

Institution: University of Sheffield		
Unit of Assessment: C-18 Law		
Title of case study: Changing police custody law, policy, and practice		
Period when the underpinning research was undertaken: 2011–2018		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s): Layla Skinns	Role(s) (e.g. job title): Reader	Period(s) employed by submitting HEI: 2010–present
Period when the claimed impact occurred: October 2013–December 2020		
Is this case study continued from a case study submitted in 2014? N		
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>Dr Layla Skinns' research on dignity in police custody for children and adults has had substantial impact on the law, police policy, practice, and the design of police custodial settings.</p> <p>This ground-breaking research into custody in England and Wales has resulted in legal and policy changes to the procedural and human rights of young suspects. It has contributed to an unprecedented reduction in the number of children being arrested. Legal changes now mean 17-year-olds in police custody are afforded the same rights as children including access to an appropriate adult and their parents/carers being informed of their arrest.</p> <p>Her research into detainee dignity in custodial settings has changed police codes of practice and been adopted nationally via the National Strategy for Police Custody. Locally, forces have adopted her research and changed policy, practice, and risk assessment processes. The research has had a profound impact on attitudes and practice and led to Dr Skinns being considered the leading voice on police custody.</p>		
<p>2. Underpinning research (indicative maximum 500 words)</p> <p>Skinns' pioneering research explores the practices and experiences of staff and detainees in custodial settings.</p> <p>Overnight custody and children 2011</p> <p>In 2011 The Howard League for Penal Reform commissioned Skinns to conduct research into overnight detention in police cells of those under 18-years. Legally children who are not granted bail (by the police or courts) should be transferred to accommodation managed by local authorities unless it is 'impractical' to do so, with secure accommodation also being provided in specific high-risk circumstances. However, a lack of research made it impossible to ascertain if this was happening or if children were in fact being detained in police cells. Freedom of Information (FOI) requests and a literature review were used to identify the scale of the issue and its effects. Skinns identified that children were being held in custody overnight far more often than the law required or allowed. Her research revealed for the first time that in one year there had been 53,000 overnight detentions (19% of all detentions) of children aged under 16 years in England and Wales suggesting that overnight police custody was routinely used in place of accommodation by local authorities [R1]. In addition, she found that there was limited</p>		

access to appropriate adult services in the evenings/late at night thus increasing the risk of a detention becoming an overnight one [R1]. Skinns highlighted the serious anomaly that 17-year-olds, who are in general treated as minors elsewhere in the criminal justice system, were as a matter of law considered adults for police custody purposes. This meant they were not entitled to additional rights available to those who were 16 and under, including access to an appropriate adult and their parents being informed of their arrest. Moreover, they could lawfully be detained overnight [R1].

‘Good’ police custody 2013-2018

The demands of police custody are such that staff must continuously balance competing priorities, including safety, security, risk, cost effectiveness, the law, and the requirements of the criminal justice process. Skinns led a five-year ESRC national research study to robustly examine what ‘good’ practice meant in a custodial setting. Phase 1 of the study collected data on police custody delivery patterns from custody managers in nearly all England and Wales police forces. Phase 2 involved detailed observation of and interviews with detainees and staff in four forces in England and Wales. In phase 3, preliminary ideas about what ‘good’ custody means were tested through surveys of nearly 800 staff and detainees across 13 forces.

Skinns found that detainee dignity should be prioritised alongside existing priorities [R4]. Prioritising dignity is beneficial for staff and detainees as it increases detainee cooperation and creates a more humane experience [R5]. Skinns also explored the custodial environment and found that it mattered: a clean, bright, and spacious setting has the potential to lessen the pain of detention and encourage detainees to exercise their due process rights [R3, R6]. In addition, recognising detainee dignity by including equipment in the space to support them, such as reading and writing materials and clocks, improves interactions with staff and can create more satisfying workplaces for staff [R2].

Skinns developed a series of good practice recommendations launched in 2019 in relation to four interlinked areas: police attitudes and practices; policies, training, and line management; detainee expectation; material conditions and the custody estate.

3. References to the research (indicative maximum of six references)

- R1.** Skinns, L. (2011) *The Overnight Detention of Children in Police Cells*, Howard League for Penal Reform. https://howardleague.org/wp-content/uploads/2016/05/Overnight_detention_of_children_in_police_cells.pdf
- R2.** Skinns, L., Sorsby, A., & Rice, L. (2020). “Treat them as a human being”: dignity in police detention and its implications for ‘good’ police custody. *The British Journal of Criminology*, 60(6), 1667–1688. <https://doi.org/10.1093/bjc/azaa051>
- R3.** Skinns, L., & Wooff, A. (2020). Pain in police detention: a critical point in the ‘penal painscape’? *Policing and Society*, 1–18. <https://doi.org/10.1080/10439463.2019.1706506>
- R4.** Skinns, L. (2019). Good police custody: Dignity, equal worth, autonomy, decency and legality. Recommendations for practice. Published online at: <https://www.sheffield.ac.uk/law/research/directory/police>
- R5.** Skinns L, Rice L, Sprawson A & Wooff A (2017) Police legitimacy in context: an exploration of “soft” power in police custody in England. *Policing: An International Journal*

of Police Strategies & Management, 40(3), 601-613 <http://www.emeraldinsight.com/1363-951X.htm>

- R6. Skinns, L., Wooff, A., & Sprawson, A. (2017).** Preliminary findings on police custody delivery in the twenty-first century: Is it 'good' enough? *Policing and Society*, 27(4), 358–371. <https://doi.org/10.1080/10439463.2015.1058377>

4. Details of the impact (indicative maximum 750 words)

Background

Sheffield research has driven the debate and provided reliable evidence to allow (a) the Howard League to campaign for the treatment of 17-year-olds as minors and better practice in relation to the use of police custody for all children [R1] and (b) the more dignified treatment of female detainees in custody.

The Police and Criminal Evidence Act (PACE) is accompanied by a series of Codes of Practice which set out how PACE should be put into practice. Code C applies to the detention, treatment and questioning of suspects. In April 2013, underpinned by the Howard League's campaign, the Court of Appeal held that the failure of Code C to distinguish between 17-year-olds and adults was in breach of the European Convention on Human Rights.

Changed law and guidance on detention and treatment of children and adults in police custody

In October 2013, the Home Secretary amended Code C to make appropriate adults available to 17-year-olds. The research, and the campaigning based on it, went beyond these (important) amendments to Code C. In 2015, PACE itself was amended to include 17-year-olds in the definition of minors used in the Act. As a result, since October 2015, all arrested 17-year-olds have been treated as minors, not adults. Further amendments were made to Code C to reflect the new law in 2017. This has impacted on the experiences of the approximately 75,000 young people aged 17 who are arrested and detained in police custody each year. They now have access to an appropriate adult and their parents/carers should be informed of their arrest [S1].

In 2017, the Home Office published its Concordat on Children in Custody, citing Skinns' research. The Concordat set out in strong terms what is required by good practice, in relation to a custody sergeant requesting (secure) local authority accommodation [S2].

Since 2014 there has been an unprecedented reduction in the number of children both arrested and detained in custody. The changes to the law, Code C, PACE and the introduction of the Concordat, all underpinned by the Howard League's campaigning and based on Skinns' work, have made a significant contribution to this reduction [S3]. In 2019 there were 71,885 child arrests in England and Wales compared to 129, 273 at the end of 2013 (a reduction of 44%).

The research into dignity in detention [R2, R4] fed into additional substantive amendments to Code C relating to dignity of female detainees. In August 2019, the Government released amendments to Code C (and H, the parallel code for the detention of terrorist suspects). They require that female detainees be given an opportunity to speak to a woman about personal needs, for lavatory and washing facilities, and for staff to have a proper regard to the dignity, sensitivity, and vulnerability of detainees when clothing is removed and strip searching takes

place [S5]. The amendments followed an open letter from the Independent Custody Visitors Association (ICVA):

“Dr Skinns’ research has crystalised our messaging and placed us in an excellent position to challenge and ultimately change the law. It is now in law that female detainees in custody are asked if they require menstrual products and if they do these are provided. This impacts on the dignity and wellbeing of female detainees” (CEO, ICVA, S5).

Transformed police force knowledge and practice

In January 2017, the current National Strategy for Police Custody was published. Under its first aspirational category – legitimacy – the National Strategy draws on the language of dignity and respect taken from Skinns’ research [R6, S4]. The strategy is a commitment to advancing the professionalism, efficiency, and efficacy of the custody provision.

In 2019 Skinns launched ten good practice recommendations based on her research into good practice in custody [R4]. They covered police practice, training and policies, detainee expectations, and the physical environment. These were shared at several events including the National Custody Forum in November 2019. The Forum is attended by representatives from all police forces and all other relevant police stakeholders, including the College of Policing, Independent Office for Police Conduct (IOPC), Her Majesty’s Inspectorate of Constabularies, Fire and Rescue and Prisons (HMICFRS, HMIP), ICVA, and the Home Office.

By demonstrating what ‘good’ looks like and the steps required to make improvements, the research has impacted on the knowledge of local police forces. In 2020, Skinns conducted a pilot evaluation with Surrey police force. During booking in, staff utilised an information sheet, based on Skinns’ research, which provided detainees with information about dignified treatment, key rights and entitlements, welfare and vulnerability, and safety and security. The sheet was also distributed to the majority of detainees. Detainees made use of the information provided to request further assistance, in one case from an appropriate adult [S6].

Further large police forces - Essex, North Yorkshire, South Yorkshire, and the UK’s largest the Metropolitan Police Service - have recognised the need for further work in to prioritising detainee dignity and staff development and as a result are committed to piloting the guidelines in 2021 (this work would have happened earlier but was delayed due to COVID-19).

The recommendations have impacted on practice in several local police forces including Norfolk, Derbyshire and Devon and Cornwall. They have all implemented elements of Skinns’ recommendations.

“We moved towards increased detainee dignity, and decency through the reduction in the use of rip proof clothing by enhancing observation regimes which itself led to reductions in assaults on staff, and a focus on inducing “good” behaviours, and a welfare-oriented approach (former Head of Custody)” [S7].

Derbyshire’s policy had been to remove all belongings when someone entered custody, but it now risk assesses whether detainees can keep personal belongings. Devon and Cornwall have introduced Distraction Packs which include colouring books, puzzles, jigsaw, and foam footballs. These reduce anxiety and boredom and increase the likelihood the detainee will engage with the process [S5, S7].

Impact on design of buildings and custodial settings

The research [R6] is having a critical impact on the physical design of police custody suites in England and Wales. In September 2019, the Ministry of Justice Estates Cluster published the revised version of the Police Custody Design Guide [S8]. Skinns was part of an expert reference group and ensured dignity was central to the guide. Senior Policy Advisor for the College of Policing and National Police Estate Group states:

“Included in the 2019 practice guidance are important overarching principles. They include designing a suite that can “accommodate detainees safely, securely and enable them to be treated with respect and dignity. This is a shift from the previous design guide which had less emphasis on dignity and more on safety and security” [S8].

Skinns drew on her research to author one section of the document, section 8.7 on “colour, art, painting and finishes”. In addition, Skinns fed into the National Police Estates Group (NPEG, which provides peer review to police forces planning to build new custody suites or renovate old ones. The Custody Lead on the NPEG has consistently used Skinns’ research in undertaking the reviews [S8], and in the design of two new custody facilities in his own home force area, Hampshire, and the Isle of Wight. In Hampshire they have incorporated a glazed atrium, flooding the charge room with light.

“The Good Police Custody Study themes (dignity, decency, equality, legality, and autonomy) have been considered in creating national blueprints for custody design” [S8].

5. Sources to corroborate the impact (indicative maximum of 10 references)

- S1. Changes to law and PACE regarding 17-year-olds Criminal Justice and Courts Act 2015 (Commencement No. 3 and Transitional Provisions) Order 2015 (SI 2015/1778); 2017 amendments: Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Codes C, D and H) Order 2017.
- S2. Concordat on children in custody, 2017 (<https://bit.ly/3bVVFtW>).
- S3. Child arrests in England and Wales data from the Howard League for Penal Reform (<https://bit.ly/2OMV3hn>, <https://bit.ly/3lrOOeR>).
- S4. National Strategy for Police Custody (<https://bit.ly/3bYFbBr>), reference to academics from the University of Sheffield.
- S5. CODE C Revised Code of Practice for the detention, treatment and questioning of persons by Police Officers, August 2019 and testimonial from CEO of ICVA
- S6. Skinns, L. and Sorsby, A. Phase 5 of the ‘Good’ Police Custody Study: Putting recommendations into practice in one police force area: An evaluation study. Unpublished report.
- S7. Combined source: Emails and testimonials from local forces including Lou Provart Former Head of Custody Norfolk and Suffolk Police and ICVA guest blog from Devon and Cornwall Police Force (<http://bit.ly/2NwG8Ye>).
- S8. Combined source: MOJ Police Custody Design Guide 2019 and Custody suite design: England and Wales; Testimonial Senior Policy Advisor for the College of Policing and National Police Estate Group.