Police custody delivery in the twenty-first century in England and Wales

Current arrangements and their implications for patterns of policing

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Abstract

Since the 1980s, police custody in England and Wales has experienced civilianization and privatization of roles once performed by the police. The purposes of this paper are to explore these organisational arrangements and to reflect on what they reveal about patterns of policing in the 21st century. These matters are examined using a unique 2014 survey of custody managers who provided data on 213 suites across 41 police forces in England and Wales, and the Isle of Man. Findings are presented on the extent of civilianization and privatization of custody suites, the conditions of the suites in terms of their busyness and whether they were seen as 'fit for purpose' by staff, as well as on the most common types of custody suites and their features. These findings show that whilst civilianization was common-place, privatization was not; over two-thirds of custody suites were owned, managed and staffed by police officers or civilian detention officers employed by the police. As such, the research does not support the idea that there has been a transformation of policing, at least not with respect to who owns, manages and/or staffs custody suites in England and Wales, where the police still have a monopoly.

Key words: police, police custody, civilianization, privatization, patterns of policing

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1. Introduction

Police custody is where an arrested person is taken whilst their case is investigated and whilst a decision is reached about what should be done with the case. It is therefore an important gateway to the criminal justice process. What happens in police custody can have important consequences further down the line. For suspects, their safety, well-being, fair treatment and access to justice are at stake and, for the police, their legitimacy (Skinns, 2011: 1). Police custody is also a place in which suspects come into contact with the police institution, thereby making it a place in which suspects learn about their relationship with the police and, more importantly, about their place in society (Loader and Mulcahy, 2006: 40; Bradford, Jackson and Hough, 2014). Police custody, therefore, plays a part in the wider role of the police in society. However, as discussed next, this role of the police in society is no longer the sole preserve of the public police.

As with other areas of police work in England and Wales, police custody has been subject to pluralization.[1] Since the 1980s, it has been civilianized; a growing number of civilians have been employed by the police to perform roles not requiring the powers of a police officer, including as detention officers, with some evidence of 'power creep' and 'mission creep' by such staff (Skinns, 2011:140-1). More recently, police custody has also been subject to a kind of privatization through private-finance initiatives (PFIs).[2] PFIs enable police services and other public sector bodies to secure funds to carry out a large-scale project (e.g. to build a new custody facility) which they would otherwise not be able to afford. Money for the project is then paid back to the private sector over the duration of the contract, which can be several decades or more. Some have described PFIs as an "elegant piece of hire purchase" (Johnston, Button and Williamson, 2008: 227), but they can also be thought of as a mortgage, in which the borrower pays back more than it costs to pay for the house or, in this case, the project. Depending on the nature of the contract between the

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[1]   Such plurality is evident in other police settings in England and Wales, for example, in the growth
       of the private security industry's role in policing (Johnston, 2007), in the policing of quasi-public
       places such as shopping malls (Button, 2003) and in multi-agency crime prevention partnerships
       (e.g. Crawford, 1997). Similarly, growing plurality has been noted in other European and Anglo-
       Saxon countries such as Canada, Belgium, Austria and the Netherlands. However, there is variation
       between these countries in terms of the extent of pluralisation, relationships between the public and
       private sectors and the regulation of multiple policing providers (Terpestra and Van Stokkom, 2015).
       For example, distinguishing between policing coordinated by the police and by local government
       is key to understanding pluralization in continental Europe, whilst notions of networked policing
       and marketized policing are key to understanding plurality in Anglo-Saxon countries (Devroe and
       Terpestra, 2015).
[2]   In 2012, Dibble (2013) found that six police services (14%) had custody suites funded through
       PFIs.

police and one of the growing number of private security companies involved in delivering police custody, these buildings can be owned, managed and/or partially staffed by the private sector. These inter-related processes of civilianization and privatization mean that custody suites can be: police owned and managed, and staffed by police officers and civilian staff employed by the police (such suites are referred to below as publicly-run); owned and managed by either the police or the private sector, and staffed by a mixture of police officers and civilian staff employed by the police or the private sector (referred to below as hybrid); owned, managed and staffed by the private sector with the exception of a few key police roles (referred to below as predominantly private).

Support for privatization of police work (also referred to as outsourcing) has tended to wax and wane (White, 2014), thereby demonstrating the piecemeal nature of change, involving continuity with the past as well as new developments.[3] Since 2012, though, support for privatization has begun to dwindle partly because such arrangements were rejected by some of the elected Policing and Crime Commissioners (e.g. Dibble, 2013: i; Crawford, 2014),[4] and perhaps also because they have not yielded the anticipated savings. National data on custody expenditure in 42 police forces collected by the Chartered Institute of Public Finance Accountants (CIPFA) as part of the Police Objective Analysis (POA) survey found that outsourced police custody was not necessarily cheaper; regardless of whether police custody was provided in-house or was outsourced, about half of the relevant police forces fell below the median £230 per detainee and half were above (Dibble, 2013: 12).[5] What this report also concludes is that partnerships with the private sector are likely to be more cost effective where police custody facilities or custody IT systems are shared between forces in the same region and/or when police custody services can be bundled together with other police functions, such as investigation, savings are made through economies of scale, rather than privatization per se.

This mixing of public and private sector actors in police custody is intimately connected to changing macro-level political, economic and social structures. Of

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[3]   Skinns et al. (2015) describe some of these continuities and changes in relation to police custody. For example, police custody has become more stringently regulated through laws such as the Police and Criminal Evidence Act 1984, but the necessity of discretion and the permissiveness of the law have remained.

[4]   Since 2012, the public elect Policing and Crime Commissioners (PCCs) (one in each of the 43 police forces in England and Wales), who are often affiliated with the major political parties, are intended as a form of democratic police accountability and as a means to give the public a voice in local policing matters. PCCs are involved with strategic matters (such as determining policing priorities and budgets), but cannot involve themselves in operational matters, though the line between these matters is somewhat tenuous. They replaced the tripartite system of police authorities (comprised of locally elected members from a range of political parties), the Home Secretary and the Chief Constables.

[5]   In forces where police custody was outsourced, five forces were below the median and four were on or above it. Similarly, where police custody was provided in-house there were sixteen forces below the median and seventeen on or above it.

particular importance to this paper is the growth of neoliberalism.[6] Since the mid-1970s, neoliberalism has become a common form of political economy in countries in the Anglo-American world, including the U.S., England and Wales, Australia, and New Zealand (Cavadino and Dignan, 2006), many of which have also seen some form of pluralization and/or privatization (Manning, 2006; Prenzler and Sarre, 2006). Neoliberalism coalesces around the interlinked ideas that the state should play a more limited role in the lives of citizens, for example, through the rolling back of the welfare state, the deregulation of markets or through outsourcing (e.g. of police duties), whilst at the same intensifying its involvement in other areas of society, most notably punishment.[7] There is also a presumption of personal and social responsibility and that the market-place can and should be allowed to regulate itself and the 'rational' social actors that operate within it e.g. competition between companies can weed out unwanted behaviour. This macro-level trend is significant for the growth of police-private sector police custody partnerships in England and Wales. It has contributed to the view that the buildings, the management services and the staff in police custody suites may be sold to the most competitively priced private security company in the market. As Holdaway's (1983) account of police custody suites in the 1970s demonstrates,[8] this is not how they used to be viewed and this may have consequences for the everyday realities of staff and detainees within them and the meanings they ascribe to police custody.

The present paper has three main purposes. First, we explore 21st century police custody arrangements in England and Wales, including the extent to which custody suites are civilianized and privatized, as well as the physical conditions of these suites in terms of their busyness and whether they are seen as fit for purpose by staff. We therefore provide a unique view on the pluralisation of police custody suites, given that no other research of this kind exists. Second, we develop a typology that encapsulates and thus summarises these police custody arrangements, which is used to identify the main types of custody suites that exist across England and Wales. Third, in the discussion at the end, we reflect on what these arrangements reveal about patterns of policing in the 21st century, exploring in particular whether such arrangements can be regarded as part of a new epoch for the police institution as suggested by the transformation of policing thesis. The overall focus is therefore on the organisational mechanics of who works in, owns and manages police custody facilities and the extent to which this involves the police, civilian staff and the private sector, as well as the implications for theoretical debates.

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[6] Neoliberalism is a key factor driving change, but so too is declining trust in and deference towards the police in England and Wales (Skinns, 2014), the de-legitimising effect of which may encourage the acceptance of a range of policing agents.

[7] Definitions of neoliberalism can be found in Stedman-Jones (2012: 2) and Harvey (2005: 3) who looks at this concept historically, whilst Wacquant (2009), Cavadino and Dignan (2006) and McLaughlin and Murji (2001) explore neoliberalism in penal, welfare and policing contexts.

[8] For example, Holdaway (1983: 34) noted that police custody was a backstage domain for the police and a place where police officers felt freed from legal and formal organizational rules, which is in stark contrast to the binding but commercially sensitive and thus unpublished police-private sector police custody contracts in PFI police custody suites.

To do this we draw on data collected as part of an ongoing four-year ESRC-funded study entitled 'Good' police custody: theorizing the 'is' and the 'ought' (herewith referred to as the GPCS). The aim of the study is to rigorously examine what 'good' police custody is, as well as the implications for 'good' policing. Between 4 February and 27 March 2014 a survey was circulated amongst custody managers – who were normally Inspectors or Chief Inspectors - in all 43 police forces in England and Wales.[9] Respondents were asked, for example, about who works in, manages and owns police custody suites, as well as about who does what, how many people are annually detained in police custody and about the conditions of police custody. Out of the 43 police services in England and Wales, 40 responded to the survey, generating a response rate of 93 %. There was also an additional response from The Isle of Man, a force that falls beyond the jurisdiction of England and Wales. This force was included in the analyses because police custody policies and legislation mirror the Police and Criminal Evidence Act (PACE) 1984. The Isle of Man Constabulary is also inspected by Her Majesty's Inspectorate of Constabulary (HMIC) and Her Majesty's Inspectorate of Prisons (HMIP). Not all forces provided information about all of their custody suites, meaning that, in total, the survey gathered data about 213 custody suites out of a possible 222 in the sample of 41 police forces.[10] Though these data provide only a snap-shot of police custody arrangements at one point in time in 2014, as no other data of this kind exists, we make a contribution to the field of police studies by being the first to explore the extent of public and private sector involvement in police custody in England and Wales.

2. Theorising police plurality: the 'transformation of policing thesis'

There are three main strands to the 'transformation of policing thesis': theories that focus on the extent of transformation of policing (e.g. Bayley and Shearing, 1996); theories that explore relations between policing agents in pluralised settings (e.g. Loader, 2000; Crawford, 2006; Terpstra and van Stokkom, 2015); and theories that explore the mentalities and cultures of policing agents in pluralised settings (White and Gill, 2013; White, 2014). The focus in this article is on the first of these strands of the debate as they are the most relevant to the data presented here. In terms of the extent of transformation of policing, the discussion has centred on whether plural policing represents a new era in the history of policing. For example, Bayley and Shearing (1996) argue that the public police no longer have a monopoly over policing, being displaced by non-state actors, particularly private security companies and citizen volunteers. So seismic are these shifts that they note that "generations

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[9]   Since there is generally only one custody manager per force, a key ethical concern was protecting the anonymity of respondents to the survey. Consequently, individual police forces are not named in the findings reported below.

[10] Of the three forces that did not participate in the survey, one was a very large metropolitan force with a workforce of 4.6 full-time equivalent (FTE) staff per 1000 of the population, one was a very small county force with a workforce of 2.9 FTE per 1000 and the third was a small county force with a workforce of 3.1 per 1000 (HMIC, 2015b).

will look back on our era as a time when one system of policing ended and another took its place" (Bayley and Shearing, 1996: 585).

This view on the transformation of policing has subsequently been subject to critique and refinement. Amongst other things,[11] it has been questioned for overstating the epochal nature of the shift from public to private policing. In terms of the numbers of private security staff involved in policing, there are more continuities between past and present patterns of policing than the 'transformation of policing' thesis allows. Census data show that the public police never had a monopoly over policing and there is a growing recognition that this idea is a myth, albeit a powerful one (Jones and Newburn, 2002).[12] Moreover, there are clear parallels between contemporary patterns of policing and those prior to 1829 when the state began to assume a more prominent role in the delivery of security. For example, Zedner (2006) compares the private 'thief-takers' that were the precursors to the Bow Street Runners in the early 19th century and the security markets of today in which policing services are contracted out and the public can buy additional security patrols from global providers.

3. Police custody arrangements in England and Wales: What do they look like?

3.1. The extent of civilianization and privatization

The extent of civilianization and privatization of police custody suites are explored in four main ways here, based on: the extent to which civilians work in custody suites; which members of staff (custody officers or civilian detention officers) were responsible for key duties; whether custody suites were funded through a PFI; the public, private or hybrid status of the suites.

3.1.1. Extent of civilian involvement and responsibility of key duties

The data showed that civilians routinely worked in custody suites in England and Wales in 2014. They worked in some capacity in 212 of the 213 custody suites in the research[13]. Of these suites, 90% employed civilian detention officers (CDOs)

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[11] One set of criticisms revolves around the growing recognition that there is more mixing of the public and private sector than the transformation of policing thesis allows, meaning that the boundaries between the values and rationalities of the police and private security sector are blurred. These ideas have been explored both in police and prison studies (See White and Gill, 2013; White, 2014; Crewe et al. 2011; Crewe et al. 2014). See also O'Neill and Loftus (2013) who challenge Loader and Walker's (2006, 2007) thesis about state-anchored security, highlighting that it is the state, not the private sector, that poses the greatest threat to citizens' security.

[12] For example, in the 1951 census, there were 85,000 public police compared to 66,000 private security officers, i.e. there were more private security officers in the past than the 'transformation of policing thesis' allows (Jones and Newburn, 2002).

[13] Civilian staff worked predominantly as detention officers, though also as administrators, supervisors and managers. The one suite where there were no civilian staff was a small least busy suite in a rural force.

who were *not* warranted with powers, 6% employed civilian detention officers who were warranted with powers and 4% employed a mixture of both types of civilian detention officers. As such, civilianization of custody suites was common-place. Therefore, the key point of variation in 2014 was between custody suites which manifest differing degrees of privatization or none at all (see below).

At force level, respondents to the survey were also asked about policies about whether custody officers (who are warranted police sergeants) or civilian detention officers mainly performed the following key duties: initial authorization of detention; initial risk assessment; creating a care plan; recording of detainees' property; contacting relevant agencies; cell checks and response to requests; collecting evidence such as fingerprints, photos and DNA; review evidence for charge decision; bail or release decision; conducting a pre-release risk assessment. Figure 1 shows the findings on their responses to these questions.

Six of these duties were wholly or predominantly the responsibility of custody officers (COs) in all police forces surveyed: initial authorization of detention (40 forces of 40); initial risk assessment (40 of 40); creating a care plan (36 of 40); reviews of evidence for charge decisions (26 of 40); bail/release decisions (40 of 40); and pre-release risk assessment (40 of 40). This suggests that decisions about the legitimacy of a person's detainment, the possible risk they pose to themselves and others, both whilst in custody and on release (all of which could be damaging to detainees and to the reputation of the force), the investigatory process and the release of detainees are seen as too important to be done by anyone other than a police officer.

In contrast to this, cell checks and responses to detainee requests were primarily the responsibility of CDOs.[14] Collecting evidence such as DNA, fingerprints and photographs was also mainly undertaken by CDOs. This perhaps reflects the difference in the roles of CO and CDOs – the CO were responsible for issues related to the legitimacy of detention and adherence to PACE codes, whilst CDOs were responsible for the well-being of detainees and the administering of police procedures.

The eight categories of duties discussed thus far show a degree of consistency in policies across police forces. For the other two tasks – recording property and contacting agencies – there was a more varied approach across forces. Recording of detainees' property was the responsibility of COs in 18 forces, and CDOs in 20 forces. Contacting relevant agencies was also split between COs and CDOs.

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[14]   The 'other' response for this category refers to both non-warranted and warranted civilian detention officers holding this responsibility.

Figure 1. Force policies on staff responsible for key duties in police custody
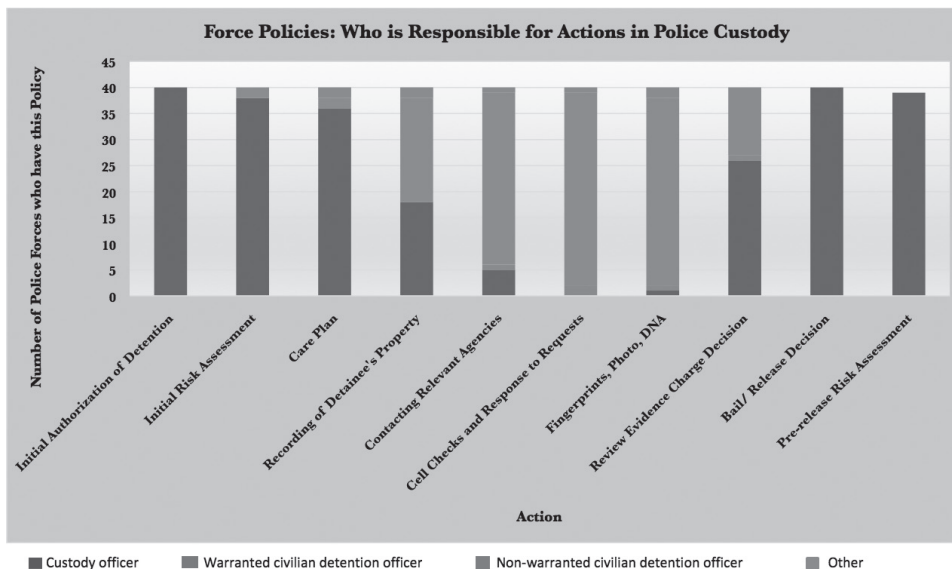
3.1.2. PFI funding

In 2012, Dibble (2013) found that 6 police services of 43 (14%) had PFI custody suites. In 2014, respondents to the GPCS survey were asked, for each of the custody suites in their force, whether they were funded through a PFI. Their responses to this question showed this figure to be 16 forces of 40 (40%),[15] (or 34 of 213 custody suites (16%), suggesting a slight increase in the use of PFIs between 2012 and 2014. Across the 16 forces, the use of PFIs was concentrated in 5 forces (where either all or the majority of custody suites were PFI sites). For the remaining 11 police forces, each had one or two PFI custody suites. What the survey also showed was a plethora of companies involved in owning, managing and/or staffing police custody suites. Only 31 of the 34 PFI custody suites were owned by the private sector,[16] with the remaining 3 being owned by the police. These 31 PFI police custody suites were owned by 15 different providers, with the main ones being Justice Support Services; Clifford, Tee and Gale; Sussex Custodial Services; and John Laing Plc. By contrast, the main private security companies managing police custody suites were Tascor, Serco and Carillion, whilst the main private security companies employing civilian staff in the suites were G4S and Tascor.

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[15] The Isle of Man has been excluded from this percentage calculation to make the figures comparable with Dibble (2013) which only reports on police forces in England and Wales.

[16] Given the nature of PFI arrangements (as described above) we had expected all PFI-funded suites to be owned by the private sector, as a way of maximising profits, for example.

3.1.3. Public, private and hybrid status

To capture this variation in who owns, manages and employs civilian staff in the custody suites, the suites were categorised in three ways: public, predominantly private or hybrid. Here 'public' refers to all custody suites that are owned and managed by the police and in which civilian staff in the suites are also employed by the police.[17] 'Predominantly private', on the other hand, is the opposite of this, referring to custody suites that are owned and managed by private security companies who also employ civilian staff in the suites. Since police officers still work in these suites as custody officers and as inspectors, these suites have been labelled 'predominantly private'. 'Hybrid' custody suites are those that have both police and private sector involvement in the ownership, management and the employment of civilian staff therein. These sites could involve any combination of police and private sector involvement e.g. the police manage and the private sector own a custody suite and employ civilian staff therein, or the police manage and employ civilian staff in the suites but the private sector own the suite.

Based on these three types, 67% of the custody suites in the sample were public operating without private sector involvement in ownership, management or the employment of staff. The hybrids made up nearly a third (31%), of custody suites, and the predominantly private custody suites represented only 2% of all suites sampled (See Figure 2). This analysis of the proportion of custody suites which were public, hybrids or predominantly private suggests that overall responsibility for police custody largely lies with the police as most custody suites remain either wholly or partially owned, managed and staffed by the police or by civilian staff employed by the police.

Figure 2. Proportion of custody suites categorised as public, hybrid or predominantly private

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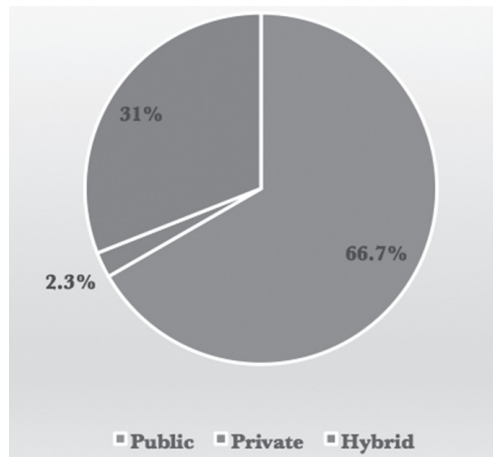
[17]   Within these 'public' suites other peripheral aspects of the police custody process (e.g. healthcare or transportation services to court/prison) may be outsourced but they will still be referred to as 'public' suites.

3.2. The conditions of the custody suites

In terms of describing the organisational arrangements of police custody suites, an important aspect of this is how these custody suites look and thus feel to staff as well as to detainees, albeit that detainees' views were not captured in the data presented here. These conditions are explored here by examining data on staff perceptions of whether the physical conditions of the suites were fit for purpose and their busyness, which have been overlaid with the data about their public/predominantly private/hybrid status.

3.2.1. Perceptions of the physical conditions of the suites: were they fit for purpose?

In order to develop an initial idea of these physical conditions of police custody and whether they were perceived as 'good', respondents to the survey were asked to say whether they agreed or disagreed with the statement that each of the custody suites in their force were fit for purpose.[18] This was measured on a five-point Likert scale ranging from 'strongly agree', 'agree', 'neither agree nor disagree' to 'disagree' and 'strongly disagree'. The results are shown in Figure 3. Of all the 213 custody suites, 79% were regarded by respondents as fit for purpose (with 26% custody suites falling in the 'strongly agree' category and 53% in 'agree'). Few respondents stated that they disagreed or strongly disagreed the custody suite was fit for purpose – yielding a combined percentage of 9%. A further 12% of custody suites were said to be neither fit nor unfit.

Figure 3. Extent to which respondents regarded custody suites in their police service as 'fit for purpose'

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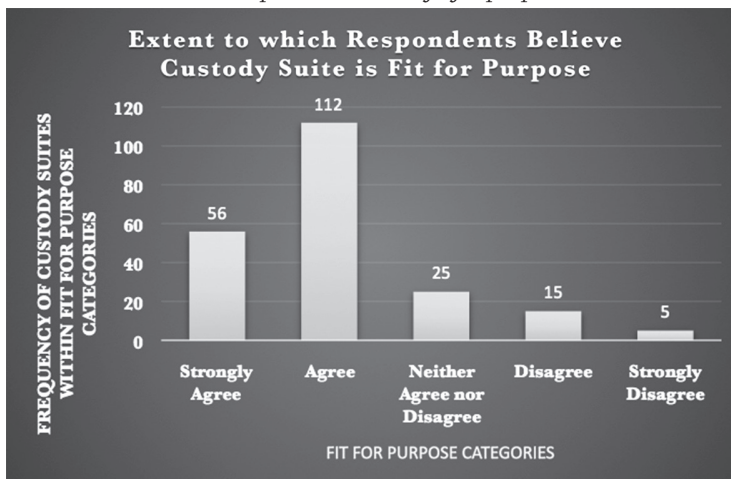
[18]   Though the question asked in the survey about whether a custody suite is regarded as fit for purpose is only a basic measure of custody managers' subjective perceptions, when combined with the qualitative responses that respondents to the survey were also able to provide, it offers a preliminary indicator of what it feels like to work in the custody suites.

Statistical analysis also showed that there was an association between whether a suite was seen as fit for purpose and its public/predominantly private/hybrid status. As shown in Table 1, the majority of custody suites were regarded as fit for purpose and this was true whether they were public, predominantly private or hybrid. However, a greater proportion of these suites were seen as fit for purpose if they were either hybrid (93%) or predominantly private suites (100%) compared to public suites (72%). A Mann-Whitney U test indicated that ratings of fitness for purpose were significantly more favourable in suites that were predominantly private or hybrid compared to public suites (U=3072.00, z=5.08, p<0.001).[19]

This tendency for hybrid and predominantly private suites to be seen as fit for purpose may have been because these hybrid or predominantly private suites had been more recently refurbished or rebuilt compared to public suites. Though the data collected on the year in which a suite was built or refurbished were inconsistently provided,[20] they show that the age of a suite was associated with whether respondents saw them as fit for purpose. For example, a higher proportion of respondents saw suites as fit for purpose if they were built in 2011-2014 (92%) or 2006-2010 (94%) compared to 2000-2005 (65%) or pre-1999 (54%) (see Table 2). In addition, non-parametric Spearman's correlation revealed a significant relationship between when the custody suite had last been refurbished or rebuilt (categorised as: 1999 or earlier; 2000-2005; 2006-2010; or 2011-2014) and ratings of fitness for purpose (r_s=.28, p=0.001); this positive correlation shows that suites that were built or refurbished more recently were rated more favourably.

This raises the question which of these two variables, age that a suite was built/refurbished and its public/predominantly private/hybrid status, best predicts perceptions of whether these suites were fit for purpose? Ordinal regression – which takes account of the ordered nature of the outcome measure – was used to answer this question. As shown in Table 3, *both* the status and age of the suite were significant predictors of whether a suite was perceived as fit for purpose when other variables were controlled for. In particular, these analyses show that private and hybrid suites were significantly more likely to be regarded as fit for purpose compared to public suites, taking into account their age (p=.001). In addition, new suites were also significantly more likely to be seen as fit for purpose, taking into account their public/predominantly private/hybrid status. Ratings of fitness for purpose were significantly less favourable for suites refurbished in 1999 or earlier (p<.001) and for suites refurbished between 2000 and 2005 (p=.008), compared to the reference category of 2011 to 2014. There was no significant difference in ratings of fitness for purpose between suites refurbished between 2006 and 2010, compared to the reference category of 2011 to 2014.

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[19]   The Mann-Whitney U test was chosen to take account of the ordinal nature of the fit for purpose data and because parametric tests were not possible as the data were skewed. As there were only 5 predominantly private suites, the predominantly private and hybrid suites were collapsed into one group and compared with the public suites for this and subsequent statistical tests.

[20]   Data were not provided for 60 suites and for the data that were provided some of them were an estimate e.g. more than 10 years ago or more than 25 years ago. Where such estimates were provided, they were rounded up by a year, e.g. to 11 year or to 26 years so they are only an estimation.

Table 1. Crosstab results of 'fit for purpose' compared with the public/predominantly private/hybrid status of the suites

| Response | Public, Private or Hybrid | | | Total |
	Public	Predominantly private	Hybrid	
Strongly agree or agree	102	5	61	168
	71.8%	100.0%	92.4%	78.9%
Neither agree nor disagree	23	0	2	25
	16.2%	0.0%	3.0%	11.7%
Strongly disagree or disagree	17	0	3	20
	12.0%	0.0%	4.5%	9.4%
Total	142	5	66	213
	100.0%	100.0%	100.0%	100.0%

Table 2. Crosstab results of 'fit for purpose' compared with age when last refurbished/rebuilt

| Fit for purpose? | | Year that the suite was last refurbished/rebuilt | | | | Total |
		1999 or before	2000-2005	2006-2010	2011-2014	
Agree	Count	7	17	47	45	116
	%	53.8%	65.4%	92.2%	93.8%	84.1%
Neither	Count	1	4	3	2	10
	%	7.7%	15.4%	5.9%	4.2%	7.2%
Disagree	Count	5	5	1	1	12
	%	38.5%	19.2%	2.0%	2.1%	8.7%
Total	Count	13	26	51	48	138
	%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 3. Ordinal regression results examining the impact of the public/predominantly private/hybrid status of the suite and the year the suite was rebuilt or refurbished on its perceived fitness for purpose

	Estimate	Std. Error	Wald	Sig.
Public versus private or hybrid	1.176	.355	11.003	.001
1999 or earlier	2.446	.627	15.242	.000
2000 to 2005	1.290	.490	6.938	.008
2006 to 2010	-.026	.399	.004	.947

N=138, R^2=0.217 (Cox & Snell), 0.240 (Nagelkerke). Model c^2 (4)=33.822, p<0.001.
The reference category for refurbishment is 2011 to 2014.
The outcome measure perceived fitness of purpose is coded from 1=Strongly agree through to 5 = Strongly disagree
Public versus private or hybrid is coded 1=Public, 2=Predominantly private or hybrid.
The proportional odds assumption is met.

3.2.2. *Busyness*

Another way of assessing the conditions in custody suites is to examine their busyness as this is something that has been found to affect staff (who may not, for example, have time to take breaks) and detainees (who may have lengthier and more uncomfortable waits either in holding areas or in the cells) (Skinns, 2011: 67). In the survey, respondents were asked about the number of cells per suite; the annual numbers of detainees in 2010/11, 2011/12 and 2012/13; and the number of permanent inspectors, custody officers, as well as civilian staff, including warranted CDOs, non-warranted CDOs, non-warranted administrators; non-warranted supervisors; non-warranted managers per suite.[21] These data were used to calculate two different measures of busyness: a ratio of the total number of permanent staff per suite to the average annual detainee throughput; and a ratio of cell numbers to the average detainee throughput for each custody suite. Whilst both were imperfect measures, they give some indication of the pressures of the custody process in terms of whether cells or, in fact, staff were stretched to capacity.

For the staff to detainee ratio, there was considerable variation in the busyness of different suites ranging from 1:90 to 1:599.[22] That is, in the least busy suite, one member of staff dealt with on average 90 detainees per year and, in the most busy suite, one member of staff dealt with on average 599 detainees per year. The (mean) average staff-detainee ratio was 1: 240, meaning that, on average, one member of staff dealt with 240 detainees per year.

However, these findings should be treated with caution as there were inconsistencies in how the questions on staffing levels were answered; some forces provided minimum and maximum staffing levels; some provided ratios of staff to detainees and some simply provided the requested data without an explanation of their response. Furthermore, this ratio is also problematic as a way of measuring busyness as it does not take account of some of the complexities of the work; for example, it does not take account of the peaks and troughs characteristic of police custody work (Skinns, 2011:67) or the busyness that can ensue when dealing with detainees with particularly complex needs or the variations in staffing numbers between shifts. The way the question was framed in the survey also meant that no account could be taken of full-time compared to part-time workers.

As such, the cell-detainee ratio may offer a more robust though less intuitive measure of busyness, as it measures pressure on the cells rather than on staff. For the cell to detainee ratio, again, there was considerable variation in the busyness of different suites ranging from 1: 87 to 1: 606. That is, suites ranged from having

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[21]   This question focused on the permanent nature of these staff. This was because staff can sometimes be shared between suites, which would have led to double counting. With hindsight, the question should also have asked about the full-time or part-time nature of these staff and about the average number of staff of different kinds per shift.

[22]   One custody suite was excluded from the staff-detainee ratio calculations because it was an outlier. This medium-sized suite in a force in a significantly rural area had implausibly few staff (n=8 vs. n=19) compared to other suites of a similar size and with a similar throughput in the same police force.

one cell holding on average 87 suspects per year, to one cell holding on average 606 suspects per year. The (mean) average cell-detainee ratio was 1:295, i.e. custody suites had on average 295 detainees per cell per year.[23]

The more interesting matter, however, is the relationship between busyness and the public/predominantly private/hybrid status of the custody suites. For example, is it the case that the private sector has 'creamed off' the less busy and thus potentially easier to run and more profitable suites, leaving the police to run the rest? Table 4 shows the cross-tab results which compare the busyness of the suites (cell-detainee ratio) with their public/predominantly private/hybrid status.[24] It shows that, regardless of the status of the suite as public/predominantly private/hybrid, the middling busy suite predominated, i.e. the most common type of public suite was the middling busy one, as was the case for the predominantly private suites and the hybrids. However, there were no predominantly private suites which were in the busiest category and the majority of the busiest suites were publicly-run (20 of 22 or 91%). Altogether, this suggests a greater involvement of the private sector in the least and middling busy suites. A Mann-Whitney U test confirmed this. Based on the *cell-detainee ratio of busyness* (i.e. the measure of pressure on the cells), public suites were significantly more busy compared to those that were predominantly private or hybrid (U=4052.00, z=2.89, p=0.004).

Interestingly, and though there is a need for caution in terms of how this finding is interpreted, given the measurement difficulties outlined above, the *staff-detainee ratio* pointed in the opposite direction. Based on the *staff-detainee ratio of busyness* (i.e. the measure of the pressure on staff), predominantly private and hybrid suites were more busy than public suites, though not significantly so (U=4411.00, z=1.57, p=0.116). It is possible that, had staffing levels been more accurately measured, then this result may have been significant. Therefore, one could tentatively suggest that, in terms of their busyness, public suites experienced greater pressure on cells than on staff, whilst in predominantly private and hybrid suites there was greater pressure on staff than on cells. This may be because predominantly private and hybrid suites tend to be newer (see above) and possibly purpose built, enabling the inclusion of sufficient cells, but that cost-cutting had been achieved by reducing the number of staff per suite. By contrast, the older non-purpose built public suites may have had significantly fewer cells, perhaps because they were not as well adapted to present policing conditions, but they had slightly more staff.

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[23]   Note that each cell was nearly always used for only one detainee.

[24]   For this cross-tab, the cell-detainee ratio data was divided equally into three groups: 'least busy', 'middling busy'; and 'busiest', with the bottom third corresponding to the least busy, the middle third to the middling busy and top third to the busiest.

Table 4. Cross tab results comparing busyness (cell-detainee ratio) with the public/predomi-nantly private/hybrid status of the suites

Status	Busyness (cell-detainee ratio)			
	Least busy	Middling busy	Busiest	Total
Public	16	104	20	140
	11.4%	74.3%	14.3%	100.0%
Predominantly private	0	5	0	5
	0.0%	100.0%	0.0%	100.0%
Hybrid	15	49	2	66
	22.7%	74.2%	3.0%	100.0%
Total	31	158	22	211
	14.7%	74.9%	10.4%	100.0%

Another interesting matter is how busyness relates to the wider police force area in terms of its level of urbanisation;[25] in particular, is it correct to presume that the busiest suites would be found in urban areas? The data show that suites located in urban areas were more likely to fall in the middling busy or busiest category. Table 5 shows that, though the most common type of custody suite for all three types of urban/rural police force areas is the middling busy kind, least busy suites were more common in predominantly rural areas whilst busiest suites were more common in predominantly urban areas. For example, the busiest custody suites made up 17% of suites in predominantly urban areas but only 8% of suites in rural areas, whilst the least busy suites made up 22% of suites in predominantly rural areas compared to 11% of suites in predominantly urban areas. As busyness lies on an ordered scale, the relationship can be examined with a non-parametric version of ANOVA, the Kruskal-Wallis test. This shows that though the trend was in the presumed direction, there was no statistically significant difference between predominantly rural, significantly rural and predominantly urban suites in terms of their busyness ($H(2)=4.64$, $p=0.098$). Therefore, busyness may be a marker for the level of urbanisation in the area in which a custody suite is located, but this was not significantly so.

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[25] Since the cell-detainee busyness ratio is more robust than the staff-detainee ratio, it is used in this and subsequent analyses on busyness. It was also significantly associated with the public/predominantly private/hybrid status of the custody suite, unlike the staff-detainee ratio.

Table 5. Cross-tab results comparing busyness (cell-detainee ratio) with rural/urban classification by police force area[26]

Rural/urban classification by police force area	Busyness (cell-detainee ratio)			Total
	Least busy	Medium busy	Busiest	
Predominantly rural	8	26	3	37
	21.6%	70.3%	8.1%	100.0%
Significantly rural	7	59	3	69
	10.1%	85.5%	4.3%	100.0%
Predominantly urban	10	64	15	89
	11.2%	71.9%	16.9%	100.0%
Total	25	149	21	195
	12.8%	76.4%	10.8%	100.0%

3.3. The most common types of custody suites and their features

Thus far, this paper has examined survey data on police custody arrangements in England and Wales in 2014, focusing on: the extent of privatization, as measured through the public/predominantly private/hybrid status of suites; the conditions in these custody suites as measured by staff perceptions of whether they were 'fit for purpose'; the conditions of these suites as measured through their busyness, which was examined in terms of the pressure on the cells (cell-detainee ratio) and the pressure on staff (staff-detainee ratio). To fully explore the relationships between these three variables, a three-way cross-tab is required, the results of which are shown in Table 6. The main purpose of this analysis was to explore patterns in the data in terms of the frequency of different kinds of custody suites.[27] The cells that are highlighted in Table 6 show the most common types of custody suites and their features. These are as follows:

1. The most common type of custody suite, overall, was the publicly-run, fit for purpose and middling busy custody suite (n=75), which might be given a label

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[26] In 2001, the ONS published data on rural/urban classifications by police force area, though this was not available in 2011. Wales was excluded from these data, hence N=195 in this table. These classifications are available here: http://webarchive.nationalarchives.gov.uk/20160105160709/http://www.ons.gov.uk/ons/guide-method/geography/products/area-classifications/rural-urban-definition-and-la/rural-urban-local-authority--la--classification--england-/index.html [last accessed 5 July 2016]

[27] However, ordinal regression was also conducted to examine the relationships between these three variables (see table 7). The results indicate that the custody status (public versus predominantly private/hybrid) is significantly associated with fitness for purpose (taking account of busyness) while busyness (taking account of custody status) is not significantly associated with fitness for purpose. Hence the relationship between custody suite status (public versus predominantly private/hybrid) and fitness for purpose cannot be explained by the fact that public suites were more busy.

such as the *fit and hardworking public suite*.[28] Given what was found above about the links between busyness and urbanisation, it is likely that these and other hardworking suites are located in urban areas.

2. The next most common type of custody suite was the hybrid equivalent of this, namely, a fit for purpose, middling busy, hybrid suite (n=46), the *fit and hardworking hybrid*.
3. The next most common type of custody suites were public suites which were middling busy but were not seen by staff as fit for purpose (n=15), the *unfit but hardworking public suite*.
4. The next three types of suites were equally common (n=14 for each) including the fit for purpose and busiest custody suite, the *fit and extra hardworking public suite*.
5. The fit for purpose, least busy hybrid, the *fit and unhurried hybrid*.
6. The neither fit nor unfit middling busy public suite, *the hardworking public suite*.
7. Though predominantly private suites were relatively rare, they were still a distinct type; as all of them were middling busy and seen as fit for purpose, *the fit and predominantly private super suite* is a fitting label.

These seven types of custody suites encompass the large majority (87%) of the 211 suites for which data were available,[29] suggesting that this typology should reflect most types of custody suites that can be found across England and Wales.[30]

Table 6. Cross-tab results, comparing the public/predominantly private/hybrid status, staff perceptions of whether suites were fit for purpose and busyness (detainee-cell ratio)

Fit for Purpose into Agree, Neither and Disagree		Busyness (cell-detainee ratio)			Total
		Least busy	Middling busy	Busiest	
Agree	Public	11 (11%)	75 (75%)	14 (14%)	100 (100%)
	Predom private	0	5 (100%)	0	5 (100%)
	Hybrid	14 (23%)	46 (75%)	1 (2%)	61 (100%)
	Total	25	126	15	166
Neither agree nor disagree	Public	5 (22%)	14 (61%)	4 (17%)	23 (100%)
	Predom private	0	0	0	0
	Hybrid	0	1 (50%)	1 (50%)	2 (100%)
	Total	5	15	5	25 (100%)
Disagree	Public	0	15 (88%)	2 (12%)	17 (100%)
	Predom private	0	0	0	0
	Hybrid	1 (33%)	2 (67%)	0	3 (100%)
	Total	1	17	2	20
Total		31	158	22	211

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28   This and the other labels given to each of the five types of custody suites are precisely that. They offer immediate ways of getting to grips with the key characteristics of each of the five types of custody suites.
29   This typology is a revision of the types described in Skinns et al. (2015).
30   Since each of these seven types of custody suites contain large numbers of actual suites, examples were chosen of some of these types for further in-depth research in subsequent phases of the GPCS. These were the fit and hardworking public suite (Mill City); the fit and hardworking hybrid suite (Combiville); the unfit and hardworking public suite (Stone Street); and the private super suite (Newtown).

Table 7. Ordinal regression results exploring the impact of public/predominantly private/ hybrid status and busyness (cell-detainee ratio) on staff perceptions of fitness for purpose

	Estimate	Std. Error	Wald	Sig.
Public versus private or hybrid	1.609	.503	10.249	.001
Least busy	-.252	.676	.139	.710
Middling busy	-.237	.504	.220	.639

N=211, R^2=0.068 (Cox & Snell), 0.092 (Nagelkerke). Model $c^2(3)$=14.769, p=0.002.
The reference category for busyness is busiest.
The outcome measure is coded 1=Strongly agree/ agree, 2=Neither agree nor disagree, 3= Disagree/ Strongly disagree
Public versus private or hybrid is coded 1=Public, 2=Predominantly private or hybrid.
The proportional odds assumption is met.

4. Discussion

As noted above, the first purpose of this paper is to explore the organisational arrangements in police custody suites in England and Wales, including the extent of civilianization and privatization, the physical conditions in which staff worked and the busyness of the suites. Civilianization – involving civilian staff performing roles once performed by the police, such as detention officers – was common-place. Such civilian staff worked in 212 of the 213 suites for which data were collected. In terms of the extent of privatization, the research showed that in 2014, just over two-thirds of custody suites across most of England and Wales were either wholly or partially owned, managed and staffed by the police or by civilian staff employed by the police, whilst only 31% were hybrids and 2% were predominantly privately run. This suggests only a modest amount of privatization. Private sector involvement in police custody was nonetheless an important part of the police custody landscape, given that 5 forces had been significantly affected by PFIs; in these forces, the majority of their suites were financed through PFIs. Thus, it looks as though going private was a strategic decision for a small number of forces. The importance of the role of the private sector in police custody is also shown by the small increase in the number of police forces with PFI police custody facilities; this number grew from 6 to 16 between 2012 and 2014.

As for the physical conditions of these suites, by and large, police custody suites were regarded as fit for purpose by custody managers responding to the survey. Of these, a significantly greater proportion of them were seen as fit for purpose if they were predominantly private/hybrid compared to public suites, even when taking into account when they were built. This shows that public suites are likely to provide less pleasant conditions of detention, which may have a negative impact on the extent to which detainees and staff see such suites as 'good'.

A further aspect of the conditions of police custody is the busyness of the suites. Busyness was measured either in terms of the pressure on staff (staff-detainee ratio) or the pressure on cells (cell-detainee ratio), with the latter being a more robust measure. What was found was that, regardless of the status of the suite as public/

predominantly private/hybrid, the middling busy suite predominated i.e. the most common type of public suite was the middling busy one, as was the case for the predominantly private suites and the hybrids. However, the busiest custody suites were significantly more likely to be publicly-run. Altogether, this suggests that the private sector were more likely to be involved, in some capacity, in the least busy and middling busy and thus potentially more profitable suites.

The second purpose of the paper was to develop a typology that encapsulated and thus summarised these police custody arrangements, as well as to identify the main types of custody suites that exist across England and Wales. Three-way cross-tab analysis showed there were seven main types of custody suites, which encompassed 87% of the custody suites in the research. These were:

1. *The fit and hardworking public suite.*
2. *The fit and hardworking hybrid.*
3. *The unfit but hardworking public suite.*
4. *The fit and extra hardworking public suite.*
5. *The fit and unhurried hybrid.*
6. *The hardworking public suite.*
7. *The fit and predominantly private super suite.*

The final purpose of the paper is to reflect on what the findings reveal about the patterns of 21st century policing. They show that privatization is a part of the police custody landscape but that the drift towards it has been slow and is only partial. Had there been a transformation of these arrangements in the way the transformation of policing thesis suggests, then one would have expected a much larger proportion of English and Welsh police custody suites to be owned and/or managed by the private sector, either as hybrid or predominantly private suites. The conclusion that the privatization of police custody has been only slow and partial is further supported by the finding that the most common type of police custody suite was the 'fit and hardworking public suite'.

Whilst, nationally, police custody arrangements seem to have been subject to only a modest amount of privatization, this was not necessarily the case on a force by force basis. A small number of forces showed widespread change to their police custody arrangements; this was true for the five forces where all or the majority of their custody suites were PFI sites. However, this is not to say that there will not be some kind of transformation of these arrangements in the future. The research showed a small growth in the number of police forces between 2012 and 2014 using PFIs to deliver police custody. This finding is particularly apposite, given that, even with the hiatus on cuts to police budgets announced in November 2015, police forces are still experiencing challenging financial conditions. This may push forces towards privatizing custody suites in the future, given the presumption that such arrangements cost less.

However, the limited evidence of privatization, nationally, in 2014, raises the question why. It may be, in part, because of the waxing and waning of the popularity of private sector involvement in police work at national and local levels

amongst politicians, Policing and Crime Commissioners, senior police officers and the wider citizenry, which leads to windows of opportunity for privatization variously opening and closing (White, 2014; Crawford, 2014). As such, there has not been a sustained drive towards privatization, which may explain the partial nature of privatization found in police custody suites across England and Wales in the present study. In addition, the fact that some forces were found to have engaged in more widespread privatization of their custody suites than others, is likely a consequence of the historically localised nature of policing in England and Wales.[31] Each force operates, in effect, as a kind of fiefdom (Johnston et al. 2008), which enables 'policy entrepreneur-like' senior officers to impact on the extent to which their force engages in privatization (White, 2014). They are able to make such choices because, within certain boundaries, such discretionary decisions are theirs to make within the domain of their particular force. More broadly still, the uneven impact of privatization on police custody suites might also be attributable to the unevenness of neoliberalism in which there are pockets of resistance 'from below' amongst the citizenry (Stenson, 2013), including Labour-leaning Policing and Crime Commissioners, who actively oppose the effects of neoliberalism (e.g. individualism and a free market logic), particularly when it impacts on them and the people who vote for them.

The present research also has implications for the theoretical debates set out at the beginning. It provides further evidence that the transformation of policing thesis is overstated. At least in custody suites in England and Wales, the police *do* still have a monopoly over them in terms of who works in them, who manages them and who owns them. The unevenness of privatization, nationally, furthermore suggests not a seismic shift from one policing system to another; rather it points to more of a slow and partial drift towards a once again pluralised policing landscape, albeit of a different type to the one that existed prior to the birth of the 19th century modern police.[32] The findings are therefore consistent with the need identified by Jones and Newburn (2002) for a more nuanced theory of patterns of 21st century policing than the 'transformation of policing' thesis allows. That is, there is a need for a theoretical model which recognises continuity *and* change in terms of the extent and form that civilianization and privatization takes, rather than solely regarding recent shifts to civilianization and privatization as a new epoch. Though it may not be catchy, the present research suggests that it would be more accurate to rename the transformation of policing thesis something like 'ebbs and flows in the role of the public police in policing thesis'.

However, these concluding points come with a caveat. The data presented here only enable discussion of the extent of the transformation of police custody suites in terms of private sector involvement in working in, managing and/or owning

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[31] This is in contrast to the more centralized structure of the police in France, especially in Paris, which has the effect of suppressing pluralisation, such as citizen-involved forms of policing like neighbourhood watch (Mouhanna and Easton, 2014).

[32] For example, private security companies are similar to but not the same as policing agents such as the 19th century 'thief takers' (Zedner, 2006), given the extent of their reach into policing both globally and, in the case of police custody, locally.

them. Though important, in some respects, this only scratches the surface of the bigger and more thorny issues of what relations between the police and the private sector are like in hybrid and predominantly private suites, as well as how separate or similar the mentalities and cultures of public and private policing agents are. It is only by exploring these other matters that a fuller picture can be developed, not just of the extent to which police custody suites have been transformed and given over to the private sector, but also of how this has affected the form, texture and dynamics of relationships, as well as the mentalities, cultures and meanings that public and private policing agents ascribe to their jobs and, most importantly, how this affects detainees and their experiences of 'good' police custody.

Acknowledgements

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