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Police legitimacy in context: an exploration of “soft” power in police custody in England

Police
legitimacy
in context

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Abstract

Purpose – The purpose of this paper is to examine how police authority – in its “soft” form – is used and understood by staff and detainees in police custody in England, examining how these meanings are shaped by this unique police setting. It is argued that the nature of this setting, as fraught and uncertain, along with the large volume of citizens who come into contact with the police therein, makes police custody the ultimate “teachable moment”.

Design/methodology/approach – The present paper is based on in-depth qualitative data collected between March 2014 and May 2015 in four custody suites (in four forces). In each site, the researchers spent three to four weeks observing and then interviewed 10-15 staff (largely police officers, detention officers but also a few other criminal justice practitioners) and 10-15 detainees. In total, the paper is based on 532 hours of observing and 97 interviews (47 with staff and 50 with detainees).

Findings – One way that the staff used their authority in the custody suites in the research was softly and innocuously; this entailed for example staff communicating in a respectful manner with detainees, such as by being deliberately polite. The authors conclude that this “soft” power was a dynamic, processual matter, shaped in particular by the physical conditions of the suite, the uncertain and insecure nature of detainees’ circumstances, as well as by the sense of disempowerment they felt as a result of being deprived of their liberty and autonomy, all of which contributed to police custody being the ultimate “teachable moment”.

Originality/value – The paper draws on a range of qualitative data collected from both staff and detainees in four types of police custody suites as part the “good” police custody study. It therefore makes an original contribution to the field which has tended to rely on cross-sectional surveys of citizens not policed populations (Harkin, 2015; Worden and Mclean, 2017).

Keywords Uncertainty, Power, Legitimacy, Coercion

Paper type Research paper

1. Introduction

This paper is concerned with the exercise of power in police custody suites in England[1]; in particular, the focus is on forms of “soft” power, the proverbial “velvet glove” which, at least in the context of police custody suites, can sometimes conceal the “iron fist”[2]. Such “soft” power is also the focus of procedural justice theory. In particular, it is contended that

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procedurally just treatment of citizens by the police – involving the interlinked concepts of the quality of treatment, the quality of decision-making and the trustworthiness of the police – is of greater importance to police legitimacy than other things such as assessments of police effectiveness or the favourableness of outcomes. Police legitimacy, in turn, affects whether citizens co-operate with the police in the shorter-term and comply with the law in the longer-term (Worden and Mclean, 2017; Tyler *et al.*, 2015; Donner *et al.*, 2015). This turns each police-citizen encounter into a “teachable moment” which shapes citizens’ understandings of the nature of their relationship with the police (Tyler *et al.*, 2014, p. 4). Broadly speaking, police legitimacy is defined as the sense of obligation that citizens feel to obey the police and other legal authorities. However, drawing on Beetham (1991, pp. 15-16), scholars have extended this understanding of police legitimacy to include more than simply an expressed consent to being policed by citizens. They point as well to the importance of the normative justifiability of power, that is, whether the rules that policing agents employ are premised on shared beliefs between them and policed populations and, furthermore, the legality of police actions; that is, whether their behaviour conforms to established rules (Jackson *et al.*, 2013, pp. 13-14; Bottoms and Tankebe, 2012; Tyler, 2004, 2011; Sunshine and Tyler, 2003)[3].

As noted above, procedural justice has been found to be largely comprised of perceptions of the quality of decision-making, the quality of treatment and the trustworthiness of the police. As Tyler *et al.* (2015, pp. 85-86) note this means, first, that it is important that citizens feel as if they have a voice and are able to give their side of the story to the police. Second, it means that citizens expect the police to be neutral, unbiased and consistent in their application of legal principles which are also publicly known. Third, being treated with dignity, courtesy and respect is a central factor in how citizens’ react to legal authorities such as the police. This is because such treatment communicates a message to citizens about inclusion, in particular, about their place as a valued member of society, who is worthy of rights and protection. Finally, in their interactions with the police, citizens also make inferences about their trustworthiness, reaching judgements, for example, about whether the police are trying to do their best and thus whether they should react favourably to them.

Though procedural justice has been found to be the main antecedent of legitimacy, Worden and Mclean (2017) argue that other things matter too, even if they are not determinative of police legitimacy. They argue that the favourableness of outcomes matter, for example, even if they do not determine perceptions of the legitimacy of the police (Worden and Mclean, 2017, p. 8). Of particular importance for this paper, though, is the role that context plays in influencing people’s perception of the legitimacy of the police. On the one hand, evidence suggests that procedural justice theory generalises across different ethnic groups in London (Jackson *et al.*, 2013, p. 17), different communities in the USA (Donner *et al.*, 2015), different criminal justice settings (Tyler *et al.*, 2015), and across some countries though not all, including the USA, Australia, the UK and Israel (Donner *et al.*, 2015; Ponsaers, 2015). On the other hand, in some settings and for some social groups, procedural justice theory may not apply in the expected ways. For example, Jackson *et al.* (2013, p. 17) found that for young ethnic minority men in some of London’s most diverse boroughs, who tended to be more policed and to have a more adversarial relationship with the police, their cooperation rested less on a sense of moral alignment with the police and more on sense of duty to obey them. Since some detainees share these characteristics, such as feeling over policed and having an antagonistic relationship with the police (Choongh, 1997, pp. 76, 100), this suggests that procedural justice theory may not apply in the expected fashion in police custody. This is a matter to be explored in the present paper, focusing in particular on the context of police custody and how it comes to shape the meaning and significance of “soft” power therein.

This points to a further critique. Studies of police authority have become skewed by the presumption that procedural justice and ensuing police legitimacy are the main basis for compliance. This neglects the fact that when the police use their authority it is rare that their

actions only reflect procedural justice. During encounters with citizens the police can and do use coercion, such that these two styles of authority operate alongside one and other (Skinns, 2011, p. 130, 2012; Skinns *et al.*, 2016). The possibility that compliance may be coerced not just legitimately given has also been noted by others, who argue for the need for more nuanced measures of compliance which examine the possibility of both legitimate and coerced forms of obligation (Bottoms and Tankebe, 2012, p. 114). More recently, in an attempt to examine the relative influence of these dual mechanisms of legitimate and coerced obligation, Jackson *et al.* (2015) found that, unlike for legitimate obligation, coerced obligation was negatively correlated with experiences of procedural justice and a negative predictor of cooperation.

These dual mechanisms of legitimate and coerced compliance are important to bear in mind in the present paper. Whilst it focuses on “soft” and possibly more procedurally just forms of authority in police custody suites, these also operated alongside coercive forms (see below and Skinns *et al.*, 2016). Nonetheless the aim of this paper is to examine how police authority – in its “soft” form – is used and understood by staff and detainees in police custody in England, examining how these meanings are shaped by this qualitatively different context. It is argued that the nature of this setting, as busy, fraught and uncertain, in which large volumes of citizens come into contact with the police, makes police custody the ultimate “teachable moment”. To explore these matters, the paper draws on qualitative data collected from staff and detainees in four police custody suites, as part of the “good” police custody study (GPCS). It therefore makes an original contribution to the field which has tended to rely on cross-sectional surveys of the general not policed population (Harkin, 2015; Worden and Mclean, 2017).

2. Methodology

The GPCS is an independent, national study, the overarching aim of which is to rigorously examine what “good” police custody is, taking into account recent shifts towards civilianisation and privatisation in how police custody is delivered[4]. In Phase 1 of the GPCS, custody managers were surveyed in 40 of the 43 police forces in England and Wales, in order to explore contemporary patterns in the delivery of police custody. These data were used to construct a typology of police custody suites, which overlaid the public/private/hybrid status of custody suites, with the conditions of custody and their busyness, of which there appeared to be seven main types (Skinns *et al.*, 2017). The present paper is based on in-depth qualitative data collected between March 2014 and May 2015 in four custody suites (in four forces) that were chosen as examples of some of the types of custody suites identified in Phase 1. These were Mill City, Stone Street, Combiville and Newtown[5]. In each site, the researchers spent three to four weeks observing and then interviewing 10-15 staff (largely police officers, detention officers but also a few other criminal justice practitioners) and 10-15 detainees. These were semi-structured one to two hour interviews, which took place either in the custody suite or, for most detainees, in public places once they were released. In total, the paper is based on 532 hours of observing and 97 interviews (47 with staff and 50 with detainees).

These data were analysed thematically around eleven broad themes, though the present paper explores only one of these, “power and suspect compliance”. As such, it is part of a broader set of analyses – which cannot be explored in detail here – about different styles of authority employed in the custody suites in the research[6]. Staff and detainees mainly oriented themselves around three forms of authority. First, staff used their power softly and innocuously, as discussed below. Second, compliance was secured through coercion based on inducement, that is, through rewards and penalties. For example, if detainees were respectful towards staff and complied with their orders, then they were rewarded, such as with additional hot drinks. Third, staff employed more obviously coercive styles of

authority, including handcuffs and the (forcible) removal of detainees to the cells, which detainees complied with for utilitarian reasons, such as because they wished to avoid further pain. The present paper focuses on the first of these, “soft” power[7]. However, it is first necessary to examine what makes police custody suites qualitatively different from other police settings.

2.1 Police custody: a qualitatively different police setting?

Police custody suites are places in which large volumes of citizens come into contact with the police over a prolonged period of time, at least when compared to interactions on the street. The GPCS Phase 1 survey showed that there were approximately 3,693,235 people held in police custody suites in England and Wales between 2010 and 2013, i.e. over a million per year. By law, most detainees can be detained for up to 24, 36 or 96 hours[8]. However, there are two further aspects of police custody suites which make them qualitatively different from other police settings, the physical conditions of the suites and the forms of deprivation experienced by detainees. These are briefly considered here (see also Skinnis *et al.*, 2016).

In terms of the physical conditions, the layout of the suite, the adequacy and appropriateness of lighting (e.g. even low level lighting in the cells at night could hamper attempts to sleep), levels of cleanliness, the variable noise levels, the adequacy of plumbing and heating systems, and the presence of CCTV cameras could all add to the “pains of police detention” (Skinnis, 2011, pp. 202-204). The subterranean feel of the custody suites meant that detainees often felt detached and isolated from the outside world, resulting in a strong awareness of their relative powerlessness, both in a personal sense and also in terms of their ability to “state their case”. This sense of powerlessness was also reinforced by things like the height of the booking-in desk; in some of the suites in the research, they were deliberately elevated so that the staff felt protected, whilst for some detainees this sent a clear message about who was in charge. The achievement of control via architecture and/or environment is a topic which has been explored in some depth in the prisons research literature (Moran *et al.*, 2016; Carrabine, 2004), with commentators pointing to the perceived inevitability of power for prisoners meaning that their confinement is simply endured, often without any reference to some version of legitimacy. As is the case for many prisoners, the often routinized and process-driven nature of the work coupled with the physical conditions of the suites (e.g. CCTV cameras, in-cell buzzers, etc.) served to remind detainees of the imbalance of power within police custody.

Detainees’ experiences were not just shaped by the physical conditions of police custody, but also by how they reacted to being detained by the police. They expressed a range of emotional responses to their detention ranging from anger, to worry, to boredom to disorientation. These can be usefully understood with reference to Sykes’ (1958) “pains of imprisonment”; the deprivation of liberty and autonomy are particularly relevant to this paper (see also Skinnis, 2011, pp. 202-208; Skinnis *et al.*, 2016). In terms of the deprivation of liberty, detainees found it hard to be cut-off from human interaction whilst alone in the cells, but more importantly they found it hard to be cut-off from the outside world, particularly friends and family. This was especially emotionally challenging because of the sense of shame that some detainees felt about having been arrested, the consequences of which were brought home to them whilst alone in the cells. As for the deprivation of autonomy, some detainees expressed anger at a general loss of control. For others, their feelings about being deprived of autonomy were directed at more specific things, such as the lack of freely available drinks and the limited access to information about their case. As they depended on staff for these things, this contributed to a sense of helplessness and disempowerment. However, what Sykes’ (1958) framework cannot capture is the relatively short-lived temporal nature of police custody, which suggested a further form of

deprivation, namely, the deprivation of certainty. Detainees in police custody said that one of the most upsetting things about it was the “uncertainty” and the “unknown”. That is, they felt in “limbo”. In particular, they worried about how long they would be there, what would happen to them in terms of the outcome of their case and the impact it might have on them and their family[9].

In sum, what makes police custody qualitatively different is that large volumes of citizens are exposed to a physical environment, sometimes for prolonged periods of time, which would not be encountered in other police settings. Moreover, this physical environment is experienced, in the main, as coercive. The effects of this coercive physical environment add to the “pains of police detention”, which are connected to being deprived of things like liberty, autonomy and certainty, with the latter being a particularly salient aspect of the police custody setting. What also makes police custody qualitatively different to other police settings is its comparability with prison. Notwithstanding the fact that those in police custody are held for significantly shorter periods of time in police custody than those in prison, custody suites share some important features with prisons; for example, like prisons, they can be fraught places in which detainees’ social identities can be formed, alongside their sense of place in wider society (Skinns, 2011, pp. 200-202).

3. “Soft” power in the custody suite

Though it may seem like an oxymoron to describe the use of power as “soft”, we use the word “soft” to convey that the staff used their power so quietly and innocuously that sometimes detainees hardly noticed it. This “soft” power involved three main strategies which to some extent were deliberately employed by staff in the suites with the intention of securing detainee compliance. “Soft” power entailed staff building a “rapport” with detainees; showing detainees respect; and keeping them informed about what was happening to their case. Each of these three strategies is discussed next.

3.1 *Building a “rapport” with detainees*

Staff described themselves as building a rapport with detainees, often at the point of arrival at the suite or during booking-in. This was sometimes a necessity in light of the agitated state of some detainees at this point in the process. Rapport-building entailed staff trying to develop a level of understanding between themselves and detainees. For example, a member of staff said that rapport was about “finding common ground and striking up a conversation with [detainees], which made it easier and nicer for everyone” (MC_Obs_18.4.15)[10]. This accords with academic definitions, in which rapport is defined as a feeling that arises during an interaction with another, based on an interest in the other person, feelings of positivity about the other person and a sense of co-ordination/balance/synchrony with someone (Capella, 1990).

Staff built this rapport by trying to create a “good” first impression with detainees – particularly those who were not “on side” – such as by informing them first of their rights and entitlements and of what the police would do for them, before moving on to book them in. Custody officers would also leave their desks and go out to the van dock to greet detainees and to introduce themselves and their role, thereby also distinguishing themselves from the arresting officers with whom detainees’ relationship may have been more problematic (see Skinns *et al.*, 2016). Some custody officers would also start off by asking detainees directly what it would take to get them to comply. This sergeant said: “First of all ask [...] ‘what can I do to get you to comply?’ Occasionally they might say something and you think fair enough [...] If I can just have a drink of water, simple stuff” (CV_CS3)[11]. By creating a “good” first impression, particularly with recalcitrant detainees, this enabled staff to complete the risk assessment[12], after which they could start “taking less c**p” and could become firmer with detainees (CV_Obs_19.6.14). This conveys just how deliberate a strategy such rapport building could be, at times, as a means of securing detainee

compliance with the initial risk assessment, though this was also a means of mitigating risk, thereby covering staff's backs.

At times, humour and light-hearted conversations with detainees were also a form of "soft" power used to build rapport and to secure compliance with police procedures. Staff saw humour as a way of "breaking the ice" which would then lead to "a nice two-way conversation" (MC_CS4). Staff also saw the "injection of humour" into proceedings as a way of securing compliance, particularly with risk assessments; for example, humour was used to "relax" detainees, so that they would "open up" and provide the required information for the risk assessment. Humour was also used to encourage compliance when taking fingerprints and photographs, a procedure which some resisted:

Having a laugh and getting the most information out of somebody [...] because sometimes they can come in and [...] the first thing is they get locked up, they hate the Sergeant because they have booked them in. With us [Detention Officers] we can extract information from them [pertaining to the risk assessment] without them realising[13]. I'll go photograph, fingerprint, "what's your favourite football team?" You start talking to me. While you are there you start wanting to get it off your chest [...] you'll start telling me about your issues as well. So while you are there I might pick up on things that the Sergeant has not picked up on. It's just building up a really good rapport (CV_DO2).

This quotation highlights just how deliberate a strategy humour was sometimes as a means of staff securing detainee compliance, with some detainees being almost oblivious to it. Hence, it is apt to describe humour as a kind of "soft" power. At the same time, humour was not just about securing detainee compliance. The "gallows humour" amongst staff in the suite was also sometimes simply light relief from the grim reality of the custody suite; staff saw it as a way of "lifting people up" particularly if they were feeling depressed about their arrest (MC_DO2). Humour was also a way of alleviating the strain of police custody on staff (see *Skinns et al.*, 2016).

3.2 *Communicating respect*

Research participants also talked about "communication" and "respect" as being important for securing detainee compliance. These "catch all" terms seemed to mean various things including how staff spoke to detainees, the words they chose, the tone they used, their demeanour, body language and their attitude. Together these conveyed to detainees information about what detainees could expect from staff and, in turn, how they should react to them, compliantly or not:

I think they should talk to you with at least a little bit of respect even though you have done something bad [...]. That lady that interviewed me spoke to me with respect. She was very lovely to me [...]. She spoke to me as if I was on her level as well. She didn't look at me in any sort of funny way or she weren't moody or anything [...] she was smiling and talking to me fine (CV_DET12).

For this detainee, respect was about recognising that detainees were worthy as fellow human beings; that staff spoke "nicely" and politely to them; that staff were calm and did not raise their voices; that staff explained things to them and informed them about relevant aspects of their case but also listened to them. What they describe here epitomises both the quality of decision-making and quality of treatment, which are regarded as central to procedural justice (e.g. *Tyler et al.*, 2015). That said, if such "communication" with the detainee failed then staff would resort to the use of physical force (see also *Skinns et al.*, 2016), thereby demonstrating the processual and dynamic relationship between legitimate and coerced forms of compliance during police-citizen encounters in the custody suite.

Whilst CV_DET12 above encapsulated what was meant by the communication of respect, it is necessary to look in more detail at each of its main aspects – politeness and humanity – and how they impacted on compliance. Politeness was seen as when staff

referred to detainees by formal titles such as sir and madam; though as the researcher wryly observed “I can see how detainees might think they were taking the piss” (CV_obs_20.6.14). That said, at least one detainee, NT_DET14, said that he also referred to staff as sir, though his views may have been somewhat unusual and a consequence of his military background. Politeness also seemed to mean having “manners”, being decent towards detainees or showing “common courtesy”. Talking to detainees politely was a strategy used by the police to persuade them to do things, such as have their fingerprints taken; even if detainees were initially reluctant, CV_DO1 felt that they could eventually be persuaded if he kept his “cool” and carried on being as polite and friendly as possible, no matter what. Similarly, SS_DO4 said that he got people to comply “by being polite, full stop. They’re not going to do anything for you if you’re going to be in their face. If you’re going to be a twat with them all day, then, ‘come on we’re off to fingerprints, no’. You’re going to struggle aren’t you?” Detainees also mentioned the importance of staff politeness to their compliance. SS_DET6 said, for example, that “if they were flat out nice to me then [I would comply]. I don’t just argue for nowt”. Conversely, speaking impolitely to detainees was likely to be met with non-compliance. For instance, detainees noted that they could react badly and become non-compliant if they felt as if they were being spoken to “like s**t” by staff.

With regards treating detainees with humanity, what was central to suspect compliance was whether staff appeared to recognise them as fellow human beings, that is, as no different from them, as innocent until proven otherwise and, therefore, worthy of their respect and deserving of help (e.g. with the various requests detainees made). For example, for SS_DET10 and SS_DET 11, in spite of bad experiences with the police in the past, they were still able to talk about them in positive terms, saying that the police had been good to them, helpful and caring, and, most importantly of all, treating them like fellow human beings and that this contributed to them being compliant whilst in the suite. However, not everyone offered such a glowing report on staff treating them as fellow human beings. To the contrary, NT_DET4 felt that the police had not reciprocated the respect he had shown them. He said he attempted to “speak normal [to the police], but I still got spoken to like s**t [...]. And it’s the way they’re moody as well. I know it’s probably not a happy job, but you are in that job and you should treat humans like you treat humans, and I don’t think they did treat humans like that. They’re just absolutely disgusting”.

Being seen as a fellow human being also meant not being judged (e.g. as guilty or as “criminal” or inherently bad). For example, NT_DET10 emphasised the need for staff to treat him as a fellow human being and not presume him guilty, all of which he saw as being wrapped up in being treated as one of their equals. Similarly, this detainee said that respect was about not presuming her guilty:

[W]e haven’t all been found guilty [...] we’ve been arrested but they don’t know [...] Unless you go to court don’t have that attitude. Don’t speak down to people. Don’t make them feel uncomfortable. Don’t make their time worse in there. Some people deserve it, but to be honest, maybe you don’t, not until you’re sentenced (SS_DET5).

If treated as a fellow human being, in return, detainees would offer their compliance. For example, one sergeant said that he persuaded detainees to do things by seemingly siding with them, such as by saying that he knew they had made a mistake but that they were not criminal. This again demonstrates the deliberate use of “soft” power in the custody suites; strategies, such as appearing to recognise detainees’ humanity, were used as a means of securing compliance. This was perhaps because being spoken “down to” (and thus not recognised as a fellow human being) would result in non-compliance. SS_DET6 said he felt spoken down to in the custody suite, as if he was less of a person than staff, and presumed guilty partly because of his name (and the connections the police made to his family). This made him feel angry, non-compliant and that he would take it out on staff given a chance.

He said that I felt spoken “[d]own to, like you’re a kid. Or like they’re the boss of you. I know they’re police, but they still don’t have to talk to you like that”. Similarly, MC_DET4 said that he would comply with the police so long as they did not talk down to him (thereby implying that he was less than them and less than a fellow human being).

3.3 *Keeping detainees informed*

The third way in which compliance was achieved was through the provision of regular and accurate information to detainees, such as about what was going to happen to them either immediately or in the future, as well as providing information about decisions taken about them, and how and why that decision had been made. There were numerous examples of this, including:

Take the time and effort to explain to them why you’ve made that decision so they understand [...]. “You ain’t going nowhere, bye”. Back to your cell. You know, “actually you’ve failed to appear the last umpteen times and that’s why I’m keeping you in” [...]. People are better or you get them on side if you take the time and effort to explain to them (SS_CS2).

Staff therefore seemed to operate with an intuitive sense of the importance of procedurally just decision-making and the ways that it could benefit them in terms of detainee compliance. By providing accurate information this seemed to encourage compliance, even if an outcome was unfavourable to the detainee. In one case, for example, a detainee accepted that he would be detained overnight, in part, because staff clearly explained the reasons for this (e.g. that a serious allegation had been made that required investigation and also that he had been drinking), even though it was not was not necessarily what he wanted to hear (MC_Obs_10.4.15).

By contrast, misinformation (e.g. about detainees being dealt with immediately on arrival at the suite) could be a source of non-compliance. For example, staff in Stone Street complained about arresting officers making false promises to detainees about how long they would be detained in police custody, which could result in non-compliance if custody staff were not able to release them within the timeframe that they had been led to believe would happen (e.g. SS_DO3). No information at all was a further source of non-compliance. SS_DET8 said that if staff kept him informed that he would be compliant, but that this was not the case if he had to continually request information and if he was repeatedly told that “we don’t know what’s happening yet”. Similarly, another detainee “kicked off” because he felt staff ignored him for hours, which made him feel agitated (NT_DET2).

4. Conclusion

In sum, police custody suites are qualitatively different to other police settings. As with prisons, the physical conditions and the architecture contributed to a sense of isolation, powerlessness and helplessness for detainees. This combined with detainees’ reactions to being deprived of their liberty, autonomy and certainty, meaning that custody suites appeared and were experienced as coercive by detainees. To some extent, this was counterbalanced by staff using their authority in the custody suites “softly” and quietly, such that detainees sometimes did not even realise that power was being exercised over them. They employed their authority “softly”, first, by building a rapport with detainees, and through the use of humour and light-hearted conversation. Second, staff actively attempted to communicate respectfully with detainees by talking to them politely and by appearing to acknowledge and treat detainees as fellow human beings. Third, “soft” power manifested itself as staff providing regular and accurate updates to detainees about what was to happen to them and when. These forms of “soft” power had a number of effects on detainee compliance. They seemed to make detainees less likely to challenge police authority

in the suite and more likely to comply with police procedures, such as risk assessments, and with having their fingerprints and photograph taken, as well as making them more likely to accept their detention, more generally.

Since the aim of this paper is to examine how police authority – in its softer and more procedurally just form – is used and understood in police custody, examining how these meanings are shaped by the qualitatively different features of police detention in England, we conclude by reflecting first on the relationship between “soft” power and procedural justice theory and, second, on why the police custody context matters to the use of authority.

First, there were some similarities between “soft” power and procedural justice. In the present study, the communication of respect by being polite and by acknowledging detainees as a fellow human being had parallels with the importance placed on dignity, courtesy and respect in procedural justice theory (as part of the quality of treatment), in part, because of what they conveyed to policed populations. In particular, recognising detainees’ humanity indicated to detainees that they were not just a criminal other and were, in fact, a valued member of society. Furthermore, in the present study, the centrality of the provision of regular and accurate information to detainees, such as about what was going to happen to them and about decisions taken about them, also has parallels with procedural justice theory. This giving of information exemplified the importance of the quality of decision-making to detainees, as it provided them with a way of assessing the decisions that the police made about them.

However, there were also some qualitative differences between “soft” power and procedural justice. The rapport building that custody staff engaged in, for example, when they used humour and light-hearted conversation to encourage detainee compliance, particularly if they arrived into the suite in an agitated, state does not seem to feature in procedural justice theory. Arguably, such rapport building could be construed as being about the quality of treatment, that is, about showing detainees that they are being treated with dignity and respect. However, it was also a bit more than this, especially the use of humour, which seemed to be also about demonstrating empathy by breaking-down barriers between staff and detainees, even if only temporarily and even if this was in stark contrast to the largely coercive police custody context. Similarly, the giving of information was also about more than the quality of decision-making. It was a way of alleviating the uncertainty that detainees experienced in police custody, a matter which was of great importance to them.

Second, the police custody context was central to the way that the staff used their authority. The fraught and emotionally charged nature of police custody arguably necessitates greater use of “soft” power than in other police settings. After all, when detainees arrive into custody suites this is the point at which they have just been deprived of their liberty, autonomy and sense of certainty, and where the reality of this begins to sink in, particularly when confronted with an ostensibly coercive custody environment. Indeed, these are some of the reasons why detainees arrived into police custody suites in such an agitated state. That is, the context of police custody is such that it makes it the ultimate “teachable moment”; the physical environment and the disposition of detainees, some of whom may be in crisis, is such that it is an opportune moment for detainees to learn about the “good” in their relationship with the police and about their valuable place in wider society. To an extent this was recognised by staff who used their authority accordingly “softly”, thereby contributing to more positive views of the police as a legitimate institution. However, though not described in details in this paper, this was not the only way that the police used their authority; coercive authority was also commonplace in the custody suites in the research, based either on inducement or on the use of force (Skinns *et al.*, 2016).

The police custody setting also affected detainees and their response to staff authority. The deprivation of certainty was a particularly salient part of this setting. It meant detainees existed in limbo; they were disoriented about what time it was, they were uncertain about how long they would be there and what would happen to them, in terms of the outcome of their case or the impact it might have on them and their family. This sense of uncertainty conditioned detainee's expectations of staff, making it particularly important that they had information about their case and about when they were likely to be released from police custody, so as to help them manage the uncertainty they experienced. This sense of uncertainty also made it more important that the staff took all possible steps to keep detainees informed about what was happening and when. Hence, staff saw such information-giving as a route to detainee compliance and social order in the suite. It might also be hypothesised that the context of uncertainty also means that outcomes matter more than they might in other police settings, given that the outcome of someone's case in police custody – whether they are, for example, charged, bailed or released without any further action – is the only means available for detainees to fully relieve their sense of uncertainty.

Together this shows the dynamic and processual nature of police authority in police custody suites, in which there is a continual interaction between staff authority (of varying kinds), detainees reactions to this and the custody environment. Staff in the research employed “softer” forms of authority to compensate for the overtly coercive police custody environment, whilst detainees complied with staff when this coercive environment was softened by rapport-building, respectful treatment and the provision of useful information. In combination with the findings about the simultaneously coercive nature of police authority in police custody suites, which are to be the subject of future publications, this furthermore suggests that the relationship between soft and coercive forms of power is far from a dichotomous matter in police custody suites. Yet, such complexities with regards police authority, tend to be missed in the cross-sectional surveys of the general public, which make up the bulk of the empirical evidence on procedural justice theory and police legitimacy (Harkin, 2015). As such, the conclusion that police authority in custody suites is dynamic, processual and neither straightforwardly coercive nor straightforwardly “soft”, adds something new, complementary but also important to the debate.

Bearing in the mind the particularly “teachable” nature of police-citizen interactions in the custody suite, the findings presented here suggest that it is imperative that these interactions are improved. In fact, some simple changes to police custody practices might improve compliance with the staff in the suite and ensure a more humane experience for detainees, in which they develop a more positive relationship with the police, founded on legitimacy and on an understanding that they are a valued member of society. The research suggests that staff should be encouraged to build a rapport with detainees and to communicate respectfully with them, recognising them as fellow human beings who are innocent until proven otherwise. One way this could be done is to discourage staff from routinely referring to detainees as “prisoners”, when in fact they are only suspects or detainees; this is of symbolic importance, not least because it emphasises the presumption of innocence. However, as such rapport-building and respectful treatment would to some extent depend on attitudinal and cultural changes amongst staff in the suites, a change that could be more readily made if the staff were to provide regular, clear and accurate information to detainees about what is happening with their case, as a matter of course. This should apply to both arresting officers and staff in the custody suites.

Putting this altogether, the present paper points to some preliminary ideas about the meaning of “good” police custody. “Good” police custody arises when, where ever possible, staff use their authority softly enabling fairness not firmness to dominate the climate of the custody suite. This involves staff developing a rapport with detainees, such as

through the use of humour; staff communicating respect to detainees by being polite and by treating detainees as fellow human beings, rather than a criminal other; and also through the routine provision of accurate information to detainees about progress with their case. Together this is likely to encourage detainees to view police custody and the staff who work within it as legitimate authorities. This is important given the especially “teachable” nature of police-detainee encounters and given the emotionally fraught nature of police custody.

Notes

1. Police custody is where an arrested person is taken whilst their case is investigated and whilst a decision is reached about what should be done with the case, such as whether to charge, bail or take no further action against them.
2. See Skynns *et al.* (2016) on different styles of authority employed in custody suites.
3. This definition is contentious, however. For example, Worden and Mclean (2017) argue that police legitimacy is not just about the obligation to obey, but also about trust in the police, arguing that trust is the more important of these two aspects.
4. See here for further details of the research, www.shef.ac.uk/law/research/projects/police
5. These are pseudonyms.
6. This is part of a broader agenda to disentangle the various motives that underpin the obligation to obey policing and other criminal justice agents that Bottoms and Tankebe (2012, p. 169) note as important. This agenda also emerged from earlier work by Skynns (2011, p. 130) which pointed to the co-existence of coercive and legitimate forms of authority in custody suites.
7. Further details about the other styles of authority can be found in Skynns *et al.* (2016).
8. Under the Police and Criminal Evidence Act 1984 (PACE), those arrested for summary offences can be detained without charge for up to 24 hours, though this can be extended to 36 hours (by a senior officer who is a superintendent or above) and to 96 hours (by a magistrate) for more serious (indictable) offences (Home Office, 2012, p. 37). More generally, powers in police custody are regulated by the PACE Codes of Practice and by College of Policing guidance contained in Authorised Professional Practice (APP) (which originated from the Association of Chief Police Officers’ Safer Detention and Handling of Persons in Police Custody).
9. This focus on uncertainty is important given that it has been found to be intimately linked to perceptions of fairness in the organisational justice literature; here, judgements about fairness have been found to be shaped by feelings of uncertainty (Lind and van den Bos, 2002).
10. This refers to observation notes. Such notes start with the name of the site – either Combville (CV), Mill City (MC), Newtown (NT) or Stone Street (SS) – and are followed by “Obs” and the date of the observation.
11. This refers to a custody sergeant interviewee in Combville. All subject codes start with the name of the site (CV, MC, NT and SS), followed by CS (custody sergeant), DO (detention officer), DET (detainee) or Police Manager, and a number indicating whether they were the first, second, third, etc. interviewee in the site.
12. Risk assessments contained a series of questions to be asked of detainees, for example, about their past and present physical and emotional well-being, as well as about intellectual impairment.
13. Detention officers are non-warranted (non-sworn) staff employed either by the police or by private security firms. By and large, they focus on the welfare of detainees, though they also assist with police investigatory procedures. They work alongside warranted (sworn) police officers, such as custody sergeants and inspectors, who are largely responsible for legal processes, such as authorising or reviewing someone’s detention (see Skynns *et al.*, 2017).

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