



Children's Experiences of Police Custody and the Implications for Trauma-Informed Policing

Youth Justice

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Abstract

The development of a trauma-informed Scotland is an ambitious and important agenda, but not without its challenges and limitations. In restrictive settings that rely on the application of power and control as part of their *modus operandi*, genuinely trauma-informed practice may be difficult to achieve. Drawing on interviews with 11 children, this article maps their experiences of police custody to trauma-informed practice principles. The gap between the espoused policies and the realities of custom and practice outlines the boundaries of trauma-informed practice in justice settings. The article concludes that police custody is antithetical to the concept of trauma-informed practice.

Keywords

children's rights, police custody, trauma, trauma informed, youth justice

Introduction

Scotland presents itself as a progressive nation and this narrative is particularly prevalent in the youth justice arena, where there is a long history of welfare approaches to children who find themselves in conflict with the law. The principles of Kilbrandon, enshrined in the influential committee report published in 1964, precipitated a radical shake up of the youth justice system in Scotland and led to the establishment of the Children's Hearings System, a legal tribunal that integrates both care and justice systems for children in need. These enduring principles still act as guiding beacons today, reminding policymakers and practitioners that children's needs and rights must be front and centre when considering their 'deeds' (Vaswani et al., 2018).

The contemporary Scottish policy landscape indicates continued commitment and action to cement and extend a welfarist approach to children in conflict with the law, or who find themselves in justice settings. The United Nations Convention on the Rights of

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the Child (UNCRC, 1989), unanimously passed and incorporated into Scot's Law by the Scottish Parliament in December 2023, sets out a number of articles that are relevant to the detention of children in police custody, including *Article 40* which is concerned with the administration of juvenile justice. It stipulates that States Parties must

recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

Article 37 outlines that 'The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time' and that 'Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age'.

Importantly, the Children's Care and Justice (Scotland) Act, recently passed by the Scottish Parliament in April 2024, aims to simplify the legislative landscape, by defining all under 18s as children, maximising use of the Children's Hearings System for all aged under 18 years, and the removal of all children from Young Offenders Institutions. Similarly, there has been public acknowledgement from Police Scotland that police stations are not suitable Places of Safety for children to be detained (Scottish Police Authority (SPA), 2022b, 2023b). However, despite this ostensibly welfarist approach to youth justice in Scotland, at the sharp end of justice there remain concerns that children's needs are not being met and their rights are not being upheld (see, e.g. McCall-Smith, 2022; Together Scotland, 2023). In particular, the number of children detained in police custody remains uncomfortably high. The SPA (2023a) highlighted that 4261 children were detained in police custody in 2022/2023, including 33 children aged 12 and 1268 children aged under 16 (p. 21). This was an increase of 6 per cent on the previous year's total of 4012 (SPA, 2022a). Similar figures from Police Scotland (2023b) over the same period indicate that 875 children detained in police custody were held overnight (21.6%), and 268 (6.6%) for more than 24 hours (p. 93).

With police custody described as an initial and critical point in the penal painscape (Skinns and Wooff, 2021), these figures should be of concern for policymakers, practitioners and others interested in the rights and welfare of children in Scotland. Indeed, this article will highlight that, despite such a promising policy context, the experiences of children in police custody indicate a sizeable gap between the espoused vision and values of youth justice policy in Scotland, and the reality of lived experience. This indicates that the journey towards the Scottish Government's vision of rights-respecting and trauma-informed justice for children is likely to be long and complicated, not least in part because justice settings are often the site of trauma rather than trauma-informed practice.

Transforming Trauma

Trauma-informed practice is a core component of ensuring that policies, services and approaches are progressive, supportive and compassionate, and in 2018 the Scottish

Government committed to developing a trauma-informed workforce (Scottish Government, 2018). Trauma-informed practice is not necessarily about directly treating trauma in trauma-specific services but is more broadly focused on ensuring that the workforce is aware of the impact of trauma and is able to identify trauma and related symptoms. Importantly, it also means adapting practices, policies and services to ensure that staff and organisations adopt, as a very minimum, a ‘do no harm’ approach that resists retraumatisation and reduces barriers to engagement (Harris and Fallot, 2001; Miller and Najavits, 2012).

While trauma-informed practice varies slightly across settings, sectors and jurisdictions, a number of key features underlie most approaches, commonly centred around the six principles of trauma-informed practice outlined by the Substance Abuse and Mental Health Services Administration (SAMHSA, 2014). These are summarised as:

Safety and stabilisation: Individuals feel physically and psychologically safe and the organisational environment, and the interpersonal interactions within it, should promote a sense of safety.

Trustworthiness and transparency: Organisational operations and decisions are conducted with transparency and with the aim of building trust.

Relationships and (peer) support: Individuals have safe, supportive and meaningful relationships, often involving peer support, empathy and understanding from those with lived experience of trauma.

Collaboration: Partnering, and sharing power and responsibility is important, whether between staff in the organisation, or between staff and those they support.

Empowerment, voice and choice: Individuals have meaningful choice and a voice in the decision-making process of the organisation and its services, and are empowered and supported to set and meet their own goals.

Cultural competence: Individuals are treated in a manner free from stereotypes, bias and discrimination and receive services and supports that are responsive to their racial, ethnic, gender and cultural needs and acknowledge the impact of historical trauma.

A key mechanism in Scotland is therefore The National Trauma Transformation Programme, in which the Scottish Government has provided investment to develop trauma-informed services and systems (National Trauma Transformation Programme, 2023). The programme is underpinned by a tiered knowledge and skills framework that sets out the competencies required by the entire Scottish workforce, dependent upon their role in encountering and supporting individuals affected by trauma (NHS Education for Scotland, 2017). Drawing upon this framework, this article will align children’s experiences of police custody against these principles of trauma-informed practice to explore the realities and rhetoric of trauma-informed policing in Scotland.

Method

This article stems from a wider study of the use of Bail and Remand in Scotland with children (McEwan et al., 2020). This original study, conducted in 2020, explored the use of remand, the decision-making process about how bail and remand is enacted, and how this is experienced by children, their families and professionals involved in all aspects of the justice process. The initial research involved interviews with 33 individuals, including children, parents, carers, Sheriffs, procurators fiscal,¹ defence agents, social workers and third sector staff, as well as online survey responses from 20 out of 32 local authorities in Scotland. This article focuses on the testimonies of the 11 child participants who had experience of bail or remand in the two years preceding the study, gathered via semi-structured interviews.

Ethics

Ethical approval for the study was obtained from the University of Strathclyde Ethics Committee which aims to ensure the safety and wellbeing of participants and researchers, as well as the integrity of the research. Informed consent was obtained in writing from all participants.

Participants

The participants were predominantly male, broadly reflecting the proportion of boys and girls typically processed by the criminal justice system. Eight of these children were in prison at the time of interview and three were children in the community. Of those interviewed, three were subject to bail conditions presently, four were sentenced, three were subject to remand and one was sentenced and subject to remand for outstanding matters. Interviewing children outside of the environs of police custody provides both benefits and limitations for this article, in that the experience can be reflected upon more calmly and with the benefit of hindsight, but also that the raw emotions attached to the experience of police custody may have diminished with the passage of time.

Seven participants were 17 years and four were aged 16 years old. While the UNCRC defines all individuals aged under 18 as children, historical inconsistencies in the legislative landscape in Scotland have meant that not all 16- and 17-year-olds have been treated as such (a discrepancy soon to be removed by the implementation of the Children's Care and Justice (Scotland) Act 2024). However, these older children's experiences may not necessarily reflect the experiences of younger children, in part due to their more advanced developmental stage and also due to prevalent attitudes and perceptions that older children are less vulnerable (Dehaghani, 2017).

Analysis

Police custody was not the focus of the original study, and the interview schedules did not refer specifically to police custody, nor were professionals working within police custody interviewed as part of the original sample (limiting the range of perspectives underpinning

this article). However, the initial analysis of the narratives of the children, as well as their families and other stakeholders, quickly revealed police custody to be a particularly distressing aspect of the justice process. For this article, the lead author revisited the interview transcripts and undertook a deductive thematic analysis (Crabtree and Miller, 1992) in NVivo 20 using an initial coding template based on the six principles of trauma-informed practice outlined by SAMHSA (2014), but that was flexible and open to other themes that might be derived from the data outside of this frame (Joffe, 2011).

What Do Children's Experiences Reveal about Trauma Informed Policing?

When children's experiences were aligned to the principles of trauma informed practice, the data drew attention to a sizeable gap between the vision for youth justice in Scotland and the reality of their lived experience.

Safety and stabilisation

The most basic underlying principle of trauma-informed practice, and a prerequisite before any of the other principles can be implemented, is the principle of restoring or providing a sense of safety and stability to the individual and of doing no further harm (Herman, 1992; NHS Education for Scotland, 2017; SAMHSA, 2014). Naturally the experience of arrest and detention in police custody is not a pleasant experience for any individual let alone a child (Dehaghani, 2017), but it was clear that the experience of police custody was characterised by real fear and anxiety as opposed to a sense of safety. This state of fear was often prolonged as children described being held for long periods, frequently 'doing a long weekender' where they were lifted on the weekend and held until the courts opened on the Monday morning, and were then frequently held at court for the best part of the day, intensifying the situation: 'In the cells I realised it was going to be bad, I was in for three days, from Wednesday to Friday in the police cells, went to court on the Friday and got remanded'. (Child 1). As Child 11 described,

I was crying myself to sleep, I was taking an anxiety attack and I was an emotional wreck that night. Then I was just like crying all weekend, they would come in every so often and say 'are you alright?' and I'd be like 'aye' but even though I was greetin' they would just walk away.

The effects were particularly acute for those who were additionally vulnerable or who struggled with their mental health, like Child 7: 'I had mental health problems for a while but they had died down for a good year or two just up until the day I went to the police station and it kicked back up again'.

Skinns and Wooff (2021) observe that detention in police custody marks a transition from what is known, especially in terms of legal and moral status, social identities, relationships with friends and family and place in society to something that is, as yet, unspecified. Liminality is inherently uncomfortable (Benvenuti et al., 2022) but in this particular setting the uncertainty and the 'fear of the unknown' (Bevan, 2021) was often too much

to bear. Child 4 articulates his thought processes, and how his mind was racing while in custody: 'It was my first time so I was kinda new, scared, didn't know what was gonnae happen. When am I getting oot? What time is it? When am I getting oot?'

The physical environment also provoked fear, which was exacerbated by the presence of others in the same surroundings. While none of the children were held directly with adults in the police custody cells, many were still affected by the behaviours of distressed or aggressive adults and others in close proximity to them: 'I couldn't see them but obviously there's people in the different cells an' that, sometimes you can [hear things going on], people drunk an' that, [made me] like paranoid, quite paranoid' (Child 6). This was especially the case when leaving police custody and being transported or held in court cells, where they were frequently held with adults. Child 10 may have put on a brave face when recounting how he initially found the experience 'funny', but admits that it quickly became challenging:

You cannae see them or that, just hear them . . . folk goin' mental, folk screaming an' that, folk shitein' all over their cells 'cos you see it in the morning when you're going to court . . . Aye, it's annoying, it's funny to start wi' and then you just get fuckin' pissed aff when you just want to go to sleep. It's brutal man.

The inability or failure to safely remove children from sight and sounds of adults in police custody is one of the main factors associated with the pain of custody (Bevan, 2021). While some of the fear and anxiety in police custody may be unavoidable, children also described troubling experiences where their most basic physical needs and rights were not met. Child 10's use of the word 'brutal' evoked the intense pain of his sensory overload and sleep deprivation and described it as something akin, metaphorically at least, to torture. This lack of sleep affected almost all of the children in custody, whether because of the bright lights, the noise or simply their racing thoughts keeping them awake. The subsequent exhaustion reduced children's ability to cope with an already stressful situation:

It was my lawyer came to see me . . . that was on the Saturday, so between Saturday and Sunday morning, and he said I'd be going to the court on the Monday. He just came in and asked how I was, what happened and he just said don't worry about it, go back and go to sleep. But I didn't, just thinking about it. (Child 4)

The physical discomfort of police custody also precluded the chance of a decent night's sleep, as the cell was only equipped with a ' . . . tiny wee mattress that's sair as fuck, as soon as you lie on it, it just goes to nothing pretty much, just need to lie on the flair, a shitey blanket an' that, nae pillow' (Child 10). Child 8 compared his equally uncomfortable experience with the relative luxury of prison:

Just sitting in the cells for days and days, you've not got a telly, you've got nothing, you've got you and four walls and that's it. When you come to a jail you get a telly, you get a decent bed, you can actually get a good night's sleep.

Research in other jurisdictions (Kemp et al., 2023) has similarly found that the environment of police custody (where individuals have only been suspected rather than convicted of any crime) is viewed as being bleaker than that of prison. Frustratingly for the children, the system of welfare measures put in place ostensibly to protect them instead had the opposite effect and exacerbated their situation. As Child 5 observed: ‘checking every 15 minutes when I was trying to sleep. Just turned the hatch and saying are you alright? They come up and lift the blanket and see if you’re alright’. These checks are frequently destabilising for children but are often viewed as being motivated primarily by concerns regarding risk management and safeguarding the police from accusations of a breach of duty of care rather than welfare (Dehaghani, 2024).

The exhaustion and stress caused by a night, or multiple nights, in police custody has been noted to have a profound effect on children’s ability to meaningfully participate in any subsequent criminal proceedings (Bevan, 2021). Yet children were also deprived of other basic physical needs in police custody that can affect their ability to function optimally. Child 11 noted that she felt unable to access the toilet facilities as frequently as she needed: ‘I hardly went to the toilet because there was a camera and pots [for toilet use] and that and I didn’t feel comfortable’. Child 2 described a degrading situation that made it almost impossible for him to present his best self when he appeared at court:

It was torture, torture, it was disgusting because I stunk of BO, I couldnae get a shower. I finally got a shower on the fifth day. I couldnae really brush my teeth, I got a mini toothbrush like that size [shows size] to brush my teeth and it was like you didnae get to put toothpaste on it . . . it was pure dry, it was disgusting.

Other children described not having sufficient quality and choice of food available: ‘I had the same meal for three days so I stopped eating it. I didn’t mind the pot noodle but the cottage pie was stinking – I didnae like it’. (Child 11), and others mentioned not having access to suitable clothing, instead having to wear a standard issue tracksuit to court rather than their own clothes and feeling that they were additionally judged by the Sheriff as a result.

With children unable to eat, sleep, wash or use the toilet properly their most fundamental human needs and rights are regularly being unmet in police custody. When basic physiological needs are not met, achieving a sense of safety can be beyond reach, and can also contribute to increased traumatic stress (Hagerty and Williams, 2022; Socci et al., 2020), thus violating the first and most fundamental trauma-informed principle of ‘do no harm’ and restoring safety.

Trustworthiness and transparency

Another basic tenet of trauma-informed practice is that decisions are conducted with transparency and with the goal of building and maintaining trust. While in police custody the decisions made to arrest, detain and charge are unlikely to be received positively by individuals even if they are perceived as warranted. However, children were not often given sufficient information, or information presented in a child-friendly and accessible

way, to know what to expect, or what their rights were. Child 11 describes her increasing stress and anxiety alone in the police cell, but it was only after numerous cursory welfare checks that one police officer sat her down and explained to her how she could seek support when needed:

There was one time one of the police officers came in and asked if I was alright and I just broke down and he just sat and spoke to me and said there was a bell in the cell and if I needed anything I was to ring it.

Some children felt that this lack of information was a deliberate part of the process, designed to keep them in the dark ‘. . . nobody really explained what was happening next, just locked in a cell, no telly, no nothing, then at court and then remanded to secure. They just keep it blank, just ‘that’s you going to court’ and that’s it’ (Child 9). This lack of information frequently increased children’s anxiety, as Child 4 outlines: ‘It was starting to get to the point it was annoying me because I was like I will worry about it because I don’t know [what is going to happen]’. This lack of information was distressing for children, but may also have had a detrimental impact on operations in police custody. Skinnis and Wooff (2021) observe that when police officers exercised ‘soft’ power, rather than authoritarian power, for example, through the provision of regular and accurate updates, not only did compliance with police procedures increase, but the pain of detention experienced by detainees was, to some extent, eased.

At times it also appeared that children did not have sufficient knowledge to know if due process had been followed or not, or to understand the consequences of their decisions. A number of children reported that they were allowed to waive their right to a solicitor, despite not fully understanding the implications of this or naively trusting the system:

They asked me if I wanted a lawyer and I said no, I didn’t think I was going to need one. I just answered everything truthfully and didn’t think I needed one. . . I found out afterwards that at my age I shouldn’t have been interviewed by myself and I should have had a lawyer with me. (Child 7)

The Children’s Care and Justice (Scotland) Act aims to remove the option for a child (under 18) to decline a solicitor, but current procedures mean that a 16- or 17-year-old (unless subject to measures from the Children’s Hearings System) can opt out of having legal representation provided that their caregiver or appropriate adult agrees. However, in other research, the most common reason given by children for waiving their right to legal advice was simply that they did not want to prolong their stay in custody any longer, even if the delay in accessing a solicitor might mean only an additional 45 minutes in custody (Bevan, 2021; Forde and Kilkelly, 2023).

Even when legal representation was received, children understood that adult-led ideas of promoting the child’s best interests did not always match their own needs and wants. Child 3 described a situation where the adults wished to cushion and protect him which limited their ability to be upfront and honest:

It just all came to my lawyer and it felt like well he's only going to tell me things he wants me to hear because they'll not want me to worry about that but I want to know, if somebody says something about you you're going to want to know.

At times, children also felt unsure as to whether they were able to trust the duty solicitors available at the police station, and this mistrust in the process is reflected in research from Ireland (Forde and Kilkelly, 2023) where children felt that police officers (Garda) were often out to 'trick' them.

Relationships and (peer) support

The children described a number of people who visited them while in custody, although these visits were often short, in passing, or did not offer meaningful support, as Child 4 reflected: 'I remember a woman came to see me but I don't remember who it was and I didn't get her name'. Visits from family members were always welcome, no matter how restricted or brief as highlighted by Child 2: 'my auntie managed to come down and I seen her through this wee glass window'. However, other children found it difficult that they were not allowed to contact their relatives directly, as Child 11 recounts: 'I wasn't allowed to phone my mum, [I was] only allowed to phone my lawyer, I asked the police to phone my mum'. Child 10 described a situation where his mother had not been informed of his whereabouts at all:

She was askin' all my pals an' that if they'd seen me, then cos she'd be going down to my house an' that cos she hadn't heard from me in days, she was goin' down to my house and I wasn't answering the door and she'd ended up reporting me missing and ended up going to the police station, said she was sitting going mental at the police station and they just wouldn't tell her nothing. (Child 10)

Visits from family were important for emotional support, but also practical support such as the provision of clothes and other necessary items which were not available in custody:

I asked and that if I can get clean claes [clothes] and that for court and that and obviously my mam brought them up. But you can tell the officers to let your mam know you've been lifted and that but I don't think you can speak to her and that no.

For children who were unable to reach out to parents or relatives, the lack of suitable attire was seen as detrimental to how they would be perceived in court:

When I handed myself in they took my clothes innit an' they gave me this grey tracksuit, gave me some jail sliders, them shoes that have no laces just an elastic bit, a grey jumper, that's what I was wearing [when I went to court]. (Child 3)

Collaboration and mutuality

The harshness of detention in police custody is often experienced as punishment in and of itself (Kemp et al., 2023), and the meting out of punishment is associated with a significant and one-side application of power. Child 7 describes feeling under disproportionate scrutiny when he was taken to hospital for a mental health check: ‘I was walked around, held on to and they wouldn’t leave even after I reached the hospital, it was like I was going to run away and do something. It just felt I was under interrogation’. While this imbalance of power inherent in the experience of arrest and detention means that power-sharing is unlikely to occur on a meaningful scale in police custody, the lack of information and lack of supportive relationships available to children meant there was no opportunity for even the most basic collaboration, for example, children were left unprepared as to what to expect. Lawyers were often a crucial link, but not every child wanted or had access to effective legal representation or family support: ‘It probably would have been a bit better if somebody had come down and said look this is gonna happen, but you just think right, I think if it wasn’t for my lawyer I wouldn’t have had a scoobie man know what I mean?’ (Child 8). A similar experience was reported by Child 4:

Some things should change because when I got charged, a big charge, I never really got told anything, it was mostly my Dad and my lawyer and he says well expect this and don’t worry about this but when I was going to court I wasn’t being told what was happening.

Empowerment, voice and choice

Children’s experiences in police custody were far removed from even the most elementary conceptualisations of empowerment, voice and choice. Their testimonies revealed an almost complete lack of power, either directly themselves or without the support or engagement of family or legal representatives to empower or act as a voice for them. While many elements of justice decision-making will unavoidably be out of the hands of children, or their representatives, the importance of participation and voice in justice processes is a crucial right for children under the UNCRC (1989), underscored not only in general participatory terms in *Article 12*, but also specifically in relation to the administration of justice where ‘the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative’. While purportedly in the child’s best interests, for example, to minimise the risk of providing incriminating or unreliable evidence, of which children are at greater risk (Gooch, 2013), the assistance from lawyers or other professionals often instead stifled children’s voices and disempowered them. As Child 11 described: ‘they handcuffed me to one of the guys and the guy was basically saying you be quiet when the PF speaks—you don’t need to speak’. Child 5 recounts a similar experience where he was not encouraged to have a voice: ‘your lawyer tells you to be quiet an’ that cos obviously, it’s so fuckin’ . . . you just dinnae understand half the shit maist of the time’.

While there may not be many feasible opportunities for active choice in police custody, small actions of agency or autonomy may help mitigate this pervasive sense of powerlessness, such as a choice of food, or in-cell activities and resources. Yet power and agency

were also removed from children in even the most basic of actions, such as using the bathroom or having to request access to toilet paper, drinks, food or other necessities such as sanitary products via the intercom system: ‘I told her I wanted to tell my mum to get me stuff for my period while I was in the cells’ (Child 11). This child also noted that she had no choice about the food she received, nor the activities she could use to keep herself occupied: ‘I picked up a quiz book and asked them if could get a paper and pencil – because I didn’t want to write in the book and ruin their resources – but I wasn’t allowed it’. These degrading experiences often removed any last remaining dignity from those detained in police custody and increased a sense of helplessness and disempowerment (Bevan, 2021; Skynns et al., 2020; Skynns and Wooff, 2021)

Cultural, historical and gender issues

Disproportionality in the reach and operation of the justice system has long been documented, with children and young people, and people from disadvantaged or minoritised backgrounds over-represented in all aspects of the justice process, including policing (see, e.g. Gorton et al., 2022; Medina Ariza, 2014; Vomfell and Stewart, 2021). Despite recent reforms and the implementation of a code of practice for stop and search to limit the extent of police powers in Scotland (Scottish Government, 2017), the number of children stopped and searched by police in Scotland remains high, and increased by 7.5 per cent between 2021/2022 and 2022/2023, from 3851 to 4143 under 18s stopped and searched (Police Scotland, 2023c). Importantly, the negative stop and search rate (where nothing illegal is found) remains consistently higher for children than it does for those aged 18 and over, averaging around 73 per cent over the past 3 years, compared with approximately 64 per cent of those aged 18 and over (Police Scotland, 2023c).

Being a child not only increases the likelihood of encountering the police but also creates additional challenges within justice processes. As aforementioned, none of the children who participated in this research were held in police custody directly with adults, but were still greatly and negatively affected by the sight and sound of adults in close proximity. However, children were frequently detained alongside adults during their transportation to court, or while within the court cells: ‘I was in a cell with 16, 17, 35 and 30 year olds. With older people, though I was underage myself’ (Child 8). For some this was an intensely frightening experience, as Child 11’s description of an adult woman also being held in the court cells highlights: ‘She was scary. She kicked off, locked herself in the toilet and wouldnae come out, like there was all the G4 people had to go down and try to get her out’.

Young men also disproportionately encounter the police and the justice system, vastly outnumbering girls and young women. In the latest stop and search figures, 85 per cent of children stopped and searched were boys (Police Scotland, 2023c) and this disproportionality increases throughout the court system and into custody. However, this does also pose specific challenges for girls and young women given the lower number of girls detained in police custody and that roughly two-thirds of police officers are men (Police Scotland, 2022). Child 11’s experiences of privacy in police custody was made worse by insufficient female officers on shift:

How am I supposed to get changed and go the toilet . . . there is a camera up there watching me . . . basically . . . your face gets blobbed out and it is a woman that watches the women and guys watch the guys. But there was a point where there was no women on the job and a guy had to watch me about half an hour so I got told not to change or anything so I wouldn't go to the toilet because of the guy watching.

Importantly, in relation to diversity in the small sample, only one of the participants was female and only one was from a racially minoritised background, and the research did not document the presence of any other minoritised or marginalised identities within the sample. This limits understanding of the experience of minoritised groups, or any intersectional experiences, within police custody.

Challenges for trauma-informed policing

Policing is a key site for the application of trauma-informed practice as arrest and detention in custody are inherently stressful and worrying experiences for any individual, and children who are in conflict with the law are typically some of the more vulnerable members of society (McAra and McVie, 2010). Trauma-informed policing may also have operational benefits in terms of building trust, legitimacy and crime reduction (Bucerius et al., 2022; Jones, 2020). In light of this, Police Scotland have publicly committed to both trauma-informed practice and for the removal of children from police custody to other places of safety (SPA, 2022b) and a study of custody officers found that, following training, many demonstrated an understanding of trauma and how it might manifest (Goodall et al., 2023). Yet, reflecting on these findings, it becomes clear from the children's narratives that practices within police custody are often far removed from, or even at odds with, the principles of trauma-informed practice.

While the National Trauma Transformation Programme theoretically applies across all sectors, including in justice settings, and has been endorsed by the Scottish Prison Service (SPS, 2023) and Police Scotland (2019), in reality the application of trauma-informed practice frameworks most frequently promotes trauma-informed justice specifically for victims and witnesses rather than for those who have been charged or found responsible for crime. As a result, policy and practice reforms for those in conflict with the law have typically been outstripped by those for victims and witnesses (Gooch and von Berg, 2019). For example, the recently published *Trauma Informed Justice* (NHS Education for Scotland, 2022) aims to offer a sector-specific knowledge and skills framework to sit alongside the more generic *Transforming Psychological Trauma* but, despite its title, is in fact only concerned with those working with victims and witnesses of crime.

The reasons behind this discrepancy in trauma-informed practice for those who come into conflict with the law are manifold. First, there may be underlying, and often unconscious attitudes, towards those who have harmed or who have deviated in some way from social and legal norms. Brown (2015) observes a complicated nexus between vulnerability and behaviour, in that behaviours outside of these norms provide evidence of a child's vulnerability, but also that 'transgressive activities or behaviours could lead to a withdrawal of this status' (p. 86). This means that children who have harmed are often not seen

as vulnerable or victims and not afforded the same allowances or adaptations as others. Research into the impact of training in relation to Adverse Childhood Experiences and trauma for police officers (Gillespie-Smith et al., 2020) found that attitudes towards trauma-informed practice tended to be more favourable when thinking about victims and witnesses or those experiencing a mental health crisis, rather than those accused of crimes, and also more favourable when considering younger children rather than older teenagers who were perceived to be more akin to adults. Indeed, even when officers were aware of the background trauma of a child, Dehaghani (2017) found that there was a tendency to perceive the child as less vulnerable, especially if they were outwardly ‘cocksure’ or ‘streetwise’, with officers assuming that their life experiences meant they were more than capable of standing on their own two feet. Importantly, reminiscent of Brown’s (2015) observations, Dehaghani (2017) notes that this bravado often illustrates that a child is *additionally* vulnerable, lacking the maturity or knowledge to understand the ramifications of their actions and thus should be viewed as in need of additional support and safeguarding.

Second, there are practical and conceptual challenges to achieving trauma-informed practice in many justice settings, where the organisational purpose is often at odds with the principles of trauma-informed practice and where organisational operations (including both internal and external practices) heavily rely on the hierarchical application of power and control (Vaswani and Paul, 2019). Importantly, tensions have been observed between police officer perceptions of trauma-informed practice and their understanding of the role, function and effectiveness of police practices (Gillespie-Smith et al., 2020; McAnallen and McGinnis, 2021). The justice system also tends to be adversarial in nature (Ellison and Munro, 2017) with arrest, detention, questioning and attending court or other hearings being core features of an individual’s contact with the police, and contact with the system always leading towards some form of blame, punishment or retribution. These are typically in opposition to the core principles of safety, choice, voice, collaboration and empowerment.

Furthermore, trauma-informed practice should, but rarely does, start from the understanding that organisations act like living systems and are susceptible to organisational trauma, in much the same way as individuals and with similarly devastating impacts on functioning (Bloom, 2010). Much of this trauma comes from exposure due to the nature of the organisation’s work, either directly encountering traumatic situations, or indirectly resulting from exposure to distressed individuals (Hormann and Vivian, 2005). This can lead to compassion fatigue, vicarious trauma and burnout (Baird and Kracen, 2006; Pearlman and Mac Ian, 1995). Police officers have acknowledged that their operational role can leave them vulnerable to the cumulative effects of trauma (Goodall et al., 2023), and report high levels of anxiety, depression, stress and post-traumatic stress disorder (Demou et al., 2020). Trauma can spread through an organisation via stress contagion and ‘influence an organization’s identity and worldview in the same way that an individual is influenced by her/his trauma experience. That impact embeds itself in the organizational culture’ (Hormann and Vivian, 2005: p. 160) and thus begins a retraumatizing cycle. The recent candid and reflective admission by the Chief Constable that institutional racism, sexism, misogyny and discrimination exist within the force (Police Scotland, 2023a)

provides an indication of the organisational culture that shapes encounters with not only those who find themselves in conflict with the law, but also those who work within the organisation. Importantly, the source of the high levels of stress reported by police officers predominantly stemmed from the organisation (job role, working hours/workload and organisational culture) rather than specific traumatic incidents (Demou et al., 2020). Furthermore, while there are established processes within Police Scotland to support staff affected by trauma (Police Scotland, 2021), the prevailing organisational culture is frequently seen as a barrier to accessing institutional support (Demou et al., 2020; Gillespie-Smith et al., 2020). Trauma-informed practice cannot be fully delivered from an organisation that is also suffering from the effects of unresolved trauma.

Thus, in demonstrating the ways in which police custody can cause fear, harm or breach children's rights, this article asserts that police custody is often trauma-inducing for children, violating the fundamental principle of 'do no harm'. In addition, this article has highlighted that it is not possible to fully operationalise the six underpinning principles of trauma-informed practice in the oppressive and harsh environment of police custody. A natural corollary of understanding these realities is to conclude that the purposes and practices of policing, and in particular the use of police custody, are antithetical to the principles of trauma-informed practice.

Given that policing, along with many other aspects of the justice system, is demonstratively in opposition to the principles of trauma-informed practice, describing policing as trauma-informed, or even simply as *progressing* towards being trauma-informed (an unattainable destination) is an imprecise and problematic use of language. Language is important, as usage of the term 'trauma-informed' in restrictive justice settings is not only potentially disingenuous, but may even be dangerous if it masks practices that cause harm, or masks the urgency to remove children from these settings. Erroneous belief in a trauma-informed justice system risks perpetuating carceral solutions to social problems (Carlton and Russell, 2023) and reduces the impetus for significant organisational culture change.

While it may be impossible to fully embed a trauma-informed approach within justice processes and settings (Ellison and Munro, 2017; Vaswani and Paul, 2019), this does not preclude the application of a trauma lens to policing, nor does it mean that children's experiences of police custody cannot be improved. A more meaningful approach is perhaps better reflected in the terminology of being 'trauma-aware'. This cautious use of language offers a more realistic starting point for improving children's experiences of policing as it acknowledges both the relevance of trauma for policing practices, but also the harm caused in such settings. From this position, the steps required to mitigate such harms can be more easily identified and a more honest, compassionate approach developed.

In concluding this article, it would be remiss not to acknowledge the progress that has been made within Police Scotland in recent years to reduce the numbers of children detained in police custody, with an increased focus on alternative Places of Safety in the Children's Care and Justice (Scotland) Act 2024. It should also be noted that the detention of children naturally draws attention to police practices, but ensuring that children are removed from police custodial settings requires a multi-agency response from health, social work and other local authority or third-sector organisations. Importantly the force

has increasingly emphasised workforce wellbeing, with a recent conference focused on understanding and improving the support provided to officers and staff (SPA, 2023c). Finally, the impact of the trauma training undertaken by Police Scotland may not have been fully realised in police custody at the time of this research, although previous research in custodial settings indicates that there are risks in organisations assuming that staff training by itself is sufficient for the implementation of trauma-informed practice (Vaswani and Paul, 2019) and thus the long-term impact of such training, while an important foundation for trauma-informed practice, is likely to be limited.

Incremental progress aside, trauma-informed practice needs to start with the organisation itself, and for Police Scotland an ongoing period of deep and honest organisational reflection rooted in the experiences of those within and out with the force has to be the first step. Exploring the gap between the espoused intentions of policy and the realities of custom and practice, and utilising the concept of organisational trauma offers a way to understand organisational culture and the impact of the organisation's work on that culture (Hormann and Vivian, 2005). These activities also provide a method for surfacing what may be unconscious aspects of organisational life (Hormann and Vivian, 2005). The Chief Constable's admission of institutional discrimination may prove to be an important starting point for the necessary culture change. Then, and only then, is an organisation ready to think about trauma-informed practice for others.

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