

# Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill

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## Financial Memorandum

### Introduction

1. As required under Rule 9.3.2 of the Parliament's Standing Orders, this Financial Memorandum is published to accompany the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill, introduced in the Scottish Parliament on 24 September 2024.
2. The following other accompanying documents are published separately:
  - Explanatory Notes (SP Bill 52–EN);
  - a Policy Memorandum (SP Bill 52–PM);
  - a Delegated Powers Memorandum (SP Bill 52–DPM);
  - statements on legislative competence made by the Presiding Officer and the Scottish Government (SP Bill 52–LC).
3. This Financial Memorandum has been prepared by the Scottish Government to set out the costs associated with the measures introduced by the Bill. It does not form part of the Bill and has not been endorsed by the Parliament.

### Background

4. This is a dual purpose Bill and covers provisions that relate to criminal justice modernisation and also domestic homicide and suicide reviews.
5. Firstly, it aims to make permanent some of the temporary justice measures from the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (“the 2022 Act”). These provisions allowed justice agencies to meet the challenges of the pandemic and provided the basis for the delivery of a more efficient and effective justice system. The continuation of these measures requires primary legislation and will ensure that improvements in practice and procedure can continue to be delivered and ensure the future resilience of the sector. The continuing measures are about:
  - allowing for the electronic signing and sending of documents in criminal cases;

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- enabling virtual attendance at a criminal court;
- a national jurisdiction for callings from custody, so that custody cases can be heard in any court in Scotland; and
- an increase in the maximum level of fiscal fine, to £500, along with adjustments to the scale of fines.

6. The first part of the Bill also introduces two new provisions that support digital innovation such as Digital Evidence Sharing Capability (DESC), which is explained below. These provisions:

- support the use of digital images rather than production of physical evidence in court; and
- enable copies to be treated as equivalent to the item copied without the need for additional authentication, to provide more flexibility in the law.

7. Secondly, the Bill builds on a commitment within the Equally Safe Delivery Plan and a key priority within the 2023-24 Programme for Government to develop Scotland's first national domestic homicide and suicide review (DHSR) model. Domestic homicide and suicide reviews aim to identify what lessons can be learned and potentially applied following a death where abuse is known or suspected in order to help prevent future abuse and deaths.

8. Further information about the background and the policy intention behind the Bill is set out in the Policy Memorandum which accompanies the Bill.

9. This Financial Memorandum provides information about costs and savings where this is possible in relation to each of the specific provisions included in the Bill. Some costs based on assumptions have been provided for illustrative purposes. Part 1 pertains to costs and savings relating to criminal justice modernisation and Part 2 contains costs and savings relating to domestic homicide and suicide reviews.

## Part 1

### Provisions from the Coronavirus (Recovery and Reform) (Scotland) Act 2022

10. As the temporary justice provisions are already operational, no new costs are expected to arise from making them permanent through this legislation. Importantly, by seeking to make permanent measures which have allowed more efficient practice, procedures and delivery of justice services over the last few years, the Bill will have a financial impact in avoiding the costs associated if those measures were not continued. Without this Bill, the 2022 Act measures would not become permanent features of the criminal justice system and costs would arise as justice agencies and others would be required to revert to less efficient pre-pandemic ways of working. Given the widespread

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use of the temporary measures since 2020, it has not been possible to fully quantify what the avoided costs are given many of the measures have been subsumed into business as usual practices and it is not possible to easily isolate the impact should they not be continued. Where possible, indications and examples have been given to illustrate what those avoided costs would be.

11. It would also be incorrect and misleading to indicate ongoing operational costs as being solely attributable to provisions of the Bill, as the same infrastructure can be and is used for a wider range of purposes. For example, licensing costs borne by the Scottish Courts and Tribunal Service (SCTS) for software used for virtual attendance is also utilised for a number of different hearings that are not covered by this Bill, such as those that form part of civil proceedings. Other measures under existing legislation, such as evidence by commission hearings (the use of which relates to the Vulnerable Witness (Criminal Evidence) (Scotland) Act 2019), also require the same software.

12. For the reason set out in paragraph 10, these measures in the Bill do not give rise to a saving compared to present expenditure (as the 2022 Act measures currently remain in place and Parliament is being asked to extend them for the final time through a Scottish Statutory Instrument laid in Parliament on 19 September).

## Electronic signatures and sending of documents

### Costs on the Scottish Administration

13. In broad terms, electronic processes have increased across all areas of the criminal justice system. Permitting the digital transmission of documents and the use of electronic signatures has enabled process changes which are necessary to operate court services efficiently.

14. The provisions for electronic signing and sending enable documents produced by a criminal court, or connected with criminal proceedings, to be signed and transmitted electronically (for example, by email), and to be sent to a party's solicitor instead of to the party themselves, removing any requirement for documents to be served by post or personally on an accused.

15. These provisions have been in force since 2020, first through the Coronavirus (Scotland) Act 2020, then the Coronavirus (Extension and Expiry) (Scotland) Act 2021, and finally the 2022 Act. They have become firmly embedded in Scotland's justice system and have made many justice processes more efficient. Returning to paper-only documents would be resource-intensive and create inefficiencies, resulting in a diversion of critical resources.

16. For example, applications, notices and in some cases complaints from the Procurator Fiscal's office are currently transmitted in electronic form. In the High Court of Justiciary, all indictments are received electronically, and warrants are submitted

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electronically to the prison service. In the Sheriff Court, breach reports and criminal justice social work reports are often received electronically.

17. This provides for a more efficient and effective process. The High Court of Justiciary aims to make its processes fully electronic which will provide flexibility and enable staff resources to be used in the most efficient way. For example, as a result of this provision, clerks in Inverness are able to prepare the documentation for a preliminary hearing court in Edinburgh. Previously documentation would have been held in hard copy; unless papers were sent between courts, staff from multiple locations would not have been able to process this work as it would not have been available centrally in a digital format.

18. It is difficult to identify the specific IT costs of the ongoing implementation of this provision (i.e. costs which are solely attributable to the use of electronic signatures and sending of documents as provided for in the Bill) as IT equipment and software is also used for other business (for example routine email and scanning, routine disclosure of evidence through the Secure Disclosure System, and to support virtual attendance under existing legislative provisions such as those for vulnerable witnesses).

19. While no new costs for the Scottish Court Service (SCTS) or the Crown Office and Procurator Fiscal Service (COPFS) are expected to arise from the permanence of this provision<sup>1</sup>, as noted above, the lack of a legislative basis continuing to authorise the use of electronic means would give rise to costs. Reverting to pre-pandemic processes requiring hard copies would be expected to incur costs and create inefficiencies for all concerned. For example, warrants would revert to being produced on paper and SCTS would be unable to consider those until hard copies were received, causing delays. It may also mean having to reproduce processes in ongoing cases in paper form so as to avoid part paper/part electronic processes. This would be a highly resource intensive task to complete. A return to paper documents would also create storage difficulties and significant costs.

## Costs on local authorities

20. These provisions are not expected to place any costs on local authorities.

## Costs on other bodies, individuals and businesses

21. These provisions are not expected to result in direct costs to other bodies, individuals and businesses. However, as with COPFS, members of the legal community such as defence agents also benefit from the use of electronic signatures and

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<sup>1</sup> Any costs of changing to allow electronic processes (including any training on new methods) was incurred at the time of the measures being adopted in 2020. As the existing temporary measures are broadly being made permanent, there will be no further implementation costs arising from these measures in the Bill. As noted above, there are not considered to be any ongoing costs which are attributable to practices such as the use of email and electronic copies because the IT required for that already exists and is in use in relation to other matters.

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transmission. The absence of the provision would similarly give rise to costs for them in needing to revert to paper based processes.

## Costs on Police Scotland

22. These provisions have been utilised by Police Scotland through the ability to remotely seek warrants. Officers are able to apply for, and be granted, a search warrant without the need to travel to obtain a “wet” signature (a physical signature made in pen) which has created significant operational benefits, through significantly reducing the time officers are drawn away from investigation or otherwise unavailable for redeployment. The speed at which warrants can now be sought also supports a reduction in overall time taken to complete specific investigations. The reduction in travel time also supports a reduction in vehicle use and an associated positive reduction in the environmental impact.

## Virtual attendance

### Costs on the Scottish Administration

23. These provisions enable participants (including judges, clerks, legal representatives, accused people, convicted people, appellants, jury members and witnesses) to take part in some criminal justice court proceedings by live visual (television) or audio (telephone) link, from any location. The Policy Memorandum sets out examples of the extent to which these are currently in use.

24. Capital and revenue outlay for necessary additional hardware (laptops, cameras and other remote devices), and for the recruitment of additional staff to prepare cases and attend to court business, was incurred in the initial implementation of these processes. SCTS and COPFS have advised that no new capital costs are expected to arise from making these provisions permanent. However, it is anticipated that, as is routine, IT hardware will require some degree of maintenance and replacement and, while this is not quantifiable, it is expected to be absorbed within existing IT budgets. There are no staff costs that can be solely attributed to preparing cases and attending to court business specifically where virtual attendance is being used, as these have been absorbed into routine organisational duties.

25. However, an absence of this provision requiring in person attendance may give rise to costs such as additional expense claims for witnesses who would be required to attend in person.

### Costs on local authorities

26. These provisions are not expected to place any costs on local authorities. Where attendance by electronic means is extended to a local authority’s workforce in their capacity as expert witnesses, this should avoid associated travel costs. Attendees are provided a link to the hearing, being able to join using their own existing IT and internet connections. There may be some additional outlay for headsets and other equipment,

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such as monitors, that are necessary to take part in remote court proceedings but it is likely that equipment can be sourced from existing assets.

## Costs on other bodies, individuals and businesses

27. Any costs to legal professionals that enable participation in remote court proceedings will already have been incurred since these provisions were put in place and any maintenance costs that may arise will be minimal when compared to costs that may arise from the discontinuation of this provision – for example if defence solicitors and advocates were required to again travel to procedural hearings rather than attend remotely. Some consultation responses considered that existing resources could be better used if virtual attendance was the default position – while the Bill does not set virtual attendance as default attendance, it does, subject to some conditions, preserve the Lord Justice General’s ability to require this by issuing determinations.

## Costs on Police Scotland

28. Police Scotland will continue to benefit from the ability for staff to provide evidence by appearing as remote witnesses. Remote witness evidence not only reduces the logistical challenges of displacement and travel but also yields substantial cost savings. By enabling police officers to remain on duty until their evidence is required, the system enhances overall operational efficiency and preserves productivity within the force.

29. Currently Remote Police Witness Evidence (RPWE) is only operating within the High Court, and 30% of required police witnesses provide their evidence remotely. The ongoing development of IT infrastructure by SCTS is poised to further refine and expand this model, potentially increasing the number of witnesses who can participate remotely. This commitment is underpinned by the broad consensus that remote evidence should be prioritised as the default method for Police Scotland witnesses, reserving in-person appearances only for situations dictated by technological limitations or legal requirements. Even if the current use of this system was to increase from the current 30% to 50%, the number of evidence-giving rooms within the Police estate will be able to meet that demand. While not currently anticipated, should the use of RPWE be broadened to include sheriff and jury trials, this would require further investment in Police Scotland infrastructure (evidence-giving rooms).

30. There is no direct outlay or maintenance cost for PCs and laptops used in evidence-giving rooms (EGR) for RPWE, as these are covered under Police Scotland’s ICT capital expenditure plan, which includes general terms of repair and replacement. However, any new or additional rooms that require to be set up will incur a one-time initial equipment outlay of approximately £1,000 per room. The cost associated with EGRs cannot be directly attributed to this provision as the rooms serve other purposes too. That is to say, the rooms can be utilised for other functions when not being used for RPWE.

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31. The annual running cost for staff to manage the RPWE program and provide support for the operation of the EGRs amounts to £59,165. These costs are currently covered by the RPWE project team and, in its current format and volume, this team is able to manage this demand. Currently the cost to appropriately staff EGRs is being met by Police Scotland as the costs are offset by the reduction in demand for Police Scotland officers to physically attend court.

32. While no new capital costs are expected to arise from making these provisions permanent, to sustain and amplify these advantages, continuous investment and advancement in IT infrastructure will be imperative. Making these provisions permanent provides confidence in any potential future investments in the future. This ongoing development ensures robust support for remote evidence systems, facilitating their seamless integration into routine police operations. If these provisions were discontinued, it would not be possible to continue the RPWE which would jeopardise these strategic gains and undermine the efficiency and effectiveness of court operations. Therefore, maintaining and enhancing this system aligns with the long-term strategic objectives of Police Scotland.

33. There are financial savings and operational benefits realised on each occasion remote evidence is given, including the avoidance of travel, accommodation and officer time spent travelling or away from their station, depriving the community of their services.

34. Police Scotland estimates that the daily cost of attending court in person for a full day (eight hours), based on the current full time equivalent (FTE) for an officer, is £129.67. When providing evidence remotely, Police Scotland estimates that only four hours will be used for the court and the cost is £64.84.

35. With remote evidence, the witness can continue to work until the court is ready for them to give evidence, so the productive time of the officer will continue when waiting within the virtual lobby. This clearly demonstrates that the measures have a positive impact upon police resources, both staff and finance, and allow for greater flexible use of officers' time.

36. In the period between January to August 2024 a total of 752 officers provided witness evidence. Of these, 504 officers provided witness in person with the remaining providing evidence remotely. Using the estimates provided by Police Scotland the financial cost of providing evidence remotely during this period was £16,079.08; in contrast the financial cost incurred for providing evidence in person was £65,353.68. Had the 504 officers provided evidence remotely, it would have cost only £32,676.84.

37. The inefficiencies of in-person court attendance versus remote options are also starkly highlighted by a recent case at Inverness High Court involving seven officers based in Elgin. Had these officers been required to attend in person, that would have meant each of the seven officers travelling to attend court every day for a number of

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days, accumulating 19 attendance days in total. This would have been required although ultimately just one officer was called to give evidence on one day.

38. Had all officers made the journey from Elgin to Inverness High Court, they would have collectively travelled approximately 1,444 miles, averaging about 76 miles per round trip. Each trip would have taken approximately 1 hour each way, resulting in a total of 38 hours of travel time. This scenario vividly illustrates the inefficiencies and wastage inherent in requiring physical court attendance for officers.

39. Remote witness evidence, in contrast, eliminates the need for officers to be physically present. As all officers were allowed to provide witness evidence remotely, they could carry on working while waiting in the virtual lobby. This meant that there were only practical implications for the one officer who was called upon to give witness evidence over a single day.

40. Adopting remote witness evidence also has a positive environmental impact by reducing carbon emissions associated with travel. By minimising unnecessary journeys, Police Scotland can contribute to environmental sustainability while preserving their operational practices.

41. As noted within the Policy Memorandum, these provisions also support ongoing innovation, development and partnership working to further expand the extent to which virtual attendance is supported in criminal proceedings. One example of that relates to the use of virtual custodies and the Bill will enable ongoing work being taken forward by justice agencies that explores a sustainable model for virtual custodies. Costs may arise following that development work, e.g. if Police Scotland required to upgrade their custody suites. However, those costs are being considered as part of the ongoing cross sector work and do not arise as a direct consequence of the Bill which permits but does not require the development of a virtual custody model. These provisions of the Bill are of much broader applicability to current practice across the range of areas identified e.g. remote witness evidence and procedural hearings.

## Fiscal fines

### Costs on the Scottish Administration

42. Prior to the pandemic, the maximum fiscal fine which could be offered was £300. That was raised to £500 by the Coronavirus (Scotland) Act 2020 and retained on a temporary basis through the Coronavirus (Extension and Expiry) (Scotland) Act 2021 and the 2022 Act, to enable alternative action to prosecution to continue to be taken in a wider range of summary cases as an alternative to prosecution in court.

43. Prosecutors have been directed in relevant guidance to first consider offering a direct measure (i.e. initial action by a prosecutor following report from the police), in particular a fiscal fine, in relation to appropriate cases which would otherwise have proceeded in the Justice of the Peace court.



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44. Between 1 April 2020 and 31 March 2024, 652,084 individuals were reported to COPFS of whom 46,907 or approximately 23% were offered a fiscal fine. Between 1 April 2020 and 25 July 2024, a total of 125 accused received a First Substantive Marking of a fiscal fine of £500.

45. The increase in the maximum level of a fiscal fine has allowed for alternative action to prosecution to be taken in a wider range of cases. There are reduced costs arising from fewer court proceedings in practice.

46. Purely for illustrative purposes, as per 2016-17 data, the average cost of a prosecution taken forward in the Justice of the Peace Court is £1,008<sup>2</sup>. This covers the costs arising for COPFS, SCTS and the Scottish Legal Aid Board. Between 1 April 2020 and 31 March 2024, 937 individuals have been issued a fine amount above the previous scale maximum of £300 (i.e. have been issued a fine of between £301 and £500). Prior to the introduction of a fiscal fine in the range £301 to £500, cases where such a fine has been offered would instead have been considered for prosecution in court. By not having to prosecute some 937 cases that otherwise may have been prosecuted, this amounts to an illustrative saving of £944,496 over the four year period in question. However, the associated savings to COPFS and SCTS which would be attained as a result of diverting a greater number of cases from prosecution are largely notional.

## Costs on local authorities

47. These provisions are not expected to place any costs on local authorities.

## Costs on other bodies, individuals and businesses

48. The continuation of this provision will have a financial impact on those who choose to pay the fine rather than being prosecuted in the courts. However, such an impact may be minimal both in terms of the relatively small number of individuals affected by the increase (as discussed below), and on the basis that without the increase cases may otherwise have been prosecuted in the JP court instead and may have resulted in a fine imposed by the court of more than £300.

49. To illustrate, between 1 April 2020 and 31 March 2024, approximately 46,907 individuals were offered a fiscal fine. However, only 2% of the fines issued were above the previous scale maximum of £300. The use of fiscal fines is a matter for COPFS and it is not possible to definitively predict how these fines will be issued in the future.

50. The Scottish Government considers that this measure will have no impact on other bodies or businesses.

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<sup>2</sup> [This is based on the currently available data which was published in 2019.](#) However, this provides a reasonable estimate for illustrative purposes.

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## National jurisdiction for callings from custody

### Costs on the Scottish Administration

51. The temporary measures in the 2022 Act provide that, where a person appears in court for the first time from police custody in criminal proceedings, the calling of the case may be taken in any sheriff court in Scotland, and it may be dealt with in that court by a sheriff of any sheriffdom - no matter where the alleged offence took place. They also allow a sheriff court that has taken on the initial calling of a case to continue dealing with it up until a not guilty plea is tendered (or until full committal in more serious cases, known as solemn proceedings). The Bill seeks to make permanent this Scotland-wide jurisdiction for first appearances from police custody, minimising the number of cases that have to be transferred to local court.

52. There are no anticipated costs or savings for SCTS or COPFS as a result of extending sheriffs' jurisdiction throughout Scotland for the purpose of dealing with an individual appearing from police custody. The provision simply redistributes the cases to which it applies across the country and allows for a more efficient approach to be taken in the distribution of cases. However, if used in conjunction with the provision for virtual attendance it has the potential to provide savings, by way of the virtual custody model.

53. The provision has been expanded from the 2022 Act to mirror the provisions for Justice of the Peace (JP) court cases and empower sheriffs as well as summary sheriffs to exercise national JP custody court jurisdiction. The Scottish Government's view is that this could make a contribution to improving efficiency in a more flexible deployment of court personnel and assets. As custody cases have to be brought before the court on the next lawful day, this means that those which are to be brought before the JP court currently require the court to be convened even if one would not otherwise be sitting that day. The provision made by the Bill will mean that instead, a sheriff who is already sitting that day will be able to preside over the JP court.

54. If a case is not heard in one sitting there could be a number of ways it may proceed. This could be dealt with by a summary sheriff, if the warrant or case was for the same sheriffdom that the other matters are calling for. Alternatively, it could go to a JP court in the same building, depending on where the JP matter is for. If the JP case was for outwith the sheriffdom of the other matters calling, the accused may need transported to another court. Due to the complexities here, SCTS has been unable to quantify costs for convening court on a day where it would not otherwise be sitting.

55. This provision is not expected to place any additional costs on SCTS as custody cases in JP courts are relatively rare and, to the extent that they do arise, the provision is not requiring anything additional to be done. However, it will allow efficiencies in the way resources are used and improve the experience of individuals being transported to multiple courts.

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## Costs on local authorities

56. These provisions are not expected to place any costs on local authorities.

## Costs on other bodies, individuals and businesses

57. These provisions are not expected to place any costs on individuals and businesses. Organisations that provide transportation of prisoners may be already incurring some savings from the reduction in travel required between custody suites and various courts; by making these provisions permanent partners are able to invest in future organisational plans that can deliver further savings.

## New provisions that support further modernisation of justice processes

58. These new provisions support the modernisation of our justice processes and procedures through the use of Digital Evidence Sharing Capability (DESC). DESC modernises and streamlines the way digital evidence is collected, managed, and shared throughout the criminal justice process.

## Digital productions & alternative ways to authenticate documents

59. The Bill aims to change the law in order to allow a digital image (such as a scan, photograph or video) of a physical item (such as a knife) to be received in evidence in lieu of the item, without objection on the basis that the original item has not been produced to the court, and to treat the image as the equivalent of the actual production itself. It promotes the use of modern technology and will support greater efficiency across the criminal justice system. It also supports the earlier sharing of evidence in summary cases, supporting high quality decision making at the outset of a case and early resolution in many cases. Along with the proposal to have virtual trials, this could enhance the way that evidence is led to create improvements in the court experience.

60. The Bill also seeks to modernise current legislation on the use of copy documents in criminal cases to maximise use of existing and potential future digital technologies, and to give courts more discretion in relation to acceptance of copies of physical documents.

61. Further information relating to this can be found in the Policy Memorandum.

## Costs on the Scottish Administration

62. The main vehicle for the implementation of these provisions will be the use of DESC. The Scottish Government has already met DESC costs to date and has committed to continue to meet its cost during the lifetime of the current contract which expires in October 2026 (with the possibility of extending further up to three years). The DESC business case of 2021 (a revised business case is currently being developed) forecast costs over a 10 year period of £33 million. The costs include both the supplier

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cost and the programme resource costs to DESC partner organisations which will be met whether the Bill is passed or not. No additional costs will arise as a result of introducing these provisions. The Bill will allow DESC to be deployed more efficiently, but DESC is already able to be used under the current law, as demonstrated by the pilot programme discussed in the Bill's Policy Memorandum.

63. For SCTS, there could be efficiencies where there is no or a reduced requirement for the transportation of physical productions from a central point to courts. The efficiencies in transportation also arise where there is an appeal and this is heard in a different court or where a trial is moved at short notice under section 83 of Criminal Procedure (Scotland) Act 1995.

64. The greater use of digital productions would reduce the requirement to audit the physical productions lodged in court. Presently, these are audited on a regular basis in courts across the SCTS estate.

65. In the case of physical productions, the party holding the production (usually COPFS but it may also be Police Scotland, in certain circumstances) will attend court and submit the productions. These would be checked in by SCTS staff against the case papers. Depending on the type of case (solemn or summary) these will be put on a register, which is then checked against the physical productions periodically. While the procedure for checking in productions will vary based on different circumstances, the greater use of digital productions would reduce the requirement for court officers to "check in" the productions at court.

66. For example, a rough estimate for summary trial assumes approximately one hour per trial per court per day for a court officer. Use of digital productions would allow this staff resource to be redeployed to other duties (for e.g. attending to witnesses). Staff could also be redeployed towards the management of digital productions (e.g. confirming that they have been received by the court) which would be far less labour intensive than the management of physical productions. While there may be potential costs for training staff on the use of digital productions, these are likely to be offset by savings that arise from reduced marking in physical productions. The time taken for training and savings from marking in productions will vary due to a number of factors such as size of the court, how many trials are held (court programmes vary depending on demand) even down to the number of productions lodged for each trial. Therefore, it has not been possible to quantify the costs and savings.

## Costs on local authorities

67. These provisions are not expected to place any costs on local authorities.

## Costs on other bodies, individuals and businesses

68. These provisions are not expected to place any costs on individuals and businesses. The use of DESC through this provision reduces the need for physical evidence to be collected in person from members of the public and businesses,

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transported in vehicles between justice partner facilities and court estate, and will significantly reduce reliance on paper and physical processes, supporting flexible and remote justice processes.

69. Between the period of Jan 2023 and June 2024, the use of DESC in a pilot resulted in 2.6 tonnes of CO<sub>2</sub> saved due to reduced mileage for evidence collection. In addition, 160 mobile phones were no longer required to be seized as evidence, as DESC permitted the evidence on the phones to be securely collected and held as digital production. Once scaled on a national basis, savings are expected to be significantly higher.

### Costs on Police Scotland

70. There are significant benefits and savings to be made for Police Scotland with greater digitisation of productions.

71. In 2023, the entire estate of Police Scotland received 519,970 physical productions of which only 305,361 were disposed of. This amounts to approximately 41%, which indicates the volume of productions which needed to be retained. There are approximately 98 full time equivalent (FTE) staff members who handle productions across all police sub divisions. To illustrate the volume of productions being handled between various police divisions and its impact on staff: in the Fettes sub division, which received the largest volume of productions in 2023 (87,804), staff handled on an average 6,423 pieces of physical productions per FTE. In smaller sub-divisions like Bankhead, the average was significantly higher at 14,145 per FTE.

72. Only approximately 8-10% of all productions require to be submitted for forensic analysis. This provision will support Police Scotland in reducing the routine lodging and retaining of such a significant proportion of productions.

73. For the purposes of illustrating potential savings that can arise from the implementation of the provision, Police Scotland has developed scenarios that assume digitalisation of productions at various volumes. However, the implementation of this provision and realisation of these savings is conditional upon further engagement with COPFS and continued work on a mutually agreed retention, archiving and deletion policies. It also relies on collaboration with SCTS, defence agents and other stakeholders who will be involved in the implementation of this policy. Therefore, a range of scenarios have been provided for illustrative purposes.

74. In terms of staff numbers, current capacity to deliver sustainable productions management is significantly less than what is required, resulting in backlogs in disposals of evidence. Therefore, there would not be any significant reduction in FTE unless 30% + of productions were digitalised or not seized at all.

75. Assuming that handling of 4,000 items per FTE is deemed manageable by Police Scotland, the following savings can be made through various scenarios that range from

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30% digitalisation on a lower scale to 50% digitalisation on a higher scale. Assuming the average salary cost of £37,682 per FTE, should productions be digitised or not seized and retained, the scale of savings can range from £618,000 on a lower scale to £1.57 million on a higher scale. While the savings are notional, this allows capacity to reallocated to other parts of police work.

76. There are savings to be made across the Police Scotland estate in terms of space utilisation. With the assumption that 81 items on average can be contained in one 84 litre box, Police Scotland have developed various scenarios for how digital productions can lead to reduction in storage requirements. The scenarios range from a 10% reduction in storage of physical productions up to a 50% reduction, arising from the use of digital productions resulting in a range of reduction in storage boxes. Based on the total usage of boxes in 2023 (3,748) - should there be a 10% reduction in digital productions needing to be retained, Police Scotland would require a total of 3,373 boxes for storage and at 50% reduction would require only 1,874 boxes.

77. There are financial savings to be made from reduction in travel required to transport physical productions. Currently, on a weekly basis, 663 hours are spent on driving duties for Police Scotland staff in this regard. This roughly equates to £714,000 per annum in salary costs (including pension/NI contributions). While some of these journeys will always be necessary for forensic lab journeys, the use of digital productions would require fewer journeys for collection from stations to bring items to productions hubs, which would give rise to some savings.

78. In terms of timescales for realisation of savings and costs, benefits arising from reduction in seizures will be felt immediately in workload. However, Police Scotland will require time to clear through its backlog of disposals. In time, Police Scotland anticipate savings across Estate, Transport and FTE.

79. There are also environment benefits to digitisation of productions. To illustrate its potential, when DESC was piloted in Dundee, 25,000 pieces of evidence were ingested into DESC. Police Scotland staff were no longer required to transport physical items of digital evidence in the form of USB sticks or compact discs. This amounted to 782 officer hours (approximately £16,195.22<sup>3</sup>) saved as well as savings of roughly 1 tonne of CO<sub>2</sub> emissions. Police Scotland are developing a detailed report on the Dundee pilot which will be published soon.

80. There may be some costs required to train officers and staff as the use of digital productions become more widespread. Police Scotland is undertaking work to determine the exact scope of the type and depth of training however some estimates have been provided for illustrative purposes.

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<sup>3</sup> This cost is provided purely for illustrative purposes. The true cost will vary as it depends on the grades of the staff involved and the nature of efficiencies gained.

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81. It is estimated it would need around four weeks to create the course required for training Production Staff. The cost of organising and delivering a one day course attended by six staff members is estimated to be approximately £21,701. This does not include travel, accommodation and subsistence costs (where delivered in person). A total of 21 courses will need to be delivered to cover training for all staff which amounts to £ 455,721 (at £21,701 each). While there will also be a requirement for Police Officer training, the details of these have not yet been established.

82. Police Scotland anticipates that costs for training staff and officers will be largely absorbed through the budgets allocated for the rollout of DESC. Where this is not possible, any potential costs can be offset through the savings outlined above.

## Part 2

### Domestic homicide and suicide reviews

83. The second part of the Bill relates to domestic homicide and suicide reviews. The costs and savings associated with the annual and ongoing operation of the review model are below.

84. Domestic homicide and suicide reviews are multi-agency reviews which aim to learn lessons following a homicide or suicide where abuse is known or suspected. In terms of the general concept, as a minimum, domestic homicide reviews include those who have been killed by a partner or ex-partner, but across UK and international jurisdictions, the deaths included within the review scope often include wider relationships such as children. For the purposes of the review model in Scotland, reviewable deaths will include:

- those killed by a partner/ex-partner;
- someone killing their child/children or the child/children of their partner or ex-partner;
- someone killing a child/children/young person(s) who live in the same household as them or their partner/ex-partner;
- violent resistance where a victim of domestic abuse kills their abusive partner/ex-partner;
- domestic abuse related suicide; and
- connected deaths of children and young people (i.e. who die as part of a domestic abuse related death (or a near-miss) who may or may not be related to the victim or perpetrator).

### Costs on the Scottish Administration

85. There will be initial and ongoing costs arising from the operation of domestic homicide and suicide reviews falling on the Scottish Administration.

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86. According to the homicide statistics available<sup>4</sup> between 2018-2023, there is an average of nine homicides per annum where a homicide victim is killed by a partner or ex-partner. In 2022-23, there were eight homicide victims killed by a partner or ex-partner. The homicides comprised of six female victims (46% of all female homicide victims) and two male victims (5% of all male victims). Between 2018-19 and 2022-23, there were 42 homicide victims killed by a partner or ex-partner (34 female victims and eight male victims). Between 2013-14 and 2022-23, there were 89 homicide victims killed by a partner or ex-partner (63 female victims and 26 male victims). All homicide victims killed by a partner or ex-partner between 2018-19 and 2022-23 were 25 years old or older.

87. It is important to note that these statistics indicate the number of domestic homicides that occurred in Scotland, although in some cases the victim may not have been resident in Scotland.

88. There is limited data available in relation to domestic abuse related suicides. Research undertaken to date in England and Wales suggests that the number of domestic abuse related suicides could be up to double the number of domestic homicides. There is no similar data available in Scotland at present, but, by extrapolation, that would equate to up to 18 domestic abuse related suicides per annum based on annual averages of domestic homicides in Scotland.

89. In 2022-23, there were zero child homicide victims in Scotland aged 15 years old or under. There were four victims of homicide aged between 15 and 24 years old in 2022-23. Between 2018-19 and 2022-23 there were 11 children aged 15 years old or younger, killed. Seven of the 11 homicide victims were killed by an acquaintance or stranger. Over the same five year period, three children were killed by a parent and one child was killed by another relative.

90. The Bill provides for establishment of a review oversight committee to receive death notifications, carry out an initial case review and review the finalised report produced by the case review panel. There will be costs associated with the public appointment of the chair and deputy chair of the review oversight committee and the undertaking of their roles. The costs arising from the public appointment recruitment process will form part of existing Scottish Government job roles, meaning that they will be met from within the existing workforce and overall budget based on reprioritising workload. These costs are set out further below.

91. Members of the review oversight committee will be selected from organisations due to their relevant experience and expertise. Members participating in the review oversight committee will do so as part of their existing professional roles within their respective organisations. While the majority of meetings will be held virtually, there will

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<sup>4</sup> [Homicide in Scotland statistics - gov.scot \(www.gov.scot\)](https://www.gov.scot/homicide-in-scotland-statistics)



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be an ability for members to claim such expenses as the Scottish Ministers consider reasonable and appropriate.

92. Depending on the circumstances of each case and availability of information, not all domestic homicides and domestic abuse related suicides may be reviewed. Within this context and the number of deaths discussed above, it is considered that the likely number of reviews each year is as follows—

- A high estimate for the number of domestic homicide and suicide reviews to be undertaken per annum is 30. This estimate comprises nine cases of domestic homicides, three cases of domestic homicides involving children including connected children and young people, and 18 cases of domestic abuse related suicides.
- A central estimate for the number of domestic homicide and suicide reviews to be undertaken per annum is 20. This estimate comprises nine cases of domestic homicides, two cases of domestic homicides involving children including connected children and young people, and nine cases of domestic abuse related suicides.
- A low estimate for the number of domestic homicide and suicide reviews to be undertaken per annum is 10. This estimate comprises five cases of domestic homicides, no cases of domestic homicides involving children including connected children or young people, and five cases of domestic abuse related suicides.

93. The remuneration that the chair and deputy chair will receive to undertake their roles would constitute a new cost, and this is currently estimated at £301.50/day, £150.75/half-day, and £43.07/hour per chair/deputy chair. The roles of chair and deputy chair are considered to be equally important from a resilience perspective, with a range of different functions performed by each, as such, there is no differentiation in the remuneration received. This is the mean daily fee applicable to Tier 2 public appointments for chairs, as detailed in the Scottish Government Public Sector Pay Strategy 2023-24 Technical Guide<sup>5</sup>, where the Tier 2 minimum and maximum daily fees are £225 and £378 respectively. This can be applied to the different estimates of the number of reviews as follows—

- For the purposes of providing a high estimate, it may be assumed that the work of the review oversight committee requires the chair and deputy chair to allocate one and a half days per week to complete the necessary work for all ongoing reviews, for a total of 72 days per annum. This equates to £43,416 per annum for both the chair and deputy chair to oversee 30 reviews.
- For a central estimate, it may be assumed that the work of the review oversight committee requires the chair and deputy chair to allocate one day per week to complete the necessary work for all ongoing reviews, for a total

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<sup>5</sup> [Public sector pay strategy 2023 to 2024: technical guide - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/public-sector-pay-strategy-2023-24-technical-guide/pages/17)

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of 48 days per annum. This equates to £28,944 per annum for both the chair and deputy chair to oversee 20 reviews.

- For a low estimate, it may be assumed that the work of the review oversight committee requires the chair and deputy chair to allocate half-day per week to complete the necessary work for all ongoing reviews, for a total of 24 days per annum. This equates to £14,472 per annum for both the chair and deputy chair to oversee 10 reviews.

94. There will also be costs associated with the public appointment of a small bank of chairs for the individual case review panels and the undertaking of their roles. It is expected that the chairs will act as deputy chairs for each other in cases of illness or other unforeseen circumstances. Similar to the public appointments process for the chair and deputy chair of the review oversight committee, the costs associated with the public appointment process for the case review panel chairs will be form part of the roles of existing Scottish Government officials who will form the model secretariat. These costs are detailed further below.

95. Similar to the remuneration for the review oversight chair and deputy chair, the remuneration that each case review chair will receive to undertake their role would constitute a new cost, and this is currently estimated at £301.50/day, £150.75/half-day, and £43.07/hour per chair/deputy chair. This is the mean daily fee applicable to Tier 2 public appointments for chairs, as detailed in the Scottish Government Public Sector Pay Strategy 2023-24 Technical Guide, where the Tier 2 minimum and maximum daily fees are £225 and £378 respectively.<sup>6</sup> This can be applied to the different estimates of the number of reviews as follows—

- For the purposes of providing a high estimate, it may be assumed that five chairs will be appointed. This is based on the number of chairs required to undertake a similar number of reviews in other jurisdictions. Based on the practice in other jurisdictions, some reviews may take more than one year to complete, and the maximum number of days required to complete a single review also varies in accordance with the complexity of the case and other factors. For the purposes of this financial memorandum, it assumed that a review of cases which may meet the criteria requires each chair to allocate one day per week for each ongoing review, for a total of maximum 48 days per annum to complete a single review. This equates to £14,472 costs per annum to undertake a single review, amounting to a total of £434,160 to undertake an estimated 30 reviews per annum where hypothetically each review would require the maximum number of 48 days for completion. It should be noted, however, that it is unlikely for all 30 reviews to be undertaken simultaneously by the five appointed chairs, or that all 30 reviews would require the maximum estimated number of 48 days for completion. Similarly, there may be some fluctuation in the number of days per week that a chair would allocate to a review, based on the information available and the circumstances of each case.

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<sup>6</sup> [Public sector pay strategy 2023 to 2024: technical guide - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/pay-strategy-2023-24-technical-guide/pages/18/)

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- For a central estimate, it may be assumed that four chairs will be appointed, and that a review of cases which may meet the criteria requires each chair to allocate one day per week for each ongoing review, for a total of maximum 48 days per annum. This equates to £14,472 costs per annum for each chair to undertake a single review, amounting to a total of £289,440 for the four chairs to undertake an estimated 20 reviews per annum.
- For a low estimate, it may be assumed that three chairs will be appointed, and that a review of cases which may meet the criteria requires each chair to allocate one day per week for each ongoing review, for a total of maximum 48 days per annum. This equates to £14,472 costs per annum for each chair to undertake a single review, amounting to a total of £144,720 for the three chairs to undertake an estimated 10 reviews per annum. In the first year of operation of the review model, it is anticipated that three chairs will be appointed (which is the minimum number required to be appointed under the Bill).

96. Similar to members of the review oversight committee, participation of members of the case review panels will form a part of the members existing job roles. It is anticipated the majority of case review panel meetings will be take place virtually. However, there will be an ability for members to claim such expenses as the Scottish Ministers consider reasonable and appropriate.

97. There will be costs associated with the provision of initial training and ongoing training for the chair, deputy chair, and members of the review oversight committee, as well as the chairs and members of the individual case review panels. These costs are expected to be absorbed by existing Scottish Government budgets. The current estimate is £10,000 for the initial training, with ongoing training estimated at £5,000 per annum. These costs are based on similar training provided in other jurisdictions; however, the final costs would most likely be informed by public procurement.

98. There will be costs associated with the resourcing of Scottish Government officials involved in the provision of the secretariat for the review oversight committee and individual case review panels, as well as the completion of additional monitoring and reporting duties. These costs are expected to be absorbed by existing staffing budgets. In considering the staffing models in other jurisdictions to perform these functions, this can be applied to the different estimates of the number of reviews as follows—

- To support 30 reviews, a high estimate is that 6 full-time Scottish Government officials will be required, comprising of the following grades (with the average staffing costs to the Scottish Government for January to April 2024 for each grade noted alongside it) amounting to a total of £379,784 per annum:
  - 1 x FTE at grade B1 (£42,960),
  - 1 x FTE at grade B2 (£51,436),
  - 3 x FTE at grade B3 (£66,243 each), and

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- 1 x FTE at grade C1 (£86,659).
- To support 20 reviews, a central estimate is that 5 full-time Scottish Government officials will be required, comprising of the following grades (with the average staffing costs for January to April 2024 for each grade noted alongside it) amounting to a total of £313,541 per annum:
  - 1 x FTE at grade B1 (£42,960),
  - 1 x FTE at grade B2 (£51,436),
  - 2 x FTE at grade B3 (£66,243 each), and
  - 1 x FTE at grade C1 (£86,659).
- To support 10 reviews, a low estimate is that is that 4 full-time Scottish Government officials will be required, comprising of the following grades (with the average staffing costs for January to April 2024 for each grade noted alongside it) amounting to a total of £247,298 per annum):
  - 1 x FTE at grade B1 (£42,960),
  - 1 x FTE at grade B2 (£51,436),
  - 1 x FTE at grade B3 (£66,243), and
  - 1 x FTE at grade C1 (£86,659).

99. There will be costs associated with the provision of travel, accommodation, and subsistence for the individual case review panel chairs meeting family members, friends, and colleagues of the person who has died, and potentially family members, friends and colleagues of the perpetrator. Similarly, such costs would also be incurred if Scottish Government officials were accompanying the chairs or deputy chair to these engagements. These costs are expected to be absorbed by existing travel and subsistence budgets. As indicated by the existing homicide data, the majority of deaths are in the central belt. Travel costs could initially be estimated by considering a 100 miles radius journey and a standard motor mileage allowance of £0.45 per mile. Therefore, an average travel allowance would be £45/person. Accommodation costs could initially be estimated by considering one bed and breakfast stay at a standard rate of up to £75/night. Subsistence costs could initially be estimated by considering a day's subsistence (over 10 hours) of up to £10.70 per day.

100. For the purposes of providing an estimated cost, it may be assumed that a travel and subsistence budget of £130.70 per person would be made available for each review being undertaken, equating to £261.40 per review in the circumstances where the chair attending the engagement would be accompanied by a second person – a Scottish Government official or otherwise – and would arrange a meeting with family members and others such as friends or colleagues. This amounts to £7,842 per annum to cover travel and accommodation costs for an average of 30 reviews, as a high estimate; £5,228 per annum to cover travel and accommodation costs for an average of 20 reviews, as a central estimate; and £2,614 per annum to cover travel and accommodation costs for an average of 10 reviews, as a low estimate. However, it

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should be noted that it is unlikely that accommodation would be required for the majority of engagements with family members, friends and colleagues.

101. There will be potential costs associated with the provision of expenses for family members, friends, and colleagues etc. of the victim participating in the review process, and potentially family members, friends, and colleagues etc. of the perpetrator. These costs would be for the purposes of supporting family members, friend and colleagues etc. to engage in the review process by providing support for childcare, travel and other such support that may be necessary. Unless family members would prefer to travel to meet with the chair, the expectation is that the chair will travel to the family and meet with them, friends, colleagues etc. These costs have been detailed above. It is therefore anticipated that costs for travel and subsistence will be low. Similarly, any meetings between the chair, family members and others, will be arranged at a time that is convenient for those the chair is looking to meet with. The Scottish Government would therefore expect the need for childcare costs, to be low. Meeting with family members and others in person will be offered but should this not be preferable for family members and others, meeting via MS Teams will be offered. The costs to support engagement and participation of families and others, will be absorbed by existing budgets. For the purposes of providing an estimated cost, it may be assumed that discretionary expenses of up to £200 would be made available for each review being undertaken. This amounts to £6,000 per annum for an average of 30 reviews, as a high estimate; £3,000 per annum for an average of 20 reviews, as a central estimate; and £2000 per annum for an average of 10 reviews, as a low estimate.

102. There will be costs for the Scottish Administration in publishing reports following an individual case review. The circumstances of such cases may be such that it is not appropriate to publish a report. In such instances alternative approaches will be utilised to ensure the learning is captured and shared. This could include the publication of a summary report of the key learning. The publication costs associated with the cost of review reports will be absorbed by existing budgets. The cost associated with publishing a review report it is anticipated that each report will cost approximately £500. This is based on the costs provided by the Scottish Government approved supplier for publication of reports. Based on the estimated number of reviews, it can be assumed that a high estimate based on 30 reviews per annum at £500 per report would cost £15,000. A central estimate of 20 review per annum at £500 per report would cost £10,000 and a lower estimate of 10 reviews per annum at £500 per report would cost £5,000. The costs of preparing the reports have been set out within the costs of the review panel chairs and the costs associated with preparing the reports for publication will form part of the role of the secretariat which has also been set out above.

103. In addition to the publication of individual case review reports, there will be costs associated with the fulfilment of Scottish Ministers' duties to publish a thematic bi-annual report to be laid before the Scottish Parliament. The preparation of the bi-annual reports will primarily be undertaken by Scottish Government officials in their secretariat function with consultation with the chair and deputy chair of the review oversight committee and the relevant review panel chairs. The bi-annual report forms part of the monitoring and reporting requirements that Scottish Government officials will be

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undertaking as part of the overall work of supporting the review process. The resourcing costs for Scottish Government officials are outlined above. The publication costs associated with the bi-annual reports will be absorbed by existing budgets. For the purposes of providing an estimated cost, it may be assumed that each report will cost £700 to publish. This is based on the costs provided by the Scottish Government approved supplier for publications for reports. As this is a bi-annual cost, costs per annum are estimated to be £350.

104. Finally, mental health and wellbeing support may be required for parties involved in undertaking domestic homicide and suicide reviews, in recognition of the significant risk of vicarious trauma associated with this work. It is anticipated that the majority of members involved in the review process will have access to support through their organisations' Employee Assistance Programme or equivalent scheme. Support will also be available through the existing Scottish Government Employee Assistance Programme, which is able to accommodate the small number of potential additional people that require support. There are therefore no associated costs.

105. The total estimated costs per annum falling on the Scottish Administration are as follows:

Scottish Government Costs	Low Estimate (10 Reviews per annum)	Central Estimate (20 Reviews per annum)	High Estimate (30 Reviews per annum)
Review oversight committee chair and deputy chair	£14,472	£28,944	£43,416
Individual case review panel chairs	£144,720	£289,440	£434,160
Model secretariat	£247,298	£313,541	£379,784
Travel and subsistence	£2,614	£5,228	£7,842
Discretionary expenses	£2,000	£4,000	£6,000
Training	£5,000	£5,000	£5,000
Report publication	£5,350	£10,350	£15,350
Costs absorbed by existing budget	£262,262	£338,119	£413,976
<b>Total new costs</b>	<b>£159,192*</b>	<b>£318,384*</b>	<b>£477,576*</b>
<b>Total Model Operation Cost</b>	<b>£421,454</b>	<b>£656,503</b>	<b>£891,552</b>

\*This includes the costs of the chair and deputy chair of the review oversight committee and the individual case review panel chairs.

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## Costs on local authorities

106. These provisions are not anticipated to place additional costs on local authorities' participation in a domestic homicide or suicide review. The review oversight committee and case review panel meetings will mainly be held online. Local authorities participate in a range of reviews as part of their existing roles and therefore it is expected that participate in a domestic homicide or suicide review would be similar. A standardised form will be sent to local authorities for completion in respect of relevant information held in relation to persons subject to a review. This is familiar practice for the majority of local authorities that it is anticipated that the reviews will seek information from. It is therefore anticipated that this will be undertaken as part of existing job roles. However, provision has been made, as detailed above, for the Scottish Ministers to reimburse any costs incurred that are considered reasonable and appropriate. In addition, it should also be noted, depending on the circumstances of the case and where deemed relevant and appropriate, joint reviews may be undertaken. This would help reduce the time and impact on local authorities participating in reviews.

107. Without being able to forecast what the learning may be from the domestic homicide and suicide reviews, it is difficult to anticipate what costs there could be on local authorities following completion of domestic homicide and suicide reviews. However, the learning generated from domestic homicide and suicide reviews should provide the opportunity of improving practice and processes both nationally and locally, which will likely include efficiencies in current practice which may result in overall cost savings for local authorities.

## Costs on other bodies, individuals and businesses

108. These provisions are not anticipated to place additional costs on individuals and businesses. A standardised form would be sent to relevant persons, bodies and public authorities for completion in respect of relevant information they each hold in relation to a review. This is familiar practice for the majority of persons, bodies and public authorities it is anticipated that the reviews will seek information from. It is therefore anticipated that this will be undertaken as part of existing job roles. However, provision has been made, as detailed above, for the Scottish Ministers to reimburse any costs incurred that are considered reasonable and appropriate.

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# Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill

## Financial Memorandum

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