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RESEARCH ARTICLE

Autistic Spectrum Disorder: Revealing the Plight of a Hidden Population and Recognizing Challenges with the Implementation of the Police and Criminal Evidence Act (1984)

JULIE ELAINE KING & ANTHONY CHARLES

U.K. policing practice is topical and the subject of considerable political debate. Especially in relation to vulnerable individuals, it is variously described as problematic, "heavy handed" or even unjust. In this article, the way that individuals who have autistic spectrum disorder (ASD) are treated by the police will be explored. Research undertaken across England and Wales confirms that not only are individuals with ASD some of the most vulnerable people in society, but also, they are often subjected to negative treatment by the police. Despite the enactment of the Police and Criminal Evidence Act in 1984, findings suggest that due process protections are not being appropriately applied, and that legislative rhetoric does not reflect reality, having worrying consequences for those with ASD. The lived experiences of research participants feature prominently in this article, revealing weaknesses in statutory safeguards. These weaknesses are not insignificant, potentially harming those with ASD and undermining confidence in the justice system. Reflecting on research findings, this article concludes that there is an urgent need for a strengthening of protections by the U.K. Parliament for ASD-affected people, including more effective training and a transformation of attitudes to realize both due process and justice.

Keywords: autistic spectrum disorder, Police and Criminal Evidence Act 1984, criminal justice system, policing, due process

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Introduction

In 1981, the Royal Commission on Criminal Procedure proposed a number of changes to policy and

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practices within the criminal justice system to strike a balance between police powers and suspects' rights.[1] The work of the Royal Commission was seen as critical to help ensure that police power was appropriately limited, with due process being cast as a central construct within the justice system. While not all the recommendations were accepted, the report of the Royal Commission led to the introduction of the Police and Criminal Evidence Act, which the U.K. Parliament enacted in 1984. This landmark statute was accompanied by the approval of Codes of Practice which represented one of the most dramatic changes to police practice since introduction of the "Judges Rules" in 1912. The Police and Criminal Evidence Act (PACE) was considered revolutionary in that it was the first legislative attempt to clarify and codify the investigative powers of the police and the rights of suspects:[2] something which, given accusations of heavy-handed policing during the Miner's Strike, was a fascinating public policy development.

Pragmatically, PACE simultaneously granted powers to the police such as "suspicion based" stop and search, while also containing provisions (such as those detailed for individuals in custody in Code of Practice C) to protect those suspected of criminal activity from the potential abuse of police authority. Although PACE established a baseline of protections, the statute went further and recognized three groups that were to be offered additional safeguards: juveniles; adults with learning difficulties; and those with identified mental health challenges.[3] The intention underpinning PACE was positive; however, despite the standards set out in the legislation and its accompanying Codes of Practice, a number of studies illustrate that there are recurring challenges relating to how it protects those who are particularly vulnerable when arrested and detained in police custody.[4] Reflecting upon key findings from the research underpinning this article, a consistent theme, suggesting faults in the implementation of PACE standards by the police, emerges. This is accompanied by a broader, national issue that there is a distinct lack of relevant data concerning how many vulnerable people are arrested and detained in police custody. This deficiency (which has serious policy and justice implications) must be seen in the context that that there is no national requirement for the police or any other criminal justice agency to record or retain statistics on how many vulnerable individuals are arrested in England and Wales.[5] Accordingly, the Home Office, Police and Crime Commissioners and Chief Constables, being faced with a paucity of data, are limited in their ability to develop policy, effect change in practice and ensure that appropriate responses to vulnerable individuals who come into conflict with the law are provided.[6] The reasons for this data not being routinely collected are not clear. However, possibly inadequate or a general absence of routine screening mechanisms may explain why this is so.[7] An additional dimension of concern is generated by the lack of comprehensive data collection by police forces: in the absence of statistical evidence of how many people with autistic spectrum disorder (ASD) enter the criminal justice system in England and Wales, it is virtually impossible to calculate precisely the extent to which those with

ASD are "in the system" and whether they are being afforded their PACE rights.[8] In fact, and as will be explored below, despite the apparent safeguards provided for in PACE, research evidence strongly suggests that processes, procedures and policing resources for those with ASD are inadequate, ineffective and even victimizing in nature.[9]

Arguably, problems associated with implementing the ASD-related provisions of PACE go beyond data collection, seeping into professional practice and the notion of preparedness. For instance, in the case of national police training, currently, that offered by the College of Policing which is designed to guide custody officers is not mandatory, nor are consistent standards concerning knowledge and appropriate responses to those with ASD in the custody suite promulgated across the 43 police forces in England and Wales.[10] In addition, custody officers receive very little training, if any at all, in the area of mental health issues and/or autism.[11] Such extends beyond knowledge to core activities such as the management of suspects and the development of standard operating procedures in police stations. In relation to assessment mechanisms for individuals who enter the custody suite too, the current instrument used by police officers (which is standardized across most forces in England and Wales) is problematic since "autism" is absent from most risk assessments and is thus unseen among the list of characteristics that require additional safeguards to be applied: ASD may in terms of assessment, then, be rendered invisible. Two additional problems compound the reality that ASD is likely to not be discovered if a person comes into conflict with the law. Firstly, the very concept of vulnerability and how it should be applied to policing remains ambiguous.[12] Arguably defeating the logic which led to the enactment of PACE, without a clear definition of vulnerability and guidance to custody officers, their discretion is optimized, with the accompanying potential for subjective criteria to be applied locally, as opposed to consistent approaches across England and Wales. The danger for differential treatment of those with ASD is thrown into stark relief by this possibility. Second, and relatedly, there is no evidence of any standardized approach in place to support individuals with ASD in custody, leaving police and criminal justice professionals ill- equipped to deal with the complexities and often-complex challenges that autism presents.

It is perhaps unfair to focus too intently on police personnel when the topic of training for justice staff is considered. The National Autistic Society has robustly reported to Parliament that:

> *Autistic people are more likely to be victims and witnesses of crime than offenders. They experience difficulties with social communication, social interaction and social imagination. They may have sensory difficulties and some coordination problems. Their behaviour may appear odd and can sometimes draw unnecessary attention, but in general autism is a hidden disability and it may not be immediately obvious to other people that the person has a disability.*[13]

Confirming this statement, a number of studies suggest that when police do identify the possibility of someone under their care possessing a mental health problem/disability, including autism, they consistently fail to put in place relevant protections, notably an Appropriate Adult to protect the

rights of the vulnerable individual.[14] In this context, the criminal justice system further marginalizes vulnerable individuals and perpetuates injustice.[15] From a legislative perspective, this also means that the will of Parliament is not being implemented: safeguards cannot be applied to invisible or unrecognizable individuals.

Set against well-evidenced failures within the criminal justice system, research to better understand what was arguably a relatively hidden field of practice in policing (and, more broadly, the criminal justice system) was designed to reveal the ways that those with ASD were being treated, if they came within the orbit of public policing. Intentionally, the research was undertaken with the aim of generating new understandings, but also to support police officers, so that they could authentically transform their practice and achieve that which Parliament wishes them to do.

Methodology

The methodology which was designed and implemented was qualitative in nature, to ensure that the voice of those impacted by contact with and/or had a role in the criminal justice system were heard.[16] Ethical approval was granted by Swansea University's Law School Ethics Committee.

A multi-constituency sampling frame was developed to ensure that four key groups of individuals were able to participate in the research process:

- Police officers
- Appropriate Adults
- Individuals with ASD who had come into conflict with the law
- Parents/carers of individuals with ASD who had come into conflict with the law

Sampling operated on a purposive basis.[17] Due to what was found in the literature concerning the invisibility of those who had ASD and had entered the justice system, a concerted effort was made to include them directly in the research process. A tacit recognition was afforded to the vulnerability of ASD-impacted individuals (something which was considered an ethical imperative). To enable the recruitment of ASD-impacted individuals and parents/carers, the Prison Reform Trust agreed to act as a gatekeeper and recruited individuals who were already known to the organization. To ensure the comfort of ASD-impacted individuals (and parents/carers), the Prison Reform Trust allocated a member of staff to accompany participants during the research process and they also, working with the lead researcher, offered a 1 h debriefing follow-up session to participants. Furthermore, to again ensure the comfort of individuals and to reassure them that the research was safe, engagement with them occurred at various venues connected to the Prison Reform Trust, and in that way, they had time to reflect and/or ask questions if they had any.

Two key data collection methods were deployed during the research: an online survey and semi-structured interviews. A similar approach was adopted with all participant constituencies in the administration of these data collection methods. Those

identified within each constituency—for instance, custody sergeants—were first invited to participate in the online survey, to generate a baseline of data, with one-to-one semi-structured interviews then following, to probe in more depth views and opinions offered via the questionnaires. The online survey offered both closed and open questions, to help inspire responses from individuals, while also retaining simplicity and clarity in questions.

For data collected via both the online survey (where open-ended views were shared) and semi-structured interviews, thematic analysis, drawing on Braun and Clarke's[18] six-step approach (see Table 1), was adopted. In addition, during interviews detailed contemporaneous notes were taken and interviews were, with the consent of participants, recorded and then transcribed.

Implementation of the research methodology positively led to the participation of more than 300 participants (see Table 2).

Table 2. Research participants. ASD: Autistic spectrum disorder.

Participant constituency	Online survey participants	Semi-structured interview participants
Police	204	23
Appropriate Adults	106	21
Individuals with ASD	2	3
Parents/carers	5	4
	317	**51**

It should be noted that within each participant constituency, particular individuals were removed from data analysis post-engagement in the online survey due to filtering. For example, in relation to custody officers, originally 238 officers completed the survey; 34 of these were, however, from the Northern Ireland police force. Due to legislative changes in the PACE codes, which rendered comparison between England and Wales and Northern Ireland difficult, their data was not included in that which was

Table 1. Six phases of thematic analysis.

Phase	Description of the process
Familiarizing yourself with your data:	Transcribing data (if necessary), reading and re-reading the data, noting down initial ideas
Generating initial codes:	Coding interesting features of the data in a systematic fashion across the entire data set, collating data relevant to each code
Searching for themes:	Collating codes into potential themes, gathering all data relevant to each theme
Reviewing themes:	Checking if the themes work in relation to the coded extracts (Level 1) and the entire data set (Level 2), generating a thematic "map" of the analysis
Defining and naming themes	Ongoing analysis to refine the specifics of each theme, and the overall story the analysis tells, generating clear definitions and names for each theme
Producing the report:	The final opportunity for analysis; selections of vivid compelling extract examples, final analysis of selected extracts, relating back of the analysis to the research questions and literature, producing a scholarly report for the analysis

thematically analyzed. Additionally, filtering rules were applied to data to ensure that participants had engaged with the criminal justice system within a 24-month window and confirm, in the case of individuals with ASD and parents/carers, that cases related to arrest and/or detention. The intention of this proactive approach to filtering was to ensure that data was collected from those individuals who could meaningfully contribute to the research, and whose experiences might illuminate understandings of the ASD–criminal justice system relationship.

Results

Thematic analysis of the data collected during research enabled five themes and 14 sub-themes to be discerned. The themes were grouped into five main sections specific to the research question: lack of autism awareness and understanding, problems with the identification of ASD, barriers to communication, implementing the Appropriate Adult and a lack of respect for the role of Appropriate Adults in the criminal justice system (Table 3 provides a summary).

Comprehensively, the data exposed significant problems in the way that those with ASD are understood, treated and protected within the criminal justice system. Each theme is summarized below.

Theme 1: Lack of Autism Awareness and Understanding

Despite PACE, which contains distinct provisions to protect vulnerable individuals such as those with autism, the translation of policy into effective policing practice does not appear to be occurring. Consistently, research participants confirmed that at a fundamental level, there was a lack of basic autism awareness among police and criminal justice professionals, which impeded their ability to relate to,

Table 3. Summary of themes and sub-themes identified from data of all respondent groups. ASD: Autistic spectrum disorder.

Theme	Sub-themes
Lack of autism awareness and understanding	Lack of training
	Ineffective training
	A need for autism-specific training
Problems with the identification of individuals with ASD	The police risk assessment
	Misinterpretation of behavior
	Disproportionate use of force and restraint
Barriers to communication	The custody environment
	Time constraints
	Lack of understanding of police procedures
Implementing the Appropriate Adult safeguard	Inconsistency and a lack of clarity
	Calling the Appropriate Adult medicalizing matters
	Cover your back
Lack of respect for Appropriate Adults in the criminal justice system	Disengagement from meaningful engagement in due process at the custody suite

communicate with and support vulnerable individuals. Individual police officers recognized that they had not been sufficiently prepared to engage with those who had ASD: " … we, [police] are nowhere near competent with this [autism awareness]" (Custody Officer 2). Moreover, parents/carers who reflected on how their family members were treated by the police confessed that service provision was impeded by a lack of understanding of this challenging condition:

" … they, [police] have very little understanding … they don't understand how to deal with them [individuals with ASD]." (Parent/Carer 1)

" … I felt they didn't know … they lacked autism awareness … and if they are ignorant of it … then they are going to treat [suspect] just like any other 18-year-old … ." (Parent/Carer 2)

In addition, one of those with ASD felt let down by the police and considered that the challenges that they faced were not understood, impacting the quality and degree of service delivery that they were offered: " … no, I didn't really get the feeling that they did understand [autism] … I don't feel that my sensitivities and stuff were taken into account really … " (Participant with ASD 1).

Specifically, data within this theme led to the identification of three key sub-themes which, being challenges which arise in relation not merely to police officers (who, while important, are but one part of the justice system) but the wider range of actors who engage with those who come into conflict with the law arguably deserve explanation. The three sub-themes are described below.

Theme 1, Sub-Theme 1: Lack of Training

Research participants revealed that those with professional roles, i.e. custody officers and Appropriate Adults, had not received any specific ASD training:

"I have received no [autism] training at all, in 13 years … ." (Custody Officer 17)

"No, to be fair … I don't recall any training whatsoever in autism." (Custody Officer 6)

"It's [training] non-existent … I would say that the majority of Appropriate Adults would not have any specific knowledge around autism." (Appropriate Adult 12)

"No … no [autism] training … you just have to use your common sense and try to do the best you can." (Appropriate Adult 3)

During the research process, a custody officer shared a personal perspective on how they approached the challenges of individuals with ASD coming into the custody suite. In their case, they shared that they had family experience of ASD and had modified what they knew to support their professional practice: " … if I didn't have a child with ASD I would say I would put myself as a '1 out of 10' [competency] based on the training we currently get" (Custody Officer 18).

Theme 1, Sub-theme 2: Ineffective Training

Reflecting upon the types of professional training that they were offered by their respective organizations, by consensus, participants said that what they were offered was not fit for purpose. Noting a shift toward e-learning, this was especially considered to be problematic and custody officers in particular explained that professional development and training was neither prioritized nor considered to be a priority; instead, ensuring that the custody suite was operational was more important:

" … they don't give you time to do it … I'll try … I could be 10 minutes into it … and I'm being interrupted." (Custody Officer 18)

" … the only time I will get to do any e-learning will be at 3 or 4 in the morning … but then … is not the time to be learning … it's not brilliant, don't like it, not a fan of it." (Custody Officer 1)

" … we've been told we have to put some input in … and this is … the least we have to do to comply with whatever the Home Office guidelines are … ." (Custody Officer 4)

Building upon what was perceived as a culture of not investing in training, some custody officers suggested that even when development opportunities arose, often at their completion, staff were not benefiting:

" … last year we had a compulsory package … for training … we googled all the answers, and had 100% … look our force is compliant … they're aware of [autism] … but really, we're not because we are not really doing it." (Custody Officer 18)

Some officers described the practice as nothing more than a 'tick the box' type activity:

" … I understand why e-learning is there … but … for me it is a bit of a tick-box exercise." (Custody Officer 10)

" … the training at the moment is poor … with the e-learning system … it's a tick in the box … that's what." (Custody Officer 16)

A clear statement (and concern) was raised by professionals that training resources and opportunities were insufficient to enable them to understand and meaningfully respond to the needs of those with ASD. Reflecting upon the data, it is clear that autism poses considerable ethical and procedural problems for the police, which highlights the need for training to be accompanied by a deeper learning about and understanding of ASD.[19] It is noteworthy that due to the often swift rate of legislative and policy change in criminal justice, there are many competing demands for training (often within limited time opportunities and on topics which officers may not have prior knowledge of or be interested in). Further, due to the range of statutory and other obligations placed on the police, they are subject to management practices, including targets and key performance indicators on which their funding partially depends: the very reality of training sometimes being linked to targets and cost efficiency can negatively impact on the learning experience,[20] impeding knowledge transfer and engagement. Especially given what participants said regarding existing e-learning approaches, the effectiveness of this method in relation to a topic such as ASD is arguably dubious, and may require, in light of the duties specified in PACE, revisiting. Ultimately, ineffective training for police officers can create significant negative impacts for those with ASD who come into conflict with the law.

Theme 1, Sub-Theme 3: A Need for Autism-Specific Training

While sub-themes 1 and 2 above can be considered worrying, research participants reflected upon the failings of current training approaches and identified what needed to be done to re-align practice and to upskill key professionals.

Firstly, it was recognized that, in order to understand the complex needs of individuals with ASD, a philosophical paradigm shift was necessary. Eschewing the notion of awareness training, a parent/carer powerfully called for the following: "I think we need, for all frontline

staff in the criminal justice system … we need training that is not just awareness … it is understanding, even on a basic level" (Parent/Carer 3).

Second, all participants commented that targeted training offered by experts and those who work directly with individuals with ASD was necessary—as opposed to police staff delivering training with little or no understanding of ASD:

" … you need the people with the understanding … and expertise [in autism] to train … teaching about how to manage people with autism." (Custody Officer 10)

" … I'm sure if I had targeted autism training … I'd be able to help them [autistic suspect] more than I do now." (Appropriate Adult 20)

" … people like me should be involved in delivering that training … use my experience to teach them [police]." (Individual with ASD 2)

When research participants thought about the way that the law operated and the need to ensure due process for those who come into contact with the criminal justice system, a third remedy concerning training for professionals was voiced. Rather than being ad hoc or optional, to ensure that every individual could access their rights under PACE (and, more broadly, criminal justice legislation), a more robust approach to authentic types of training should be adopted. This was succinctly articulated by a parent/carer: " … basic [autism] training should be mandatory … " (Parent/Carer 1).

Theme 2: Problems with the Identification of Individuals with ASD

Building upon what was stated in theme 1 above, data in this second theme focuses upon the lived reality (primarily of professionals) of identifying individuals with ASD. Identification is not a single-point process, but extends, in the context of these findings and in the lived experiences of individuals with ASD (as suggested by the research), into the range of support services that individuals access and the very way that they are treated. Perhaps unsurprisingly, many custody officers expressed their frustration and dissatisfaction about the extent to which the police risk assessment procedures accurately identified vulnerable people, particularly those with ASD. As alluded to above, the majority of risk assessments do not include autism—which raises an important question concerning compliance with PACE.

To help summarize a core concern that custody officers had, quotations below relate to the reliance which the police have to place on self-disclosure. Recognizing the deficiencies of adopted assessment tools, custody officers stated that:

"You can only get what that person's prepared to give you … ." (Custody Officer 1)

" … we won't know somebody's autistic until they come and tell us." (Custody Officer 15)

" … how to distinguish them … I wouldn't know." (Custody Officer 14)

" … if you are relying on the custody officer to recognize it [autism], it's never going to happen in a million years." (Custody Officer 1)

" … unless you've got previous experiences, you probably won't recognize autism." (Custody Officer 2)

The quotations above indicate that for many officers, ASD is something which is hidden and, in reality, inhibits their capacity to provide support and assistance for those who have that condition.

Theme 2, Sub-Theme 1: The Police Risk Assessment

While the Police Risk Assessment was viewed by most custody officers as a fairly useful guide, at the same time it was considered limited in some respects:

"It's not the best system in the world … it's just a guide." (Custody Officer 4)

" … there is nothing on there that actually says 'have you got autism' … it's up to them to tell us." (Custody Officer 10)

" … a lot of officers and staff aren't educated in the spectrum … when people [suspects] say yes, I've got Asperger's [or] I'm on the spectrum … I don't hear any questions after that … they record it and move on … ." (Custody Officer 18)

Concerns were raised that while the risk assessment provided an opportunity for detainees to self-disclose their condition, there was no clear guidance as to what should happen to the individual once the condition is detected:

"Right … we have established that this person has ASD … so now what?" (Custody Officer 4)

"I mean, there is not a lot we can do … nobody's treated any different … ." (Custody Officer 8)

A critical facet of the law is that it should provide certainty, especially when fundamental issues such as deprivation of liberty and freedom are concerned. What the data suggests is that police officers, while understanding the core tenets of PACE and the criminal law, wished for further and clearer guidance to be shared with them concerning ASD. Such would enable them to appropriately provide services for those who come into contact with the criminal justice system and to meet the due process rights of individuals with ASD.

Theme 2, Sub-Theme 2: Misinterpretation of Behavior

Lack of awareness and understanding of the characteristics of ASD invariably leads to misunderstanding and misinterpretation of behavior; for example, participants expressed how behavior such as "lack of eye contact" can be viewed as an "indication of guilt":

" … I think a lot of officers … perhaps feel that they [autistic suspect] are not telling them the truth … because [they] are not making eye contact … ." (Appropriate Adult 10)

"it's difficult to know whether they [autistic suspect] are being honest with me or not … ." (Custody Officer 6)

Whereas there are fundamental concerns regarding methodologies such as relying on eye contact, rather than legally prescribed, evidential standards, the fact that officers found behaviors by individuals with ASD to be at odds with those they were used to could raise the potential for bias. Understanding, therefore, of such behavior (and the need to accommodate it) becomes critical, in order for those with ASD to be treated fairly by the criminal justice system.

Related to the lack of understanding concerning ASD-related behaviors, an acute aspect of challenge concerns "meltdown." Many individuals with ASD experience what is referred to as "meltdown" behavior, which is frequently perceived as threatening and aggressive rather than a response to a stressful situation. In such circumstances, those with ASD become overwhelmed and individuals may not understand how their behavior resulted in arrest, and any physical form of

restraint, such as applying handcuffs, may exacerbate an already difficult situation:

" … when you are fighting because they are all jumping on you … three or four male officers trying to pin you down … it's quite traumatic." (Participant with ASD 2)

" … the [custody] environment would be obviously devastating to some people with autism … they are having a 'meltdown' … it's not bad behavior … it's because they are not understanding the situation they are in … " (Appropriate Adult 11)

Theme 2, Sub-Theme 3: Disproportionate Use of Force and Restraint

Taking further the points above, officers reported that they are not equipped to deal with and manage meltdown behavior associated with autism—and quite often match resistance with force to keep the individual restrained:

" … I got damaged, both my wrists, they twist me up with handcuffs because they think I am being aggressive and it's not … it's anxiety brought on by fear of what they are going to do to me … because I get anxious … they pinned me down … and I am only asking for them to move it [handcuffs] … because it's tight … they don't treat me good." (Participant with ASD 3)

Yet rather than being an instance of aggression, meltdown is something which is personal, individual and a response to stress. While similar to other challenging behaviors that police officers have to face, the context and operation of meltdown is very different. If officers were fully equipped with knowledge and understanding of ASD meltdown, this could assist them, for instance, in administering appropriate responses to individuals who enter the custody suite.

Theme 3: Barriers to Communication

All participants expressed, through the research, their dissatisfaction with the poor arrangements for both suspects and staff, within the custody environment, manifested mainly in a lack of privacy and the sheer intensity of noise along with the chaotic and frenzied atmosphere of the unit. Concerns were raised about how this directly impacts on the ability of custody officers and Appropriate Adults to manage and support autistic individuals in police custody. For example, a lack of privacy might prevent individuals from self-reporting their ASD—or any other confidential medical information, for that matter.

Theme 3, Sub-Theme 1: The Custody Environment

ASD has implications for those who are taken into unfamiliar and stressful environments. The majority of the participants expressed concerns that the design of the custody environment was unsuitable for people with autism:

"Oh, where do you start? I mean … I mean the whole set up of custody is the biggest challenge … this is a horrible place, and it can drive you to distraction … ." (Custody Officer 10)

"The custody environment is a problem … too noisy and unpleasant." (Custody Officer 21)

" … the custody environment is particularly triggering for anybody with anxiety, let alone with a spectrum disorder … a horrible place to be for someone with autism." (Custody Officer 13)

Participants with ASD described how they were not provided with any support while they were in custody:

" … no … they [police] put me in a cell … and shut the door." (Participant with ASD 1)

"there was no support or understanding [of ASD] … just thrown in a cell … ." (Participant with ASD 3)

One participant described police custody as a dreadful experience, reporting that they found the custody unit noisy with suspects shouting and banging on cell doors for hours. The isolation and lack of human contact left them feeling frightened and extremely worried about what was going to happen to them:

" … Yeah, the noises … that I was sort of isolated, in the police cell. … the noises from other people in their cells … listening to their screams … and what nots and stuff … not sure what might be going on, really … and for hours … . Yes … it is very daunting … ." (Participant with ASD 1)

They also stated that anyone who had been through the process would need a great deal of help to get over it:

" … I think anybody that's been through it [custody process] really … need a lot of therapy really. Seeing, experiencing things … will be with me forever … ." (Participant with ASD 1)

Given that a custody suite should, as PACE suggests, be a place for understanding and establishing facts, rather than a place of punishment, engaging with those suspected of offending and administering justice, the quotations above are deeply challenging. Justice is arguably a personal thing, with individuals, whether under PACE or under broader legislation such as the Human Rights Act (1998), possessing a range of rights. These rights themselves require specific environments for their application and operationalization. The discomfort, alienation and fear described above which those with ASD may suffer arguably are not conditions which enable proper engagement with the justice system —as such, they might properly be construed as barriers to justice, albeit unintended.

Theme 3, Sub-Theme 2: Time Constraints

In many ways related to the point above, custody officers reported how time constraints impacted on their ability to manage autistic adults effectively. The need, driven by central government for "swift justice," while perhaps admirable in the view of politicians and the public was not something which lent itself well to understanding those with ASD:

"It's like everything in custody … because you are up against the clock constantly … it's a world of speed … because everything we've done has to be done quickly." (Custody Officer 1)

" … they [suspect] are just a name on a piece of paper that you've got to process and get through custody as quickly as possible … ." (Custody Officer 11)

The frustration of custody officers was shared by Appropriate Adults, who said that:

" … they're [police] always in a hurry, aren't they … they call us at the last minute, then it's rush, rush, rush, 'oh, the clock is running out' … well … call us earlier, then." (Appropriate Adult 11)

" … they [police] are following a routine, its bang-bang-bang, you're a number … it's in and out … ." (Appropriate Adult 21)

The experiences and views above raise critical legal and ethical questions. In terms of the law, given the intentions of both the Equality Act (2010) and the Human Rights Act

(1998), challenging points can be made. Should not, to achieve effective due process (as articulated especially within Article 6(3) of the European Convention on Human Rights), authentic accommodation be made for those with ASD? Further, the balance between the swift administration of justice (see, for instance, the Crime and Disorder Act, 1998) and the needs of those who require time to think, respond and engage with the justice system appears to be out of synch in the context of individuals with ASD, raising questions regarding "justice" for those impacted. Both queries raise fundamental challenges in terms of the policy agenda of government (which seems confused in terms of those with ASD) and the very administration of the criminal justice system (which, to offer a balanced perspective, has within it officers who want to achieve justice and to understand those who are brought into custody).

Theme 3, Sub-Theme 3: Lack of Understanding of Police Procedures

Specifically on the issue of due process protections (which PACE and related legislation, as well as the Common Law, provide), concerns were raised regarding suspects' lack of understanding of police procedures:

"It's not easy to determine whether somebody actually understands … they will say yes, but they don't really understand … I wouldn't be entirely confident that they did know." (Custody Officer 19)

" … sometimes they tell me it [procedures] hasn't been explained to them … I think it may be they haven't understood, as opposed to [it] hasn't been explained to them … ." (Appropriate Adult 4)

" … [say anything] to get out of there … but not really understand what it meant … do you know what I mean?" (Participant with ASD 3)

As the preamble of PACE indicates, one of its primary purposes was to: " … make further provision in relation to the powers and duties of the police, persons in police detention, criminal evidence, police discipline and complaints against the police … ".[21]

Critically, the legislation should ensure that individuals who come into the orbit of the criminal justice system should understand (and have information about) their rights. What the quotations above suggest, however, is that officers themselves are not confident that the aims of the statute are being met. This raises significant concerns about the operation of the justice system (and whether it meets the needs of those within it) and the implementation of primary legislation (i.e. whether the intentions of the statute being met and whether decisions being made take appropriate account of such relevant factors as competence, autonomy and capacity). Irrespective of the circumstances of individuals who enter the justice system, each citizen has the right to understand why they are there, what they are being charged with/questioned about, and their protective rights. In fairness to the officers who participated in this research, they themselves questioned whether such safeguards were being honored in current policing practice.

Theme 4: Implementing the Appropriate Adult Safeguard

A major theme running across all interview groups was the inconsistency

relating to the requirement for and implementation of the Appropriate Adult safeguard, within and between various police forces. Custody officers often rely on how a person presents in custody, whether they appear to understand the overall custody process, and the suspect's ability to communicate effectively.[22] If the individual with ASD "appears" to understand what is going on, then it was reported they would be considered not to require the support of an Appropriate Adult. This highlights the issue that custody officers fail to recognize that while some individuals with ASD may have reasonable intellectual functioning, they will nevertheless struggle with communication, which will inevitably affect their ability to provide reliable and accurate information.

Reflecting broadly on what research participants said, while the Codes of Practice provide guidance on how PACE is applied, it is possible that police officers, in common with other public service providers, may be falling prey to a more general misunderstanding of prevailing perspectives of autism. Such has profound implications for the engagement of Appropriate Adults in the criminal justice system. Although, for example, a more positive rhetoric regarding conditions such as ASD is discernible from government ministers and the legislature,[23] clarification of and funding for operational and protective responses (such as Appropriate Adults) appear not to be treated with equal vigour. Across the U.K.'s public services a similar trend of rhetoric not meeting reality is visible, for instance in education and health,[24] suggesting that this is not merely a "police problem," but one due to the nature of the justice system and custody suites, which has worrying implications.

Theme 4, Sub-Theme 1: A Lack of Clarity and Inconsistency

Recognizing those suspects who may be deemed "vulnerable" is crucial if the Appropriate Adult safeguard is to be implemented. Yet it was evident from the data that custody officers were confused as to whether a suspect, either identified as or self-reporting with ASD, should be considered vulnerable for the Appropriate Adult safeguard, despite the guidance set out in PACE Code C requiring an Appropriate Adult to be called where a custody officer has "any doubts about the mental state or capacity of a detainee" (Code C: 1G):

"It would depend on where they are on the spectrum, whether they had an Appropriate Adult." (Custody Officer 12)

" … if we are satisfied that at least they have capacity that they are aware of the here and now, then they wouldn't necessarily require an Appropriate Adult … ." (Custody Officer 2)

" … it would depend on how severe [ASD] … and consideration is given to the detained person's wishes … ." (Custody Officer 178)

Rather worryingly, some custody officers believed the decision to have the support of an Appropriate Adult should be left up to the suspect. However, at the same time, it was suggested that some suspects may view having an Appropriate Adult as quite insulting; therefore, it should be left up to them whether they wish to take the Appropriate Adult safeguard:

" … because to a certain extent having an Appropriate Adult present can be quite

insulting to some people … ." (Custody Officer 2)

"It's up the autistic adult if they want an Appropriate Adult." (Custody Officer 21)

" … they [suspect] don't have to speak to you, they don't have to have an Appropriate Adult … they can refuse … ." (Appropriate Adult 6)

Irrespective of officer views, PACE makes it clear that there is a critical need for vulnerable individuals to have the support an Appropriate Adult can provide (and which is their right). It is arguably a significant flaw (as the data collected in this research suggests) that the specific needs of individuals with ASD appear not to be prioritized in current policing policy and practice, despite what legislation requires.

Theme 4, Sub-Theme 2: Calling the Appropriate Adult

The Appropriate Adult can perform a valuable and important role. What the research found, though, was that the provision of Appropriate Adults is not consistent across police force areas. While most police forces have Appropriate Adult schemes in operation, some custody officers reported experiencing difficulties in accessing Appropriate Adults:

" … we struggle to get Appropriate Adults here because it's a voluntary role, there's not always people available … and that can sometimes lead to some people being in custody longer than necessary." (Custody Officer 12)

" … and it's also a game of … we're not coming down … until the solicitor is there … and the solicitor is saying … I can't get there until the Appropriate Adult arrives … we find that a lot." (Custody Officer 17)

"The Appropriate Adult safeguard is not as it should be … it is there in black and white … but it's not adhered to [by the police] … ." (Appropriate Adult 22)

It is not clear why there is not a consistent approach to Appropriate Adult provision across police forces. What can be said, though, in the context of this research, is that they may be especially important for individuals with ASD who come into contact with the justice system. Accordingly, that there is inconsistency is problematic.

Theme 4, Sub-Theme 4: Medicalizing Matters

Data revealed that health care professionals play a central role in identifying whether a suspect is deemed "vulnerable." While custody officers reported that they "had the final call" regarding the Appropriate Adult, participants stated that they frequently delegate these decisions to health care professionals working within the custody units, primarily, it was suggested, to safeguard themselves from later criticism[25]:

" … this is decided by the mental health team." (Custody Officer 15)

" … they also call in what they now call the FME [Forensic Medical Examiner], they'll call them in … to protect themselves, the police will ask these health professionals, 'so you consider this person needs an Appropriate Adult,' and if the medic says, 'Nah' … they [police] won't call them in … I've seen that happen a few times." (Appropriate Adult 22)

" … that's a nurse's decision, that they'd be fit for detention … and unless someone's leg's hanging off, they're fit for detention really." (Custody Officer 14)

That, as suggested above, medical assessment approaches are being used as a tool for defensible decision-making, poses profound questions

regarding the pursuit of justice. England and Wales' common law tradition has always espoused a high standard of procedural rights, and a core element of these has been the provision of support and counsel to those who are vulnerable. Yet the quotation above implies that medicalized assessments may be used to circumvent the intention of PACE to provide Appropriate Adult support to those who may benefit from them. Building upon this worrying point, some Appropriate Adults reported that they were not always happy with the mental health assessments that occurred in police custody:

"I don't hold a lot of stick by some of the [mental health] assessments that go on in custody … the custody sergeant says the mental health nurse has seen them and they're fine … it always seems to be the same outcome … no, I'm not always happy with their decision on stuff." (Appropriate Adult 15)

" … because whether someone's fit for interview or whether someone needs the support of an Appropriate Adult, are completely separate questions." (Appropriate Adult 15)

One participant with ASD also raised concerns about the lack of autism awareness among mental health workers in custody:

" … I know they [custody units] have CPNs [Community Psychiatric Nurse] there … but they're for more mental health … I don't think they know about autism … they're trained to deal with the mental side of things … there's nothing there that gives them anything on autism or the difficulties that we face being autistic … ." (Participant with ASD 2)

Findings from the research suggest that in some cases, those engaged in health care or mental health care suffered from a similar lack of knowledge to custody officers when faced with individuals in the custody suite who had ASD. The provision of health and mental health professionals should be a safeguard to protect the rights of those who are vulnerable (and, indeed, to help certify vulnerability). However, the real-life experiences of those working in, and those subject to, the system suggest that in this area of activity, significant improvement in service provision is required.

Theme 4, Sub-Theme 5: Cover Your Back

In many ways reflecting the concern raised above regarding the role of medical professionals in assessing whether Appropriate Adults should be requested for those with ASD, some custody officers reported that they saw the requirement of an Appropriate Adult as nothing more than a "back covering" exercise to protect the "police case" rather than a supportive role for the suspect:

"In my experience the police see the Appropriate Adult as … there as a benefit to them, in a sense that they've covered their backs as it were … so then there's a bit of criticism that can't come their way." (Appropriate Adult 7)

"If we don't call an Appropriate Adult out, normally we should justify, by putting an entry [into risk assessment] somewhere along the lines, DP [Detained Person] doesn't need an Appropriate Adult for the following reasons … and then what you do is cover your back." (Custody Officer 18)

Some of the participants supported this notion, explaining that the police were more inclined to bring in an Appropriate Adult if the case was considered a "serious case" and there was a chance that the evidence or the case could be dismissed, viewing the requirement of an

Appropriate Adult as nothing more than a "tick-box" exercise:

" … one thing I have noticed, if you're talking about serious offenses, they are more likely to call us [Appropriate Adults] in, and the reason for that is under the Police and Criminal Evidence Act … S78 of PACE, defense lawyers, barristers, solicitors can apply … for the evidence to discarded, dismissed." (Appropriate Adult 22)

" … we seem to be called for serious offenses … because they [police] want it [the case] to go to court." (Appropriate Adult 11)

" … it [calling the Appropriate Adult] is ticking a box … that's so sad, I find." (Appropriate Adult 21)

" … tick box again, isn't it … [calling the Appropriate Adult]." (Parent/Carer 1)

Reflecting on what was said above, it could be argued that PACE, as a protective piece of legislation, is being used in a manner contrary to what the legislature intended. In particular, the legislation was not intended to create opportunities for police officers to strengthen potential criminal cases—in fact, the tiering of Appropriate Adult provision described by Appropriate Adults suggests an almost tariff-driven, rather than justice-driven (as envisaged in Code C of PACE), use of the Appropriate Adult facility.

Theme 5: Lack of Respect for Appropriate Adults in the Criminal Justice System

Throughout the research process, it was evident that Appropriate Adults like to be considered "professionals" within their role, yet participants stated that they felt the role was not taken seriously by police and some criminal justice professionals. Many of the Appropriate Adults perceived their role to be an important part of the custody process, explaining that they had started their training with certain expectations that were not met in reality, creating a "lacuna" between what they understood as their role, and what was actually required in practice. Many Appropriate Adults expressed concerns that their role is considerably underestimated and not valued or appreciated.

Theme 5, Sub-Theme 1: Disengagement from Meaningful Engagement in Due Process at the Custody Suite

This poor recognition of the Appropriate Adult role is perhaps associated with a poor understanding of the function and responsibility of the role. Appropriate adults reported that due to this lack of respect for the role there was often a feeling of conflict between them and some custody officers, stating that they found it difficult to "do the job, properly and efficiently" when they were met with hostility and resistance from some custody staff: "I think the issue with Appropriate Adults is you're not seen as knowing what you're doing, really … mainly because I think we're not seen as professional … ." (Appropriate Adult 17).

Some custody officers clearly misunderstand the nature of the Appropriate Adult role. The role is stated clearly within Code C, PACE and statutory guidance.[26] Whether due to pressures associated with the swift administration of justice or a lack of understanding of the Appropriate Adult role, some officers were deeply disparaging about them: " … because some of our Appropriate Adults aren't blessed with brain cells, they

are just really, really kind volunteers, who come along just to be supportive … ." (Custody Officer 11).

There is a subtle irony regarding the statement above, especially given what the Home Office said in its 2023 statutory guidance regarding Appropriate Adults: "1E In the case of someone who is vulnerable, it may be more satisfactory if the appropriate adult is someone experienced or trained in their care rather than a relative lacking such qualifications."[27]

The very act of supporting, when the challenges faced by those with ASD are considered, may be those things which enable them to fully engage with and comprehend the severity of being in a police custody suite: in this context, the support of Appropriate Adults is not simply well meaning, but deeply important.

Appropriate Adults who participated in the research frequently complained that they did not always see the suspect prior to interview and felt that this impacted on their ability to offer the vulnerable suspect "meaningful protection" in the environment of the custody unit:

"Oh no … we have awful problems … they [police] will not ask us, 'do you want to speak to them [suspect] first' … in any of the stations we are in … and they [police] are supposed to … under PACE … ." (Appropriate Adult 4)

"It's important to have a consultation with the suspect before interview … how can you meet the needs of that person … without a consultation?" (Appropriate Adult 11)

One Appropriate Adult raised concerns that delaying the interview process further impacts on the "ticking clock" of custody:

"In an ideal world we would see the person [suspect] every time [before interview] … but it just doesn't work like that, because often they [police] are running out of time, so they want to get it [interview] done as quickly as possible." (Appropriate Adult 9)

Throughout the research, the Appropriate Adults evidenced a strong understanding of PACE requirements, and there was a general feeling that, for a myriad of reasons, the police were not fully complying with the law. This, it was felt, could have negative consequences for those who have ASD, both in terms of their well-being and in the interests of achieving justice for them.

Some Appropriate Adults described how the police had a tendency to place all suspects recognized as vulnerable under the blanket term of "mental health" regardless of the type of disability:

" … normally when we get the job and I'll ask 'what is this person's vulnerability' … and it's just mental health … I will say 75% of the time I'm just told mental health … to me that's too vague … ." (Appropriate Adult 13)

" … that is their [Custody officers] favorite statement … 'Mental Health.'" (Appropriate Adult 13)

Balancing the weight of evidence collected during the research, what was expressed clearly by participants was that ASD simply was not understood by those making decisions about individuals who came into the custody suite. The use of generic labelling, for instance, such as mental health, could act to obfuscate the rights of those who were vulnerable (by, for instance, non-allocation of an experienced Appropriate Adult), and, further, denigrated the role of

Appropriate Adults themselves (by not recognizing their experience and the powerful influence of their supportive in-suite role).

Reflecting on the Data

Critically reflecting upon what was discovered through engaging with research participants, it is clear that recognizing, supporting and respecting individuals with ASD remains a significant challenge for the criminal justice system. Despite positive assertions within PACE and the exhortations of justice sector leaders, an alternative reality of staff poorly prepared, resources insufficiently allocated and legal rights not realized has been revealed. What is also clear is that the voice and needs of those with ASD are not, as they should be, heard or acted upon: this extends to the provision of support for those with ASD through advocacy and support services such as Appropriate Adults. Reflection on key findings suggests that currently, reform is required in three key areas of criminal justice system activity: first, training about and understanding of ASD; second, a need to hear (and respect) the voices of those with ASD; and, third, consistency in the provision of Appropriate Adult support and respect for the role.

The implications of these challenges are not insignificant, since an inability to recognize the traits associated with ASD will ultimately influence the way in which a person may be treated within the criminal justice system.[28] The data suggests that this is likely to lead to inadequate and inappropriate responses, potentially leading to considerable under-protection, even victimization, of individuals with ASD. Critically, this also brings into question the efficacy of due process rights and whether the police are complying with PACE.[29] All of these issues clearly defeat the primary aim of the Appropriate Adult role and undermine the importance of respect for the fundamental human rights stated in PACE, posing the question of whether equality and due process are giving way to potentially discriminatory practices for people with disabilities.[30] Data presented in this article powerfully evidences that current policy and practice is untenable, defeating what Parliament intended through PACE and requiring radical reform and the upskilling of justice system staff.

Conclusions and Recommendations

Throughout the research, a critical element of policing practice, as something which flows from community, consensual approaches, was discernible: that although the police have a clear law enforcement role, their functions extend beyond this. For instance, while arguably negative feedback was collected from custody sergeants regarding their

knowledge and subsequent treatment of those with autism, simultaneously, there was acute evidence of concern for welfare, and a demarcation of roles within the police service. Police officers, being community members also, were concerned and recognized that more could be done to augment their welfare role, as opposed to merely processing or managing defendants through the criminal justice system. This tension is important in the context of ASD and offers a profound insight into the tensions faced by police officers in contemporary justice settings (and the difficulties they face in executing their legal responsibilities).

For international readers in particular, it is important to situate the core roles of police officers in England and Wales in relation to the state and their communities. From the time of Sir Robert Peel's development of early policing approaches in London, it has remained the case that the police are members of the community (not military) who serve the community (not the government).[31] Although, over time, there has sometimes been political interference in the role of the police, for example with the Miners' Strike in the 1980s,[32] on the whole, a distinct community focus has been maintained by police officers and their chief constables. In the context of this article, though, the foundational realities associated with the police are important: the police do not exist to "catch out" or entrap the public. Instead, their role is one of promoting community (often referred to as "neighborhood"[33]) forms of engagement, working with different groups and individuals to secure their welfare, desistance from offending and even participation in local services such as social services and local government.[34] Despite increasing politicization of the role of the police, it is important to perceive the service in this context, since (and data from this research confirms this) they are not inherently oppositional in terms of supporting individuals with ASD: rather, it could be argued that there are institutional and practice barriers which inhibit police officers, and which need addressing.

Despite the standards set by PACE and its accompanying Codes of Practice, evidence from this study reveals that this legislation is not currently achieving the required objectives, when used to support individuals with ASD. The Codes were designed to provide clear guidelines to assist custody officers in their role; yet the data suggests that police officers do not always comply with the key provisions of PACE, with police practice varying widely between and within police forces in the U.K.[35]

The evidence presented in this article reveals that procedures for identifying and supporting individuals with ASD have proved to be inadequate, posing numerous challenges for the police and criminal justice professionals. The data particularly illustrates the difficulties associated with the application of the Appropriate Adult safeguard, which are further compounded by the fact that some police officers and criminal justice professionals neither recognize nor respect the importance of the Appropriate Adult role.

Individuals with ASD deserve their due process rights and, as individuals who are sometimes extremely vulnerable, it is essential that awareness raising, training and a revisitation of

PACE requirements be undertaken by police officers and other key actors in the criminal justice system. From screening to hearing the voices of ASD individuals in the custody suite, the research suggests that a transformation of service provision is urgently required to ensure visibility and the meeting of needs.

Robust implementation of PACE could revolutionize the experience of individuals with ASD. With respect to not only criminal justice legislation but also laws concerning equality (such as the Equality Act, 2010), "reasonable adjustments" would help to mitigate anxiety, afford individuals their due process rights and provide safeguards for some of the most vulnerable people in the justice system. Currently, much needs to be done to improve the lot of those with ASD: it is hoped that, through this article, the voices of those working in and impacted by the criminal justice system will be heard and that change will be forthcoming.

In an article which focuses intently upon the needs of ASD individuals, it is fitting that the final statement be offered by a research participant. This person, who had a very difficult time when they came into conflict with the law, expresses in a heartfelt manner why PACE matters so much and why a higher quality of service provision is deserved by those with ASD. The quotation below exemplifies why urgent change is necessary:

> *" … I remember telling them [police] once … I don't feel right … something's not right, and one of the people that worked in the custody block looked at me in my face and laughed … and made me, like I was … just feel like a nobody … and that's how I felt for years … no help at all … just get you processed and get you into a cell … but … it's just the norm … isn't it?" (Participant with ASD 3)*

Notes

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1 Leigh, *The Royal Commission*.

2 Bevan et al., *The Investigation of Crime*; Dixon, *Legal Regulation and Policing*.

3 Cummins, *A Path Not Taken?*

4 Brooker et al., "Lord Bradley's Review"; Inspectorate, "Welfare of Vulnerable People"; National Appropriate Adult Network, "There to Help"; Adebowale, "Independent Commission"; Barry and Angiolini, *Report of the Independent Review*; and Baker, "Deaths after Police Contact."

5 Brooker et al., "Lord Bradley's Review"; Loynes, "Impact of Autism"; King and Murphy, "Systematic Review"; and Inspectorate, "Welfare of Vulnerable People."

6 Brooker et al., "Lord Bradley's Review"; and Inspectorate, "Welfare of Vulnerable People."

7 Jacobson, "No One Knows"; McKinnon and Grubin, Health Screening of People in Police Custody"; and McKinnon, Thorp, and Grubin, "Improving the Detection of Detainees."

8 Archer and Hurley, "Justice System Failing."

9 Palmer, "Still Vulnerable"; Jacobson, "No One Knows"; Jones and Talbot, "No One Knows"; Archer and Hurley, "Justice System Failing"; National Appropriate Adult Network, "There to Help"; Dehaghani, "Custody Officers"; Barry and Angiolini, *Report of the Independent Review*; Baker, "Deaths after Police Contact."

10 Association of Chief Police Officers, "Guidance on Responding to People"; Inspectorate, "Welfare of Vulnerable People."

11 Hodgson, "Vulnerable Suspects"; Cummins, "Boats against the Current"; Adebowale, "Independent Commission"; Barry and Angiolini, *Report of the Independent Review*; and Baker, "Deaths after Police Contact."

12 Dehaghani, "Custody Officers."

13 National Autistic Society, "Professionals: Criminal Justice."

14 Cummins, "The Other Side of Silence"; Palmer, "Still Vulnerable"; Gudjonsson, *Psychology of Interrogations*; Talbot, *No One Knows*; Brooker et al., "Lord Bradley's Review"; Association of Chief Police Officers, "Guidance on Responding to People"; Archer and Hurley, "Justice System Failing"; Crane et al., "Experiences of Autism Spectrum Disorder"; Dehaghani, "Custody Officers"; Helverschou et al., "Personal Experiences"; and Dehaghani and Bath, "Vulnerability and the Appropriate Adult."

15 Debbaudt, "Are You Prepared"; Cummins, "The Other Side of Silence"; and Browning and Caulfield, "Prevalence and Treatment."

16 Macdonald and Peacock, "Routledge Handbook of Disability."

17 Campbell et al., Purposive Sampling."

18 Braun and Clarke, "Using Thematic Analysis in Psychology."

19 Miles-Johnson, "Insufficient Guidance."

20 Honess, "Mandatory Police Training."

21 UK Parliament, "Police and Criminal Evidence Act."

22 Dehaghani, "Custody Officers."

23 UK Parliament, "Mental Health Bill"; and HM Government, "National Strategy."

24 Grant et al., "Unmet Need"; Ince et al., "Why Are We Stuck in Hospital?"; and Marshall-Tate, Chaplin, and McCarthy, "Is 'Transforming Care' Failing."

25 Nemitz and Bean, "Protecting the Rights"; Dehaghani, *Vulnerability in Police Custody.*

26 Home Office, "Guidance: PACE Code I 2023."

27 Ibid.

28 Archer and Hurley, "Justice System Failing."

29 Mayes, "Persons with Autism"; Jones, "Persons with Intellectual Disabilities"; and Archer and Hurley, "Justice System Failing."

30 Ashworth, "Crime, Community and Creeping Consequentialism"; and Skinns, *Police Custody.*

31 Andrews, "The 'Peelian Principles.'"

32 Phillips, "Strategic Injustice"; and McCabe et al., *Police, Public Order.*

33 Her majesty's inspectorate of constabulary (HMIC), "PEEL: Police Effectiveness 2016."

34 McGuire, Evans, and Kane, *Evidence-based Policing*.

35 Haskins and Silva, "Asperger's Disorder and Criminal Behavior"; Brooker et al., "Lord Bradley's Review"; and Skinns, *Police Custody.*

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