



Stop the clock? Predictors of detention without charge in police custody areas

Criminology & Criminal Justice
10(3) 303–320

© The Author(s) 2010

Reprints and permission: sagepub.

co.uk/journalsPermissions.nav

DOI: 10.1177/1748895810370331

<http://crj.sagepub.com>



Layla Skinns

University of Sheffield, UK

Abstract

The recent consultation exercise, used to review the Police and Criminal Evidence Act 1984, highlighted that the detention clock (used to detain suspects without charge) does not allow the police sufficient time to conduct their investigation, especially in complex cases. In this review it was suggested that the detention clock – which normally allows detention without charge for 24, 36 or in exceptional circumstances 72 hours – should be stopped if suspects are unfit due to intoxication or they require a period of rest or to allow legal advisers, health professionals, interpreters and others time to arrive at the police station. Drawing on data collected from two sites – one public, one private – this article quantitatively and qualitatively explores the factors affecting the length of detention in police custody. I argue that there is insufficient evidence to introduce a stop-clock system and that the increase in the length of detention to pre-PACE levels suggests that it may not have struck the intended balance between suspects' rights and police powers.

Keywords

length of detention, multi-agency, multi-professional, PACE, police custody

Introduction

In 1981, the *Royal Commission on Criminal Procedure* (RCCP) noted that there was too much uncertainty about the length of detention without charge for suspects in police custody because the police were left to interpret the wording of the Judges' Rules, including for instance whether or not an offence was serious enough to warrant detention. These uncertainties meant that the RCCP argued in favour of setting clear time limits on the length of detention without charge, as well as imposing reviews of detention to check whether continued detention was necessary. It was noted that '[a]ny time limit must, in our view, enable the police to do their job properly but must have due regard to the rights of the person detained' (RCCP, 1981: para. 3.100, p. 54). The Police

Corresponding author:

Layla Skinns, Centre for Criminological Research, School of Law, Bartolome House, University of Sheffield, Winter Street, Sheffield, S3 7ND, UK

email: L.Skinns@sheffield.ac.uk

and Criminal Evidence Act 1984 (PACE) was enacted in January 1986, embodying many of the recommendations from the RCCP and laying out, among other things, clear guidelines about the length of detention without charge and proposals for safeguarding suspects' rights during detention.

For non-terrorist suspects, who are the focus of this article, under PACE and following amendments implemented as a result of the Criminal Justice Act 2003, suspects arrested for indictable offences (which are also known as either-way offences) can be detained for a maximum of 36 hours, although the period of detention has to be extended from 24 to 36 hours by a superintendent or above. For non-indictable offences, the limit is 24 hours. In exceptional circumstances, those suspected of indictable or non-indictable offences can have their detention extended to 72 hours by a magistrate. The PACE clock puts pressure on officers to expedite cases so that suspects do not spend unnecessary time in police custody. After all, this is in the interests of both suspects, who may experience police custody as frightening, isolating and boring, and the police, given the resources required and the pressure exerted on them when dealing with suspects who are identified as being at risk as a result of intoxication or mental health problems, for example, which may necessitate them being put under constant watch. In theory, detention reviews, conducted by inspectors rather than custody officers, which take place before six, 15 and 24 hours are used to check on whether progress is being made with the investigation and therefore to exert additional pressure on custody staff and those investigating the suspected offence to expedite the case.¹ Furthermore, section 41(6) of PACE allows the detention clock to be stopped, but only when the suspect is taken to hospital because they are in need of medical treatment. Any questioning that takes place in hospital or on the way there counts towards the length of detention.²

Previous research has shown that there are a variety of factors that are likely to influence how long a suspect is detained in police custody, although most of this research dates back to shortly after the implementation of PACE. There are five key studies of the length of detention which were conducted between 1979 and 1994 by Maguire (1988), Brown (1989), Irving and McKenzie (1989), Bottomley (1991) and Phillips and Brown (1998).

The findings about the factors affecting the length of detention can be grouped into three categories. First, there are factors that are connected to the suspect, including age, sex, offence seriousness and case disposal (as a proxy measure of the complexity and seriousness of the offence and the needs of the offender). The findings for age are mixed: juveniles were detained for longer than adults because of delays waiting for appropriate adults (Maguire, 1988; Phillips and Brown, 1998) or they were detained for shorter than adults (Brown, 1989) or age was not a predictor (Bottomley, 1991). Bottomley (1991) found similarly mixed findings for sex in that women were detained for both longer and shorter periods of time, depending on the police station and its facilities. For instance, if there were no female officers available in the rural police station then female suspects were detained for longer, while the police waited for a female officer to attend.

However, four of the five studies were unanimous in finding that those suspected of more serious offences were more likely to spend longer in police custody. Maguire (1988) also argued that offence seriousness interacted with the strength of the evidence. He said that PACE:

has reduced detention lengths in the case of people suspected, on weak evidence, of more serious offences, but at the other end of the scale, the processing in connection with minor and/or readily admitted offences has not been expedited – and may even be slowed up under some circumstances. (Maguire, 1988: 26)

Similarly, four out of the five studies found that case disposal predicted length of detention, although they did not agree on which kind of disposal contributes to lengthier detention. Maguire (1988), Brown (1989) and Bottomley (1991) all found that being charged contributed to lengthier periods in detention compared to other kinds of disposals. By contrast, Phillips and Brown (1998) found that, where no further action was taken or when bailed to return, this contributed to lengthier periods in detention than being charged or cautioned. Irving and McKenzie (1989) did not look at case disposal because they argued that it was not relevant to their analysis, which took the time from arrival to first interview as the dependent variable not the time from arrest to disposal.

Second, there are police-related factors, such as the time of arrest and strength of the evidence, which impact on length of detention. For instance, Irving and McKenzie (1989) found that the delay to first interview was greatest when a suspect was arrested between 10pm and 2am and the least when a suspect was arrested between 10am and 2pm. They also found that strength of the evidence, which was significantly correlated with case disposal, was a better predictor of the time taken to interview a suspect. They concluded that ‘it seems highly likely that the longest delays to first interview occur in cases where evidence is complex and strong and where an arrest is made between 2200 and 0200’ (Irving and McKenzie, 1989: 153). Phillips and Brown (1998) also found that where officers felt that there was insufficient evidence in the case then this prolonged detention because the officer had to spend more time investigating and collecting the necessary evidence. In addition, Brown (1989) explored whether length of detention was predicted by two other police-related factors, namely, whether the suspect was interviewed and the workload of the police station, but he found no significant effect.

Third, there are factors related to other professionals, such as legal advisers and appropriate adults, who regularly work in police custody areas. For legal advisers, the evidence is mixed: Brown (1989) and Bottomley (1991) found that requests for legal advice did prolong detention, while Maguire (1988) and Irving and McKenzie (1989) argue strongly that they did not; for example, Maguire argues that it was only in a minority of cases (8%) that legal advisers were delayed by an unacceptable amount of time (over three hours).³ However, it could be that the consultation rate rather than the request rate is the important contributing factor to length of detention due to delays in contacting the legal adviser and the legal adviser arriving (Skins, 2009b). Similarly, the evidence is also mixed in relation to appropriate adults. This may be because different types of appropriate adults arrive after different lengths; volunteers arrive at least as quickly if not quicker than parents, who both arrive more quickly than social workers (Pierpoint, 2008).

It is possible that there are other factors that were not measured in these key studies that impact on the length of detention such as police officers’ attitudes to suspects and to PACE itself. Brown (1989) speculates that custody officers’ attitudes to PACE may partly explain some of the unexplained variance in his regression model. Choongh (1997: ch. 4)

has also documented how police custody is used as a form of social discipline, meaning that suspects who are locked into a regular relationship with the police and/or are non-compliant might find that their length of detention is affected by whether or not the police wish to condition them into accepting their authority, discipline them or put pressure on them to make them confess, albeit in ways which conform with the rules. For example, one suspect recounted how he would rather have confessed to allegations made against him, than be put back in his cell indefinitely (Choongh, 1997: 100).

Police discretion means that PACE is not mechanistically translated and applied to the police custody process and consequently police officers' attitudes towards suspects and PACE might have a real impact on suspects' length of detention. One such example of this is in relation to the authorization of detention and detention reviews. In theory, these safeguards exist to expedite cases and to check whether a suspect's detention is justifiable. However, it has long been noted that such safeguards are undermined by the routinized way in which they are conducted, meaning that few custody officers challenge arresting officers' decision to arrest and detention reviews amount to no more than an Inspector saying 'are you alright, mate' through the hatch on the cell door (Dixon et al., 1990: 130). Therefore, Dixon et al. (1990) argued that the police followed the letter, but not the spirit of PACE.

While the topic of length of detention has been little discussed in recent years, it remains important. As the RCCP (1981: 95) noted, lengthy periods of detention amount to oppressive and stressful circumstances particularly for vulnerable suspects. This may have a variety and combination of serious consequences for the criminal justice process, which are costly to the suspect and the public, such as unreliable evidence, false confessions, suspects waiving their right to legal advice, evidence being rendered inadmissible in court and flawed prosecutions. It is also important to re-visit this topic partly to up-date the now out-of-date research, particularly given some of the cost-saving changes to the police custody process such as workforce modernization resulting in civilianization and privatization of police custody, but also best value tendering for law firms providing advice in police stations, and the piloting of virtual courts to name but a few developments.

Of particular importance, however, is the ongoing review of PACE, which began in March 2007 and has thus far consisted of three meetings by the PACE Review Board and two public consultation exercises. At the time of writing, the responses to the second consultation exercise were due for publication at the end of August 2009. However, in the first consultation exercise, 39 respondents commented on the length of detention (33 of whom were police officers or representatives from the National Policing Improvements Agency or Her Majesty's Inspectorate of Constabularies). In sum, these respondents noted that there have been few amendments to the detention clock since its inception. As well as arguing that the PACE clock should be extended, they also argued that instead of the detention clock running continuously from arrival at the police station to disposal, that it should be stopped when 'awaiting the attendance of or by healthcare professionals, interpreters, appropriate adults, solicitors; rest and refreshment periods; and periods when the person is unfit for interview, particularly through substance misuse' (Home Office, 2007: 13). This is because it was believed that, without stopping the clock, it was difficult to adhere to some of the other safeguards set down in PACE. These proposed changes to the detention clock are troubling because they rest on the assumption that the suspect and organizations, other than the police, are the main contributors to delays to the

police custody process. Moreover, in an increasingly evidence-based criminal justice world – where only empirical research of the highest quality will do – it would be inappropriate to base any changes to the PACE clock on the views of such a small number of self-selecting respondents.

In part, the Home Office (2008) provided a sensible response to these suggestions. It rejected the idea of extending the PACE clock and of having a stop-clock system, saying that there was insufficient evidence to support such changes and that it was a matter to be resolved at the local level, rather than through legislation. It also argued that instead of amending the PACE clock it is looking at ways of speeding up the custody process while safeguarding suspects, for example, by changing the way legal advice is provided presumably through initiatives with unproven success such as the Criminal Defence Service Direct (Bridges and Cape, 2008).

In this article, I draw on the existing research and my own recent mixed-method research to answer three key questions:

1. What is the length of detention and how does it compare to lengths of detention found in previous research?
2. What factors contribute to the length of police detention?
3. What are the implications of these findings for the relevant parts of the review of PACE?

To answer these questions, I first describe the research base. Second, I explore the length of detention in the present research and compare it with findings from previous research. Third, by integrating the quantitative and qualitative data, I explore the factors that contribute to the length of detention, which I have grouped into those related to suspects, the police and other professionals. Finally, I conclude by arguing that the strength of the police-related factors alone in predicting the length of detention in the quantitative analysis suggests that even if the clock were stopped for the arrival of professionals such as legal advisers, doctors and appropriate adults that this may not alleviate delays to the police custody process. I also argue that the apparent increase in the length of detention to pre-PACE levels suggests that it has not had the desired impact of striking a balance between suspects' rights and police powers.

The Research Base

This article is based on data collected in two police custody areas between February and September 2007. These two custody areas were selected because they had a similar throughput, but one was privatized and the other publicly run. The first site, in a city in the south-east of England, was predominantly privatized in that the majority of staff on any shift were civilians who were employed by a private security company and responsibility for the building had been devolved to the company through a public-finance initiative. This site has been given the pseudonym Sunnyside and the private security company Security Ltd. The second site was in a London borough and was predominantly publicly run; all staff on any shift were police officers or civilians employed by the police. This second site was given the pseudonym Gormiston. It is also worth noting that Gormiston had fewer cells and that on average there were fewer staff per shift in Gormiston than in

Table 1. Data collected in the research

Type of data	Sunnyside	Gormiston	Total
Week-long participant observation	February 07 (week one)	July 07 (week two)	Two-weeks' participant observation
Interviews with professionals	15	15	30
Interviews with suspects	9	14	23
Custody records for February 07	234	200	434
Custody records for July 07	232	217	449
Total no. of custody records	466	417	883

Sunnyside, which suggests that, while both sites had similar throughput, Gormiston was in fact a busier custody area.

The research employed multiple strategies of research in order to examine the police custody process from a variety of perspectives, which could then be triangulated. The data collected are shown in Table 1. This was in keeping with the epistemological position of the author, which is broadly in line with that of Derek Layder's (1998) adaptive theory. Adaptive theory postulates that the social world is multi-dimensional and comprised of both subjective and objective elements. He thus advocates the use of multiple strategies of research to explore the different dimensions of social reality and encourages researchers to fuse inductive and deductive forms of reasoning. In this respect, the process of building theory is partially driven by existing theory and research, which helps to frame the parameters and scope of the research and the data collection process. At the same time, the process of theory development is malleable and allowed to unfold and adapt during and after data collection and analysis.

In each site, a seven-day period of participant observation, in which all shifts were observed, was followed by interviews with a range of professionals, including police officers, public and private police staff, legal advisers, appropriate adults, doctors and drug workers and suspects. The final stage of the research was to collect detailed data from the custody records including information about the reason and circumstances of arrest; the time and date of their arrest; requests for services from legal advisers, appropriate adults, doctors and drug workers; release and case disposal. On inspection of the data, it became apparent that information collected on appropriate adults and drug workers was not routinely recorded, which prevented a full examination of the impact of appropriate adults and drug workers on the length of detention.⁴

The qualitative data were analysed thematically using NVivo. The quantitative data were analysed using binary logistic regression, rather than ordinary multiple regression because the data on the length of detention were not normally distributed. Multinomial logistic regression, where the dependent variable has more than two categories, was also ruled out partly because of the potential difficulties with interpreting the analysis, but also because SPSS only allows the direct entry method, where all the independent variables are entered simultaneously into the model, for this type of logistic regression.

The dependent variable in the logistic regression was length of detention (from arrival to disposal); that is the time taken from arrival at the police station to when the case was disposed of, for example, with no further action, a caution, police bail or charge. This

variable was selected, rather than time from arrival to release, for example, because the time from arrival to disposal is what counts in relation to the PACE detention clock. This variable is divided into two categories of less than and more than 12 hours, which is the mid-point for the 24-hour period of time for which suspects are mainly detained.

There were four steps to the binary logistic regression. First, the qualitative research and the existing research were used to develop a list of possible predictors of the length of detention. Second, bi-variate analysis was conducted to examine the relationships between the independent variables and the two dependent variables. Only those variables that were significantly associated with the dependent variable were considered for inclusion in the analysis, except where variables overlapped and measured the same predictor.⁵ Third, these variables were tested for multi-collinearity – that is, the strength of associations between the independent variables – using multiple linear regression analysis. This is because if the independent variables are associated it is likely that they will explain the same portion of the variance as each other, which might reduce the overall success of the model. Fourth, multiple runs of the binary logistic regression were completed, using a sequential approach; groups of independent variables, determined by the researcher, were added into the analysis, according to their theoretical importance. In particular, the group of police variables were added first, since the police largely control the custody process, and the group of suspect variables were added last since they are arguably the least powerful players (Choongh, 1997: 81).

Length of Detention

After PACE was introduced, the mean length of detention was found to range from four hours 24 minutes in 1986 to six hours 40 minutes in 1993–4. Irving and McKenzie (1989) found that the mean length of detention was eight hours 35 minutes in 1986, but since their research was only carried out in one police station this could have been an artefact of the police station and so the upper range for the mean length of detention is taken from Phillips and Brown's (1998) study. However, even based on Irving and McKenzie's (1989) higher estimate of eight hours 35 minutes, it would seem that the two custody areas in the present research detained suspects for longer than was the case in the past. Overall, the mean length of detention was nine hours and 59 minutes, which shows greater similarity to the pre-PACE levels noted by Irving and McKenzie in 1979 as 10 hours 45 minutes. Of course, it may be inappropriate to compare the figures from the present and previous research because of the different methods of data collection and since the differences in lengths of detentions may be as much to do with differences between the police stations, as to do with changes over time. Therefore, I tentatively conclude that while there was a decrease in the length of detention immediately after PACE, since then, there has been an upward trend towards pre-PACE levels.

In the present research, there were also clear differences between the two police stations in the length of detention of suspects, which raises questions about whether they processed suspects differently. In the privatized custody area, suspects were detained on average for 10 hours 42 minutes, which was significantly higher than in Gormiston, where the average length of detention was nine hours 7 minutes ($t = -3.078$, $p < .01$, $N = 871$).

Given that both custody areas had a similar throughput of suspects, the most likely explanation for the differences in the length of detention was that because Gormiston was busier, staff were under pressure to process suspects more quickly than in Sunnyside. This explanation was confirmed during participant observation in Sunnyside. On day two, a custody officer said that arresting officers viewed the custody area as a 'holding centre' and did not inform the custody officers of progress with the case. This officer argued that this situation had worsened since the creation of a permanent custody team, which meant that street-based officers no longer spent any time working in the custody area and so lacked empathy for colleagues who worked there permanently. However, there may have been other factors that contributed to this significant difference between the sites, such as the seriousness of the offences and offenders brought to the two police stations, which are explored below.

There are two other points to note about the length of detention. The first is that both Maguire (1988) and Irving and McKenzie (1989) found that the length of detention variable had a bi-modal distribution, clustering around detention reviews at four to six hours and 12–18 hours. In the present research this was not the case; rather, the data had multiple modes and were positively skewed, that is, they were clustered at the lower end of the scale. This implies that decisions about disposal are made at multiple points throughout the course of detention and they are no longer clustered around detention reviews.

Second, while the detention clock stops when a case is disposed of, some suspects are deemed unsuitable for police bail (e.g. because of the gravity of the offence or the likelihood that they will abscond) and are held in custody until the next available court session when a magistrate decides whether or not to remand them in prison. For example, Brown (1989) found that 23 per cent of those charged remained in detention after charge and that this was more likely for serious offences such as robbery or sexual offences. In the present research, this figure was much lower at around 11 per cent. Nevertheless, a proportion of these suspects, particularly those arrested on a Thursday or Friday, would have spent the weekend in police custody, which was stressful and uncomfortable for suspects because of limited access to fresh air, smoking facilities and showers. It was also stressful for the police because of the resources required to effectively manage a full custody area.

Findings

Here, I explore the findings from the sequential binary logistic regression performed using SPSS to assess the predictors of length of detention (from arrival to disposal). These findings are integrated with the qualitative analysis, which is used to add depth and provide explanations for the quantitative findings.

As I already noted, the police-related factors were the first and most important group of independent variables to be included in the analysis. These included: the area (Gormiston or Sunnyside); time taken for the police to contact a legal adviser (less than or more than one hour); day of arrest (weekday or weekend); time of arrest (6am–2pm or 2pm–6am); and the time between arrival and first interview (no interview, less than or more than seven hours). Second, multi-professional factors included whether suspects consulted with a legal adviser (yes or no) and whether the suspects consulted with a doctor and, if so, how long this took (did not consult, suspects waited less than or more than

one hour). Finally, suspected-related factors were assessed including risk (identified risk or no risk), the reason for their arrest (violent, sexual and property offences or disorder or breaches and warrants and other offences) and case disposal (charged, no further action, cautioned, bailed or other). The latter two were included to give an indication of the complexity and seriousness of the offence. These variables were checked for multicollinearity. The tolerance values were greater than .1 and the variance inflation factors (VIF) statistics were less than 10, which suggests that there were not serious problems of collinearity (Field, 2005: 260).

In total, data from 839 cases were included in the logistic regression analysis of predictors of length of time to disposal. Table 2 in the appendices shows the tests of the model. The Hosmer Lemeshow test showed that the model was a good fit on the basis of the five police-related factors alone ($\chi^2 = 5.77, p = .504$); this indicated that the model does not differ significantly from the observed data. This was similarly the case after the addition of the two multi-professional factors ($\chi^2 = 6.81, p = .557$) and the three suspect-related factors ($\chi^2 = 13.13, p = .108$). In addition, the omnibus tests of model coefficients showed highly significant changes from one block to the next, which suggests that adding the multi-professional and suspect-related groups of factors to the police-related factors in the first block significantly improved its ability to predict the length of detention. Furthermore, the largest estimates of R^2 were .454, .464 and .504 respectively in the first, second and third blocks of the analysis. This means that the model explained approximately 50 per cent of the variance in the data.

Table 3 in the appendices shows the odds ratios for the final block of the analysis. The Exp (B) or odds ratio refers to the change in odds of being in either of the response categories for the dependent variable (detained for more than or less than 12 hours), if there is also a change of 1 in any of the predictor variables (Tabachnick and Fidell, 2007: 462).

Suspect-related factors

In the regression model, the best suspect-related predictors of length of detention were reason for arrest and case disposal, which were a proxy for the seriousness and the complexity of the case. Unlike in the extant research (Maguire, 1988; Brown, 1989; Bottomley, 1991; Phillips and Brown, 1998), being arrested for a serious offence did not prolong detention; compared to those suspected of violent, sexual offences or property offences, those arrested for breaches or who were wanted on warrant had 2.1 times the odds of being detained for more than 12 hours before disposal. This is surprising partly because violent, sexual offences and property offences are more serious and potentially more complex, which would suggest the reverse pattern in the data. However, it may have been that decisions about the disposal of suspects arrested for breaches and warrants were delayed because staff knew that bail was unlikely and that these suspects would have to attend the next available court; this would have meant that staff were not in the same rush to process these cases. In addition, those suspected of disorder and 'other' offences (including fraud and drug offences) had about half the odds of those arrested for violent, sexual and property offences of being detained for more than 12 hours ($p < .05$). Certainly, for the disorder category of offences, this suggests that the seriousness of the offence has a bearing on the length of detention.

In terms of case disposal, compared to those who were charged, suspects who had no further action taken against them ($p = .15$), who were cautioned ($p = .10$) or who were given police bail ($p < .00$) had .7, .6 and .4 times the odds of spending more than 12 hours in police custody and those given an 'other' disposal (including being sectioned or transferred to hospital or a different police station) had three times the odds of having their case disposed of after more than 12 hours ($p < .05$). That is, if suspects were charged or given an other disposal they were more likely to spend more than 12 hours in custody and, if they had no further action taken or were given police bail or a caution, they were less likely to spend more than 12 hours in custody. The finding that being charged prolonged detention is similar to Maguire (1988), Brown (1989) and Bottomley's (1991) findings, but contrasts with those of Phillips and Brown's (1998).

The finding is plausible given that decisions about charging, sectioning or sending suspects to hospital could have been delayed by waiting for relevant information and for professionals to arrive (such as doctors, appropriate adults, approved social workers and/or psychiatrists). This variable also gives an indication of the impact of the seriousness of the offender and the offence on the length of detention; after all police bail and cautions are likely to be reserved for those suspected of less serious offences and where the suspect has few, if any, previous convictions. It may also be the case that the association between being charged and longer periods of detention was explained by delays in decision making by the Crown Prosecution Service (CPS). Limited resources meant that no data were systematically collected on the CPS during the research, but interviewees talked about the delays the CPS caused, particularly outside of office hours.

Police-related factors

The police-related factors that contributed to the length of detention were: investigative requirements (indicated by the time to first interview); night-interviews; and the timing of the arrest, but not the workload of the police station. The investigative demands on the police were encapsulated by this solicitor, when asked about what contributed to delays in the police custody process:

[A]vailability of officers, availability of interview rooms, and for example, a person who's arrested, they may be dealt with by the case progression unit, or it may be a dedicated team, Sapphire Squad for sexual offences, Robbery Squad, and so on. It may be that a person is arrested at a certain time, and that squad doesn't come on duty until four hours later, when they come on duty they then need to read the notes, on reading the notes they realize that a witness statement hasn't been taken ... then they ask the inspector to authorize a section 18 search of the home address, and that inevitably involves further delay. (GMS12)

Similarly, a solicitor in Sunnyside remarked during day one of participant observation that delays were caused by difficulties contacting the investigating officers, time spent waiting for officers to attend or their notes to arrive from a different police station. These two solicitors suggest that aspects of the police investigation can contribute to delays. Moreover, previous research has shown that the police investigation prolongs detention, particularly when there is insufficient evidence (Phillips and Brown, 1998).

The importance of the police investigation was confirmed by the regression analysis. Of the police-related factors, the best predictor of length of detention (from arrival to disposal) was the length of time from arrival to first interview, which is a proxy measure for the length of the police investigation. Suspects for whom the investigation took more than seven hours were more likely (six times the odds) to be detained for more than 12 hours, while those investigated for less than seven hours were less likely (.2 times the odds) to be detained for more than 12 hours compared to those who were not interviewed at all. However, these findings should be interpreted cautiously given that the timing of the interview was also likely to be partially affected by the availability of legal advisers and appropriate adults.

Although it could not be included in the regression model because of concerns about multi-collinearity, the use of night interviews also affected the length of detention. It was surprising to find that some suspects (10 per cent of all suspects interviewed, according to the custody records) were interviewed at night-time, especially as this practice is discouraged by PACE because suspects are entitled to an eight-hour rest period over night (see PACE Code C: 12.2). One possible explanation is that suspects agreed to a night-time interview in the belief that it would expedite their release from custody. When faced with the choice of being detained over night or possibly being released after a night interview, they may have had the same 'let's get it over with' mentality as I have described elsewhere in relation to the reasons suspects decline legal advice (see Skins, 2009a). This is confirmed by the bi-variate analysis, which showed that those interviewed between 6am and 11pm compared to those interviewed between 11pm and 6am had half the odds of being released after 12 hours. That is, being interviewed at night was associated with shorter period of detention and suspects were right to think that agreeing to a night interview would reduce rather than prolong their detention.

The timing of arrests significantly contributed to the length of detention. The day of arrest did not significantly predict the length of detention, although the trend was for those arrested at the weekend to be more likely to spend more than 12 hours in police custody, which is logical given that this is when the police custody areas were busier. However, the time of arrest significantly predicted the length of detention, but only at the 10 per cent level; that is, suspects arrested on the late- or night-shift (2pm–6am) had 1.6 times the odds of being in police custody for more than 12 hours, compared to those arrested on the day shift (6am–2pm). This was also found to be the case by Irving and McKenzie (1989).

Yet this was not the experience of a Gormiston suspect (GMD8) arrested for driving without insurance. She described how, on this occasion, she had been lucky to be released after only two hours in police detention; she was arrested at 9pm and released at 11pm. She felt that she had only been dealt with so quickly because the arresting officers wanted to conclude her case before the end of their shift. She said that this was unusual and had not happened when she had been arrested before and detained at the same police station. It may have been that the length of her detention was also shortened on this occasion by the relatively unserious nature of the offence (although not the seriousness of the offender as she had multiple previous convictions, including for supply of crack cocaine) and the fact that she did not consult with other professionals such as legal advisers, medical staff and appropriate adults.

The findings in relation to the type of police station, public or private, were surprising. While there was a significant difference between the two areas in terms of the length of time spent in police custody – with suspects in the privatized custody area being detained for significantly longer – the logistic regression showed that when other variables affecting the length of detention were held constant the type of police station was no longer of importance. This suggests that neither the privatized nor the publicly run police station fared better or worse in terms of the time taken to reach a decision about the disposal of suspects' cases. That is, they performed equally well, even though the publicly run custody area was busier. Therefore, as Brown (1989) found, workload may not be a contributing factor to the length of detention. Here, Liebling's (2004) distinction between the public sector and public service ethos are also helpful. The latter refers to values such as 'impartiality, accountability, trust, equity, probity and service' (Liebling, 2004: 120). Perhaps staff in Gormiston had more of a public service ethos than those in Sunnyside; although, this is not to say that this public service ethos cannot be transferred between the public and private staff in the police custody area in Sunnyside in the future.

Multi-professional factors

The qualitative research suggested that there were a number of multi-professional factors, which contributed to prolonging suspects' detention. In some respects, the organization that was blamed depended on who you asked, as this solicitor explained:

[T]he police always blame the solicitors, and the solicitors always blame the police ... Or sometimes we both blame the interpreters, or God help, the appropriate adult, especially if they come from social services, and it becomes a bit of a stand-off because ... they seem to have a rule now that they won't attend until the solicitor arrives, which makes my hackles rise. (GMS12)

However, only two multi-professional factors could be included in the regression analysis, which were whether a suspect consulted with a legal adviser or doctor. Both variables significantly predicted the length of detention. If a suspect consulted with a legal adviser they had 1.7 times the odds of being detained for more than 12 hours, compared to those that did not consult with a legal adviser; although, this finding was only significant at the 10 per cent level. This suggests that consulting with a legal adviser prolongs detention in police custody. Legal advisers prolonged a suspect's detention because of the time taken for them to be contacted and for them to attend or telephone the police station. However, the time taken for legal advisers to consult with their client could be misleading, as – in the present research (Skinns, forthcoming) and in previous research (Dixon, 1991) – it was common practice for the police to arrange appointments with legal advisers which coincided with when the police were ready to interview the suspect and when the appropriate adult was likely to arrive.

Similarly, consulting with the medical staff also prolonged detention. Compared to suspects who did not consult with the medical staff, those who waited for less than one hour to consult the doctor had 2.4 times the odds of being detained for more than 12 hours, while those who waited more than one hour had 1.7 times the odds of being detained for more than 12 hours. This is a curious finding as it means that those who consulted with the doctor within an hour were more likely to be detained for longer. It may have been that the

more urgent cases were seen within an hour to enable the doctor to ascertain their fitness for detention and to enable the police to decide the best course of action. Certainly, the most common reason for requesting medical attention on the first occasion was to assess suspects' fitness for detention, interview and/or charge.⁶ It may also have been the case that these suspects were also the most vulnerable (e.g. because they were intoxicated or mentally ill) and were more likely to spend longer in custody while they sobered up or while professional help was sought. That is, there was an interaction between the fitness of the suspect and whether they consulted with the doctor.

Given that doctors were not permanently based in either site, it is not surprising that they prolonged detention, for example, because of the time taken for them to be contacted and for them to arrive. In Sunnyside, there were few complaints about delays being caused by the medical staff; this may have been because the company sub-contracted to provide the medical services in the custody area were fined £120 per case when they were late for an arranged consultation. However, in Gormiston, suspects reported having to wait from a few minutes to four, five and up to 10 hours to see the doctor; for example, GMD13 said he waited for 10 hours to see the doctor about his medication for depression, by which time he was about to be released. Similarly, police officers GMS10 and GMS5, said that there could be delays before the doctor arrived because they were at a different police station when they received the request for their services. This doctor in Gormiston acknowledged that delays occurred because on-call doctors simultaneously covered all the operational police stations in two neighbouring London boroughs:

So at the moment we're still run on the old system and that means that if I start at 7, if at 7.05 in the evening, three stations call me and they've each got six people, then the 18th person isn't going to be seen for hours, I mean, because I can't work any faster, and that's one of the problems they're trying to address at the moment. (GMS9)

These difficulties were illustrated by an incident observed on the second day of participant observation. The police custody staff were annoyed because the doctor had left the custody area after only 30 minutes without seeing everyone that the police had requested him to see. This included one suspect who had been put on constant watch because he was an unknown risk; because the doctor had not assessed this suspect, he remained on constant watch. In relation to this suspect, one sergeant argued that situations such as this unnecessarily prolonged detention and used up time on the PACE clock. However, perhaps the doctors were not entirely to blame for such delays. During the seventh day of participant observation a doctor argued that delays arose because the police failed to prioritize the calls to the doctor, which meant he wasted his time by leaving one police station to go to another only then to be re-called to the first police station, even though the request to see the doctor was not urgent.

Because of limited record-keeping the quantitative data could not shed light on the contribution made to the length of detention by appropriate adults and the qualitative research provided contradictory findings. As in previous research (e.g. Jacobson, 2008), difficulties obtaining an appropriate adult were believed to delay the police custody process. A solicitor in Sunnyside said that it was impossible to get an appropriate adult outside of office hours, which sometimes meant that young people and vulnerable adults were unnecessarily detained overnight, as there was little else that the police could do. Similarly, police officers in both sites complained that the lack of availability

of appropriate adults, particularly overnight, caused 'huge' delays to the police custody process. For example, this police officer said:

[W]e get frustrated because we're ready to go, solicitor's here, the clock's ticking away, and we could have this person interviewed and out, but because there is no [appropriate adult], we have to extend their detention by another eight hours, and keep them in custody until the morning, when everybody can be arranged to attend, and it makes a bit of a mockery of it. (GMS5)

However, volunteer appropriate adults in Sunnyside, such as SNS15, were keen to point out that they did not delay the custody process as they simply arrived for pre-arranged appointments and, as Pierpoint (2008) found, volunteer appropriate adults attended on average within 37 minutes when asked to arrive at the police station as quickly as possible, although she acknowledges that parents and social workers may not arrive as fast at this.

Taken together the evidence suggests that the multi-professional context provided opportunities to buck-pass the responsibility for delays with a case. Nevertheless, the consequences were the same for the suspect in that they had to put up with prolonged periods of time in unpleasant circumstances. Unless suspects are kept fully informed about why they were waiting, for example, through the detention review process, they also are likely to feel unfairly detained.

Discussion and Conclusion

The research suggests that there is a tendency towards growing lengths of police detention, although it is not clear why this is so. Had the factors predicting the length of detention in the present study been remarkably different to those found in the previous research conducted in the 1980s then this may have provided some clues. However, the findings from the present research were broadly similar to the findings from the existing research, even though the context of the police custody process has changed. Suspects who were: charged, arrested between 2pm and 6am, requested a legal adviser and/or in need of an appropriate adult were likely to spend longer in police detention. There was one exception to this similarity between the present research and previous research; those arrested for serious offences spent shorter periods of time in custody than those arrested on warrant, recall or for bail offences.

The difficulties in explaining the tendency towards growing lengths of detention perhaps stem from the fact that the research and analyses have not exhausted all possibilities. In the regression model, 50 per cent of the variance remained unexplained. One unexplored contributing factor is undoubtedly the role of the CPS, but that alone is unlikely to account for the remaining portion of unexplained variance. This gap in the model and therefore in the ability of the research to explain the growing length of detention is likely to be connected to individual, cultural and structural factors affecting the implementation of PACE, which include changing attitudes to PACE among suspects and the police; after all it was largely police officers that responded to the review of PACE. There may also be managerialist pressures on the police (e.g. to detect crime) and on legal advisers (e.g. to cut legal aid costs), which were not measured in the research and are perhaps even unknowable, but which also contribute to the (growing) length of detention.

There are also some new findings to emerge from the present research. They are new in that they involve independent variables that have not been examined in the main extant

research studies on predictors of the length of detention. For this reason they are also unlikely to yield many clues as to why length of detention appears to have increased. Some of the new findings are that lengthier police investigations (indicated by the time between arrest and first interview) and consulting with a doctor within an hour (indicating higher suspect need and vulnerability) prolonged detention, while participating in a night interview contributed to shorter periods of police detention.

The regression model also has another interesting albeit slightly unsurprising implication given that the balance of power rests with the police in the police custody process (e.g. Choongh, 1997: 81; Britton, 2000). Since the police-related factors alone predicted such a large proportion of the variance in the length of detention, this suggests that, in fact, police-related factors are more important than the multi-professional and suspect-related factors in predicting the length of detention.

If police-related factors are more important predictors of the length of detention than others then, contrary to what was suggested by respondents to the PACE consultation, a stop-clock system cannot be justified by the need to wait for legal advisers and appropriate adults, and for suspects to sober up. As the Home Office (2008) has argued, there is insufficient evidence on which to base such a claim.

Furthermore, there are other risks inherent in the introduction of a stop-clock system. As I have already demonstrated in other research on access to legal advice (see Skins, 2009a, 2009b), suspects are willing to waive their due process rights provided they are released from custody. A stop-clock system would further entrench this behaviour; rather than simply believing that requesting a legal adviser, doctor or appropriate adult would prolong detention, it really would prolong detention. In addition to this, vulnerable suspects (requiring an appropriate adult) are likely to spend a disproportionate amount of time in police custody compared to someone arrested for a similar offence, by virtue of them being vulnerable. This seems unfair and inappropriate, given that they are likely to be mentally disordered or a juvenile. The likelihood of disparities in the length of detention of vulnerable suspects implies that a stop-clock system might also undermine procedural fairness. Paternoster et al. (1997) define one aspect of procedural fairness as consistency in the decision-making process. Yet, a stop-clock system would formalize inconsistency within the decision-making process by detaining vulnerable suspects for disproportionately longer. And as Tyler (2003) has argued, procedural fairness is important not only to the likelihood that citizens accept decisions made by legal authorities, but also to the likelihood that citizens will view those organizations as legitimate and that they will comply with them. Aside from these utilitarian considerations, it is also morally right that suspects are treated fairly in police custody. Therefore, it is wise that the Home Office has decided not to introduce a stop-clock system.

Regardless of the reasons for it, the growing length of detention to pre-PACE levels, but also the similarity between the present findings and those from the 1980s raises an important question about whether PACE has had the desired impact on striking a balance, as intended, between suspects' rights and police powers. In relation to the length of detention the answer to the question may be no. But in relation to other aspects of the Act, such as access to legal advice, then the answer may be yes and no: more suspects request legal advice, but a larger proportion of those requests go unmet (Skins, 2009b). This suggests that there are reasons to be cautious about whether any proposed changes to PACE will have the fully desired impact.

Notes

1. In terms of detention reviews, PACE diverged from the recommendations of the RCCP who had argued in favour of detention reviews before six and 24 hours.
2. The definition of 'in need of medical treatment' is contentious. For example, in the case of *Littlejohn v. South Wales Police* [2008] WL371097 a suspect was held for two weeks under police supervision in hospital, waiting for drugs that he was alleged to have swallowed to pass out of his system, which they did not. Because he had already been questioned for 24 hours and was not in immediate need of medical treatment the Judge released him.
3. Sanders et al.'s (1989) important research on legal advice in the police station did not directly examine length of detention, but they did find that (a) the police used time as a factor to dissuade suspects from seeking legal advice and (b) there were delays contacting solicitors.
4. For example, in the initial risk assessment conducted by the police, 19 per cent of suspects were identified as at risk either because they were a juvenile and/or because they were mentally disordered or impaired, but only 13 per cent of all suspects consulted with an appropriate adult, meaning that 32 per cent of vulnerable suspects who were identified as mentally disordered, impaired or as a juvenile during the initial risk assessment did not consult with an appropriate adult.
5. For example, the type of interview overlapped with time to first interview and time to first interview was chosen. Consulted with a solicitor overlapped with the time taken to consult with a solicitor, once contacted; the former was selected. Risk overlapped with fitness; risk was selected because of concerns that fitness would overlap with the time taken to consult with the doctor.
6. The doctor was called on the first occasion to examine suspects for issues related to fitness (43%), medical problems (23%), drugs/alcohol (18%), mental health problems (14%) and to take samples (3%).

References

- Bottomley, C. (1991) 'The Detention of Suspects in Police Custody: The Impact of the Police and Criminal Evidence Act 1984', *British Journal of Criminology* 31(4): 347–64.
- Bridges, L. and E. Cape (2008) *CDS Direct: Flying in the Face of the Evidence*. London: Centre for Crime and Justice Studies, King's College London.
- Britton, N.J. (2000) 'Race and Policing: A Study of Police Custody', *British Journal of Criminology* 40(4): 639–58.
- Brown, D. (1989) *Detention at the Police Station under the Police and Criminal Evidence Act 1984*. Home Office Research Study No. 104. London: HMSO.
- Choongh, S. (1997) *Policing as Social Discipline*. Oxford: Clarendon.
- Dixon, D. (1991) 'Common Sense, Legal Advice and the Right of Silence', *Public Law* 233–54.
- Dixon, D., K. Bottomley, C. Coleman, M. Gill and D. Wall (1990) 'Safeguarding the Rights of Suspects in Police Custody', *Policing and Society* 1: 115.
- Field, A. (2005) *Discovering Statistics Using SPSS*. London: SAGE.
- Home Office (2007) *Review of the Police and Criminal Evidence Act 1984: Summary of Responses to the Public Consultation Exercise (16 March–31 May 2007)*. London: HMSO.
- Home Office (2008) *PACE Review: Government Proposals in Response to the Review of PACE 1984*. London: Home Office, Policing Powers and Protection Unit.

Irving, B.L. and I. McKenzie (1989) *Police Interrogation: The Effects of the Police and Criminal Evidence Act 1984*. London: Police Foundation.

Jacobson, J. (2008) *Police Responses to Suspects with Learning Disabilities and Learning Difficulties: A Review of Policy and Practice*. London: Prison Reform Trust.

Layder, D. (1998) *Sociological Practice: Linking Theory and Social Research*. London: SAGE.

Liebling, A. with H. Arnold (2004) *Prisons and Their Moral Performance: A Study of Values, Quality and Prison Life*. Oxford: Oxford University Press.

Maguire, M. (1988) ‘Effects of the PACE Provisions on Detention and Questioning: Some Preliminary Findings’, *British Journal of Criminology* 28(1): 19–43.

Paternoster, R., R. Bachman, R. Brame and L.W. Sherman (1997) ‘Do Fair Procedures Matter? The Effect of Procedural Justice on Spouse Assault’, *Law and Society* 31(1): 163–203.

Phillips, C. and D. Brown (1998) *Entry into the Criminal Justice System: A Survey of Police Arrests and Their Outcomes*. London: HMSO.

Pierpoint, H. (2008) ‘Quickening the PACE? The Use of Volunteers as Appropriate Adults in England and Wales’, *Policing and Society* 18(4): 397–410.

RCCP (1981) *The Royal Commission on Criminal Procedure*. London: HMSO.

Sanders, A., L. Bridges, A. Mulvaney and G. Crozier (1989) *Advice and Assistance at Police Stations and the 24-Hour Duty Solicitor Scheme*. London: Lord Chancellor’s Department.

Skinns, L. (2009a) ‘Let’s Get It Over With’: Early Findings on the Factors Affecting Detainees’ Access to Custodial Legal Advice’, *Policing and Society* 19(1): 58–78.

Skinns, L. (2009b) ‘I’m a Detainee Get Me Out of Here’: Predictors of Access to Custodial Legal Advice in Public and Privatized Police Custody Areas’, *British Journal of Criminology* 49(3): 399–417.

Skinns, L. (forthcoming) *Police Custody*. Cullompton: Willan.

Tabachnick, B.G. and L.S. Fidell (2007) *Using Multivariate Statistics*. Boston, MA: Allyn & Bacon.

Tyler, T.R. (2003) ‘Procedural Justice, Legitimacy and the Effective Rule of Law’, in M. Tonry (ed.) *Criminal Justice*, pp. 283–357. Chicago, IL: University of Chicago.

Appendices

Table 2. Model tests

Block	Hosmer and Lemeshow goodness of fit	Omnibus tests of model	Cox and Snell estimate of R ²	Nagelkerke estimate of R ²
1. Police-related factors	$\chi^2 = 5.766$ d.f. = 8 $p = .673$	$\chi^2 = 334.527$ d.f. = 7 $p = .000$	.329	.454
2. Multi-professional factors	$\chi^2 = 6.811$ d.f. = 8 $p = .557$	$\chi^2 = 343.861$ d.f. = 10 $p = .000$	.336	.464
3. Suspect-related factors	$\chi^2 = 13.128$ d.f. = 8 $p = .108$	$\chi^2 = 372.65$ d.f. = 18 $p = .000$	.365	.504

Table 3. Predictors of the length of detention (from arrival to case disposal)

Groups of factors	Predictors of time to disposal	B	Significance	Exp(B)	95.0% CI for EXP(B)	
					Lower	Upper
Police	<i>Area</i>	0.26	0.19	1.30	0.90	1.93
	<i>Time taken to contact a legal adviser</i>		0.09			
	Less than one hour	0.62	0.03*	1.85	1.05	3.28
	More than one hour	0.26	0.52	1.30	0.60	2.88
	<i>Day of arrest</i>	0.22	0.28	1.24	0.84	1.84
	<i>Time of arrest</i>	0.47	0.06	1.60	0.97	2.62
	<i>Time between arrival and first interview</i>		0.00**			
	Less than seven hours	-1.67	0.00**	0.19	0.10	0.37
	More than seven hours	1.81	0.00**	6.11	3.80	9.85
	<i>Consulted with a legal adviser</i>	0.52	0.08	1.68	0.95	3.0
Multi-professional	<i>Time taken for the doctor to consult with the patient, once contacted</i>		0.01*			
	Less than one hour	0.87	0.01*	2.38	1.19	4.77
	More than one hour	0.55	0.02*	1.73	1.08	2.79
	<i>Reason for arrest</i>		0.00**			
Suspect	Disorder	-0.53	0.07	0.59	0.34	1.04
	Breach, warrant or recall	0.75	0.03*	2.11	1.06	4.19
	Other	-0.60	0.03*	0.55	0.32	0.95
	<i>Risk</i>	0.02	0.93	1.02	0.66	1.58
	<i>Case disposal</i>		0.00**			
	No further action	-0.38	0.15	0.68	0.41	1.14
	Caution	-0.53	0.1	0.59	0.32	1.09
	Police bail	-0.88	0.00**	0.42	0.23	0.74
	Other	1.13	0.03*	3.10	1.14	8.44
	Constant	-1.99	0.00	0.14		

Biography

Layla Skinns is a Lecturer in criminology at the School of Law, University of Sheffield. This paper was written while she was a Teaching Associate at the Institute of Criminology and the Adrian Socio-Legal Research Fellow at Darwin College, University of Cambridge. The research was conducted while she was also a Research Fellow at ICPR, King's College London and supported through a research grant from the Economic and Social Research Council (RES-000-22-1719).