



Police custody as a gendered space: A review of the literature

Layla Skinns, Lexine Smyth, Katie Weir, Roxanna Dehaghani, Jacqueline S.
Hodgson, Vanessa E. Munro and Angela Sorsby

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Layla Skinns, Lexine Smyth, Angela Sorsby and Katie Weir are at the Centre for Criminological Research, School of Law, University of Sheffield.

Jaqueline Hodgson and Vanessa Munro are at Warwick Law School, University of Warwick.

Roxanna Dehaghani is in the School of Law and Politics at Cardiff University.

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Police custody as a gendered space: A review of the literature

Summary

When someone is arrested, they are taken into police custody whilst a decision is made about what to do next with the alleged criminal case against them. Women account for 16% of suspects held in such police custody in England and Wales (Home Office, 2025a). Yet, there has been limited research into this cohort's experiences of police custody. The recent Baird Report afforded some insight, identifying significant problems within Greater Manchester Police, which was the specific focus of the inquiry. This included poor care of detainees, many of whom were also victims of domestic abuse (Baird, 2024). However, the applicability of those findings and recommendations nationally is currently unknown. This limits the possibility of evidence-informed policy and practice reforms, presenting a major barrier to improving police treatment of women detainees. The STAR-funded, '[Gendering police custody](#)' project, fills some of these gaps in research, policy and practice, addressing the following research questions:

1. How do detainee populations vary by gender and how does this impact, if at all, on case outcomes? Are there other intersections, e.g., with ethnicity, offence type and arrest/volunteer status?
2. How do women detainees describe their lived experiences of police custody? How is gender relevant?
3. How do staff describe women detainees' experiences of, and needs in, police custody? How is gender relevant?
4. To what extent do existing laws, policies and guidance address the needs of a diverse range of women detainees, many of whom are domestic abuse and sexual trauma survivors? What changes – if any – are required for a more gender-responsive approach to women in police custody?

As part of this project, the research team conducted a review of the literature on women in police custody, the main aim of which was to more precisely establish the main gaps in policy and research. The key points of this literature review are summarised here.

- Women are a small but significant minority in the criminal justice system, whose needs and experiences have been historically displaced by those of men.
- Research on women and the criminal justice system shows that women have distinctive criminogenic needs, regarding:
 - The type of offences for which they are arrested, prosecuted and imprisoned. Women typically commit less serious offences than men.
 - The context of women's offending behaviour, which is often marked by trauma, abuse and poverty and by the effects on them of men and their offending.
 - The patterns of sentencing, one of the most important of which is short and more often multiple sentences contributing to the revolving door nature of women's experiences with the criminal justice system.
 - The effects of imprisonment which are qualitatively different to men, linked in large part to women's caring responsibilities, with separation from children amplifying mental health and triggering trauma.
- Framing women's needs and experiences through an intersectional lens is important in order to recognise the distinctive experiences of subgroups of women, based on race/ethnicity, age and neurodivergent conditions and to understand processes of criminalisation and injustice. For example, Black women are more likely to be remanded into custody and to receive longer sentences if convicted, and Black girls are subject to adultification biases which overestimate their culpability and underestimate their need for support, whilst neurodivergent women's tendency to socially assimilate can result in under-identification of their conditions in the criminal justice system and under-delivery of necessary support.
- Whilst there have been numerous policies and recommendations written about women in the criminal justice system, often focusing on prisons, these have sometimes had limited effect on practice. Moreover, their focus on the prison environment can be contrasted starkly with how few policies and recommendations there are about women in police custody. In the existing police custody policies next to no attention is paid to women, such as in College of Policing Authorised Professional Practice or National Police Custody Strategies, and, conversely, to police custody in policies about women and the criminal justice system, such as

the Female Offender Strategy. This hinders police custody practices and shows the need for reform.

- As for vulnerability in police custody, Police and Criminal Evidence Act Code C guidance emphasises consideration of innate, not structural (e.g. gender), situational or universal vulnerabilities for vulnerable adults. Women are, therefore, not automatically considered vulnerable in police custody. Feminist scholarship points to the need for careful and critical engagement with the concept of vulnerability and questions of why and to what women are vulnerable in police custody, given the vagaries of the concept, tendencies for it to be used to blame women not institutions for the vulnerabilities they experience, and the possibility of vulnerability-informed interventions being weaponised and used to enhance state power.
- Much like the policy sphere, whilst there is plenty of research about women in the criminal justice system, often focused on prisons, research on women in police custody is notable by its absence and, where it does exist, women have largely been in the background not the foreground. Of the limited research that does exist, it shows that:
 - Custody suites are culturally and materially male dominated. They are predominantly staffed by men and have been shown to have a culture of machismo, misogyny and sexism, much like other parts of the police organisation, and are furthermore likely a site for the 'doing of gender' by suspects and custody staff.
 - Police powers are differentially applied to women, in ways which can be problematic (e.g., when arresting or strip searching women with histories of abuse and trauma), but may also enable more equitable outcomes (e.g., when voluntary interviews are scheduled to accommodate women's greater caring responsibilities or when out of court resolutions enable women to access the help they need to address the root causes of their offending). However, they can also be employed in gender-blind ways, which fail to take account of women's distinctive criminogenic and physical needs (e.g., when using force).
 - In terms of women's due process rights and entitlements, access to a female welfare officer is not routinely and proactively offered or provided. Women

accessing custodial legal advice is in proportion to women suspects, though how many request or receive it is unknown. Given their typically greater vulnerabilities, more women are likely to need an Appropriate Adult, but it is unclear the extent to which they are requested or received and thus the amount of unmet need for women.

- There has been significant focus on and some improvements to women's access to menstrual and menopause products, as 'lower-hanging' fruit, which are easier to address by the police. Also, more women than men are referred to Liaison and Diversion support, albeit that drug/alcohol-using women are the least likely to engage with this. Too little is known about the qualitative differences of experiences in relation to police powers and women's compliance with this, the gendered pains of police detention and of dignity beyond what Baird (2024) found, for example, about the indignities of strip searching and menstruation.
- As with other parts of the criminal justice system, an intersectional lens enables a deeper discussion of the minorities within the minority and their distinctive experiences of police custody. For example, for neurodivergent women there may be problems of disclosure/identification, owing to greater likelihoods of masking, and of sensory overwhelm-caused distress, which becomes misconstrued as non-compliance in need of control rather than care and support.

We conclude that it is time for gender to move from the background to the foreground in police custody research, theorisation, policy, training and practice. As demonstrated by this literature review, neither policy nor research shows any sustained attention to or consideration of women's needs and experiences in police custody, unlike for other parts of the criminal justice system. This amounts to significant gaps, including around understanding women's experiences of police powers, accessing their due process rights, the pains of police detention and of dignified treatment. These must be filled with comprehensive, mixed methods and sustained research, including through the 'Gendering police custody project', which opens up possibilities of evidence-informed reform of policy, training and practice, such as through a national strategy for women in police custody.

The literature review also has wider implications for the theorisation of police custody, which has hitherto overlooked women. Such theorisation needs to consider the conceptualisation of vulnerability as it applies to women, how police powers operate in police custody, taking account of gender stereotypes and the institutionalisation of machismo, sexism and misogyny, and the 'doing of gender' in police custody by staff and detainees, all of which requires recognition that police custody operates in a patriarchal context where women continue to face structural disadvantage by virtue of their gender.

Introduction

Women account for 16% of suspects held in police custody in England and Wales (Home Office, 2025a). Police custody refers to the place where someone is taken when arrested whilst a decision is made about what to do next with the alleged criminal case against them, and is a key entrance point into the wider criminal justice process (Skinns, 2011: 2-3). Women's needs therein are distinct in terms of health, mental health, caring responsibilities and offending (Disely et al., 2021: 35; Angiolini, 2017: para 69), and they often experience a 'revolving door' into prison due to these needs going unaddressed (HIMPR and HMIP, 2024: 28). Yet, there has been no focused research into this cohort's experiences of police custody. The recent Baird Report afforded some insight, identifying significant problems within Great Manchester Police (GMP), including poor care of detainees who were also often victims of domestic abuse (Baird, 2024). This set in train a process of further local scrutiny and reform. However, the applicability of those findings and recommendations nationally is unknown. Together with the paucity of sustained academic research, this limits the possibility of evidence-informed policy and practice reforms, presenting a major barrier to improving police treatment of women detainees, including through diversionary measures. This also limits opportunities for improving public confidence in the police amongst women, which is especially important at a time when women's trust in the police is lower than men's and has been diminished by high profile police misconduct scandals and sexual violence against women by serving officers (Pickering, et al., 2024).

The limited academic research and the scrutiny set in motion by the Baird report prompted a successful application by the authors with West Yorkshire Police to the STAR-fund for the '[Gendering police custody](#)' project, which explores police custody as a gendered space. Though the Baird Report has recently highlighted urgent concerns about gendered police custody, little is known about the applicability of those findings beyond GMP. A previous scoping study similarly highlighted areas for concern in the treatment of women suspects, such as failures to acknowledge the distinctive needs of women (Hodgson and Skinns, 2019). In this study, brief surveys were administered by Independent Custody Visitors to 26 women detainees in 5 police force areas and interviews were conducted with 5 Independent Custody Visitor Scheme Managers. A key finding was that police practitioners were reluctant to recognise

gender as a significant feature of the detainee experience, preferring instead to recognise the “individual needs” of all detainees. In addition, this scoping research showed that male-dominated custody blocks created challenges for staff, for example, when dealing with women detainees who may also be victims of male violence or exploitation, albeit that the women detainees in the research offered mixed views about whether it was important to them that they were dealt with by female staff.

Through a more systematic qualitative and quantitative analysis, this research investigates women’s lived experiences of police custody in West Yorkshire, identifying challenges and best practice solutions. The following research questions were addressed in the project:

1. How do detainee populations vary by gender and how does this impact, if at all, on case outcomes? Are there other intersections, e.g., with ethnicity, offence type and arrest/volunteer status?
2. How do women detainees describe their lived experiences of police custody? How is gender relevant?
3. How do staff describe women detainees’ experiences of, and needs in, police custody? How is gender relevant?
4. To what extent do existing laws, policies and guidance address the needs of a diverse range of women detainees, many of whom are domestic abuse and sexual trauma survivors? What changes – if any – are required for a more gender-responsive approach to women in police custody?

By better understanding women detainees’ experiences and needs, and making recommendations for improving policy, training and practice to respond to those needs, the overarching aim of the research was to improve treatment and reduce the likelihood of women being repeatedly arrested and detained.

As part of this project, the research team conducted a review of the literature on women in police custody. Though preliminary reviewing of the literature showed a paucity of information, it was nonetheless important to more precisely establish the main gaps in policy and research and to demonstrate how the ‘Gendering police custody’ project would fill these gaps. This is the main aim of the literature review presented here. Before setting out the main sections of the literature review, we wish

to note two things about the language used in what follows and to explain about the approach taken to the literature review.

First, we acknowledge that the language used in official reports can be inconsistent and does not always demonstrate fidelity to commonly used distinctions around sex/gender. The police and Police and Criminal Evidence Act (PACE) Code C tend to refer to female detainees, not women, whilst Baird (2024) refers to women and girls, and College of Policing Authorised Professional Practice (APP) refers to women and female detainees interchangeably. When quoting from these key sources, or drawing on data collection obtained in accordance with these frameworks, we necessarily rely, therefore, on the language they adopt. However, the 'Gendering police custody' project set out to examine women's experiences of police custody, where we define women as those 16 years and above, who are designated female from birth or come subsequently to identify as women. This means that the experiences of trans people who identify as women were not excluded from the remit of the research. In what follows in this literature review, we primarily use the term 'woman' or 'women', understood in this way, but use the term 'female' or 'male' selectively to reflect the language of police policies, such as PACE Code C, within which the police must work and record data.

Second, we note the different labels used in the research literature and policy context to refer to groups of individuals from minority ethnic backgrounds. Black, Asian and Minority Ethnic (BAME) is sometimes used, as is Black and Minority Ethnic (BME). However, both conflate experiences across different ethnic and racialised groups. Other than when constrained by the terminology or framing of pre-existing literature, data collection or policy documents, we refer in this project to those from minority ethnic backgrounds and identify which minority ethnic background wherever possible.

The approach taken to this literature review is a narrative one. Starting in April 2025, we engaged in an initial literature search using key terms, such as 'gender', 'police custody', 'suspects', 'women', 'girls', 'police', 'policing', or a combination of them, in databases such as Google Scholar, focusing primarily on evidence from England and Wales. Taking account also of the project research questions, we combined this with existing sources known to the research team as a result of their existing research and the drafting of the STAR fund research bid, and the backward searching of these

sources, to map out broad themes to be explored in the review. These broad themes included: police custody/women offender policies, vulnerability, police powers and suspects' rights, as they intersected with gender and other relevant intersectional factors.

Over time, using similar search strategies, the research team added to the initial sources examined. This included both peer reviewed sources and 'grey' literature i.e., policy and practice-related publications, some of which we learned about from those working in police custody or allied settings, who we encountered during the project. These sources were used to iteratively expand the existing themes identified and to add others, such as about the gendered pains of police detention, dignity, case disposals and the authorisation of detention. This process was also enabled by the team conducting fieldwork during the period in which the literature review was being conducted, which helped sharpened the focus of the literature review, such as on arrest and processes of criminalisation. Throughout, we sought to be as comprehensive as possible in the themes and sources covered, though inevitably there may be some we have missed, given the thematic approach taken.

The literature review was written and/or commented on by all the research team. Whilst writing the literature review, we compared and contrasted sources, trying to look for points of similarities and differences, which we eventually synthesised into arguments about recurring themes, debates, and gaps in policy and empirical evidence, whilst also mapping out the implications for theory. In February/March 2026, complete drafts were commented on by the team and shared with the study's Research Advisory Group for comment and peer review, with these comments being integrated into the final version published in April 2026.

This literature review examines the existing evidence on the needs and experiences of women suspects entering and being detained in police custody and of police diversionary measures such as voluntary interviews and out of court resolutions (OOCRs). As such, for the purposes of this literature review, we exclude the experiences of women detained in police custody for non-criminal matters, such as those held in police custody under s136 of the Mental Health Act 1983. Given the lacuna of evidence about women in police custody, in Section 1, we initially widen the focus of the literature review to women's experiences of other areas of the criminal

justice system (CJS). We start with this broader literature, narrowing the focus from Section 2 onwards to what is known about women in police custody. Throughout this and subsequent sections, we primarily focus on women's interactions with the police as suspects. Though women's experiences of the police as victims can provide important insights about how women are perceived by the police – and there is ample research on this, including research on women's interactions with the police as victims of rape, domestic abuse, and on women's police stations in the Global South (e.g. Davies and Barlow, 2024; Carrington et al., 2023; Jordan, 2001) – due to constraints of space we do not cover it below.

In what follows, first, we provide an overview of women's distinctive criminogenic needs, as demonstrated by research on women in the CJS, and how these needs intersect with race, ethnicity, age and neurodivergence. This provides critical context for understanding women's (parallel) needs, experiences and pathways into police custody. Second, and in order to further set the scene, we consider legislation, policy and practice guidance relevant to women in police custody, demonstrating a lack of national policy on women in police custody. In the third section, we consider the more specific policy field of vulnerability in police custody and how this relates to women. Of particular concern are debates about whether women in police custody should be and are considered vulnerable in theory and practice, why they might be seen as vulnerable and to what. Fourth, we review the empirically-focused research on women's experiences of police custody, examining: the male-dominated cultural and material conditions of police custody; the use of police powers on women, such as to authorise their detention, conduct (voluntary) interviews, strip search, use force and dispose of cases, including through OOCs; women's access to their due process rights and entitlements, such as legal advice, appropriate adults and female welfare officers; and, women's other needs and experiences, such as of menstruation/menopause, dignity and the pains of police detention.

1 – Women’s criminogenic needs in the CJS

Women represent a small but significant minority in the criminal justice system, comprising 16% of arrests, 22% of prosecutions, and 4% of the prison population (Ministry of Justice, 2025). Despite this, their distinct and often more complex needs when in contact with the CJS warrant careful attention, highlighting also the need for more gender-responsive approaches to addressing them (Bradley and Waite, 2025: 7). Understanding these distinctive needs in the wider criminal justice system also yields important information about the context and pathways that lead women to be in police custody as the gateway into the wider criminal justice process and their likely needs therein. After all, women suspects may have been imprisoned in the past, and imprisoned women will all have been suspects in police custody at some point.

First, women’s needs are distinct regarding the *type of offences* for which they are arrested, prosecuted and imprisoned. Women typically commit less serious offences than men. In 2023, 14% of females were prosecuted for indictable (i.e., more serious) offences compared to 26% of male defendants. Women were more likely than men to be prosecuted for: summary non-motoring offences, such as television license evasion and truancy; summary motoring offences, such as speed limit offences; benefit fraud and fraud by false representation when using cheques, bank cards and online accounts; and, theft offences, such as theft from a shop (Ministry of Justice, 2025). A higher proportion of female offenders cautioned or convicted are also first-time offenders than male offenders (Ministry of Justice, 2025). These lower-level and more often first-time offences often do not result in serious harm and are usually a result of socioeconomic circumstances and a need for ‘survival’ (Penal Reform International, 2020, 2021; Van Hout et al., 2023).

Whilst women have been increasingly prosecuted for violence against the person offences, this has been largely driven by their over-representation in assaults on emergency workers (Ministry of Justice, 2025). This type of offence accounts for 16% of female prosecutions for indictable offences compared to 5% for males (Ministry of Justice, 2025). As discussed in more detail in Section 4, this over-representation may be connected to the context of their offending and prior experiences of domestic abuse-linked trauma. This can impact how individuals respond to highly stressful situations such as arrest and detention by the police and may lead them to ‘lash out’

at emergency workers (Goodall et al., 2023; Ostad-Hashemi, 2017; Dudley, 2015). However, for other more serious offences, such as sexual offences and possession of a weapon, women are under-represented (Penal Reform International, 2020, 2021; Van Hout et al., 2023).

Second, the *context* of women's offending behaviour is also distinctive and, in many cases, impacted by men and their offending. As Bradley and Waite (2025) state:

Women criminalised by the state have often experienced distinctive social and structural challenges, including trauma, abuse and poverty (Corston, 2007; Prison Reform Trust, 2017). Compared to men who are criminalised, they are more likely to have spent time in care, suffer from depression, attempt suicide, self-harm, report drug and alcohol problems, be sole carers of children and be victims of domestic abuse, experiences that often intersect and are drivers behind criminalisation ... (p 7).

More specifically, compared to male offenders, female offenders are twice as likely to suffer from depression (Light et al., 2013), more than half (53%) having experienced emotional, physical or psychological abuse as a child (Williams et al., 2012), and 60% have experienced intimate partner violence and abuse as adults (Ministry of Justice, 2018). In the 2022/23 HM Inspectorate of Prisons survey, a higher proportion of imprisoned females than males reported mental health problems (82% compared to 59%), as well as physical disability, drug and alcohol problems, money worries and housing worries (Ministry of Justice, 2025). Hence, gender-responsive tools such as the Women's Risk Needs Assessment have been developed, evaluated and validated to measure women's distinctive needs and how they predict their likelihood of reoffending. This found, for example, that criminal history and substance abuse were the best predictors of reoffending, as well as having 'antisocial' friends, employment and financial concerns and expressing anger and hostility, whilst a woman's self-efficacy (i.e., their belief in their ability to succeed), was shown to have significant protective effects (Pemberton et al., 2025).

In terms of the impacts of men, women's offending behaviour has been partly attributed to their experiences of domestic and sexual abuse, leading to their

criminalisation by the justice system rather than protection (Swaine Williams, 2022). Women offend because of the abuse, for example: to defend themselves by using force against their abuser; because they are coerced or put under duress by their abuser; or because of duress of circumstance (O'Loughlin et al., 2024). Swaine Williams (2022) argues that due to the failings within police policy and practices, women experiencing abuse, who should be protected by the police, are instead being arrested, detained and criminalised. Even if correctly identified as a victim of abuse, the police, the Crown Prosecution Service and courts can sometimes fail to accept domestic abuse as a defence to the offending behaviour (O'Loughlin et al., 2024). This is a serious concern as, for women whose offending is linked to the experience of abuse, criminalisation can lead to their separation from their children, who are potentially left in the custody of the abuser. This can have significant negative impacts on children's life trajectories,¹ as well as increasing the likelihood of homelessness, loss of employment and income, and deterioration in mental health for women (Swaine Williams, 2022). However, Burman and Gelsthorpe (2023: 380) caution against overstating the importance of men's offending as a driver of women's offending, especially if this is to the detriment of considering other relevant factors, such as socioeconomic circumstances, as discussed earlier in this section, and the importance of women's agency and responsibility for their actions (Burman and Gelsthorpe, 2023: 380).

Third, women also experience distinct patterns of *sentencing*. One of the most important of these is short and, more often, multiple sentences, contributing to the revolving door nature of their experiences with the CJS. Short sentences are problematic because they "disrupt family ties, housing, employment and treatment programmes" whilst also not providing scope for "meaningful rehabilitation" (Revolving Doors, 2019: 2). For all former prisoners, including women, this adds to the likelihood of the revolving door into the CJS, inevitably through the police custody gateway. Disproportionately, female offenders continue to receive short custodial sentences, with the average custodial sentence length being 12.2 months compared to 21.8 months for male offenders in 2023. In part, this may be a consequence of the less

¹ More than 17,500 children were estimated to be separated from their mother by imprisonment in 2020 (Kincaid and Roberts, 2019).

serious nature of their offending (Ministry of Justice, 2025), though Leveson (2025) notes that such sentences may also be attributable to women's greater caring responsibilities, which makes them unable to fulfil the requirements of community sentences. In the latest data, females had a higher average number of reoffences per reoffender compared to males, at 4.38 and 4.04, respectively (Ministry of Justice, 2025). The problematic nature of these short sentences for women was recognised within the Female Offender Strategy to the extent that the Delivery Plan targeted their reduction as one of its four key priorities (2023). However, there is little evidence to indicate that this has been delivered or that changes have materialised, with 16% of females serving sentences of less than 12 months, representing a 24% increase from the previous year, compared to 4% of males as of 30th June 2024 (Ministry of Justice, 2025).

Whilst women's sentences are typically shorter and numerous, this also depends on what they have been accused of, with crimes involving joint enterprise (JE) being an area of growing concern. This common-law doctrine enables the joint prosecution of secondary parties to a crime, if it is concluded that they foresaw the primary party committing the crime. As Sharpe (2025) argues, however, JE is highly gendered. Though at 7%, women remain in a minority of those convicted of JE, their co-accused is often an intimate partner, not a friend or acquaintance, as is the case for men. This raises the issue of gendered and unequal power dynamics, including coercive control, that might lead women to become co-accused and convicted of serious offences with their male intimate partner (Sharpe, 2025; Hulley, 2021).

It has also been shown that women, especially young women, are more likely to be remanded into custody for offences for which they do not later receive a custodial sentence. Tuv (2025) found that:

[O]n average, only 56 per cent of young women (aged 18-24) who had a custodial remand status at Crown Court went on to be sentenced to immediate custody (making up 65 per cent of all those young women that were sentenced). Meanwhile, in that same time period, on average, 75 per cent of young men (aged 18-24) who had been remanded in custody at Crown Court went on to receive custodial sentences (making up 84 per cent of those sentenced) (p.9).

This adds, therefore, to the greater number of women than men who are in prison without a prison sentence (26% vs. 20%), with this difference being even starker for 18-20 year olds (57% vs. 42%) (Ministry of Justice, 2025).

The over-use of short sentences and of remand prompts questions about whether prison should be used at all for women as part of a more gender-responsive approach to their punishment. Corston, for example, recommended that “custodial sentences for women must be reserved for serious and violent offenders” and “community solutions for non-violent women offenders should be the norm” as the CJS should focus on using a women-centred approach (Corston, 2007: 9).² Many since have echoed or built-upon Corston’s recommendations, with advocacy groups arguing that women should be offered “early intervention and prevention, ... safe and stable housing, mental health support, and access to education and employment” not criminalisation (Women in Prison, 2024). Nearly two decades later, the Women’s Justice Board (2026:3) “lament that the radical change Baroness Corston sought has not come about” and in response put forward key recommendations for a whole-systems approach to diverting women away from the CJS and reducing the number of women in prison. It is the case for many female offenders that, whilst the harm caused by their offending is low, their experiences of trauma, adverse life experiences and mental health issues are high, making their individual needs highly complex and multifaceted (Pemberton et al., 2019; Anderson et al., 2020). Policing and police custody policies do not take place in a vacuum from these wider debates about the need to realise the “bold goal” of ending the criminalisation of women (Women in Prison, 2024). Rather, they have a direct bearing on what happens downstream.

Fourth, whilst in prison, the distinctive context of women’s offending makes the *effects of imprisonment* qualitatively different from men. In 2023, compared to males, a significantly higher proportion of females reported self-declared disability (long-term physical, mental, or learning needs), and having drug and alcohol problems, money worries and housing worries on arrival at prison (Ministry of Justice, 2025). As they are more often the sole carer of children, the isolation, separation from children and

² It is important to recognise that whilst the Corston Report (2007) was a significant and influential report which is still highly relevant today, the socio-economic drivers of women’s offending has been heightened after fourteen years of austerity which significantly defunded public and third-sector services, and from the impact of Covid-19 and the cost-of-living crises (Delap and Hogarth, 2025).

lack of control experienced within custodial settings amplifies imprisoned women's feelings of depression and anxiety and is triggering for those with histories of trauma (Kelman, et al., 2022; Anderson et al., 2020). Consequently, in the year ending March 2024, the number of individuals who self-harmed per 1,000 prisoners was over twice as many at 341 for females and 146 for males. The number of instances of self-harm per self-harming individual was over three times as high for females at 16.4 (Ministry of Justice, 2025). Moreover, incidents of self-harm in women's prisons are at record levels, as one in three women in prison self-harm, with rates being eight times higher in female prisons than male prisons (Ministry of Justice and HM Prison and Probation Service, 2024).

In other words, women's 'pains of imprisonment' are distinct in nature and in how they are expressed. Crewe et al. (2017) argue, for example, that for those on life sentences, the "gendered pain of imprisonment" is rooted in maternal guilt, anxiety and grief, which men experience less intensely or less often. These gendered pains of imprisonment also include:

[T]he medicalisation of women's problems ... separation from children, geographical distance from family/friends, paternalistic staff attitudes, lack of education and development opportunities, and inadequate healthcare ... (Kelly-Corless and McCarthy, 2025: 68).

Moreover, these pains of imprisonment are not just internally or cognitively experienced, they also become embodied through self-injury and self-harm (Chamberlen, 2016). As such, prisons can be seen as a site in which women prisoners and staff too "do gender" and as part of a broader and complex web of gendered power relations (Crewe, et al., 2017: 1363).

A further implication of this is the need for gender-responsive approaches to women, which have been shown to yield significantly reduced recidivism rates compared with gender-neutral programmes (Summers et al., 2025). Critical to these gender-responsive approaches is an environment in which interventions are trauma-informed, i.e. in which "staff can identify and understand the consequences of trauma and

potential triggers that might re-traumatize” (Summers et al., 2025: 4). An example of this might include initiatives such as One Small Thing’s Hope Street housing for women and their children when leaving court, prison or probation in Southampton, which offers access to multiple services in a healing, compassionate and trauma-informed way (One Small Thing, 2024). However, due to the overrepresentation of men within the CJS, women as the minority are often neglected and their unique health-needs, particularly their menstrual health, mental health, and the treatment of drug dependence, are ill-resourced (Gadama et al., 2020; Penal Reform International, 2020), thereby limiting the extent to which gender-responsive interventions are capable of being delivered. There are also risks that trauma-informed responses to women’s needs may become superficial and merely window dressing in a criminal justice system where staff do not have enough time or where their attitudes and behaviour undermine the principles of trauma-informed care (Kelman et al., 2024). Nonetheless, the foregoing discussion suggests a need to consider the ‘gendered pains of police detention.’ This requires taking into account the distinctive context of women’s offending, and how these ‘pains’ might be most appropriately responded to, including in a gender-responsive and trauma-informed way, by the police, in order to potentially prevent further harm to women throughout the CJS.

Intersectionality: Minorities within a minority in the CJS

Gender alone is an insufficient rubric by which to understand the experiences of women in the CJS. As an analytical framework, intersectionality – coined by Crenshaw (1989) and specifically addressed in the Corston Report (2007) – underscores the ways in which overlapping social categories produce forms of custodial disadvantage that are not reducible to a single axis of identity. Women carry multiple intersecting identities, experiences and vulnerabilities, including in the CJS. This has been increasingly recognised in criminological research, enabling better consideration of processes of criminalisation, which may start in police custody as the gateway to the wider criminal justice process, and how systemic injustice operates and is produced (Parmar, 2017). In the remaining part of this section, we briefly examine the way that race/ethnicity, nationality, language differences, age and neurodivergence can intersect with gender to create further complexities in women’s experiences and needs in the CJS. These, of course, do not provide an exhaustive list of potentially

intersecting factors, and we also acknowledge the relevance of religion, social class and sexuality, which – due to constraints of space and a paucity of existing research evidence – we do not consider in detail here.

Race, ethnicity and gender

The Corston Report highlighted the over-representation of minority ethnic women in the CJS, who as a “minority within a minority” (2007: 52), face compounded structural forms of disadvantage. Black women, for example, are more likely to be arrested, and once arrested, they are more likely to be charged with a criminal offence and, once charged, they are more likely to appear at Crown Court (Lammy, 2017: 12). This picture is mostly confirmed in more recent research. The Ministry of Justice (2025) found that women from minority ethnic backgrounds are no longer as over-represented, for example, when prosecuted for indictable offences (e.g. 4% of such prosecutions are of Black women, which compares to the 4% of Black women in the general population). However, they are over-represented when remanded for indictable offences at the magistrates’ or Crown Courts. The highest proportion of females remanded in custody at magistrates’ courts was from the Black ethnic group (18%) (Ministry of Justice, 2025). Minority ethnic women also tend to be more likely to receive the longest custodial sentences. In the Lammy Review, it was found that Black women received custodial sentences at a higher rate, especially for drug offences, compared with White women at a rate of 227 to 100 (Lammy, 2016: none given). The Ministry of Justice (2025) has more recently found that Asian women and Black women receive longer custodial sentences for indictable offences than White women, at 22.6, 16.6 and 11.8 months, respectively.

For those from minority ethnic backgrounds without English language proficiency, there may be an additional axis of disadvantage (Hunter, 2022). The Prison Reform Trust underlines significant barriers for minority ethnic women without English language proficiency, particularly regarding timely access to interpreters, exacerbating their legal marginalisation at the earliest points of criminal justice contact (Prison Reform Trust, 2017a). This was further reinforced by focus groups conducted by Women in Prison, who found that as minority ethnic women moved through the CJS their disadvantage continued, leading to a state of advanced marginalisation within an

already marginalising system (Women in Prison, 2020). All focus group participants cited that they found the legal process confusing, with insufficient access to translators leading to them feeling they were treated unjustly.

If sentenced to prison, minority ethnic women face a wealth of differential experiences and disadvantages, albeit that intersectional research on this is limited (Kelly-Corless and McArthy, 2025). For example, 72% of female prisoners from ethnic minority groups reported that when searched it had been done in a respectful way. This was lower than for their White counterparts (85%) (Ministry of Justice, 2025). Osman (2022) also points to additional layers of mistreatment and prejudice for minority ethnic women from both other prisoners and staff; for example, when engaging with treatment programmes they may feel additionally invisible because of their ethnicity and gender, resulting in disengagement. For foreign national women, the more the layers of difference – which may include not just gender and ethnicity but also language barriers – the greater their penal pain and experience of the “pain-difference” continuum, as they may not have the same rights as UK nationals and will more likely struggle to engage with necessary bureaucratic processes (Kelly-Corless and McArthy, 2025: 69).

Minority ethnic women experience an unfortunate duality of recognition: on the one hand, they are hyper-visible in terms of carceral statistics and, on the other, they remain chronically invisible in terms of CJS staffing. As of March 2024, ethnic minority staff accounted for 14.2% of all HMP employees, despite their over-representation as prisoners. Among prison officers, 88.9% were White, with Black and Asian officers comprising 4.4% and 2.5%, respectively (Home Office, 2024). According to the Prison Reform Trust (2017a), this amplified women's feeling of anxiety and cultural displacement. The near absence of staff who shared their identities led to cultural misunderstandings, heightening racial discrimination, which can lead to harsher reprimands for minority ethnic women.

Age and gender

Much like adult women, CJS-involved girls can carry complex, intersecting and overlapping trauma histories (Foy et al., 2012). These include experiences of sexual abuse, neglect, care involvement, substance misuse, and mental health difficulties. Hancock (2025) also points to a further subgroup within this subgroup of girls in the

CJS. This includes approximately 50% of girls who are highly vulnerable as a result of multiple traumas and interactions with the CJS and social services. These girls may also be regularly missing, as well as arrested and lashing out at the police, and who are thus remanded into custody and subject to Deprivation of Liberty Orders. As Hancock (2025: 13) notes: “these girls should be nowhere near custody. They should be in supported accommodation in the community, or in a small number of cases, in Tier 4 hospital beds.” This suggests a structural incapacity in meeting the complex needs of girls in custodial environments calibrated for males. Processes of imprisonment may therefore act as a site of secondary victimisation for young girls.

Race further compounds these problems in the CJS for girls. Davis and Marsh (2022) found that Black girls were disproportionately subject to adultification bias. Adultification bias is the persistent mischaracterisation of Black girls as older, less innocent and more culpable for their involvement in the CJS than their White peers (Davis and Marsh, 2022). Sharpe (2024: Chapter 7) also notes not only the enhanced criminalisation of minority ethnic girls (and girls from economically marginalised and neurodivergent backgrounds), but how these factors cut across policing, penal, education and welfare institutions. A further compounding factor in the criminalisation of girls is their experiences of victimisation, including maltreatment, sexual and physical abuse and poly-victimisation, linking to the involvement of welfare and protective services, with victimisation and thus conflict with the law being heightened for care-experienced girls (Sharpe, 2025). There is a cumulative effect of these intersecting dynamics for girls. This includes complex and trauma-laden histories, experiences of victimisation, especially whilst in care, racial stereotyping and adultification.

Neurodivergent women

Neurodivergence refers to individuals whose neurological development and functioning is different from the typical and includes conditions such as autism and ADHD (Dehaghani and Smith, 2026). Neurodivergence is often used in the policy sphere as synonymous with neurodiversity – the latter term refers to the variability of the human nervous system and the broad spectrum of neurological expressions that encompass the myriad ways of communicating, thinking and sensory processing (Singer, 1999). Research shows neurodivergent people are significantly over-represented in the CJS, with estimates suggesting that whilst they make up 15-20%

of the general population, they may constitute roughly 30% to 50% of the prison population (Finer, 2024; Criminal Justice Joint Inspection, 2021). Neurodivergent individuals are also typically under-identified, under-assessed, unsupported and disadvantaged by a system that lacks adequate understanding of their needs (User Voice, 2021).

Given the growing evidence of both under-diagnosis and late diagnosis (i.e., in adulthood) of neurodiversity among (young) women (Sharpe, 2025), they are particularly likely to experience these problems. Because of this, there is a risk that, especially for women and girls, their behaviour whilst interacting with criminal justice actors, including in police custody, may be misinterpreted as suspicious, aggressive, intoxicated, or uncooperative. They may also struggle to fully participate in the criminal justice process, leading to stressful, dissatisfactory and inequitable experiences (Gibbs, 2022).

The non-neuroinclusive nature of the CJS may have further adverse consequences for women (Chester et al., 2025). Neurodivergent women are more likely to socially assimilate, often known as masking. Miller (2021), for example, found women to be more likely to mask neurodivergent behaviours over time as a survival strategy in their domestic and social lives, meaning that in the CJS they are more likely to “go under the radar” (Sharpe, 2025: 10). This greater tendency of masking by neurodivergent women, combined with the already poor detection of neurodivergence in the CJS, may mean that their needs are unmet to a greater extent than for men (Dehaghani and Smith, 2026).

2 – Police custody policies relevant to women suspects

Having set out some of the distinctive criminogenic needs of women in the criminal justice system, we now narrow the focus in this section of the literature review to police custody and to policies, guidance, principles and codes of practice relevant to the treatment of women therein. For now, we put to one side the issue of (women's) vulnerability in police custody in these policies, returning to this in Section 3 below.

Police custody practices in England and Wales are regulated by a complex web of largely national and international instruments, including: statutes such as PACE and the accompanying Codes of Practice, in particular Code C which focuses on the detention and questioning of suspects; the College of Policing's APP, which amounts to national guidance on detention and custody; national strategies, such as on police custody published by the National Police Chiefs' Council (NPCC); international conventions, such as the European Convention on Human Rights and its translation into domestic law through the Human Rights Act 1998, with Articles 2 (right to life), 3 (prohibition from torture), 5 (right to liberty), 6 (right to a fair trial) and 8 (right to private and family life) being of most relevance to police custody; and other international instruments, such as the UN-initiated Mendez Principles on Effective Interviewing and the Bangkok Rules. These frameworks are intended to ensure the upholding of dignity, safety, and rights of all detainees, with specific provisions recognising the gendered needs of women. Alongside these police custody-focused regulatory instruments sit other relevant policies, including the Ministry of Justice-published Female Offender Strategy (2018), which contains elements relevant to the treatment of women in police custody and elsewhere in the CJS.

In what follows, we look at the prominence of women in PACE, PACE Code C, and in national and governmental strategies on police custody and on female offenders. We conclude that police custody guidance and policies do not fully consider, if at all, women's experiences and needs, and strategies focused on female offenders do not necessarily consider the role that the police and/or police custody have to play in supporting these strategies. This means that women suspects fall between the gaps in these existing instruments. Before looking in turn at these instruments and the gaps therein for women, we offer some brief remarks about the general challenges of putting regulatory instruments such as this into practice.

Whether and how police officials adhere to these regulatory instruments and the rules contained within them rests on several factors, including their discretionary power, that is, their capacity to choose between different courses of action and inaction, which provides scope for in situ case-by-case interpretation of the various rules that should be followed (Skinns, 2019: 17-23). In reaching decisions about whether and how to apply these rules, informal beliefs, values, strategies and tactics that comprise the 'commonsense' of police work and which drive perceptions of the 'way that things are done around here' (Holdaway, 1983:2), i.e. the culture of custody, is a further influential factor. One feature of this culture of custody is the prosecutorial mindset of the police, in which suspects are presumed guilty rather than innocent (Skinns, 2019: 108-9; McConville, Sanders and Leng, 1991: Chapter 3). This prosecutorial mindset also overlaps with biases, prejudices and stereotypes about particular suspects, including gendered scripts and expectations of women (Skinns, 2019: 108-111).

Decisions about whether and how to implement the rules are also informed by the status of the instruments that contain them and how this status is perceived by those operationalising them. PACE is the legislative framework which police are, in theory, bound to follow regarding the detention, treatment and questioning of persons. Yet, Code C – and other accompanying Codes of Practice – are not hard law, like PACE, but rather soft law and are therefore subject to greater discretion and lesser consequences for non-compliance (Zander, 2022). PACE and the Codes are, moreover, "unduly complex" (Home Office, 2007, para 2.2), albeit that an HM Stationery Office (2007) review determined that making the Codes more accessible was unachievable as they would require parliamentary approval (Zander, 2022). Similarly, APP – professional guidance for police officers and custody staff – is not legislation and is therefore subject to similar issues of discretion and compliance as the PACE Codes.

Though neither PACE Code C nor APP are legally binding, they have, in theory, some regulatory power in that evidence may be rendered inadmissible in court if the police have been found to breach Code C. APP is also potentially used to scrutinise police malpractice in police misconduct proceedings, meaning that non-compliance with APP may carry more weight, given that officers' jobs and associated pensions are potentially at greater risk from such proceedings. However, in practice, the regulatory

effects of Code C and APP may be limited by a host of factors, including that large numbers of defendants plead guilty. This means there is no opportunity to scrutinise police custody practices at court or to render evidence inadmissible and, even if it is, courts have also been found to be inclined to rule in favour of the police not defendants (Welsh et al., 2021). Similarly, misconduct proceedings, like criminal court cases, are the 'tip of the iceberg', given barriers to their progression, meaning again limited opportunities for APP to potentially deter individuals or groups of custody staff from breaching this guidance.

PACE, PACE Code C and APP

Despite recent revisions to PACE (including Code C) and APP, the identification of and responses to women's needs receive relatively little attention, beyond provisions, such as for female welfare officers, menstruation, menopause and strip searching. There are also inconsistencies within and between these instruments, including in the language used to refer to women, girls and females.

In 2019, PACE Code C was revised to introduce the requirement that, during booking-in, all detainees must be offered the opportunity to speak in private with a member of custody staff, of the same sex, about any matters concerning their personal needs relating to their health, hygiene and welfare that might affect or concern them whilst in custody (Code C, 2023: para 3.5). Regarding children, s31 of The Children and Young Persons Act 1933, requires that arrangements must be made to ensure that a girl (under the age of 18), whilst detained, is "under the care of a woman". Additionally, PACE Code C, revised in 2019 following pressure from the Independent Custody Visitors Association (ICVA) and His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), now requires that all female detainees be asked about and provided with, if they require it, adequate menstrual products free of charge, with the female welfare officer playing a role in the provision of these menstrual products. This marked a significant policy shift, driven by concerns surrounding dignity and the health risks of inadequate sanitary provision. The APP further recommends that female detainees are proactively asked if they require menstrual products, with a range of options available and access provided in a private and respectful manner.

There are, however, concerns about other aspects of women's health and wellbeing in which policy is still lacking. For example, ICVA (2024) highlighted the lack of formal rules in place to protect and ensure the support of detainees experiencing the menopause. Whilst APP briefly asks custody staff to consider whether the menopause is likely to impact detainees' welfare, PACE does not mention menopause. Following a report by the Sussex Office of the Police and Crime Commissioner in collaboration with ICVA, a recommendation was made with the support of the NPCC for forces to adopt a referral pathway for those who may be experiencing menopause. In response, amendments were made to APP (but not to PACE Code C) in June 2024, setting out a new menopause referral pathway. It is recommended that all female detainees 40 years and over are offered an opportunity to speak to a Healthcare Professional (HCP) about potential perimenopause and menopausal symptoms, in order to develop a care plan whilst in custody which may include the need for an Appropriate Adult (AA), distraction packs, access to water and washing facilities.

Policies on strip searching of women, trans and non-binary individuals have been another area of concern. Strip searching is harmful and traumatic for both the detainee and the officer conducting it (Bath 2022). Under Annex A of PACE Code C, police officers can carry out a strip search, which is classified as the removal of "more than outer clothing" (outer clothing includes shoes and socks), in order to remove an item which the detainee is not allowed to keep which may include the items of clothing themselves (PACE Code C, 2023: 72). The removal of clothing for the purposes of 'preventing harm' and reducing the risk of suicides also comes under the remit of 'strip searches' which became common practice after concerns about suicides in custody. However, as highlighted in the 'Safer Detention and Handling of Persons in Police Custody guidance' (the precursor to APP), removing the clothing of a detainee for the purpose of their safety may cause greater harm rather than easing distress (ACPO, 2012). It was recommended that, alternatively, it may be more appropriate to put a detainee under Level 3 or 4 constant/close-proximity observation, thus allowing detainees to also keep their own clothing (ACPO, 2012).

Code C stipulates that, when conducting a strip search, the officer carrying it out must be of the same sex as the detainee, and no member of the opposite sex should be present with certain exceptions for AAs and medical professionals. Furthermore,

PACE Code C states that: “In law, the gender (and accordingly the sex) of an individual is their gender as registered at birth unless they have been issued with a Gender Recognition Certificate (GRC) under the Gender Recognition Act 2004 (GRA)” (2023: Annex L, Para 3). Up until 2025, this meant that women officers could strip search women suspects who were registered as a woman at birth and suspects who identified as women, if they had a GRC, even if they were registered biologically male at birth. However, following the Supreme Court ruling in 2025, this interpretation of Code C became contested. This ruling has interpreted the words ‘sex’, ‘woman’ and ‘man’ in the Equality Act 2010 to mean (and were always intended to mean) biological sex, biological woman and biological man (*For Women Scotland Ltd v The Scottish Ministers* [2025] UKSC 16). This resulted in the NPCC publishing draft interim guidance on strip searching and gender to make necessary changes to policies and practices (NPCC, 2025a). The guidance states thorough police searches, such as those which expose intimate body parts “must be conducted with officers of the same biological sex as the person being searched” with very limited exceptions if someone “expresses a preference to be searched by an officer of their lived gender” (NPCC, 2025a: 1). If a search were not to be conducted in line with biological sex, there is a requirement for written consent from the detainee, the officer conducting the search and an authorising officer. At the time of writing, there were judicial reviews pending which may bring opportunities for searches based on gender and the consent of both parties to an end, enforcing instead the requirement for searching to be carried out on the basis of biological sex only.

A further area of concern is about who can and should be present during a strip search. When conducting any strip search, there must be two people present if intimate body parts are exposed, if there is a risk of serious harm to the detainee or others, or if the detainee is considered vulnerable or is a child (for which an AA should be present, with exceptions). Bath (2022), however, raised concerns over the lack of clarity and inconsistencies of frameworks in regard to strip searching which leaves much open to interpretation and at the discretion of the police. For example, whilst there are requirements for an AA to be present during strip and intimate searches of children and vulnerable adults, there are multiple exceptions to such requirements which weaken their foundation and result in inconsistent practices. Additionally, there is little consideration as to whether being undressed and examined in front of an AA, who

may be a stranger or 'trusted' adult, is more or less traumatic for the young person or vulnerable adult.

As potentially vulnerable individuals, considering the distinctive context of their offending, which might include abuse and trauma (see Section 1), there has been little consideration of women in relation to these matters. Because of this context, strip searches might prompt heightened distress for women, which may or may not be further amplified by having a person, such as an AA, present during the strip search. The only limited consideration given to women in strip searches appears in APP, not Code C, which notes that "menstruating detainees" should be considered, with the section on strip searching advising that officers ensure a detainee can privately indicate to a female officer that they are menstruating and that, if sanitary products are removed as part of a search, they must be replaced without delay.

Further gaps in relation to women also exist for use of force provisions. The police have the power in law to use "reasonable force" found in s117 of PACE . Such powers may relate to arresting, detaining, and stopping and searching suspects. The use of force in custody must comply with the principles of necessity, proportionality, and accountability and staff should "aim to de-escalate any situations which may lead to force" as outlined in national guidance (College of Policing, 2023: 1). These frameworks do not encourage differentiation of the use of these powers by gender or recognise the distinctive contexts of women's offending, especially for those with histories of trauma, who may thus respond differently to use of force tactics. Nor do they recognise how women may experience force differently owing to their generally smaller size and builds, particularly compared to male officers, who may use force against them.

In terms of inconsistencies in the language used, in Code C, the use of 'woman'/'women' and 'female' is inconsistent. 'Female' is predominantly used throughout (12 times), whereas, the term 'woman' is specifically used either in reference to the requirement for a girl under 18 to be put under the care of a woman, or the term is used under Annex L 'Establishing Gender Of Persons For The Purpose Of Searching And Certain Other Procedures'. Under Annex L, there is no consistency in the use of 'woman' and 'female', with 'female' and 'woman' being interchangeably referred to as both the gender as well as a person's sex. This inconsistency is also

evident in paragraph 9CB as in one sentence both terms are used, as follows: “It also enables adult women to speak in private to a female officer about their requirements for menstrual products”. In APP, the term ‘female’ is also predominantly used, yet there are again multiple cases of the terms ‘female’ and ‘women’ being used interchangeably. For example, on the page titled ‘Detainee individual needs’, a subheading labelled ‘Female detainees’ proceeds to use both terms woman and female four times when referring to detainees. These inconsistencies in language may impact practices as officers may have differing interpretations, leading to inconsistencies in treatment. The only consistency in use of language across PACE Code C and APP, is in regard to the term ‘girl’ which is uniformly used only in reference to or as a signpost to section 3.20A and the requirement within The Children and Young Persons Act 1933 for “a girl to be ‘under the care of a woman” (para 31). Additionally, Connelly and Williams (2024) found the heteronormative language within Code C was outdated and Annex L was insufficient and unclear in regards to recognising trans and non-binary individuals.

Data collection and the recording of sex and/or gender is also highly inconsistent across the CJS, as different criminal justice agencies and forces use different recording practices, definitions and categorisations. As a result, comparative analysis between forces may be unreliable (Social Research Institute, 2025). There are also more fundamental issues at stake with regards to the collection of such data: the duty to collect them must be balanced against the potential harms this might cause, in the context of ambiguities about the precise definition of sex and gender. Hence, Collier and Cowan conclude that “public bodies asking about sex and gender should: co-produce questions with the community that is being surveyed; ensure the wording of each question is sensitive to the context in which it is asked and the purpose for which it is intended; and avoid attempting to offer any overarching standard definition of sex or gender that would be applicable in all circumstances” (2022: 748). They argue this would allow for a more intersectional understanding of people’s lived experiences.

National and international strategies and principles

Women are also little considered within strategies and publications produced by the NPCC. Whilst the NPCC’s National Strategy for Police Custody recognises that, when dealing with children and young people and vulnerable individuals, officers should

consider that police custody is not always the appropriate response and supports the use of “appropriate diversion activities”, there is no mention of women as vulnerable or how they may be better suited to diversionary methods (NPCC, 2022: 5). This is despite the recommendations in the Female Offender Strategy (2018) and recognition by the Ministry of Justice that “women in contact with the criminal justice system are amongst the most vulnerable in society” (2023: 5). This is even more perplexing as the ‘Managing Vulnerability: Women Fact Pack’ (2018) was produced in collaboration with the NPCC.

Overall, therefore, there is no mention of women and/or females within the National Strategy for Police Custody (NPCC, 2022). However, the NPCC has published ‘Charging and Out of Court Disposals: A National Strategy’, which does recognise that a “women specific approach is needed to address the often complex needs of female offenders” (2018: 8). This fails to clarify what such an approach should look like, however. In addition, the NPCC recently produced a ‘Women in the Criminal Justice System’ NPCC Portfolio Overview, which covers objectives and diversionary measures aimed at improving policing’s response to women who encounter the CJS (NPCC, 2025b). Yet, again, however, this does not provide any guidance on best practices in police custody and is a demonstration of the wider lacuna of guidance on supporting women in police custody specifically.

The international Mendez principles for investigative interviewing also only mention women in passing, flagging that, in international human rights frameworks, it is prohibited to place pregnant or breast-feeding women in solitary confinement (Mendez, 2021: 12). They also recognise that vulnerability, owing to its dynamic and situational nature, may be heightened for those who are “pregnant or breastfeeding, or being a primary caretaker and not having been given the opportunity to make alternative caretaking arrangements”, though these additional considerations in relation to vulnerability are not directly linked to being a woman (Mendez, 2021: 19).

The Female Offender Strategy and other associated guidance on women in the CJS

Published by the Ministry of Justice, the Female Offender Strategy (2018) and accompanying Female Offender Strategy Delivery Plan (2023) aim to reduce the cycle

of female offending by tackling the underlying causes of women's offending behaviours through the use of more effective early intervention and evidenced-based rehabilitation, whilst also addressing their vulnerabilities. Consequently, one of the Female Offender Strategy's (2018) focal points is the use of diversionary measures which can be implemented by the police. For example, the Strategy (2018) advocates for the greater and more targeted use of Out of Court Disposals, now known as OOCRs, for women as an appropriate diversionary measure for low level offending without requiring recourse to the courts. These measures aim to divert offenders away from the CJS and are intended to address individuals' criminogenic needs through relevant programmes and community support. The use and efficacy of such interventions for women are further examined in Section 4.

Despite advocating for greater use of OOCRs for women, beyond this, little other attention is given to police custody within the Female Offender Strategy. Under 'Chapter 1: Early Intervention', the strategy discusses the enhancing role of Liaison and Diversion (L&D) in providing gender-sensitive assessments and effective referrals to gender-informed services for women in police custody and enhancing their 'women's pathways'. Additionally, the Ministry of Justice, alongside this strategy, published guidance for the police on working with vulnerable women: 'Managing Vulnerability: Women, Fact pack' (2018). Within this Fact Pack, the Ministry of Justice recognises the negative impacts which traditional criminal justice interventions can have on women and their families and encourages more targeted use of women-only community interventions, for example, through the provision of OOCRs.

Whilst such guidance appears progressive in nature, the All Party Parliamentary Group (APPG) on Women in the Penal System (2022) raised concerns that there have been no clear plans nor consistent funding to enact such guidance and to ensure that gender-specific services for women in contact with the CJS are available across all of England and Wales. In 2022, the National Audit Office published a review of the Female Offender Strategy which criticised the Ministry of Justice for prioritising other activities over implementing the female offender programme and failing to invest in the Strategy. It was suggested that the lack of set goals and weak governance had resulted in the Ministry being unable to assess progress towards its aims (Davies, 2022). Whilst the Female Offender Strategy (2018: 6) strives for "better conditions for

those in custody” (referring to prisons), there is no mention of improving conditions for women in police custody. In summation, the APPG (2022) found that the Female Offender Strategy had not had as significant an impact on the policing of women as it could or ought to have. This is to be expected, due to the perennial problem of the lack of interface between the Home Office, which oversees policing, and the Ministry of Justice, which oversees other parts of the criminal justice system, such as the CPS, courts, prisons, probation etc., as well as the limited attention provided to women suspects in police custody.

Of further relevance are the UN Bangkok Rules on the treatment of women prisoners aimed at reducing women’s imprisonment, where the term prisoner is used to refer to “all categories of women deprived of their liberty, including criminal or civil, untried or convicted women prisoners, as well as women subject to “security measures” or corrective measures ordered by a judge.” (UN, 2010: 6). Whilst, in theory, all 70 of these rules apply to police custody and some are particularly relevant – e.g. Rule 5 about access to sanitary facilities and menstrual products, without which treatment is considered degrading – little reference is made to the police directly and their role in upholding these rules. The only direct reference made is in relation to Rule 6 on access to medical screening on entry, where it is noted that such screening may be less comprehensive than in prison (UN, 2010: 26). Therefore, like other policies on women in the criminal justice system, the UN Bangkok Rules largely overlook the role of and way that the police treat women in the CJS.

3 – Vulnerability, women and police custody

Having set out key police custody policies and guidance and considered which parts of them, if any, address the needs, experiences and treatment of women detainees, in this section, we turn to the specific matter of vulnerability. First, we consider how vulnerability is conceptualised in police custody, according to PACE Code C, which emphasises the innate basis of vulnerability, potentially to the neglect of the structural, situational and universal forms of vulnerability often noted in academic research. Second, we explore how police and academic understandings of vulnerability might be applied to women, addressing the questions of why and to what extent women may be seen as vulnerable in police custody.

Vulnerability in police custody

Notions of vulnerability in police custody are partly predicated – at least for adults – on the definition of vulnerability set out in the Police and Criminal Evidence Act 1984 (PACE) Code C (Home Office, 2023). Prior to 2018, this definition largely revolved around the ambiguous and variously interpreted terms of ‘mentally vulnerable’ (referring to someone’s mental state or capacity, which meant that they may not understand the significance of what is said, of questions or of their replies) and ‘mental disorder’ (linked to Mental Health Act (MHA) 1983 definitions and non-exhaustive list of conditions found in the accompanying MHA Code of Practice). As Dehaghani and Bath (2019) note, ‘mentally vulnerable’ was more of a functional test and ‘mental disorder’ was more of a diagnostic test; and both required the custody officer with responsibility for making this determination to give the detainee the benefit of the doubt.

In part because of these conceptual ambiguities, from August 2018, the definition of vulnerability changed. The current definition focuses on ‘vulnerable persons’ who have mental health conditions or mental disorders (though this is not essential, as per Code C 1G), and on the possibility that these conditions or disorders may result in difficulties with understanding, communicating and appearing to understand what is told to them, as well as tendencies for confusion, providing unreliable, misleading or incriminating information, and being suggestible (Home Office, 2023: 1.13). By focusing on what a

vulnerable person can or cannot do (in terms of their understanding, communication, suggestibility etc.), this is primarily considered a functional test (Dehaghani and Bath, 2019).

Those who meet the vulnerability criteria set out in Code C ought to be provided with an AA. To identify whether an AA ought to be called, the police are encouraged to: make reasonable enquiries about what information is available about a person's potential vulnerability (e.g., from the person, people who know them, health and social care services or perhaps the liaison and diversion team in police custody); record whether any of the specified factors appear to apply (including if none); and make the record of their enquiries about detainee vulnerability available to AAs (and others who communicate with the person) (NAAN, 2018a and NAAN, 2018b). Moreover, in making these enquiries, custody staff need to have 'reason to suspect', which is more objective than 'any suspicion' (which appeared in the pre-2018 definition), but is less stringent than 'reason to believe'. If it is determined by the Custody Officer that a suspect is vulnerable, an AA must be called.

Though complex to understand and to apply in practice (Mikolajewska, 2025; Dehaghani, 2019), this definition of vulnerability in PACE Code C provides some indicators about the main ways of conceptualising vulnerability in police custody – either through what it covers or perhaps also by what is absent. The focus in PACE Code C on suspects who have mental health conditions or mental disorders emphasises the importance of innate vulnerabilities, i.e., those vulnerabilities that pre-exist someone's entrance into police custody and are largely connected to their psychological or biological make-up. In the context of police custody, this might include mental health conditions, physical health conditions (though only insofar as they impact on someone's functioning), learning disabilities, and forms of neurodivergence, with these innate vulnerabilities being ones that suspects 'import' into police custody from the external world.

Suspects often import a further set of vulnerabilities, however, which are not necessarily expressed in this PACE Code C definition. Such vulnerabilities are shaped by the socio-political context outside of police custody, i.e., (deep-rooted) structural

forms of vulnerability, and can impact upon how suspects behave and react to police custody. They may include ethnicity, gender, age and socio-economic disadvantage. Taking ethnicity, for example, HMIC (2015) noted, in their thematic inspection of police custody on the theme of vulnerability, how the lengthy history of poor relationships between the police and minority ethnic communities creates a layer of structural disadvantage which is not seen for White suspects. Interestingly, gender was excluded from the remit of this inspection and subsequent report. Further, the various structural forms of vulnerability, particularly gender, are not formally included as part of the risk assessments conducted by custody officers, aside from in relation to questions about pregnancy, caring responsibilities and breastfeeding.

Lastly, when conceptualising vulnerability, it is also important to recognise the immediate circumstances of someone's arrest and detention, i.e., situational vulnerabilities. The very fact of someone's arrest and detention – which involves being placed in a cell on their own, experiencing pains of police detention, including uncertainties and a loss of control – may either create vulnerability, where this did not exist, or amplify existing vulnerabilities (Hodgson, 1994; 1997: 786). A subset of these situational influences on vulnerability relates to the material conditions of police custody - that is, “the properties and capacities of things” or stuff (Woodward, 2020: 17), which in combination with social relationships between staff and detainees come to have particular effects on detainees and their experiences of police custody. These include: the physical environment, including lightness and brightness; the design and layout, such as whether the custody suite is linear or circular, whether spacious or not, and the location of different facilities (e.g. showers, medical rooms, rest rooms for staff, kitchen, waiting areas etc.); technology and equipment, such as CCTV, life-signs technology, panic buttons, in-cell buzzers/intercoms, forensic and interview recording technology, spit hoods, limb restraints or other tools of coercion, and IT systems; the soundscapes of police custody; objects, such as detainees' personal effects (Skinns et al., 2023). As will be discussed in more detail in Section 4, the elevated booking-in desks, proximity of male custody staff, lack of separation from male detainees, the lack of access to sanitary facilities and presence of CCTV in the cells and around the toilet area, may enhance women's vulnerability. This might be because of enhanced

feelings of insecurity and a lack of safety for women around men and their losses of bodily autonomy and indignity in the cells, such as when menstruating.

In addition to the specific forms of vulnerability that might pertain to individuals at the innate, structural or situational level, vulnerability has also been conceptualised in existing research literature as something that is universal to the human condition – again not something recognised in PACE – albeit that these vulnerabilities are unevenly distributed (Brown, 2021: 4). According to this perspective, there is a need to work from an assumption that everyone is potentially vulnerable and in a variety of ways. The idea of universal vulnerability is often associated with the work of the feminist legal scholar, Martha Fineman. Fineman has argued that, as embodied and embedded beings (i.e., within societal, environmental, familial, educational, etc. structures), we are all susceptible to harm and injury and are all interconnected – and dependent upon – one another. This creates a continual degree of uncertainty throughout the life course, given the “ever-present possibility that our needs and circumstances will change” (Fineman, 2008: 12). Many of the harms that lead to vulnerability, such as ageing or death, are beyond individual or human control (Fineman, 2010). As such, vulnerability is a universal aspect of the human condition. For Fineman, the counterpoint to vulnerability is resilience, which can be provided through the resources, relationships and support associated with the aforementioned structures. This includes a responsibility on the part of state institutions to be responsive to the need to develop such resilience. By moving beyond a conception of vulnerability as a series of protected characteristics, Fineman’s work encourages us to see everyone as potentially vulnerable, and sometimes in multiple ways, largely because of the nature of our engagement in social relations, institutions and structures.

This conceptualisation of vulnerability takes on a particular significance in police custody settings given its nature. This includes experiences of it by suspects as culturally and materially coercive due to confinement in a cell, as well as painful, owing to the loss of autonomy and feelings of uncertainty about what will happen to them and when (Skinns and Wooff, 2021). One of the implications of Fineman’s conceptualisation of vulnerability, therefore, is that, whilst vulnerability may be

universal, the environment of police custody – including the isolation, lack of control and uncertainty it can cause – may render some suspects less resilient to its harmful effects than others, and perhaps less resilient than these individuals may be in other settings (see also Dehaghani, 2021). In other words, resilience in and to police custody may vary.

Why and to what are women vulnerable in police custody?

As the foregoing discussion illustrates, vulnerability is a complex concept influenced by a range of factors. This raises questions about why and to what women are vulnerable to in police custody. Despite the reticence in the recent past to regard women as vulnerable in police policies and debates, such as in PACE Code C or the HMIC (2015) thematic inspection on vulnerability in police custody, this recognition could afford them additional protection, safeguards and reasonable adjustments which, in theory, may more equitably recognise and address their needs.

As to why women might be regarded as vulnerable in police custody, in simple terms, this is rooted in their experiences of gender-based structural disadvantage in patriarchal societies, that is, in the “social dynamics”, or the interactions and interpretations of social contexts which Brown (2021: 3) highlights as important to experience of vulnerability. As set out in Section 1, women experience greater inequities at home and in their domestic relationships, in education, at work and with institutions, including those in the criminal justice system. It is likely that those structural disadvantages will be amplified in police custody, an environment that is culturally and materially male (see Section 4). Relatedly, as set out in Section 1, women are more likely to be more vulnerable in police custody than men because of their distinctive criminogenic needs, such as trauma, abuse and poverty and the effects on them of men and their offending. This vulnerability is likely to be further heightened where women’s distinctive criminogenic needs intersect with other forms of structural disadvantage, such as race, ethnicity, age and neurodivergence.

Women might also be seen as vulnerable in police custody because the concept of vulnerability, and concern over those deemed ‘vulnerable,’ has become a now well-established priority within policing across England and Wales, appealing especially to safeguarding functions of policy (Brown et al., 2025). In this context, there may be

instrumental reasons for bringing women into the cohort of 'the vulnerable'. This should be approached with caution, however, since simplistic characterisations can be damaging in criminal justice settings. Munro and Scoular (2012) say, for example, that:

[W]hile the recent call by feminist (and other) commentators to embrace vulnerability as an analytical and reformist tool may not be entirely misplaced, we must be mindful of the ways in which this concept is constructed and mediated, resist any temptation towards its reification, and be aware both of what is left out of the frame when dominant constructions of vulnerability are placed at the centre, as well as of whose interests may be served by those omissions (pp. 202-203).

The concept of vulnerability is malleable and expansive, resulting in a lack of analytical and definitional clarity and problems for policy and practice within the CJS (Yardimici et al., 2026; Brown et al., 2017). Though it has progressive qualities, in terms of "mobilizing shared platforms for action on injustice", as a "boundary object", the conceptual slippages that this creates can carry costs and dangers when translated in practice, including the reproduction of criminalisation and marginalisation (Yardimici et al., 2026: 22). When applied to women, the concept, for example, may be seen as pejorative and 'othering', by implying deviation from implicit social standards and reinforcing moral or ethical judgments about who is 'deserving' or 'undeserving' (Brown et al., 2017). Brown also warns that vulnerability is "so loaded with political, moral and practical implications that it is potentially damaging to the pursuit of social justice" and therefore when using the concept to guide policy, it should be "handled with care" (2011: 314).

Depending on how the concept is understood, labelling women as 'vulnerable' may also individualise problems, pathologising women or shifting the blame from the organisations and structures of criminal justice to 'responsibilised' criminal justice-involved women, and without necessarily providing corresponding support and assistance. Corston (2007), for example, declined to provide a definition for 'vulnerable' as she believed it was more harmful to describe women with highly complex needs, often resulting from multiple experiences of abuse, as vulnerable. This is because such labelling pathologises and sustains the perception of these women

as “second-class citizens” (Corston, 2007: 15). Similarly, Waite and Darley (2025) note that it is the nature of the CJS in which there are significant power imbalances, liberties are removed, and individuals are placed in a precarious position that generates vulnerability, not the characteristics or experiences of individuals. Similarly, it is police custody policies and procedures, such as strip searching, removal of personal items, social isolation, limited access to menstrual products, and the predominantly male workforce, which render women vulnerable, rather than the women necessarily and automatically being vulnerable therein.

Furthermore, labelling women as vulnerable can be weaponised against them. Social interventions introduced by the police to protect may, on the surface, appear to be progressive and protective, but in practice can be experienced as controlling, intrusive and undermining of women’s autonomy (Brown et al., 2025). Aliverti (2020) warns that discourses of vulnerability and rising concerns over ‘protecting’ those deemed vulnerable, can mask superficial or even harmful forms of social injustice. A key example of this weaponising of vulnerability is in relation to trauma-informed interventions, the gender-responsive language of which appears benign and supportive yet serves to disguise stringent criminal justice and intrusive regulatory interventions (Mitchell, 2025; Carlton and Russell, 2023; Brown et al., 2017). Through these processes of weaponisation, such interventions may serve to enhance police and State power. Drawing on UK sex work policy, Munro and Scoular (2012) demonstrate how appeals to vulnerability often advance moralistic agendas that reinforce state power rather than challenge it. Hence, Mackenzie (2013) notes that any interventions introduced to ‘protect’ the vulnerable should restore, not take away, their autonomy (Mackenzie, 2013), which is particularly relevant in police custody contexts where autonomy is limited.

As for the question of what women may be vulnerable to in police custody, this is hard to answer due to the dearth of direct empirical evidence. Though rejecting the term, Corston (2007) provides some hints about the kinds of things that women in the CJS are more vulnerable to, including: domestic circumstances (e.g., domestic violence and being a single parent); personal circumstances (e.g., substance misuse, mental illness and trauma); and socio-economic factors (e.g., poverty, unemployment, and housing issues). Applied to police custody, this suggests that women may be rendered vulnerable by its role in adding to their already disempowered position. Structurally

disadvantaged outside the suite, they become more so inside because of the way they are treated (e.g., through limited access to menstrual products or a female welfare officer, as Baird (2024) found) and the follow-on consequences of their detention, especially if they receive any kind of penalty.

Yet this largely sets out the distinctive context of women's offending, rather than providing direct evidence grounded in women's experiences. As Waite and Darley argue, whilst the concept of vulnerability is commonplace within academic literature and national policy frameworks around women in the CJS, "there exists little understanding of women's lived experience of the concept of vulnerability" (2024: 1). This is also particularly true in the context of police custody. Hence the current project will empirically examine women and girls' perception of their vulnerabilities, what they are and whether the term is suitable, as well as considering potential responses. We do so mindful of the need for careful and critical engagement with the concept of vulnerability, which involves exploration of why and to what women are vulnerable, rather than blanket presumptions of vulnerability for all women, which blunt the analytical precision with which this concept should be applied, in theory and in practice.

4 – Women’s experiences of police custody

The foregoing discussion has demonstrated the limited attention paid to women in police custody guidance/policies/strategies and, conversely, to police custody in guidance/policies/strategies about women and the criminal justice system. In this section, we review and critically assess the existing academic research on women’s experiences of police custody. We demonstrate how little is also known, empirically, about whether and how these guides/policies/strategies are put into practice with women in police custody and some of the other main gaps in the academic research. To do this, we draw on the limited existing research which focuses directly on women in police custody, such as Baird (2024), and allied research in which women are in the background not the foreground, such as Skinns (2011), Skinns (2019) and Dehaghani (2019). Though we focus on women detainees’ experiences, where possible, we also consider those of women who work in police custody. This section demonstrates a clear need for more women-focused research on police custody, in which women are continuously and explicitly in the foreground, and considered on their own terms rather than simply in reference to men.

In what follows, first, we consider the material and cultural conditions of police custody relevant to women. Second, we consider the exercise of key police powers, including arrest, detention, interviewing, use of force, strip searching and case disposals such as OOCRs, and how women experience these. Third, we consider women’s access to key rights and entitlements, such as to a female welfare officer, legal advice and appropriate adults. Fourth, we look at any remaining needs and experiences explored in the existing research. This includes experiences of menstruation, menopause, the pains of police detention, L&D teams and dignity. Last, we examine women’s needs as they intersect with other social identities, including race, ethnicity, age, neurodivergence and the regularity of detention.

The material and cultural conditions of custody for women

Custody suites are culturally and materially male dominated. They are predominantly staffed by men. Though there are no national data to draw on, in the Metropolitan Police, 23.5% of custody officers are female (Metropolitan Police, 2024). The proportion of civilian detention officers who are female is likely to be higher than this,

however. Again, there are no precise figures, but in 2023-24, nationally, 62.8% of police staff and designated officers are female (Home Office, 2025b), suggesting that a similar proportion of civilian detention officers in police custody may be female. The composition of the wider police custody workforce is even less examined. Contemporary custody facilities increasingly involve a multi-agency mix of HCPs (who are often nurses or paramedics), L&D workers, legal advisors, AAs, Independent Custody Visitors, immigration officials etc. (Skinns, 2011: 192-196). Though most of these occupations are typically feminised, no figures exist for police custody settings. In any case, even if these occupations are feminised, these types of staff are in a disempowered position relative to the police (Skinns, 2011: 192-196).

Focusing on police officers, given its male-dominated nature, the police workforce has also been shown to include informal beliefs, values, strategies and tactics and to have 'commonsense' or informal sets of rules about the "way that things are done around here" (Holdaway, 1983: 2), which include machismo, misogyny and sexism are evident in male banter and sexual harassment that has changed little for the last 40 years (Cunningham and Ramshaw, 2020). As Cockcroft (2012) observes:

Whilst police literature addressing the gendered nature of policing is not particularly expansive, the idea that the police world is fundamentally based on traditional male values is beyond doubt ... Furthermore, Westmarland (2008, p. 267) suggests that such 'institutional sexism' (transmitted through traditions, institutional arrangements and cultural knowledge) limits the ability of the police to provide appropriate levels of service both to female members of the public and to females employed within policing agencies (pp. 83).

Hence, for example, policewomen must either try, and often fail, to stand up to such beliefs, values and practices, or assimilate and conform with masculine norms for fear of exclusion (Casey, 2023; Charman, 2024a; Charman, 2024b).

Moreover, it has been found that this culture of machismo, misogyny, sexism etc. extends to police custody settings. Baird (2024) showed incidents of verbal and non-verbal sexist/misogynistic behaviour, with women detainees describing being taunted,

called demeaning names and subjected to strip searches which would not have happened if they were men (see the next subsection for further discussion of strip searching). Similarly, a 2025 Panorama documentary, in which one of its journalists went undercover as a designated detention officer in Charing Cross police custody facility in London, came face-to-face with institutionalised problems of sexism and misogyny, recording officers expressing anti-women comments and being dismissive about a woman's rape complaint.

Because of the pressures on policewomen to "assimilate" into masculine police cultures, increasing the number of women officers may not be either part of or the only solution to these problems, including in police custody, albeit that there is little research directly on this setting. One of the few studies to examine this took place in Nigeria. Aborisade and Oni (2020) found policewomen there to be not just bystanders to, but participants in, the physically and verbally abusive treatment of detainees in police custody. They attribute this to the institutional features of police work that "disempower female officers and result in their submission to male officers' definitions of code of conduct, police subculture and what is permitted and what is unacceptable" (Aborisade and Oni, 2020: 69). The researchers, therefore, rejected a policy of solely hiring more female officers, on the basis that misogyny, machismo and corruption are too engrained in the culture and institutional processes of the police for this to lead to meaningful change.

The architecture of police custody also reinforces this male-dominated and unwelcoming atmosphere for women suspects and policewomen, including through elevated booking-in desks so staff tower over detainees, heavy metal doors, and stark lighting, all of which powerfully convey the authority and surveillance of the police, exacerbating power imbalances for women (Hodgson and Skinns, 2019). At 84% nationally (Home Office, 2025a), the detainee population is also predominantly male, and not all suites have separate wings or booking in rooms for women, which ICVA reported made women feel intimidated and unsafe (ICVA, 2021). Hence, it has been recommended that "women's cells are kept separate from those of men in [GMP] and ... that this should be the case in all suites" (Baird, 2024: 118).

Custody suite designs also neglect female needs through a lack of access to sanitary facilities (e.g., not all cells have integrated sinks in them, meaning women have to be taken elsewhere if they wish to wash their hands, such as after using the toilet, which may be particularly problematic for women who are menstruating), with CCTV in the cells also preventing privacy when using in-cell toilets. In theory, toilet areas in cells are pixelated to prevent those watching the cameras from observing someone using the toilet, but pixelation has been found to have slipped and/or can be removed by staff to check if they believe someone is behaving suspiciously, and not all detainees are told about or are aware of this pixelation (Hodgson and Skinns, 2019; Skinns and Smyth, 2025; Skinns, 2011: 82-4). Detainees may, therefore, hold off going to the toilet until they can do so fully in private and may refuse food and drink to prevent themselves from needing the toilet in the first place (Skinns, 2011: 82-84). For menstruating women, however, for whom using the toilet may not be a choice, this may not be possible, thus highlighting the gendered aspects of this lack of privacy. The greater likelihood of women sitting to use the toilet, rather than standing, like men can, and the positioning of the CCTV cameras, may also add to women's sense of their privacy being limited by their presence.

When women's and girls' distinctive criminogenic needs combine with police custody as a space which is culturally and materially designed around the behavioural and physical expectancies of adult male detainees (Jewkes and Moran, 2017), this leaves women and girls potentially invisible but also vulnerable to institutional harms.

As the foregoing discussion demonstrates, police work, including in police custody, is therefore a place in which officers, detention officers, suspects and the other members of the multi-agency custody workforce 'do gender', a concept first identified by West and Zimmerman (1987). This gender performativity, as Butler (1990) went on to describe it, is influenced by the culture of custody and its material features as discussed in this section but is also situated within a broader and complex web of gendered power relations outside of the microcosm of police custody. As Butler (2025) notes, gender is not just something that we are, rather it is something we do. It is a form of social action in which gender is constructed through everyday interactions and performances, the feedback and regulation from which helps to constitute (hegemonic forms of) masculinity and femininity. She says gender is an "identity instituted through a stylized repetition of acts. Further, gender is instituted through stylization of the

body ... gestures, movements, and enactments of various kinds constitute the illusion of an abiding gendered self' (pp 186-7).

The gender performativity of policewomen has been examined to some extent in the existing literature, albeit not necessarily through a Butlerian lens (Brown et al., 2019; Chan, Doran and Marel, 2010; Rabe-Hemp, 2009), but this has not looked at policewomen, women detention officers and other women, such as HCPs or L&D staff, who work in custody. Similarly, the doing of gender by women suspects, including where gender may intersect with other social identities such as race/ethnicity, has also not been examined. This doing of gender in police custody is something that will be examined in the empirical research associated with this project as a potentially crucial explanatory factor of women custody staff and suspects' experiences (Durose and Lowndes, 2024; Chan, Doran and Marel, 2010).

Police powers and women's experiences of them

The evidence about the use of police powers on women, either in police custody or in the lead-up to it, is sparse in England and Wales, though there is other relevant evidence from North America, which we also refer to here. In this subsection, we consider the limited research we could find on powers of arrest and detention, use of force, strip searching and bail.

Arrest and detention

Women's interactions with the police on the street, as potential arrestees and suspects, have been almost entirely eclipsed by a focus on men (Hitchens et al., 2018). Where there is a growing body of literature on police interactions with women as potential offenders is in relation to the policing of sex workers in high-crime neighbourhoods, particularly in North America. Here, stereotypes about 'respectability' or 'deservingness', linked to gender, race, age or deviant identities are influential (Hitchen et al., 2018; Munro, 2017; Benoit et al., 2016; Hohl and Stanko, 2015; Carline and Scoular, 2015; Scoular and O'Neill, 2007), though few studies have looked at gender and race together. Similarly, drawing on older research, Cockcroft (2012) observes that, during arrest:

[W]omen are readily placed into objectified and dichotomized categories such as 'wife/whore' (Heidensohn, 1985; Brogden, Jefferson and Walklate, 1988; Brogden, 1991) and 'rough/respectable' (Cain, 1973), a restricted array of roles that has little relevance to the reality of female experience (pp. 87-8).

He sees this stereotyping as, in part, informed by a masculinist police culture.

In Canadian research by Benoit et al. (2016), they note that sex workers' relationships with the police are characterised by mistrust, and they are not afforded protection by the police in the way that other citizens are. In particular, sex workers were found to lack confidence in the police and felt they did a poor job of upholding the law in responding to calls for service and in treating sex workers fairly due to prejudice and the stigma the police associated with sex work. In other words, these women felt they were policed not for the sex work itself, but because of their 'deviant' status. However, there was also a substantial minority who reported positive relations with the police due to their friendliness, helpfulness, and the enhanced sense of safety that they offered, though some also still feared being targeted for arrest, abused or subject to police misconduct. Moreover, in Page et al.'s (2024) findings, professionals reported police officer's victim-blaming and using stigmatising language towards sex workers who had been victim to sexual violence.

Meanwhile, outside of the sex work context, in low-income and high-crime neighbourhoods in Philadelphia, Hitchens et al. (2018) found that the race and ethnicity of the young women in their research influenced the nature and quality of their direct and vicarious interactions with the police, with Black and Latina women faring worse than White women. They say:

The race and ethnicity of the young women interviewed influenced the nature and quality of both direct and vicarious interactions. Although police stopped Black, Latina, and White young women at similar rates, the quality of the interaction was less aggressive with White females. The young White women interviewed were far less likely to report police physical aggression, sexual harassment, or being stopped on the street whilst alone. They were also more

likely to report escaping punishment and less likely to be perceived as suspicious by police. Only Latina and Black young women described experiencing police sexual harassment, and also gender-based victimization in and around their neighborhoods. Moreover, Black and Latina young women were more likely to report witnessing negative encounters with police that involved their friends or family than were White females (pp. 44)

Hitchens et al. (2018) conclude, therefore, that Black and Latina young women's experiences of the police were more negative than those of White women and led to greater legal cynicism and less trust in the intentions of police officers. This study demonstrates the value of taking an intersectional approach, recognising that the experiences of White women may be different to those of women belonging to other ethnic/racial groups.

Similarly, female drug and/or alcohol users have reported being stigmatised and labelled as difficult by the police during arrest processes, because of officers' preconceived ideas that all users are disruptive and combative (Whitehead et al., 2023; Page et al., 2024). Research has also found that past experiences with the police, as either victims or suspects, result in women who misuse substances distrusting and fearing the police, impacting future interactions (Whitehead et al., 2023; Kenney, 2020; Page et al., 2024). This stigmatisation of drug users is said to arise from gender stereotypes and traditional patriarchal attitudes. As criminality, substance use and violence are typically viewed as masculine behaviours, women who partake in such activities are therefore perceived to be 'doubly deviant' for breaking from traditional gender norms of innocence, purity and submissiveness (Sharpe, 2009; Gelsthorpe and Worrall, 2009; Young, 2015; Sharpe, 2024:5-8). Young's (2015) study showed that police officers perceived young women as more unpredictable, violent and defiant of authority during arrest than their male counterparts, particularly when under the influence of alcohol, potentially making them more open to criminalisation. Whilst literature exists on police perceptions of drug users and the influence of gender stereotypes, there remains a gap in empirical evidence on how such stereotypes impact women who misuse substances, and their experiences and treatment by the police during custody.

These studies offer a mixed picture of women's interactions with the police on the streets during arrest, with experiences varying by race and police perceptions of deservingness, and women's trust and confidence in the police being impacted as a result. There is also evidence to suggest that women may react particularly poorly to being arrested by *policemen*, owing to the greater likelihood of them experiencing trauma and brain injuries caused by men. Psychological and neurological trauma from domestic and child abuse, which is common among women in contact with the CJS (Anderson et al., 2019), can impact how individuals respond to highly stressful situations such as being arrested and detained in custody and may lead women to 'lash out' or use force against emergency service workers (Goodall et al., 2023; Ostad-Hashemi, 2017; Dudley, 2015). High rates of brain injury have also been found amongst cohorts of child and domestic abuse victims, caused by blows to the head or the deprivation of oxygen to the brain because of non-fatal strangulation (Baxter and Hellewell, 2019; Hunnicut et al., 2019). Kent and Gilmour note that "almost all women in contact with the justice system have experienced domestic abuse, and that ABI [Acquired Brain Injury] is a significant consequence – affecting the majority of justice-involved women" (2026: 6), with ABI also co-existing with and compounding existing adversity. Such neurological trauma can result in emotional dysregulation and exacerbate PTSD symptomatology, as well as difficulties with concentration, reasoning and communication (Valera and Berenbaum, 2003; Campbell et al., 2018). Moreover, as Russell (2025) notes, such women, when distressed and mentally unwell, can become cast by the police as "dangerous, incorrigible and threatening" (2025: 468). This is even more prominent for women who misuse substances, which often results directly from adverse childhood experiences and domestic abuse, who may express unmet trauma needs through aggressive communication (Anda et al., 2006). In a study by Page et al. (2024) on the impact of systematic and professional stigma towards women who misuse drugs, women described responding with violence in a state of fight or flight when confronted by predominantly male officers, as participants felt the police were not implementing trauma-informed approaches when working with women. Together, this may help to explain the growing numbers of women accused of assaulting emergency workers.

By the same token, the police may also be ill-equipped with the skills and understanding of trauma and the complex nature of coercive and controlling abuse, to appropriately respond to traumatised women and identify victims of domestic abuse (Goodall et al., 2023; Barlow and Walklate, 2025). Psychological and neurological responses to trauma and fear can lead to women being perceived by the police as aggressors, irrational or 'out of control' resulting in unfair arrests (Barlow and Walklate, 2025; Douglas and Goodmark, 2015), and excessive use of force (Baird, 2024). This is particularly present when male abusers manipulate officers by presenting the female victim as the aggressor whilst they - the actual aggressor - appear calm and controlled (Harris, 2020; Young Larance, 2025). The limited relevant training, expertise and supervision of first responders who may be called to the scene of an alleged domestic abuse incident, also limits the possibility of women being recognised as victims not the abusers (Davies and Barlow, 2024).

As a result, there is a risk that the police may fail to identify the primary perpetrator in domestic abuse incidents reported to the police (O'Loughlin et al., 2025), even though evidence shows that women experience higher rates of repeated domestic abuse victimisation (Walby and Towers, 2018), and are more likely to be subjected to coercive and controlling behaviours (Myhill, 2015). In a context in which there are well-established and long-standing concerns about the adequacy of police responses to domestic abuse and the ability of the CJS to protect and prevent victims of VAWG, the potential risks of victims being mis-identified as perpetrators of violence, or the coercive contexts in which they are compelled to criminality being insufficiently recognised and accommodated, are apt to further undermine confidence in policing and to compound the traumatising and disempowering impacts of the abuse itself (Munro, Bettison and Burton, 2024).

There is also evidence to suggest that arrests of women may be not just wrongful but also unlawful. Baird (2024) reported multiple incidents of unlawful arrests and detention leading to serious concerns about police misconduct, victim treatment, and the lawfulness of detention by Greater Manchester Police. One case involved a domestic abuse survivor who was assaulted by her husband; she could not make her way home after her husband was arrested for strangling her and later sought police

help to retrieve her house keys and money from her husband (held in GMP police custody), so she could return home safely. After making repeated distressed calls for help to GMP, instead of receiving assistance, she was unlawfully arrested and strip-searched. Baird (2024) went on to argue that, in multiple cases in her research, there lacked the element of necessity for arrest as required by PACE Section 24(4), stating “it is surprisingly rare that the lawfulness of individual arrests is tested” (p. 94).

These cases are concerning, since – as noted – arrest and detention can be experienced as a highly traumatic form of punishment, especially for those who have previously experienced traumatic, controlling and abusive treatment. The longer-term impact of detention also requires consideration, including the socio-economic impact of missing work, having a criminal record and being separated from children. For example, in research conducted by ICVA, it was reported that a woman who was detained in police custody had her children taken into social care after custody staff did not contact her mother to ensure they were cared for as the detainee had repeatedly requested (ICVA, 2021). Such impacts of police custody mean, in Baird’s and The College of Policing’s view, “that arrest and detention should only be ‘a last resort’.” As part of this, there should be more appropriate challenges to detention and fewer women who have their detention authorised by custody officers (Baird, 2024: 107), as we discuss further below.

Authorisation of detention

Authorisation of the detention of a suspect of any gender has long been noted as rarely challenged by custody officers, owing to custody and arresting officers’ shared occupational cultural context. For example, Phillips and Brown (1998: 49) found that there was only one case in their research (out of 4,246) where a custody officer did not authorise a suspect’s detention. Meanwhile, a custody officer interviewed by McConville et al. (1991: 24), when pressed on whether he would ever refuse to authorise detention, replied: “Probably not in practice, no.” Another said: “Often the bloke’s remonstrating saying ‘Not me, it wasn’t me. I haven’t done it, you’ve got the wrong man’, but of course I have to take the policeman’s word, so I accept him on what the policeman tells me”. In the past, most custody officers simply wrote s.37 on the custody record, referring to the section of PACE that requires the custody officer to charge and then either release or detain (pending a court appearance) any suspect

brought into the station against whom there is already sufficient evidence to prosecute (Welsh et al., 2021: 174-5).

More recent research has painted a similar picture. Kemp et al. (2024) found in 50,000 custody records from 8 police forces in 2019-21 that detention was authorised in 99 per cent of cases. Dehaghani (2017) also observed that, sometimes due to the pressures of large volumes of detainees or too limited numbers of staff, or due to the loyalty of custody staff to arresting officers or the pressures placed on them by managers, custody officers in two sites that she observed routinely authorised suspects' detention on arrival into custody, with few refusals. Other research has also shown that, though the legal authority for authorising someone's detention rests with the custody officer, this has been eroded by the growing role played by civilian detention officers, which has expanded to include the 'booking-in' of suspects, with custody officers sometimes only cursorily checking the decision to authorise detention (Skinns, 2011: 140). Thus, the overall picture is that, as was the case in the 1990s, the decision to detain someone is not subject to a robust and independent check and, contrary to s.37, custody staff tend routinely to authorise detention.

These problems have also recently come to light as a gendered matter. Baird (2024: 110-12), for example, found that custody staff in GMP rarely challenged either the necessity of women's arrest or the authorisation of detention, which were instead seen merely as "a tick-box exercise", in which the justification almost always given was the need for a "prompt and effective investigation". These decisions were taken whilst ignoring other possible responses, such as voluntary interviews, and the damaging impacts of the detention on already traumatised women, some of whom had gone to the police for help as a victim. Hence, Baird (2024: 110-112) recommends greater scrutiny of the necessity of arrest and the avoidance of staff simply "nodding through" the authorisation of women's detention.

Voluntary interviews

Given the significant challenges associated with arresting and detaining women noted earlier, it raises the question of whether other less intrusive options might be explored, "considering the victim, the nature of the offence, the circumstances of the suspect, and the needs of the investigative process" (Baird, 2024: 2024). Voluntary interviews

(also known as voluntary attendance), provide one such avenue, as recommended by Baird (2024: 99). Voluntary interviews (VIs) take place under police caution and may be used when the police have determined that there is no necessity to arrest a suspect, who is instead informed that they are “voluntarily” assisting the police with the investigation of an offence and “may leave at will unless arrested” (PACE Code C, 2023: 321). A VI is ‘voluntary’ in the sense that the suspect is not formally arrested, but if they do attempt to leave the VI, then the ‘necessity of arrest’ threshold may be seen as being crossed and the police may arrest them. Furthermore, depending on what is revealed by a suspect during the VI, this may provide further grounds for arresting them. Given these possibilities of arrest, it is arguably difficult to regard VIs as *truly* voluntary, though they may avoid the imposition of arrest and detention.

From an evidential point of view, however, they amount to the same thing as an interview following arrest and detention in that interviews are conducted under caution and recorded (Baird, 2024: 99). Where VIs are conducted at the police station (as opposed to away from it via body-worn cameras), they enable a similar level of access to suspects’ rights, including custodial legal advice and an AA, if needed. For women, they have the added benefit of being arranged more flexibly to fit around the suspect and any caring responsibilities, as well as offering a potentially more appropriate procedure given the lower level of women’s offending and the high proportion of cases involving women (40%) that have no further action taken against them (APPG, 2021).

Perhaps because of these valuable aspects of VIs, there has been an increase in their use from 47,733 in 2020-21 to 80,144 in 2023-24 across England and Wales (Home Office, 2025c). However, this pattern is not consistent across police forces, with GMP and WYP, for example, decreasing their use of them over the same period (Home Office, 2025b; HMICFRS, 2024; Baird, 2024: 99). Indeed, Baird (2024: 99) also noted, in relation to GMP, that this decrease occurred at a time when arrests went up overall, in part because of publicised pro-arrest policies.

The statistics also show that, when compared to the proportions of people arrested, women are over-represented amongst those participating in VIs, thus also reflecting their involvement in less serious offences. Not including records where sex was unknown, in 2023-24, 73% of VIs were conducted with males and 26% with females, as compared to the 84% and 16% of males and females arrested (Home Office,

2025a). In terms of offence types, around a third (35%) of persons attending VIs for violence against the person were female, and they also accounted for 39% of VIs for fraud offences. In contrast, only 6% of individuals who attended VIs for sexual offences were female, and 13% for robbery and possession of weapons offences (Home Office, 2025a).

Whilst these statistics are useful in setting out whether women participate in VIs, for what kind of offences and with what outcomes, they say little about women's *experiences* of VIs and the way they are put into practice by the police. This includes whether they are used in ways which acknowledge the distinctive nature and context of their offending behaviour, and act as a reasonable adjustment to the justice process, which takes account of women's likely greater caring responsibilities; or, whether they are used when there are only weak grounds for questioning in the first place. With a greater evidence base, if found to be beneficial, such gender-responsive modes of conducting VIs could also be incorporated into NPCC guidance, some of which currently makes no mention of women (e.g. NPCC, 2024).

The conduct of police investigative interviews

Regardless of whether interviews take place 'voluntarily' or following arrest and detention in the police station, questions can also be asked about *how* those interviews are conducted and the relevance of gender to interactions between the police and suspects. Existing research typically considers all suspects, without separating gender-based differences, so there is little evidence to draw on, except from other countries with different approaches to investigative interviewing to England and Wales. This means that this evidence on this is both sparse and tentative. One study in Croatia, for example, found that out of 13 potential interviewing techniques, policemen and women only differed on three of these (Golub and Pavliček, 2013). Male police officers, in comparison to female police officers, more often appealed to the suspect's conscience or morality, accused the suspect of the crime and emphasised possible negative consequences of not confessing the crime. That policemen and women are similar in their approach to interviewing suspects was also found in Nigeria. Aborisade and Oni (2020) found that, like their male counterparts, policewomen engaged in similarly abusive practices, including in police interviews, such as using violence to secure confessions from suspects.

There is even more limited research comparing how women suspects respond during investigative interviews compared with men, for example, in terms of their talkativeness, compliance with police questioning (and thus the waiving of their right to silence), their willingness to use deception, their susceptibility to police deception or manipulation of the evidence, or the likelihood of them admitting to any offence with all the consequences this might bring, including if this is a false confession. One of the few studies to look at this found only in the bivariate not the multivariate analysis that “more than half of men denied the allegations, and women fully confessed more often than they partially admitted or denied” (Cleary and Bull, 2021: 319), suggesting that the greater likelihood of women confessing in police interviews disappeared when other factors were taken into account. Given gender stereotypes and expectations that women and girls will be more compliant, passive and cooperative, it seems likely that they would also acquiesce in a situation in which they hold little power at all, such as a police interview. Or where women suspects acted in ways which defied these expectations, they might receive a more punitive police response. Further research is needed to understand better women’s experiences of police questioning and the factors that influence their responses.

Use of force

Police use of force encompasses a range of police actions and tools. According to WYP, it refers to “the physical actions taken by police officers to protect the public and themselves, or to enforce the law when necessary”, and includes the use of handcuffs, different forms of restraint, incapacitant spray, batons, dogs, shields, Tasers and up to firearms (WYP, 2025). Whilst there is ample research on the differences between policemen and women on the extent to which and how they use force, with women officers typically using less force than men, using force differently to men (e.g., less empty-handed control, so without tools of coercion, such as batons or incapacitant spray) and based on different reasoning (Cojean et al., 2020), there is little research about use of force on women suspects. Of the existing research, it shows that women suspects are to some extent protected from all forms of coercion as the police are less likely to use physical force against them (Cojean et al., 2020). Kemp et al. (2024) found in their analysis of police custody record data, that women were significantly more likely to have had no force used, whilst a higher proportion of men had handcuffs to

the front, handcuffs to the back, and more serious force used. However, there is little other research which charts the differential impacts of the use of force on men and women, for example, when they encounter the police as suspects. In the context of police custody, this absence of information is further compounded by the long-noted problems of police forces failing to fully and comprehensively record use of force incidents in police custody. For example, the 2024 HMICFRS inspection report of WYP's police custody facilities found that the force's recording of use of force incidents was inadequate and had not improved since the previous inspection, which was a cause for concern; without sufficient data WYP was unable to demonstrate that its use of force was necessary, justified and proportionate.

Yet, given women's usually smaller stature and the distinct context of their offending, including histories of trauma as discussed earlier in relation to arrest, it might be anticipated that their experiences of the use of force would also be distinct. Moreover, it may also be anticipated that the police workforce would need to adjust their approach and be trained on how to use force against women if they are to apply principles equitably, such as the ten principles of the use of force issued by HMIC (2011). These include the need to exercise 'restraint' in how force is used, ensuring it is kept to a minimum to attain any lawful objectives (HMIC, 2011). It follows that what amounts to 'minimal' use of force for women may be qualitatively different for men and particularly given that those using force against women are more likely to be men, given the predominantly male police workforce.

Searching and strip searching

For the police power to strip search, however, there is more evidence to draw on to examine its gendered nature. As noted in Section 2, a strip search involves removing more than just outer clothing, whilst an intimate search is an examination of someone's bodily orifices, other than the mouth. The case of Child Q in 2020, in which a Black teenage girl was strip searched at school whilst on her period and without her parents being present or informed, has brought gendered, but also racialised and age-related issues, to the fore, including about the adultification biases encountered by Black children and young people (Skinns, 2025; Sharpe, 2025; Gamble and McCallum, 2022: 6). Statistics for England and Wales in 2023-24 showed that although the majority of those strip searched are male (85% compared to 15%), this is in proportion

to the number of male and female detainees in police custody (84% compared to 16%). Multivariate analysis confirms this picture. Based on data from a police force which spanned urban and rural areas, Ali and Dymond (forthcoming in 2026) found that, when controlling for other variables, men rather than women have a greater chance of being strip-searched, and especially Black men. However, more women are subject to multiple strip searches (Home Office, 2025a). The proportion of individuals who were strip searched on at least two occasions was higher for females (19%) than for males (14%) (Home Office, 2025a). And whilst a relatively rare occurrence (there were 12 in total across all police forces in 2023-2024), a higher proportion of females (67%) than males (33%) were also subject to intimate searches.

Beyond the numbers, it is important to consider how these strip searches are carried out and their differential effects on women. In terms of how they are conducted, the shortages of female custody staff may mean the presence of male officers during strip searches of women and girls. In one of the English cities in Skinns' (2019: 174-6) research, for example, the researcher observed an older teenage girl – who had been arrested for being drunk and disorderly and who was not complying with police directions on arrival into police detention – being searched in the immediate presence of a man. To secure her in a cell and remove any potential risk, a male member of staff removed her jewellery and then helped to hold her down whilst two female officers removed her top, after which she was given a paper suit to wear. Particularly for women, strip searches may also be a trigger for trauma, given their greater likelihood of having experienced physical and sexual abuse (Bath, 2022: 66).

Others have also pointed to the police's intention to punish and humiliate women through strip searching practices, subjecting them to sexist and derogatory remarks alongside the strip search, with this being compounded when nothing is found and/or no further action is taken against them at the end of their detention. Baird (2024) noted that some of the women in her research were subjected to humiliating strip searches which they believed would not have been inflicted on them if they were men. Of the 14 complainants in the Baird Inquiry, six women and all three men were strip searched or had their clothes removed, from which only one was found to have "anything they would not be allowed to keep" (Baird, 2024: 121). All but one of the 14 complainants had no further action taken against them. In such cases, strip searches are used

contrary to their purported justification of care and safety for detainees and staff (Baird, 2024).

Similarly, academic Koshka Duff, was subject to a degrading and unnecessary strip search in 2013. This resulted in the Metropolitan Police apologising and paying compensation to her in 2022 for the “sexist, derogatory and unacceptable language” used by officers during the incident at Stoke Newington Police Station (Gayle, 2022), which only came to light after they were made to share CCTV footage of the incident during a legal action for damages launched against the police. Duff and a colleague have since pointed to the “abjectification” caused by strip searching (Duff and Kemp, 2024: 64). This refers to the expulsion of strip-searched suspects from the realm of being human. Whilst strip searching is dressed up in the rhetoric of ‘care’ and as part of the need for crime prevention, they argue that these strip searches are excessive and their effects are to normalise sexual violence and enforce oppressively hierarchical, racialised and gendered social orders (Duff and Kemp, 2024).

As for the consequences of strip searching, the Women in Prison Advocacy Network (2015) noted the disproportionately traumatic nature of strip searches for women, given their more likely histories of abuse or mental health issues. Unsurprisingly, women report not only feeling degraded but also re-traumatised by the experience; for example, one young woman described being strip searched as being “stripped of my dignity ... quite literally” (4Front, 2022). Taking all the above together, this raises questions about the necessity and purpose of the strip searching of women in police custody, given the immediate and long-lasting psychological impact of such practices. More research is needed to examine their experiences of the exercise of these potentially damaging police powers.

Case disposals: Bail, Release Under Investigation and No Further Action

Within certain pre-charge detention time limits (of 24, 36 or 96 hours depending on what someone has been arrested for and whether an extension to detention has been permitted), decisions must be reached about what to do next with a woman’s case. They may be charged; placed on pre-charge bail with certain conditions attached; released under investigation (RUI); directed to an OOCR; or the decision may be taken that no further action (NFA) against them is needed. If women are placed on pre-

charge bail or released under investigation, they will be asked to return to the police station another day after further investigations have been completed. If women are charged and their bail is refused, they are taken to the next available magistrates' court, which may be the following day, after which they may be either bailed by the court or remanded to prison. If women are charged and post-charge bail is granted, they are released, often with conditions on their bail, and given a date on which to attend a magistrate's court.

Case disposals are, therefore, an important but complex part of the endpoint of the police custody process, in which custody officers play an important role in helping to determine whether and what to charge. This is because the police can charge for summary-only offences and any either-way offence, if they anticipate a guilty plea and the case is suitable for the magistrates' court, leaving the CPS to charge for exceptional either-way offences, including death by careless driving, hate crime, domestic abuse, sexual offences against someone under 18 (see Annex 1 of the 2020 CPS Charging Guidance), and indictable offences. In practice, most offences are summary, and the police are authorised to charge in some serious cases, with the result that they take 75% of charging decisions (Sanders, 2016). Yet, little is known about the role of gender in these complex decision-making processes and about the role of the police and custody officers in making these decisions about women suspects. This is despite police custody being a critical juncture for women in the CJS. Timely and appropriate referrals and diversions have the potential to positively impact their life trajectories and to prevent disruption and escalation of offending (Goodall et al., 2023).

The little that is known comes from official statistics and the limited research on police bail, which collectively provides evidence of gender-based variations for pre-charge bail, RUI, post-charge bail/remand and NFA, with any differences between men and women being small and not statistically significant (Hucklesby, 2024). In terms of *pre-charge bail*, men are slightly more likely to be given this and women slightly less. Most individuals (86%) whose pre-charge bail concluded in the year ending March 2024 were male. This is slightly higher than the proportion of males arrested (84% of arrests) (Ministry of Justice, 2025), meaning men were slightly more likely to be subject to pre-

charge bail than women. In addition, the type of offences that pre-charge bail is used for varies in accordance with the patterns of offending set out in Section 1, including women's greater involvement in fraud rather than sexual offences, but similar involvement as males in violence against the person (linked to the growing number of women accused of assaults on emergency workers) (Ministry of Justice, 2025). There is a similar pattern for *RUI*, in terms of a slightly lower proportion of men receiving this disposal and the types of offences it is given for, i.e., in accordance with patterns of offending set out in Section 1. For example, in the year ending March 2024, 85% of individuals on *RUI* were male, compared to the 84% of males who are arrested (Ministry of Justice, 2025), meaning men are slightly less likely to be *RUI* and women slightly more.

Hucklesby's (2024) research in three police forces across England and Wales, paints a very similar picture in terms of men's and women's patterns of pre-charge bail and *RUI*. Women were slightly more likely to be *RUI* than men in one force, but the difference was not visible in the other two forces. Women were also slightly less likely than men to be bailed from custody and to be on bail at the end of the investigation. Hucklesby (2024) therefore observes that "it is possible that the nature and seriousness of the offences differed for these groups, but it is also possible that officers assessed the risks associated with these types of offences differently for men and women" (pp. 50).

As for *post-charge bail or remand*, a higher proportion of males than females are subject to either, with this proportion increasing over the last 5 years (Ministry of Justice, 2025). In 2023, 13% of male defendants were bailed or remanded, compared to 9% of females, owing to the different types of offences they are prosecuted for (Ministry of Justice, 2025). Lastly regarding *No Further Action*, Hucklesby (2024) found that women were slightly more likely to be *NFA'd* than men in one force and slightly less likely to be *NFA'd* than men in another. It was also found that, in 2020, 40% of women arrested and detained in police custody overall had no further action taken against them (APPG, 2021).

Case disposals: Out of Court Resolutions

As discussed in Section 3, the Female Offender Strategy (2018), NPCC National Strategy for Police Custody (2022), and the Ministry of Justice's 'Managing Vulnerability: Women, Fact pack' (2018), have all advocated for the greater and more effective use of diversionary measures and community based solutions to reduce the number of women becoming involved in the criminal justice system and to tackle the root causes of offending. Reference is also made in the first of these documents to the relevance of these diversionary measures for women because of the greater likelihood of them committing less serious and/or first-time offences.

A key aim of the Female Offender Strategy Delivery Plan (2023) is to reduce the female prison population, particularly through fewer short-term custody sentences by instead diverting women away from the CJS through community services which help address the root causes of offending. There is a strong argument for reducing the number of women given custodial sentences, not least that the average cost is far more expensive for a prison place for women than men, averaging £93,494 a year, due to their greater need for specialised healthcare, trauma, substance misuse and mental health support and specialised care for mothers and babies (Ministry of Justice, 2024). Moreover, a recent meta-analysis of evaluations of interventions for criminal justice-involved women demonstrates that community-based diversionary measures are more effective in reducing offending than those measures that take place post-prison. This is because of the structured pathways they provide:

To multi-agency provision, resulting in women receiving support that addresses interrelated needs that brought them to the criminal justice system in the first place, while simultaneously avoiding the harms of imprisonment (Summers et al., 2025: 22).

Though more fundamental shifts in policing may also be needed regarding the way the police treat women, as noted by Baird (2024: 139), one way to reduce the number of women going to court and entering the continuous cycle of crime and criminality is through greater use of diversionary measures, such as OOCRs and associated referrals to Women's Centres. OOCRs are used for first time and low-level offending, and so are not a replacement for custodial sentences, but their aim is to address the causes of offending through the rehabilitative conditions attached, thereby preventing

further criminality (Bowen and Slade, 2020). The government has pledged a £31.6 million funding boost to women's services in response to the Women's Justice Board Report (2026: 13), which recommends that the Home Office "introduce incentives, accountability mechanisms and support to ensure all police forces have gender-specific, trauma-informed diversion pathways". Even with the heightened attention given to diversionary measures since the Female Offender Strategy (2018) and the government's acceptance of the House of Commons Justice Committee's 2022 recommendation that it should set out "how it will prioritise gender-specific diversionary routes as part of its plans to improve out of court disposals" (cited from Baird, 2024: 139), there remains a dearth of empirical data on the use, efficacy and women's experiences of OOCRs. Gibson (2021) and Neyroud and Slothower (2015) both review the evidence on OOCRs, though neither refers to their use with women.

Diversion of female offenders to Women's Centres has been found to reduce reoffending. In a sample of 597 female offenders across England, the one-year reoffending rate was 35% for those diverted to Women's Centres, compared to 30% for a matched control group (Justice Data Lab, 2015). During a diversion trial in Hull which redirected arrestees to a women's centre to address their criminogenic needs, Brennan et al. (2016) found that women referred to the intervention had a rearrest rate of 13.64%, compared with 25.44% among women processed through the criminal justice system as standard. However, Brennan et al. (2018) did highlight the need to replicate the study using a larger sample to more accurately evaluate the effect of the intervention on rates of rearrest.

Moreover, when OOCRs are used as a mechanism for diverting female offenders to Women's Centres, this leads to other favourable outcomes. An evaluation of an OOCR for female offenders in Northamptonshire found that the women who participated in the programmes provided by the Women's Centre, The Good Loaf, experienced an improvement in resilience, wellbeing and self-esteem. The programmes were found to be particularly effective for women whose initial resilience, wellbeing, and self-esteem scores were low (Cahalin et al., 2023). However, the researchers also found that a limitation of the use of The Good Loaf as an intervention offered as part of an OOCR was poor police screening for the underlying cause of offending and poor allocation of a suitable conditional caution. For example, one woman was referred to The Good Loaf by the police for a 'healthy relationships' programme, as they believed her

offending was related to domestic abuse, yet it was alcohol misuse that was the primary cause of offending (Cahalin et al., 2023). This evaluation demonstrates the importance of accurate assessments by the police to adequately identify the causes of offending behaviour, so women can be provided with appropriate support to tackle their criminogenic needs (Pemberton et al., 2025).

In the West Midlands, like the Good Loaf project, 'New Chance', offers a holistic OOCR intervention led by Women's Centres for female offenders, providing one-to-one support, group work and advocacy with other agencies to advise and support women based on their needs. However, research to date on the operation of this project points only to growing referrals rather than to outcomes in terms of addressing women's criminogenic needs (Anawim Birmingham's Centre for Women, 2025 cited from McNeil, 2025). In London, a process evaluation of the London Women's Diversion Service (LWDS), to which women can be referred to as part of an OOCR or to which women can self-refer, found several benefits (Lil et al., 2025). The LWDS provided alternatives to custody, focusing on early intervention for women with complex needs. It had 80-90% engagement rates, as well as providing empowerment to women through emotional support, and aiding women with practical assistance with their housing and financial needs (Lil et al., 2025).

There also appear to be pockets of good practice in the provision of diversionary support for women which is not tied to OOCRs, though this practice is less common, compared to support provided to women via OOCRs (Centre for Justice Innovation, 2026), and the empirical evidence on this is sparse. In West Yorkshire Police, for example, there used to be a women's pathway offered by the L&D team, which enabled referrals to Women's Centres. This no longer exists, however, because of a lack of funding. In Thames Valley, with third sector partners, the police have piloted a 'Women's Services Whole Systems Approach'. All women are automatically referred to third sector organisations who contact them shortly after their release from police custody to offer support and an opportunity to join women-focused activities and support (Hercog, 2024). For example, Alana House in Reading supports women for an average of 6 to 12 months by providing holistic support aimed at tackling women's individual socioeconomic needs through 1-1 keyworker sessions, group sessions, counselling and engagement with other services for specific needs (PACT, 2025). From interviews with service users and professionals, Fuller and Akhtar (2022)

reported that as a non-statutory and trauma-informed programme it supported women in developing greater resilience and self-confidence to increase independence and ensure positive outcomes are sustained after leaving the service. This initiative by Thames Valley Police also showed positive results in terms of the volume of referrals – 99 were made to Alana House from L&D, probation and police in 2024-2025 – and engagement by women (Hercog, 2024; PACT, 2025). Due to the success of diversion schemes such as this, the Women's Justice Board's (2026) fourth recommendation is to establish a women-specific L&D pathway in every custody suite. This aims to enhance all women's access to timely support and enable new models of assessing women's needs.

At the national level, however, inconsistencies exist in how OOCRs are used for women with significant variation in the use of OOCRs between police forces (Ministry of Justice, 2019). Home Office published data on police recorded crime and outcomes places West Yorkshire police force 29th, compared to 44 other forces in England and Wales, in terms of what percentage of positive outcomes are made up of OOCRs and diversions (Transform Justice, 2026). In West Yorkshire, 32% of crimes (with a positive outcome) were resolved without going to court in 2025, compared to 52% in Lancashire, for example (Transform Justice, 2026).

Inconsistent referrals, resourcing constraints, limited availability of women-specific services, and the reliance on investigating officers' discretion, some of whom may lack sufficient training on gendered needs, ultimately impact on outcomes for female offenders (Rowe et al., 2024; Westmarland, Johnson and McGlynn, 2018; Easton et al., 2010; Cahalin et al., 2023). For example, some forces have access to multiple women-only services as part of their community support options, whilst others do not, leading to a lottery system and inequitable support for women (Ministry of Justice, 2018). As Summers et al. (2025: 22) also note, the effectiveness of community-based interventions in diverting women from prison "is likely to be determined by the quality and appropriateness of services that women are referred to". Not all OOCRs allocated to women are women-specific, holistic or provided through women's services; rather, allocation is determined by the offence, e.g., substance misuse interventions or online education programmes. Such use of OOCRs does not consider the wider context of offending, which for women may be linked to their experience of domestic abuse

(Prison Reform Trust, 2017b). Therefore, police diversion without appropriate safeguarding or support for victims of abuse risks revictimisation or failure to address coercion and dependency, underlying many women's offending.

There are also other drawbacks of OOCRs for women. Whether OOCRs appear on DBS checks depends on context – community resolutions do not, whilst conditional cautions are only spent after three months, thus appearing on basic or enhanced DBS checks up to this point, and the police retain discretion as to whether to disclose any OOCRs on enhanced DBS checks beyond this. As Guiney and Earle (2017) note, the appearance of an OOCR on a DBS check could be career-ending for some and a serious obstacle for those entering regulated vocations, which include education, healthcare and social care which women may be more likely to undertake. Hence, they point to the need for women and especially vulnerable women with complex and overlapping needs to be fully informed about the implications of OOCRs for their circumstances. They also point to the need for OOCRs to be subject to review through local scrutiny panels in all police forces, which make their findings publicly available (Guiney and Earle, 2017: 11-12).

Overall, measures which divert women from police custody, including to Women's Centres either voluntarily, through L&D women's pathways or via OOCRs, can provide a supportive and proportionate response to low-harm offending. This may, in turn, more effectively reduce women's reoffending and address its root causes, but evidence on durable reductions in reoffending and on the other benefits for women is limited because of inconsistent implementation and insufficient research. Evaluations focusing on women are nearly non-existent and there is an evidence gap for long-term reoffending outcomes following gender-responsive OOCRs. For women, OOCRs have potential when linked to gender-responsive services, such as Women's Centres and trauma-informed support, but realising this potential requires investment in services, consistent referral pathways, and training for investigating officers to ensure appropriate decision-making, and requires that any OOCRs effectively meet the needs of women.

Women's rights in police custody

Little is known about women's understanding of or use of their rights and entitlements in police custody. The only evidence available is in relation to the female welfare officer safeguard, custodial legal advice and accessing an appropriate adult.

Female welfare officers

Though an opportunity to speak to a female officer should be provided to women in police custody (PACE Code C, 2023: Para 9.3A), this does not mean it is always offered or provided. Even if offered, women may not necessarily take up the offer. For example, if it is offered by the custody officer on booking-in, but the female welfare officer does not later proactively introduce themselves to the woman in the cells, this opportunity for support may be missed. Baird (2024: 25) found that, in some instances, women were not offered contact with a female welfare officer, which subsequently hindered their access to needed menstrual products. Marougka and Cass (2012) also reported that the young women they interviewed were less comfortable disclosing sensitive information, such as about experiences of abuse, mental health or women's health needs, in front of male officers and would have preferred to speak to a female officer in private.

Beyond this, little is known about how this role functions in theory and practice. The male-dominated and masculine nature of the police workforce may give rise to further challenges with how the role is delivered, in practice, however. Whilst ostensibly gender-informed and aiming to enhance dignity by providing a woman detainee with an increased opportunity to discuss personal matters, it is not guaranteed that female officers will be respectful, empathetic and sensitive to detainees, not least because of some aspects of the culture of custody discussed above, including the need to assimilate and fit in with male peers (Charman, 2024b). For such interventions of care to be successful in their aims, as Kelman et al. (2024) found in their qualitative study on how women experience trauma-informed care in prison, they require staff to have sufficient time to provide support as well as empathy and understanding. Therefore, even if provided, on its own, a 'female welfare officer' may not ensure dignity and safety for women in police custody and might be seen as a limited gesture, which pays only lip service to meaningfully addressing women's needs.

Custodial legal advice

In terms of custodial legal advice (CLA), the Ministry of Justice (2025) noted that females made up 17% of the crime-related legal aid workload in police stations in 2023. This is roughly in proportion to the proportion of women and men in police custody at 16% and 84%, respectively (Home Office, 2025a). The most common offences for which female legal aid clients received police station advice were offences against the person (47%), followed by theft offences (10%) (Ministry of Justice, 2025). By contrast, research by Kemp et al. (2024) shows that women requested legal advice less frequently than males (across children, vulnerable adults and all adults) most likely due to the different offence types and severity of offences for which women are typically arrested.

Beyond this, little else is known about the potentially gendered way in which women decide whether to request CLA, the process by which it is provided (e.g., over the telephone or in-person), who provides it (e.g., whether men or women solicitors, trainee solicitors, or police station representatives, who are sometimes former police officers), and how this advice is received and acted on by women compared to men before, during and after their police interview/s. Yet, there are reasons to believe that many of these issues may be gendered. For example, offence seriousness has been found to influence decisions to request CLA, with those suspected of more serious offences being more likely to request it and those suspected of less serious matters not (Skinns, 2009). Given that women are more likely to be suspected of less serious offences, this would suggest women may be less likely to request CLA. Similarly, decisions to decline CLA rest heavily on the perception that requesting it will prolong someone's detention (Skinns, 2009). Given women's greater caring responsibilities, swift release from police custody to attend to these responsibilities, even if it means waiving due process rights, may enhance the pressure on women to decline CLA.

Appropriate Adults

Similar concerns can also be raised in relation to AAs, albeit that the decision to request one for adult women ostensibly sits not with the suspect, but with the custody officer, potentially assisted by HCPs and L&D teams and any relevant information they might hold. In terms of accessing an AA, it has long been noted that, for all suspects,

there are problems with the under-identification of those in need of such support (Dehaghani, 2016; NAAN, 2015; Skinnis, 2011a: 63-4; Newburn and Hayman, 2002: 48, 131; Hodgson, 1994). For example, it was found that, in 2018-19, the proportion of detentions in which the need for an AA had been recorded was 6.2% across the 43 forces of E+W (Bath and Dehaghani, 2020). This compares to an estimated prevalence rate of 22% in police custody for those that might need an AA, suggesting that there remains a huge unmet need (Bath and Dehaghani, 2020). More recent figures put this proportion of vulnerable suspects a little lower but also show that women are more likely to be identified as vulnerable than men. In 2023-24, a slightly higher proportion of females in police custody (10%) were deemed vulnerable compared with males (7%), and this was true across all age groups (Home Office, 2025a).

The reasons for the unmet AA needs of vulnerable suspects are multiple but include the need for them to 'perform' their vulnerability so that it is noted and acted upon by staff, meaning that those with more hidden conditions (e.g., ADHD or autism spectrum conditions) may be less likely to access an AA. It is also likely that this 'performance' of vulnerability and its identification is gendered. Dehaghani (2021) shows vulnerability status as being meaningfully applied only when it is performed in ways legible to police officers. For women, these tend to be gender-conforming scripts of passivity and visible distress. Women whose reactions do not align with these expected scripts of passivity, emotional dysregulation, or visible breakdown may be disbelieved or dismissed as non-compliant, uncooperative and anti-authoritarian, which existing research suggests can shape institutional responses in more punitive ways (Crenshaw, 1991; West and Zimmerman, 1987). Women and girls' performance of these scripts must not only be culturally legible as vulnerable to the police but also be non-aggressive. Women and girls who fail at this are rendered hyper-visible and as a threat to be managed, rather than someone in need of care (Schaffner, 2006; Sharpe, 2012). Little is known about the gendered nature of vulnerability and its performance in police custody, and about how this might also intersect with age and race/ethnicity. Without a more comprehensive understanding of the intersectional experiences of women and girls' vulnerabilities, including those from ethnic minority backgrounds, police custody risks not only mimicking the structural oppressions women and girls face, but actively reproducing them.

As with CLA, there are also reasons to believe that the provision of AAs and how they are experienced may be gendered. Who AAs are (e.g., their backgrounds, including their gender), and how women suspects experience this, given their greater likelihood of victimisation by men, is likely to be important, as is how AAs deliver this role and whether they do this in a gender-responsive and trauma-informed way. The significance of these issues is illustrated by current concerns about the presence or otherwise of AAs during strip searches (Bath, 2022: 34), where gender may be of particular importance.

Women's other needs in and experiences of police custody

As noted in the introduction, scoping work prior to the start of this project, completed by several of the current research team, showed a reluctance to acknowledge the distinctive needs of women in the police custody context (Hodgson and Skinns, 2019). Participants in that scoping work queried whether gender was the best lens for thinking about suspects' needs, or whether the emphasis should instead be on the vulnerabilities or risks posed, with each detainee being assessed based on their individual needs. 'Gender-blind' attitudes such as this are in stark contrast to the evidence on the distinctive context of women's offending as set out in Section 1 and may drive a tendency in policy and practice to focus on easier-to-identify and address issues, such as menstruation and menopause, rather than deeper aspects of gendered experience. Though we have argued above for a more thoroughgoing approach, this is not to dismiss the importance of some of the more starkly visible instances of women's unique needs in custody, including in relation to menstruation and menopause, which we explore below.

Menstruation

Shame and embarrassment often surround aspects of women's health, such as menstruation and menopause, with these feelings likely to be elevated where women and girls cannot manage these bodily processes privately, with autonomy and thus dignity. This can be a particularly acute issue in police custody (Moffat and Pickering, 2019). Baird (2024), ICVA (2021) and HMICFRS (2023) have highlighted menstruation as an area of concern in GMP, WYP and in other police force areas.

The stress of being arrested and detained may result in unexpected menstrual irregularities (Baird, 2024: 25-28). The socio-material conditions of police custody also inhibit the privacy and autonomy women need when menstruating. Cell buzzers have been found to go unanswered when help is needed, with some women being left to bleed-out and sit, sometimes for many hours in blood-stained clothing. Women have had to ask for menstrual products and toilet paper, as they are not routinely provided, and they may not be provided at all to transgender men, who may be discounted as potential menstruators. Women may not have access to bins to dispose of used menstrual products and may not be able to wash their hands or themselves at their own convenience or in complete privacy, particularly when cells do not contain sinks. Whilst pixelation of the toilet should enable privacy for women using the toilet/changing sanitary wear, women are not routinely informed of this, for example if notices about this fail to be clearly displayed in communal areas (Baird, 2024: 25-28; HMICFRS, 2023; ICVA, 2021; Connelly and Williams, 2024).

These socio-material conditions impact women differently to men, especially when menstruating. Given also the male-dominant and masculine nature of the police custody workforce, these circumstances may be experienced as part of a broader male-dominant and patriarchal society, which shapes the “lived experiences of all menstruators” separately from non-menstruators (Wood et al., 2025; Winkler, 2020: 11).

Menopause

Similarly to menstruation, menopausal women often experience a multitude of symptoms which impact their mental, emotional, and physical health (Crockett et al., 2026; Hulteen et al., 2023). When experienced in police custody, these may be especially debilitating and demeaning. The stress of being in police custody is likely to intensify symptoms of the menopause, which include brain fog, heavy blood flows, anxiety, suicidal ideation, migraines, strong body odour, profuse sweating, and hot flushes. These can be harder to manage in an environment where you are deprived of your liberty and reliant on custody staff to provide washing facilities and access to healthcare and medication (ICVA, 2024).

ICVA (2024) also highlighted that these symptoms may affect how menopausal detainees engage with the custody process, as the intensity of symptoms may lead

them to respond in any way which will expedite their release, consequently impacting on the fairness of the legal process. Other than the report published by ICVA discussed above, however, there appears to be no other literature considering the additional challenges or needs of women experiencing menopausal symptoms whilst detained in police custody; and little work exploring if these needs are adequately responded to, in comparison to the multiple articles on incarcerated women's experiences of the menopause (Lockwood and Wood, 2025; Atkinson et al., 2020).

Pains of police detention and gender

The prison-like qualities of police custody – such as that detainees, like prisoners, are held against their will and exposed to the exercise of power over them (Skinns, 2011: 211-12) – mean that Sykes' (1958) pains of imprisonment approach have resonance in the custody environment. Skinns and Wooff (2021) found that detainees felt *cut-off* in police custody; that is, they felt isolated from human contact in the cell and shut off from friends and family outside the custody suite. This was akin to the deprivation of liberty noted by Sykes (1958: 65-73). Detainees conveyed a strong sense of *having nothing*, whether access to food, drink, showers, cigarettes or their usual material possessions (e.g. mobile phones), which is akin to being deprived of goods and services (Sykes, 1958: 55-73). They also felt like they were *losing control* as they were conscious that they depended on staff for everything, even down to asking for toilet paper sometimes, which made them feel helpless and useless. This is akin to the deprivation of autonomy (Sykes, 1958: 55-73).

However, other aspects of the pain that detainees experience are less amenable to conceptualisation through Sykes' framework alone (Skinns & Wooff, 2021). This includes feelings of *uncertainty*, which were a predominant part of the detainee experience i.e., uncertainties about the immediate term such as when they would be released, but also the longer-term including the outcome of their case and how this would impact their lives (friends, family, job etc.). These feelings were only explicable with reference to liminality, i.e., of being betwixt and between in terms of their identity, which they recognised as potentially shifting (Turner 1967:169; Beech 2011). In addition, though detainees felt *insecure*, these feelings were not connected to worries about other inmates as Sykes (1958: 65-73) found. They were only explicable with reference to the representational qualities of the material conditions of police detention

(Sparks et al., 1996: 308), e.g., the heavy cell doors slamming shut, the noise and the atmosphere which made them feel anxious.

Little is known about how these pains of police detention may be gendered, though the research from prison studies discussed in Section 1 suggests this is likely. Women's greater caring responsibilities may amplify the liminality and uncertainties of police custody, making them especially influential on important decisions such as about CLA and whether to answer questions in police interview, given that they are already more likely to confess at a significantly higher rate than men (Cassell and Hayman, 1996). In other words, women may be even more likely than men to do anything to "get it over with" (Skinns, 2009: 63), with potentially damaging consequences for their case and the rest of their lives. Women's sense of insecurity may also be impacted not just by the material conditions, in general, but also because police custody is culturally and materially male. Surrounded by a predominantly male workforce and other suspects who are largely male may prompt a particularly acute sense of insecurity in women who have been previously victimised by men. As is the case in prisons, therefore, police custody is likely to be a site in which women suspects and staff "do gender" as part of a broader and complex web of gendered power relations (Crewe et al., 2017: 1363).

Experiences of L&D

Liaison and Diversion (L&D) schemes, which primarily operate within police custody and the courts, identify and assess individuals who come into contact with the CJS as suspects for vulnerabilities and needs such as mental health, substance misuse and social needs, to then refer them to the appropriate services for support or treatment. Given that in some police force areas, referrals to L&D are required for all women, L&D schemes, in principle, offer an important mechanism for identifying women's vulnerability and then referring them to appropriate support for those vulnerabilities outside of police custody. In an independent evaluation of the National Model for L&D, 22.1% of those referred to L&D services from January to September 2017 were women, of which 89% were of White ethnicity, 5.3% Black and 2.6% Asian (Disley et al., 2021). It was also reported that women were 30% more likely to be referred to and attend specialist mental health services after contact with L&D than men, and 30%

more likely to be referred to (and 70% more likely to engage with) Improving Access to Psychological Therapies services (Disley et al., 2021).

However, those who had prior contact with drug and alcohol services were half as likely to attend, compared to other women. Additionally, both female and male service users with substance use vulnerabilities were most likely to decline an L&D referral and not access interventions, despite being more likely to have multiple vulnerabilities. For women, this intersection of gender, substance misuse and likelihood of engaging with L&D, may be impacted by women's greater caring responsibilities. This may lead them to have greater concern about potential scrutiny of their circumstances and the safety of the children they care for, which may lead to their removal by social services. Nonetheless, it is important to consider the potentially important role that L&D may play in identifying vulnerable women in need of support and referring them to external help, as part of the increasingly multi-agency context that characterises contemporary police custody facilities (Skinns, 2011: 192-196).

Dignity

The indignities of police custody for women was a crucial issue investigated by Baird (2024). This arose from concerns about: appropriate use, or otherwise, of strip searches and intimate searches, including the removal and replacement of clothing and circumstances; the privacy afforded to detainees in the cells, especially when women were left naked therein for prolonged periods; and the balance that must be struck between the risk of allowing personal effects, such as items of clothing, to be kept by women in the cells and their dignity without them. In other research, such as in relation to a Women's Centre pilot of a referral system for women in police custody, the importance of being provided with opportunity to clean and change clothes prior to appearing in court was emphasised as something that ensured their dignity (Goodall et al., 2023). Meanwhile, in Skinns (2019: chapter 5), it was found that women were accorded a particular kind of disrespect and mockery, as well as being criticised for the way they looked, whilst in custody, which was not applicable to male detainees. Staff in one of the sites in that study also acted with a particular level of insensitivity towards a vulnerable female detainee, who was topless in full view of male custody staff for a prolonged period, after supposedly attempting to hang herself with her top (see also Aborisade and Oni, 2020).

Existing research has highlighted particular facets of what constitutes dignity in this space (see for example, Skinns et al., 2023; Levi et al., 2022; Skinns et al., 2020; Skinns and Sorsby, 2019). These include:

1. *Equal worth*, which refers to respect for the intrinsic and immutable sense of the equal worth of human beings and encapsulated in detainees' desire to be "treated like a human being" (Skinns et al., 2020; Henry, 2011).
2. *Autonomy as dignity*, which refers to the fundamental need to respect people's free will and their capacity to make autonomous choices (Henry, 2011). Despite the apparent contradiction, those held in police custody still maintain the right to appropriate autonomous choices, with indignity arising where that need is not met. An obvious arena in which such autonomous choices are evident is in relation to detainees exercising their rights and entitlements, for example.
3. *Public decency as dignity* is concerned with the behaviours of state actors which may or may not portray society as showing respect for decency. Put another way, it refers to "how members of civilized societies ought to behave and ought to be treated in order to respect the collective dignity of humanity" (Henry, 2011: 221)." For example, torture is conceived as wrong not only because it is offensive to the individual affected, but also because it compromises what we consider to be appropriate in a civilised society.

Beyond the few studies cited above, however, little is known about the gendered experiences of dignity in police custody and the extent to which women suspects may experience this differently to men, suggesting a further gap in the research.

Intersectional needs: Minorities within a minority in police custody

Race/ethnicity, age and gender

In terms of the intersectional impacts of race, ethnicity, age and gender, the evidence is limited. However, it is likely that dynamics elsewhere in the CJS are mirrored in police custody settings, in terms of over-representation of minority ethnic women and girls, the under-identification of their needs and the challenges of addressing them. Whilst a similar proportion of boys (45%) and girls (44%) are detained overnight in police custody, this rose to 57% for Black children compared to 42% of White children

(Home Office, 2025a). Similarly, Liberty found that Black girls were 2.7 times more likely to be strip searched than their White peers (Gidda, 2023). The erasure of childhood, inherent to mechanisms of adultification discussed in Section 1, alongside failures to adequately perform their vulnerability may render women and girls from minority ethnic backgrounds less likely to be read as vulnerable and thus more likely to be subject to intrusive police powers such as overnight detention and strip searches.

As for problems responding to intersectional needs, for Muslim women, a lack of cultural representation infringes on religious identity and dignity: women describe the forcible removal of headscarves or having to disclose intimate information in the presence of family members as a site of physical and spiritual danger for them. Far from protecting detainees in police custody, such practices exacerbate shame, trauma, and suicidal ideation (Women in Custody, 2011).

There are also similar failures to respond appropriately to the needs of girls. For all children and young people in police custody, Bevan's ethnographic research shows how their socio-emotional responses are frequently misinterpreted by officers not as expressions of fear, confusion and (re)traumatisation, but as signs of non-compliance, manipulation or institutional defiance (Bevan, 2024). Bevan found that custody staff reacted to how a child behaved rather than sought to *understand* the child's behaviour. She highlighted that, if children did not perform behaviours in accordance with expected gendered and normative ideas attached to markers of distress, their needs in custody were less likely to be met (Bevan, 2024). This misreading was intensified due to the adversarial nature of the custody suite, where power asymmetries are acute and normative ideas of order prevail. Although Bevan's work focuses on children more broadly, the implications are particularly acute for girls. The misrecognition of emotional expressions such as anger or social withdrawal triggered by police interventions, such as extended periods of isolation, strip searches and physical restraint under the guise of risk management (Bevan, 2024).

Neurodivergent women and girls in police custody

Though there is a growing body of research on neurodivergent detainees in police custody, particularly in relation to autistic suspects, this does not directly examine the needs and experiences of neurodivergent women and girls. In terms of autism,

upwards of 7% of the suspect population may have an autistic spectrum condition (Bath and Dehaghani, 2020: 9). Moreover, experiences of police custody for autistic individuals can be negative. Holloway et al. (2020) found that, in a variety of ways, autistic individuals may be prevented from effectively participating in the custody process. They may experience barriers to communication that can interfere with the interactions they have with officers, which are particularly crucial during police interviews. For example, they may be easily confused by even straightforward questions if they are not specific enough for them to be able to answer. This might include a question such as 'where do you live?' as opposed to 'what is your address?' (Holloway et al., 2020). They may either acquiesce and go along with what officers suggest, thereby running the risk of making a false confession, or may shut down and say nothing, from which adverse inferences may be drawn (Smith, 2022). They may experience sensory difficulties that can make their time in police custody more distressing, as a result of bright lighting throughout, including in the cells; glossy colours on the walls; and the constant noise. Furthermore, sensory and communication barriers for autistic individuals are compounded by legal information not being accessibly conveyed to them, the custody environment not being adapted in ways that could help them to more fully understand and participate in the criminal process and by ill-trained and ill-equipped staff (Holloway et al., 2020).

There are also problems with identifying autistic individuals. As is the case with other suspects, autistic suspects may feel discomfort at disclosing their diagnosis, in some cases, because they fear being victimised or discriminated against (Holloway et al., 2020). Risk assessment questions asked of all suspects on arrival into police custody may also be insufficiently specific to identify autistic suspects or they may be asked in such a way as to not produce the response the police are looking for. For example, asking about whether someone has a mental health condition or learning disability may not identify autistic individuals who do not regard autism as either of these things, seeing it instead as part of their identity and who they are (Holloway et al., 2020). As is the case with other suspects, they may be expected to 'perform' their vulnerability, for example by appearing 'abnormal' or 'childlike' for this then to be spotted by largely untrained custody officers (Dehaghani and Bath, 2021). In addition, those with autistic

spectrum conditions may have learned how to 'mask' their condition, including in police custody environments, so their condition may be even harder to identify.

As with other vulnerable adults, the primary response to neurodivergent suspects' needs is through the AA safeguard. However, the AA safeguard is not designed with them in mind. Therefore, it may not be an effective and reasonable adjustment to the police custody process, as it may not meet their specific needs, such as with communication and understanding (Dehaghani and Bath, 2021). Moreover, without training on neurodiversity, appropriate adults, as well as police officers, HCPs and lawyers, may struggle to interpret or may misinterpret the behaviour of neurodiverse suspects and act accordingly. Smith notes, for example, that:

[Police] officers may not fully understand and appreciate the behaviour or responses of an autistic suspect during these processes. They may perceive answers to questions and general behaviours as odd, disruptive, or even threatening. Such misinterpretation can influence decisions to use powers to further detain autistic suspects; to use force to restrain them; to charge them with an offence; or (if a suspect does not 'present' stereotypical traits or appear to be obviously struggling) to opt not to provide access to support, such as an appropriate adult. Equally, in safeguarding the interests of suspects, lawyers and appropriate adults (or other professionals like healthcare professionals) may also struggle to fully understand autistic suspects without appropriate knowledge and training. Like officers, this can lead to misinterpretation of the suspect's needs and failure to appropriately facilitate their engagement with an investigation (or indeed challenge its continuation) (2022: 114).

Slavny-Cross et al. (2023) found in quantitative research comparing the experiences of the CJS for autistic and non-autistic individuals in a range of jurisdictions that autistic participants were significantly less satisfied than non-autistic participants with the way they were treated by police during their arrest, whilst held in custody and during police questioning. They were also nearly five times more likely than non-autistic participants to state that they were not given an AA even though they believed they needed one, and they were significantly more likely to agree with the statement that 'I felt unable to

communicate with the police' (e.g., because they could not process what was being asked or because it was too noisy).

Considering this existing research about neurodivergent suspects of all genders, it seems likely that, for neurodivergent women and girls, police custody may serve as a site of harm, not as a place of safety and protection. This risk may be even greater for them than for men and boys. Police custody relies heavily on disclosure by suspects, or on the ability, awareness and/or training of custody staff, HCPs and L&D services to identify neurodivergence based upon behavioural cues. Given the greater likelihood of women and girls' social assimilation (Dehaghani and Smith, 2026; Miller, 2021), the problems of under-identification may be even greater for them than for men and boys. However, further research is needed to shed light on this. Although some forces have trialled structured screening at the point of entry, such as the City of London Police's ADHD checklist, these initiatives have yet to incorporate gender-specific frameworks and risk reproducing the same exclusions they seek to resolve (City of London Police, 2023).

For neurodivergent women, the chaotic, brightly lit, and highly controlled environment of a custody suite can trigger withdrawal, dissociation, and/or sensory shutdown. Yet, given the gendered expectations that such reactions be performed in passive and non-aggressive ways, women and girls' responses may be misread as obstructive, defiant, and non-cooperative rather than as signs of distress that need to be responded to using neuro-sensitive models (Bevan, 2025). In such cases, neurodivergent women and girls may be at even greater risk than their neurotypical peers of being treated as risks to be managed rather than as vulnerable individuals in need of care. This misrecognition of gendered neurodivergence is not new, but it is compounded by long-standing diagnostic and institutional biases that have historically left women underdiagnosed and under-referred and/or diagnosed later than men (Fyfe et al., 2026).

The consequences of this invisibility of neurodivergent women and girls and the potential reasons for their (distressed) reactions to police custody are serious. Without appropriate recognition, neurodivergent women may be routinely denied safeguards such as AAs, categorised as disruptive, and exposed to intrusive police powers, such as the use of force, and punitive interventions elsewhere in the criminal justice system, if their behaviour in police custody is seen as suspicious enough to warrant further

criminal justice intervention. Understanding the custody journey for women and girls must begin with the understanding that vulnerabilities, such as neurodivergence, are not always visible and perhaps even less so for them, and that recognition cannot depend on how convincingly it is performed.

‘Regulars’, those experiencing police custody for the first time and gender

A further intersectional issue concerns whether women are experiencing police custody for the first time or whether they are seen as a ‘regular’. Research shows that being seen as a ‘regular’ means also being perceived as knowing the system, at times better than solicitors, and thus not requiring the same hand-holding as ‘first-timers’ (Dehaghani and Newman, 2023). Yet, ‘regulars’ still operate in the “same system [as first-timers], facing the same power imbalances” between them and the power of the police (Dehaghani and Newman, 2023: 74), which thus risks actual, rather than presumed, needs being overlooked. It is unclear from the existing research whether being a ‘regular’ is gendered. However, if seen as ‘regulars’, women in police custody have been found to experience the same presumptions of knowing the system. In Marougka and Cass’ (2012) research on young women’s experiences in police custody, some of the women interviewed reported being treated differently from their first time in police custody compared to subsequent times, as they were not asked the same depth of questions about their mental or physical health. The women suggested staff showed less care for ‘repeat offenders’ and felt the same questions should be asked every time on entry into police custody as their personal situations or health may have changed.

Conclusion

The main aim of this literature review was to more precisely establish the gaps in the policy and research and to demonstrate how the 'Gendering police custody' project would fill them.

There have been numerous policies and recommendations written about women in the criminal justice system, albeit that they have often focused on prisons and often been of limited effect on the ground. This contrasts starkly with how few policies and recommendations there are about women in police custody specifically. Next to no attention is paid to women in police custody guidance/policies/strategies, such as in College of Policing Authorised Professional Practice or National Police Custody Strategies, and, conversely, to police custody in guidance/policies/strategies about women and the criminal justice system, such as the Female Offender Strategy. Furthermore, the focus on innate not structural vulnerability in PACE Code C means that women are not automatically considered vulnerable in police custody. Whether they should be, and to what women are vulnerable to in police custody, remain empirical questions to be explored in the 'Gendering police custody' project. The too limited policies on women in police custody are likely, however, to hinder police custody practices and show the need for reform, such as through inclusion of relevant information about women in national police custody strategies and through updates to APP on Custody and Detention.

Much like in the policy sphere, whilst there is plenty of research about women in the CJS, often prisons, research on women in police custody is notable by its absence; and, where it does exist, women have largely been in the background not the foreground. Despite the many decades of police custody research, such as on police powers and whether and how they are used in police custody (e.g. of arrest, interviewing, use of force, case disposals), the bestowing of rights and entitlements (e.g. to custodial legal advice, silence, and appropriate adults) crucial to fairness and justice, the dignity of detainees and the pains of police detention and other needs and experiences, little of this research examines their application specifically to women detainees.

Whilst we know a significant amount about women's experiences and needs elsewhere in the CJS, and we might presume that some of these might be similar in police custody, this remains an empirical question and one that will be explored in the current project. Indeed, there may be variations in these experiences and needs given the shorter-lived, more uncertain, liminal and thus particularly painful nature of police custody, compared to prison.

There has been growing consideration of and policy/practice responses to 'lower-hanging fruit', such as menstruation and menopause, but much less about other key aspects of police custody for women. This might extend to the gendered aspects of key police procedures and powers, such as authorisation of detention, detention reviews, use of force, access to due process rights and entitlements and case disposals, such as bail and RUI. As for what influences women's experiences of these powers and procedures, we know little about the gendered culture of police custody; or about how custody staff use their discretion in decisions taken about women; about the role that gender stereotypes may play in these decisions; or about the impact of sociomaterial conditions. There are also gaps in the research about women's experiences of diversionary measures, such as OOCRs and voluntary interviews; and the ways in which intersectional differences – linked, amongst other things, to age, ethnicity and neurodiversity – impact across all these needs and experiences. These all require much more significant interrogation and reflection.

It is therefore time to stop overlooking women or seeing them only in comparison to men in police custody and to move their needs, experiences and treatment by the police from the background to the foreground in policy and research. To do this also requires a new approach to the theoretical framing of the issues at stake. This includes, firstly, consideration of how concepts like vulnerability are applied to women in police custody. A careful and reflexive approach is needed to avoid the individualising, responsabilising, pathologising and blaming of women for their vulnerabilities and the weaponising of interventions to address these vulnerabilities for the benefit of intrusive state power.

Second, thought must also go into police powers and how they are used against women suspects, about which little is known. Whether and how these powers are used sit at the intersection of discretion, formal legal rules and informal rules of police culture, with the capacity for these powers to be differentially applied adding to and diminishing fairness for citizens. How cultures, and the institutionalisation of machismo, sexism and misogyny impact the use of police powers in the microcosm of police custody, and how gender stereotypes and expectations of passivity, compliance, docility and nurturing may negatively impact women who are traumatised, distressed, angry and in conflict with the police also require careful unpacking and reflection.

Third, police custody might also be theorised as a site for 'doing gender', both for staff and for detainees. Research on policewomen has noted police work as a site for the doing of gender, but this has not looked specifically at the policewomen, women detention officers and other women, such as Healthcare Professionals or Liaison and Diversion staff, who work in police custody, nor at the doing of gender by women as suspects therein.

Such theorisation must be situated in an acknowledgment that police custody operates in a patriarchal context where women continue to face structural disadvantage by virtue of their gender, which impacts in concrete ways on their routes into and out of detention, their experiences thereof, and their ability to access dignity, rights and justice. Recognising this will help to move women in police custody out of the shadows in existing policy and research and to enable them to be considered on their own terms, regarding their needs and experiences.

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