often not prepared for the fact *that* they are to be searched by the transport officers before the transport, *that* they are to wear handcuffs during the transport in the secure vehicle, *that* they are often to keep the handcuffs on during outpatient treatment, *that* they cannot smoke during the transport or *that* they should consider the need for motion sickness medicine etc.

On that basis, it has been discussed with the Transport and Guard Group to implement initiatives that can ensure that the inmates are better prepared for the mentioned conditions. Such initiatives should be implemented in cooperation with the Prison and Probation Service institutions in general. It is thus generally the local and state prisons who are responsible for giving the inmates information about forthcoming transports, including information about purpose, duration and procedure. The transport officers are not in contact with the inmates before search and transport.

As mentioned, further discussions have been scheduled with the Prison and Probation Service on the basis of the recommendations in this report and the other matters that the investigation has uncovered.

5.3.2. Interpreters

The investigation has shown that the Transport and Guard Group has not used interpreters. In case of language barriers, the transport officers have possibly been able to find help from the institution where the inmate was placed. Interpreters have also been used in court if the inmate was to appear in court or participate in the processing of a court case. During transport of the inmate, however, it has not been possible to remedy any language barrier other than by using gesticulations and body language.

The Ombudsman has pointed this out to the Transport and Guard Group. The visiting teams have referred to the fact that situations may arise where healthcare assistance for the inmate is needed or where there is a risk of conflict escalation and to the fact that the inmates cannot express if they are feeling unsafe or express ordinary needs during the transport. The visiting teams' observations of these issues were supported by information from the Group's staff.

In continuation of the first monitoring visits to the units under the Transport and Guard Group, the Group has started identifying possibilities for using interpreters or otherwise remedying language barriers. The Group stated that standard texts with the most ordinary information have been translated into various languages, which can be printed and used by the transport officers. The Group has also started using pocket translators on an experimental basis. According to the information received, these are a great help in the communication with inmates whom the officers cannot speak with due to language barriers.

In connection with the investigation, the Ombudsman's visiting teams have discussed with the Transport and Guard Group the extent to which the Prison and Probation Service can use telephone interpreters during transport of inmates.

As part of the monitoring visits, the conditions have collectively formed the basis of a recommendation to the Transport and Guard Group.

As mentioned in item 2, the Ombudsman also generally recommends that the Prison and Probation Service increase focus on

- use of interpreters or other measures in order to remedy language barriers during transport.

5.4. Interventions

5.4.1. Handcuffs

The Prison and Probation Service's use of handcuffs is regulated in the Sentence Enforcement Act's section on security measures (Consolidation Act No. 201 of 28 February 2023) and in the Executive Order on Security Measures (Executive Order No. 175 of 31 January 2022). In practice, the transport and guard units use either handcuffs or handcuff transport belts as security measures.

According to the rules, handcuffs can generally be used if it is necessary to prevent threatened violence or overcome extreme resistance, to prevent suicide or other self-harming behaviour or to prevent escape. It is a requirement to make a report on and to record use of handcuffs, and the inmate can complain about the use of handcuffs to the Department of Prisons and Probation.

In 2022, the rules on use of handcuffs were relaxed for inmates' one-off absence from closed state and local prisons. In such cases, it is not a requirement that use of handcuffs must be necessary based on one of the above-mentioned conditions. Furthermore, the requirement of a handcuff report and recording the use of handcuffs in the relevant situations has been removed. In such cases, the inmate cannot complain to the Department of Prisons and Probation either.

The investigation has especially focused on transports where the relaxed rules apply, meaning transport and escort of inmates to court appearances, outpatient treatment and the like.

Handcuffs must be used as gently as circumstances allow. Therefore, the investigation has focused on, among other things, what type of handcuffs are used when transporting inmates.

Generally, the investigation has shown that, when transporting inmates who must be handcuffed, the Prison and Probation Service almost always uses

handcuff transport belts where the inmate's hands are cuffed in front of the body and where the handcuffs are fixed to a belt around the waist of the inmate. In this way, the inmate can sit more naturally during transport than when ordinary handcuffs are used where the hands are placed at the back. In rare cases, the Prison and Probation Service uses handcuffs at the back when transporting inmates, for instance for shorter transports where the inmate is disruptive. In the following, specific references made to the use of handcuffs during the monitored transports refer to handcuff transport belts.

The relaxed rules for using handcuffs for transport etc. of inmates do not mean that use of handcuffs is required in the situations covered by the rules. Handcuffs must not be used if, given the purpose of the intervention and the indignity and discomfort it is likely to cause, it would constitute a disproportionate intervention. Therefore, there may be situations where use of handcuffs is too intrusive in the light of the specific circumstances, for instance when healthcare-related matters speak against using handcuffs and when there is a limited risk of escape or assisted escape.

During the investigation, information has been collected through interviews with transport officers and the Group's management about whether the relevant concrete assessment is made for the basis of using handcuffs. The Ombudsman's overall impression is that the Prison and Probation Service makes such an assessment and that relevant specific circumstances are included in the assessment and may lead to inmates not being handcuffed – also in transport situations that are covered by the relaxed rules for using handcuffs.

The investigation has shown that the Prison and Probation Service is generally aware that the relaxed rules do not apply to transport of inmates that are placed in an open prison.

However, the investigation has also shown a degree of uncertainty in the Prison and Probation Service in relation to when the transport and guard situation is subject to the relaxed rules and when the ordinary rules on use of handcuffs apply.

The uncertainty may mean that in some situations a handcuff report is not made and that no complaint information is given to the inmate even though it is required according to the rules. In other instances, the inmate is informed of the right to complain to the Department of Prisons and Probation in a situation where the inmate does not have this complaint option.

In connection with the monitoring visits, the conditions have formed the basis of specific recommendations in relation to both the Transport and Guard Group and to one of the visited institutions.

As mentioned in item 2, the Ombudsman also generally recommends that the Prison and Probation Service increase focus on

- the rules applicable to specific transports being used as the basis for the assessment of whether the inmate must be handcuffed in a transport situation
- giving information on complaint options and documenting use of handcuffs for those transports where this is still required.

Use of handcuffs during outpatient treatment is dealt with separately under item 5.5.

5.4.2. Use of force

The Prison and Probation Service's use of force towards inmates is regulated in the relevant section in the Sentence Enforcement Act and in the Executive Order on the Use of Force (Executive Order No. 1026 of 30 June 2023). Use of force may take place through restraining holds, shields, batons, pepper spray and teargas.

The Prison and Probation Service can use force towards an inmate if it is necessary in order to prevent threatened violence, overcome extreme resistance or to prevent suicide and other self-harming behaviour. Furthermore, the Prison and Probation Service can use force if it is necessary to prevent escape or to stop escapees. The Prison and Probation Service can also use force if it is necessary to enforce an ordered measure when immediate implementation of such measure is necessary and the inmate refuses or omits to follow staff instructions in this respect.

The various types of conflicts and incidents that, according to the rules, could form the basis for using force can all arise in connection with transport and escort of inmates to and during court appearances and treatment.

According to the rules, the transport officers can carry a baton and pepper spray if there is a special risk situation where the use of a baton and pepper spray may be necessary.

Use of force must not be a disproportionate intervention in the specific situation and must be carried out as gently as circumstances allow. The inmate must be seen by a doctor in the event of suspicion of injury or illness or if the inmate asks for it.

It is compulsory for the Prison and Probation Service to write a report on use of force, and the inmate must be informed that he or she can complain about use of force to the Department of Prisons and Probation.

No force was used in any of the transports that were monitored by the Ombudsman's visiting teams as part of the investigation. The practice has therefore been investigated by reviewing a number of reports concerning the Transport and Guard Group's use of force in 2022 and 2023 and through interviews with both transport officers and the Group's management.

The review of the reports has not given cause for any comments in relation to the use of force, and it is the general impression that the level of force used in connection with the Prison and Probation Service's transports is not high.

Based on interviews with transport officers and the Group's management and based on the monitored transports, it is the impression that the transport officers generally carry batons and pepper spray when transporting inmates from closed institutions (local prisons or closed state prisons), but that the use of batons and pepper spray is rare. When force is needed in transport situations, it typically takes place by use of physical force in the form of restraining holds.

The investigation has also shown that the Prison and Probation Service generally uses force and carries force equipment in accordance with the relevant rules on transport of inmates.

In connection with the investigation of use of force, it was uncovered that the recording of the Transport and Guard Group's use of force in the Prison and Probation Service's case processing system is linked to the institution where the inmate resides and that the Group therefore does not always have a complete overview of the transport and guard units' use of force.

In connection with the Ombudsman's investigation, the transport and guard units started to manually record the cases for the transports where there is a report on use of handcuffs or force or where other problematic incidents occurred.

The Transport and Guard Group's overview of the occurrence of use of force, any tendencies and the development in both number and nature of incidents was discussed with the Group as part of the monitoring visits.

The conditions formed the basis of a recommendation in relation to the Transport and Guard Group about establishing an overview of the transport and guard units' use of force so that the Group's and the units' managements can follow the development in the extent and nature thereof.

5.4.3. *Body search*

The Prison and Probation Service's body search of inmates is regulated in the Sentence Enforcement Act's section on search of the inmate's person and room and in the Executive Order on Searches (Executive Order No. 106 of 30 January 2019).

According to the rules, the Prison and Probation Service can, without a warrant, investigate what objects an inmate possesses on their person before and after absence from the institution. However, this only applies if such an investigation is necessary to ensure the observance of regulations or due to security considerations. An inmate who has been searched and in that connection has been asked to undress can complain to the Department of Prisons and Probation about the search.

A body search must not be carried out if, given the purpose of the intervention and the indignity and discomfort it is likely to cause, it would constitute a disproportionate intervention. In addition, searches must be carried out as gently as possible. As a result of this, it is a requirement that a search entailing that the inmate must undress is carried out and observed by people of the same gender as the inmate (excluding healthcare staff, however).

It is also a requirement that at least two officers of the same gender as the inmate participate in a search that involves undressing. However, the requirement can be dispensed with, so that a search is carried out by only one staff member if special circumstances so dictate. If so, there is a duty to make a record of the search.

The Ombudsman has investigated to what extent the inmates being transported are searched. Whether the inmates receive complaint information was also part of the investigation.

Based on the monitored transports and interviews with transport officers and the Group's management, it is the Ombudsman's general impression that the body search rules are observed and that the Prison and Probation Service's transport officers focus on the requirement of gentleness, including in relation to searches with undressing where also the same gender requirement is observed.

However, the requirement that at least two officers participate was not consistently observed by the staff in the Transport and Guard Group, including during several of the monitored transports in connection with the Ombudsman's investigation. Nor was the applicable duty to keep records observed in these instances. As part of the monitoring visits, the conditions formed the basis of a recommendation to the Group.

5.5. Transports to healthcare treatment

The Ombudsman's visiting teams monitored a total of 10 transports of inmates with the purpose of healthcare treatment at either a hospital or at a private (dental) practice.

Two of these transports were carried out by the institutions where the inmates were placed. These were inmates who were placed in an open prison unit or who for other reasons did not wear handcuffs during the transport. One person from the visiting team was present during the transports of the inmates to outpatient treatment and during the escort of the inmate to the treatment room, but the person from the visiting team was not present during the outpatient treatments. The transports did not give rise to recommendations etc. in relation to healthcare.

The other eight transports were carried out by the units under the Transport and Guard Group. The following is related to the visiting teams' observations during these transports and discussions with the management of the Transport and Guard Group.

In one instance, the person from the visiting team was only present during the transport of the inmate to outpatient treatment. In the remaining seven transports to healthcare treatment, one person from the visiting team was present during the transport of the inmate to outpatient treatment, during the escort of the inmate to the treatment room and, with acceptance from the inmate, during the outpatient treatment.

In all seven instances, the inmates wore handcuffs and were escorted by at least two transport officers wearing uniform with visible Prison and Probation Service logo and belt with baton and pepper spray. The inmates and the escorting officers attracted attention from outsiders in connection with the outpatient treatments.

The investigation has therefore focused on the extent to which the Prison and Probation Service thinks about not unnecessarily exposing inmates going to treatment.

At hospitals and other large treatment facilities, the inmates can often wait in another room separate from other patients in the waiting room. The transport officers did think to find out if this option was available.

However, based on the monitored transports to healthcare treatment, it is the overall impression that there are more possibilities of reducing exposure of inmates during escort to outpatient treatment. For instance, transport officers could consider wearing overclothes that are more discrete and could possibly help the inmate to wear clothes that can make the handcuffs more discrete.

Furthermore, focus could be increased on making the access route in the public space as short as possible. In addition, it has been discussed with the Transport and Guard Group whether the transport officers could to a greater extent wear civilian clothing for hospital visits etc.

As part of the monitoring visits, the conditions formed the basis of a recommendation in relation to the Transport and Guard Group's management to ensure that, in connection with outpatient treatment, there is focus on not unnecessarily drawing attention to the fact that the patient is an inmate.

The Ombudsman's visiting teams also focused on the consideration of maintaining confidentiality between doctor and patient in treatment situations where security considerations are a factor.

During the inmates' healthcare treatments, it was observed that one or – most often – two transport officers were present in the room during the treatment and the conversation with the doctor. During interviews with transport officers and the Group's management, it was uncovered that there is no standard practice for how any officers present should place themselves in the room during the treatment or the conversation.

Based on interviews with the transport officers and the Group's management, it is the visiting teams' impression that there is not enough focus on the issue and that an individual assessment is often not made of how intensive the guarding must and should be in connection with healthcare treatment of inmates.

The conditions thus formed the basis of a recommendation to the Transport and Guard Group to ensure that the confidentiality between doctor and patient is respected to the extent possible.

The conditions described in this item have been included in the general recommendation mentioned in item 2 to the Prison and Probation Service to increase focus on

- maintaining discretion during transport and escort of inmates to outpatient treatment.

Observations of the transports and information from management and staff in the three transport and guard units also gave the visiting teams the impression that inmates who were handcuffed during the transport generally kept the handcuffs on during treatment unless the treatment etc. made it necessary to remove them. This was also supported by information from the inmates.

This can be experienced as highly intrusive for the inmates. Overall, this formed the basis of a recommendation to the Transport and Guard Group to ensure that use of handcuffs during healthcare treatment of inmates takes place based on a concrete assessment.

5.6. Physical conditions during transport etc.

The investigation has covered the physical and security-related circumstances for the inmates during transport.

During the transports where a person from the Ombudsman's visiting team was a passenger in the vehicle (or airplane) transporting the inmate(s), it was investigated if there was a possibility for dialogue between transport officers and inmates. It has been observed that the transport officers generally have a good tone of communication towards the inmates and that the transport officers respect if the inmate wishes to listen to the radio or wishes the transport to be conducted in silence.

Transports of inmates generally take place either in a minibus with three seat rows or a station wagon with two seat rows. The inmate usually sits on the rear seat row. There is a grid barrier behind the front seat in both types of vehicle.

During the transports, the Ombudsman has focused on temperature, transport time, breaks and security, among other things. There has also been focus on space, including in the light of whether there were longer or repeated transports of the individual inmate.

Based on the monitored transports, it is the Ombudsman's general impression that the transports do not cause challenges in relation to the mentioned focus areas.

However, the investigation did uncover that the space available in the Prison and Probation Service's station wagons is limited. Based on interviews with transport officers and the Group's management however, the overall impression is that the Group generally focuses on ensuring sufficient space for the inmate during every transport. The Transport and Guard Group has also stated that the Group's station wagons are replaced with minibuses on an ongoing basis.

During the monitored transports, it was observed that the speed limits were not fully observed in all instances. The Ombudsman got the same impression after having reviewed the complaint cases that the Transport and Guard Group received in 2021 and 2022.

Generally, the Group received few complaints in 2021 and 2022, but many of those complaints concerned speeding and in part also other inappropriate driving.

The issue was discussed with the Transport and Guard Group, which stated that initiatives have been started to ensure responsible driving.

Sincerely,



Niels Fenger

The Ombudsman's thematic reports

Every year, the Ombudsman carries out a number of monitoring visits within a specific theme. The most significant results of the monitoring visits are summarised and communicated in a thematic report, which the Ombudsman writes in cooperation with the Danish Institute for Human Rights and DIGNITY – Danish Institute Against Torture. The thematic reports are made public on the [Ombudsman's website](#) and are sent to the relevant authorities so that those authorities can include them in their deliberations. The Ombudsman also informs Parliament of the reports.

Basis of the Ombudsman's monitoring activities

The monitoring visits are carried out as part of the Ombudsman's general monitoring activities pursuant to Section 18 of the Parliamentary Ombudsman Act and as part of the Ombudsman's task of preventing that persons who are or who can be deprived of their liberty are exposed to for instance inhuman or degrading treatment, cf. the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

The Ombudsman's work to prevent degrading treatment etc. pursuant to the Protocol is carried out in cooperation with the Danish Institute for Human Rights and with DIGNITY. The Institute for Human Rights contributes with human rights expertise. DIGNITY contributes to the cooperation with medical expertise. Among other things, this means that staff with expertise in these two fields from the two institutes participate in the planning and execution of and follow-up on monitoring visits.