

SPICe Briefing

Draft Budget 2014-15: Justice

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The Scottish Government's [Draft Budget 2014-15](#) was published in September 2013. It covers two years, setting out draft budget figures for 2014-15 and indicative spending plans for 2015-16.

This briefing provides information about spending on the Justice and Crown Office & Procurator Fiscal Service portfolios, along with the central government grant to local authorities to pay for criminal justice social work. The Justice Committee has agreed to focus its scrutiny of the Draft Budget 2014-15 on the following areas:

- policing
- prisons and alternatives to custody (community sentences)
- the Crown Office & Procurator Fiscal Service

More detailed budgetary information on these areas is set out in this briefing, together with background information (eg on policy and other developments which may impact on the level of spending required in these areas).



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EXECUTIVE SUMMARY

The Draft Budget 2014-15 sets out draft budget figures for 2014-15 and indicative spending plans for 2015-16.

Justice Portfolio

Draft budget for 2014-15:

- spending within the Justice portfolio is set to decrease, in cash terms, from £2,612.7m in 2013-14 to £2,589.1m (-0.9%) in 2014-15.¹ This equates to a real terms reduction of 2.8%

Comparing the budget for 2013-14 with the spending plans for 2015-16:

- spending within the Justice portfolio is set to increase by 0.1% in cash terms but decrease by 3.5% in real terms

Police

Draft budget for 2014-15:

- funding for the Scottish Police Authority is set to decrease, in cash terms, from £1,125.5m in 2013-14 to £1,082.6m (-3.8%) in 2014-15. This equates to a real terms reduction of 5.6%
- Police Central Government funding is set to decrease, in cash terms, from £114.0m in 2013-14 to £101.3m (-11.1%) in 2014-15. This equates to a real terms reduction of 12.8%
- funding for Police Pensions is set to increase, in cash terms, from £231.0m in 2013-14 to £262.5m (+13.6%) in 2014-15. This equates to a real terms increase of 11.5%

The draft budget for 2014-15 represents the second year of funding since major reforms to how policing is organised came into effect. These reforms are intended to deliver substantial efficiency savings. The Scottish Government has indicated that a reduction in police support staff will provide the largest single contribution to savings (whilst police officer numbers will be protected).

Prisons and Alternatives to Custody

Draft budget for 2014-15:

- funding for the Scottish Prison Service is set to increase, in cash terms, from £364.5m in 2013-14 to £382.3m (+4.9%) in 2014-15. This equates to a real terms increase of 2.9%

¹ The 2013-14 figure includes sums within the Scottish Police Authority and Scottish Fire & Rescue Service budget lines, to cover depreciation of assets, which are specified in the text but not included in relevant tables of the Draft Budget 2014-15. The inclusion of these sums is explained in the main body of this briefing.

- the ring-fenced grant to local authorities to pay for Criminal Justice Social Work is, in cash terms, set to remain the same in 2014-15 as in 2013-14 (£86.5m). This equates to a real terms reduction of 1.8%
- the offender services element of the Community Justice Services budget line is set to increase, in cash terms, from £25.3m in 2013-14 to £25.8m in 2014-15 (no change in real terms)

The average daily prison population during 2012-13 was somewhat lower than that during 2011-12 (8,014 compared with 8,178). The prison population on 31 March 2013 was slightly higher than the design capacity of the prison estate (7,864 compared with 7,820).

More community penalties than custodial sentences have been imposed in recent years. The Scottish Government has consulted on redesigning the community justice system and is due to make an announcement on the way forward by the end of this year.

Crown Office & Procurator Fiscal Service

Draft budget for 2014-15:

- spending within the COPFS portfolio is set to increase, in cash terms, from £108.1m in 2013-14 to £108.7m (+0.6%) in 2014-15. This equates to a real terms reduction of 1.3%

Comparing the budget for 2013-14 with the spending plans for 2015-16:

- spending within the COPFS portfolio is set to increase by 1.2% in cash terms but decrease by 2.4% in real terms

The COPFS is one of a number of bodies which may be affected by possible criminal justice reforms (eg the proposed abolition of the requirement for corroboration in criminal cases).

JUSTICE AND COPFS SPENDING

Table 1 sets out information derived from the [Draft Budget 2014-15](#) (Scottish Government 2013a) on the following areas of spending:

- the Justice portfolio
- the Crown Office & Procurator Fiscal Service (COPFS) portfolio
- the ring-fenced central government grant to local authorities (forming part of the Local Government budget) to pay for criminal justice social work

Table 1: Justice, COPFS and Criminal Justice Social Work Spending

	2013-14 budget £m	2014-15 draft budget £m	2015-16 plans £m
Cash terms			
Justice	2,552.2	2,589.1	2,615.3
COPFS	108.1	108.7	109.4
Criminal Justice Social Work	86.5	86.5	86.5
Real terms			
Justice	2,552.2	2,540.7	2,521.2
COPFS	108.1	106.7	105.5
Criminal Justice Social Work	86.5	84.9	83.4

Source: Draft Budget 2014-15 (tables 6.01, 6.02, 11.01 and 11.02)

All real terms figures in this briefing (ie figures adjusted for the effect of inflation) are expressed in 2013-14 prices. They are calculated using the same HM Treasury deflators employed in the Draft Budget 2014-15 (ie 1.9% and 1.8% for 2014-15 and 2015-16 respectively).

The Draft Budget 2014-15 notes that the figures for 2014-15 and 2015-16 (as reproduced above) include sums within the Scottish Police Authority and Scottish Fire & Rescue Service budget lines to cover depreciation charges:²

- Scottish Police Authority = £41.4m in 2014-15 and £50.0m in 2015-16
- Scottish Fire & Rescue Service = £22.0m in 2014-15 and £24.7m in 2015-16

It states that:

“This additional non-cash budget cover was provided directly by HM Treasury and reflects the classification of the Scottish Police Authority and Scottish Fire and Rescue Service as central government bodies (from 1 April 2013). The additional non-cash budget is spending power neutral.” (p 71)

The equivalent sums for 2013-14 are not included within the figures set out in relevant tables of the Draft Budget 2014-15.³ However, it indicates within its text that the figures are:

- Scottish Police Authority = £39.1m in 2013-14
- Scottish Fire & Rescue Service = £21.4 in 2013-14

If these sums are included, the total Justice budget for 2013-14 is £2,612.7. So as to improve comparability of data, relevant 2013-14 figures in the rest of this briefing include these additional

² See Draft Budget 2014-15 (p 79 and 80).

³ Sums within the Scottish Police Authority and Scottish Fire & Rescue Service budget lines to cover depreciation charges were not included in any of the figures set out in last year's draft budget document.

monies for depreciation charges. For this reason, some 2013-14 figures will differ from those set out in relevant tables of the Draft Budget 2014-15.

More detailed (level 2) figures for Justice portfolio spending are set out in tables 2 and 3.

Table 2: Justice Spending in Cash Terms

	2013-14 budget £m	2014-15 draft budget £m	2015-16 plans £m
Community Justice Services	31.9	32.3	32.3
Courts, Judiciary & Scottish Tribunals Service	51.7	51.6	51.6
Criminal Injuries Compensation	20.5	17.5	17.5
Legal Aid	149.3	142.8	146.4
Scottish Police Authority	1,125.5	1,082.6	1,073.0
Scottish Fire & Rescue Service	314.5	310.2	309.2
Police Central Government	114.0	101.3	101.3
Drugs & Community Safety ⁴	38.7	40.3	40.3
Police & Fire Pensions	291.8	324.7	346.8
Scottish Prison Service	364.5	382.3	398.2
Miscellaneous ⁵	30.1	31.2	25.3
Scottish Court Service	80.2	72.3	73.4
Total	2,612.7	2,589.1	2,615.3

Source: Draft Budget 2014-15 (table 6.01 plus additional sums to cover depreciation in 2013-14)

Table 3: Justice Spending in Real Terms

	2013-14 budget £m	2014-15 draft budget £m	2015-16 plans £m
Community Justice Services	31.9	31.7	31.1
Courts, Judiciary & Scottish Tribunals Service	51.7	50.6	49.7
Criminal Injuries Compensation	20.5	17.2	16.9
Legal Aid	149.3	140.1	141.1
Scottish Police Authority	1,125.5	1,062.4	1,034.4
Scottish Fire & Rescue Service	314.5	304.4	298.1
Police Central Government	114.0	99.4	97.7
Drugs & Community Safety	38.7	39.5	38.8
Police & Fire Pensions	291.8	318.6	334.3
Scottish Prison Service	364.5	375.2	383.9
Miscellaneous	30.1	30.6	24.4
Scottish Court Service	80.2	71.0	70.8
Total	2,612.7	2,540.7	2,521.2

Source: Draft Budget 2014-15 (table 6.02 plus additional sums to cover depreciation in 2013-14)

Some of the above cash terms figures for 2014-15 (taken from the Draft Budget 2014-15) differ from the plans for 2014-15 set out in last year's draft budget document. They include:

- Scottish Police Authority – an increase of £42.0m which is mainly accounted for by the above mentioned £41.4m of non-cash funding for depreciation charges
- Scottish Fire & Rescue Service – an increase of £22.1m which is mainly accounted for by the above mentioned £22.0m of non-cash funding for depreciation charges
- Police & Fire Pensions – an increase of £14.9m (£12.9m relating to police pensions)

⁴ The Drugs & Community Safety budget line is also referred to as Safer & Stronger Communities.

⁵ The Scottish Resilience budget, which was shown as a separate level 2 budget line in last year's draft budget document, has been incorporated into the Miscellaneous budget line.

- Scottish Prison Service – a decrease of £16.4m which is more than accounted for by a £19.1m decrease in the capital budget (discussed later in this briefing)

Other changes include the apparent disappearance of any capital budget for the Scottish Fire & Rescue Service in 2014-15. The plans set out in last year's draft budget document allocated a sum of £22.3m to capital in 2014-15. The Draft Budget 2014-15 does not show any capital budget (see table 6.08). However, the total figures for that budget line in 2014-15 (resource plus capital) are almost identical in both documents.⁶ Scottish Government officials have advised that capital budget plans for 2014-15 actually remain the same (£22.3m) but the budget is sitting within the resource line with the intention that it will be transferred in-year to capital.

Table 4 sets out percentage changes in proposed justice spending in 2014-15 and 2015-16, when compared with 2013-14 (using the figures set out in tables 2 and 3 above).

Table 4: Percentage Changes in Justice Spending

	2014-15 change from 2013-14		2015-16 change from 2013-14	
	cash terms %		real terms %	
Justice				
Community Justice Services	+1.3	+1.3	-0.6	-2.5
Courts, Judiciary & Scottish Tribunals Service	-0.2	-0.2	-2.1	-3.9
Criminal Injuries Compensation	-14.6	-14.6	-16.1	-17.6
Legal Aid	-4.4	-1.9	-6.2	-5.5
Scottish Police Authority	-3.8	-4.7	-5.6	-8.1
Scottish Fire & Rescue Service	-1.4	-1.7	-3.2	-5.2
Police Central Government	-11.1	-11.1	-12.8	-14.3
Drugs & Community Safety	+4.1	+4.1	+2.1	+0.3
Police & Fire Pensions	+11.3	+18.8	+9.2	+14.6
Scottish Prison Service	+4.9	+9.2	+2.9	+5.3
Miscellaneous	+3.7	-15.9	+1.7	-18.9
Scottish Court Service	-9.9	-8.5	-11.5	-11.7
Total	-0.9	+0.1	-2.8	-3.5
COPFS	+0.6	+1.2	-1.3	-2.4
Criminal Justice Social Work	0.0	0.0	-1.8	-3.6

⁶ Provided one takes account of the fact that the 2014-15 figure in the Draft Budget 2014-15 includes £22.0m of non-cash funding for depreciation charges which was not included in last year's draft budget document.

POLICE

SPENDING

The Police and Fire Reform (Scotland) Act 2012 abolished the previously existing eight territorial police forces, the Scottish Police Services Authority and the Scottish Crime and Drug Enforcement Agency. It created the Scottish Police Authority (SPA) and a single Scottish police force, the Police Service of Scotland (PSoS).⁷ The new arrangements came fully into effect on 1 April 2013.

Funding also changed under the new arrangements. Prior to April 2013 the eight police forces were funded through a range of different funding streams from local and central government. From April 2013, funding for the single force comes mainly from the Scottish Government via the SPA. In addition, local authorities retain the ability to provide additional funds to supplement policing in their areas and the PSoS can levy charges when providing some goods and services. This briefing deals only with funding provided by the Scottish Government.

The draft budget for 2014-15 represents the second year of funding under the new arrangements.

Table 5 sets out level 3 budget figures for the SPA.

Table 5: Scottish Police Authority

	2013-14 budget £m	2014-15 draft budget £m	2015-16 plans £m
Cash terms			
Resource	1107.2	1,057.4	1,044.4
Capital	18.3	25.2	28.6
Total	1,125.5	1,082.6	1,073.0
Real terms			
Resource	1107.2	1,037.7	1,006.8
Capital	18.3	24.7	27.6
Total	1,125.5	1,062.4	1,034.4

Source: Draft Budget 2014-15 (table 6.07 plus additional sum to cover depreciation in 2013-14)

The SPA passes most of its funding onto the PSoS, while retaining a proportion to cover its services and running costs.⁸ Comparing the draft budget for 2014-15 with the budget for 2013-14:

- the resources budget is set to fall by 6.3% in real terms – the decrease represents savings to be achieved as part of the reform programme
- the capital budget is set to increase by 35.0% in real terms – this is intended to support components of a three year capital plan, including investment in new ICT systems (eg the i-6 system replacing legacy computer systems)

⁷ The Police Service of Scotland is also referred to as Police Scotland.

⁸ For example, in 2013-14 the SPA retained funds of £95.6m.

Table 6 sets out level 3 budget figures for Police Central Government.

Table 6: Police Central Government

	2013-14 budget £m	2014-15 draft budget £m	2015-16 plans £m
Cash terms			
National Police Funding/Reform	92.8	98.5	98.5
Police Support Services	21.2	2.8	2.8
Total	114.0	101.3	101.3
Real terms			
National Police Funding/Reform	92.8	96.7	95.0
Police Support Services	21.2	2.7	2.7
Total	114.0	99.4	97.7

Source: Draft Budget 2014-15 (table 6.09)

The Draft Budget 2014-15 notes that:

“General spending by the police is met through the funding for the Scottish Police Authority. Funding remaining in the Police Central Government (PCG) budget in 2014-15 and 2015-16 includes funding for the Police Investigation Review Commissioner (PIRC), and the Airwave communication system. £70 million in 2014-15 and £70 million in 2015-16 is available to support police reform.” (p 81)

The Scottish Government has indicated that the large fall in funding for Police Support Services reflects the fact that construction of the new Scottish Crime Campus at Gartcosh will be completed during 2013-14. The remaining £2.8m of funding for Police Support Services is to cover depreciation costs for Gartcosh.

Table 7 sets out level 3 budget figures Police Pensions.

Table 7: Police Pensions

	2013-14 budget £m	2014-15 draft budget £m	2015-16 plans £m
Cash terms			
Total	231.0	262.5	275.6
Real terms			
Total	231.0	257.6	265.7

Source: Draft Budget 2014-15 (table 6.11)

The Scottish Government directly funds pensions for retired police officers. The Draft Budget 2014-15 notes that:

“We will meet our obligations to provide for these pensions in full. Given the lack of clarity over the details of UK Government-driven reforms to public sector pensions, the numbers published above are based on historic trends. They will be updated in due course once the position becomes clearer.” (p 83)

Other Scottish Government funding for policing includes:⁹

- Commonwealth Games – the PSoS has been provided with £90m of funding for the provision of security at the 2014 Commonwealth Games. This additional funding sits within the Sport budget line (Draft Budget 2014-15, p 31). The funding is available during

⁹ Information provided by Scottish Government officials (October 2013).

years 2013-14 and 2014-15 and can be drawn down when required, with the majority of funds expected to be used during 2014-15

- Violence Reduction Unit – during 2013-14 the PSoS was provided with £0.9m by the Scottish Government (via the SPA) for the work of the Violence Reduction Unit (VDU). A business plan is currently being developed for taking forward the work of the unit and thus funding for 2014-15 is yet to be formally agreed. Once agreed, it will sit in the Drugs and Community Safety budget line (Draft Budget 2014-15, p 82)

BACKGROUND

Delivering Financial Savings

There are expectations that restructuring and wider police reform will deliver substantial savings from 2014-15 onwards. The financial memorandum published along with the Police and Fire Reform (Scotland) Bill estimated total net savings in excess of £1.1 billion by March 2026. Relevant figures are reproduced in Table 8. It should be noted that the figures are at 2011-12 prices and that they represent estimated savings minus set-up costs.

Table 8: Best Estimated Net Savings from Police Reform

Year	Year 1 2011-12	Year 2 2012-13	Year 3 2013-14	Year 4 2014-15	Year 5 2015-16	Year 6 2016-17	Year 7 ¹⁰ 2017-18	Total by 31 March 2026
£m	16.3	9.1	-9.1	28.4	83.2	100.0	101.0	1,135.0

Source: Police and Fire Reform (S) Bill: Explanatory Notes (and other accompanying documents) (2012) (p 36)

Audit Scotland (2013) notes that:

“One of the main drivers for reform is to deliver financial savings in the face of reduced public sector budgets, while maintaining frontline services. The outline business case for reform stated that over £1.1 billion of net savings can be achieved from police reform over 15 years to 2026. Of this total, £155 million (14 per cent) is estimated to arise from the implementation of the new structure, with the remaining £980 million (86 per cent) to come from wider reforms of police service delivery. Costs are expected to be incurred to the end of 2016/17, beyond which, annual recurring savings of £101 million are anticipated”. (p 4)

The Scottish Government’s recent response to a Justice Committee request for an update on the delivery of projected savings from police reform states:

“Savings from police reform, expected to be £42 million in 2013-14 and £88 million in 2014-15, are in the process of being identified and delivered. The Police Service of Scotland and the Scottish Police Authority have taken account of these savings within their budgets. They are working closely to deliver savings plans across the two years, and have put in place a formal review and challenge process to identify and deliver the savings principally from three areas: people, property and procurement.

The reduction in (civilian) staff numbers will result in the largest single contribution to the savings target, while police officer cost reductions will also contribute – for example from reductions in overtime. Property maintenance cost reductions have already been put into effect and further reductions are being identified through the police estate strategy currently being developed. Similarly procurement savings are

¹⁰ Estimated savings recur annually after year seven.

being identified, which will ensure the on-going control of expenditure and driving out of efficiency savings.” (Scottish Government 2013b, p 35)

Scottish Government officials have advised that the above mentioned savings of £42 million in 2013-14 and £88 million in 2014-15 refer to estimated savings without the deduction of set-up costs. They also noted that these savings are deducted from the SPA budget, whilst the budget for reform (set-up costs) is held in the Police Central Government budget.

Further information on some of the areas being considered for potential savings is available on the PSoS website (eg in the news release [‘Reviews of Public Counters and Traffic Wardens’](#), 1 October 2013).

Police Officers and Police Support Staff

In 2007, the Scottish Government outlined a commitment to make an additional 1,000 police officers available. The Draft Budget 2014-15 repeats this commitment. One of the issues raised during scrutiny of the Police and Fire Reform (Scotland) Bill was whether the police will be able to maintain an efficient, balanced workforce while operating within the constraints imposed by:

- the Scottish Government commitment to maintaining increased numbers of police officers
- the Scottish Government commitment to no compulsory redundancies
- the need to make savings in budgets

Some witnesses expressed concerns that these constraints could lead to inefficiencies caused by inappropriate levels of reduction in the number of civilian support staff, leading to police officers carrying out tasks better carried out by such support staff. Other witnesses, however, sought to provide reassurance that there were no plans for significant levels of backfilling.

Table 9 sets out quarterly figures for the total number of police officers between 31 March 2007 (the baseline used for the Scottish Government commitment) and 30 June 2013.¹¹ As can be seen, there were 1,090 more police officers in June 2013 as compared with March 2007.

Table 9: Number of Police Officers

2007		2008		2009		2010	
date	number	Date	number	date	number	date	number
31 Mar	16,234	31 Mar	16,222	31 Mar	17,048	31 Mar	17,409
30 Jun	16,265	30 Jun	16,339	30 Jun	17,278	30 Jun	17,424
30 Sep	16,306	30 Sep	16,526	30 Sep	17,217	30 Sep	17,371
31 Dec	16,267	31 Dec	16,675	31 Dec	17,273	31 Dec	17,217

2011		2012		2013	
date	number	Date	number	date	number
31 Mar	17,263	31 Mar	17,436	31 Mar	17,496
30 Jun	17,339	30 Jun	17,373	30 June	17,324
30 Sep	17,265	30 Sep	17,454		
31 Dec	17,343	31 Dec	17,436		

Source: Scottish Government 2013c

¹¹ Figures for both police officers and civilian police support staff are for full-time equivalent posts.

Table 10 sets out quarterly figures for police support staff during the same period.

Table 10: Number of Police Support Staff

2007		2008		2009		2010	
date	number	date	number	date	number	date	number
31 Mar	7,352	31 Mar	7,528	31 Mar	7,713	31 Mar	7,862
30 Jun	7,543	30 Jun	7,577	30 Jun	7,691	30 Jun	7,841
30 Sep	7,411	30 Sep	7,529	30 Sep	7,808	30 Sep	7,833
31 Dec	7,621	31 Dec	7,579	31 Dec	7,841	31 Dec	7,708

2011		2012		2013	
date	number	date	number	date	number
31 Mar	7,447	31 Mar	6,947	31 Mar	6,790
30 Jun	7,109	30 Jun	6,890	30 June	6,701
30 Sep	7,001	30 Sep	6,995		
31 Dec	6,957	31 Dec	6,885		

Source: Scottish Government Officials and Parliamentary Questions (S4W-02796, S4W-06043, S4W-06611, S4W-09275, S4W-11602, S4W-13622 and S4W-16756)

There were 651 fewer police support staff in June 2013 as compared with March 2007.

A voluntary redundancy/early retirement scheme for police support staff is in operation, with the current scheme running until 31 March 2014. In relation to equality issues, the SPA notes that:

“Of those [applications] that have been reviewed, 363 (67%) were from female applicants and 179 (33%) were from male applicants. 280 (52%) applications from female employees were approved and 40 (7%) were declined. 126 (23%) applications from male employees were approved and 30 (6%) declined.

The primary equalities implications flowing from this report [are] illustrated in section 2.1. The profile of leavers suggests a higher proportion of female staff exiting the organisation. The ratio of male to female members of staff is circa 60:40. This will continue to be monitored.” (SPA 2013, sections 2.1 and 8.1)

The Scottish Government’s response to a Justice Committee request for an update on work being undertaken to ensure that reductions in police support staff do not result in widespread backfilling by police officers states that:

“The Scottish Police Authority and Police Scotland are managing those leaving under the voluntary redundancy and early retirement schemes for police staff to ensure a controlled reduction in total headcount number. The applications are considered by panels meeting regularly to assess the potential cost of the redundancy, the savings it would achieve as well as the impact of the loss of each post or individual. Redundancy/retirement offers are only approved and made once these points have been fully considered.” (Scottish Government 2013b, p 35)

PRISONS AND ALTERNATIVES TO CUSTODY

SPENDING

Prisons

The Draft Budget 2014-15 notes that:

“The Scottish Prison Service (SPS) budget covers expenditure associated with operating the prison system (both publicly and privately managed prisons) and the provision of a Court Custody and Prisoner Escorting Service (CCPES) on behalf of Scottish Courts, Scottish police and the wider justice system.” (p 83)

Table 11 sets out level 3 budget figures for the Scottish Prison Service.

Table 11: Scottish Prison Service

	2013-14 budget £m	2014-15 draft budget £m	2015-16 plans £m
Cash terms			
Resource	342.0	368.9	368.2
Capital	22.5	13.4	30.0
Total	364.5	382.3	398.2
Real terms			
Resource	342.0	362.0	354.9
Capital	22.5	13.2	28.9
Total	364.5	375.2	383.9

Source: Draft Budget 2014-15 (table 6.12)

As indicated earlier in this briefing, the £13.4m capital budget for 2014-15 is £19.1m less than the planned figure for 2014-15 set out in last year’s draft budget document. Scottish Government officials have advised that the reduced capital budget reflects the completion of HMP Grampian.¹² However, it would appear that the capital budget for 2014-15 no longer includes all of the funding referred to in the Scottish Government’s response to a Justice Committee request for an update on action to reduce overcrowding in prisons:

“In 2014-15 the spending plans include additional capital funding of £20 million which will be specifically targeted towards the needs of Scotland’s female prison population; and taking forward work to plan for the replacement of HMP Barlinnie facilities (at a point beyond the end of the current spending review period).” (Scottish Government 2013b, p 32)

Alternatives to Custody

This section considers the funding of community sentences:

- community payback orders (introduced in 2011, replacing community service orders, probation orders and supervised attendance orders)
- restriction of liberty orders

¹² The Scottish Prison Service website states that HMP Grampian is scheduled to open in March 2014 (replacing HMP Aberdeen and HMP Peterhead) and will hold approximately 500 prisoners.

- drug treatment and testing orders

Relevant Scottish Government funding for Community Justice Authorities (CJAs) is contained within:¹³

- the central government grant to local authorities to pay for Criminal Justice Social Work
- the offender services element of the Community Justice Services budget line

Table 12 sets out level 3 budget figures for both of the above.

Table 12: Criminal Justice Social Work and Offender Services

	2013-14 budget £m	2014-15 draft budget £m	2015-16 plans £m
Cash terms			
Criminal Justice Social Work	86.5	86.5	86.5
Offender Services	25.3	25.8	25.8
Total	111.8	112.3	112.3
Real terms			
Criminal Justice Social Work	86.5	84.9	83.4
Offender Services	25.3	25.3	24.9
Total	111.8	110.2	108.3

Source: Draft Budget 2014-15 (tables 6.03 and 6.15)

Both sources of funding provide monies for a range of services, not just the provision of community sentences. In relation to the grant for Criminal Justice Social Work, the Draft Budget 2014-15 notes that:

“This funding supports local authorities in providing CJSW services across Scotland. These services include supervising those offenders aged 16 and over who have been subject to a community disposal from the courts; providing reports to courts to assist with sentencing decisions; and providing statutory supervision (throughcare) for certain offenders on release from prison. There are also special services for certain key groups of offenders.” (p 87)

Scottish Government officials have advised that CJAs are left with flexibility in relation to how they distribute this money between relevant services. They indicated that this is in line with an Audit Scotland recommendation that funding for community justice should be flexible in order to meet local needs and priorities.¹⁴

In relation to the budget for offender services, this includes funds which are managed centrally (eg for electronic monitoring) as well as funds that are provided to CJAs. More detailed (level 4) data provided by the Scottish Government for 2014-15 identifies £8.2m of funding to CJAs for community justice services (within the total budget of £25.8m for offender services).

¹³ Advice from Scottish Government officials (October 2013).

¹⁴ The relevant Audit Scotland report is considered below under the heading of ‘reducing reoffending’.

BACKGROUND

Sentencing

Table 13 sets out information on the penalties imposed by the criminal courts during the period 2007-08 to 2011-12. It includes percentages showing the breakdown of sentence type by gender in each year.

Table 13: People with a Charge Proved by Main Penalty and Gender

	2007-08	2008-09	2009-10	2010-11	2011-12
type of penalty (%)					
Custodial	13	13	13	13	15
men	14	15	14	14	16
women	6	7	7	7	8
Community	13	14	14	14	16
men	12	14	13	13	15
women	14	15	15	14	16
Financial	62	59	60	58	55
men	63	59	61	59	55
women	59	55	57	55	52
Other ¹⁵	13	12	14	15	15
men	11	12	12	13	13
women	21	23	22	24	24

all penalties (number)					
Total	133,353	125,875	121,024	115,544	108,251
men	112,788	106,295	101,601	97,015	90,820
women	20,565	19,580	19,423	18,529	17,431

Source: Scottish Government 2012a (table 12)

Scottish Prison Population and Capacity

Table 14 sets out average daily population figures (all prisons and young offenders institutions) for the period 2007-08 to 2012-13.

Table 14: Average Daily Population

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
men	7,005	7,414	7,539	7,419	7,710	7,556
women	371	412	424	434	468	457
total	7,376	7,826	7,963	7,853	8,178	8,014

Source: Scottish Government 2012b (table A.1) and Scottish Prison Service 2013 (p 69)

The number of prisoners held on any particular day varies. Information on average and maximum prison populations during 2012-13 is set out below.

¹⁵ The 'other' category includes people who are admonished or given an absolute discharge.

Table 15: Average Daily Population and Maximum Population in 2012-13

Establishments	Average			Maximum ¹⁶		
	men	women	total	men	women	total
Prisons						
Aberdeen	175	4	179	270	6	274
Addiewell	767	-	767	805	-	805
Barlinnie	1,207	-	1,207	1,487	-	1,487
Cornton Vale	-	251	251	-	290	290
Dumfries	193	-	193	208	-	208
Edinburgh	791	107	898	842	113	953
Glenochil	650	-	650	672	-	672
Greenock	194	51	246	210	54	262
Inverness	130	2	131	158	5	160
Kilmarnock	577	-	577	651	-	651
Low Moss	668	-	668	728	-	728
Open Estate ¹⁷	236	-	236	256	-	256
Perth	656	-	656	706	-	706
Peterhead	123	-	123	140	-	140
Shotts	534	-	534	570	-	570
YOIs						
Cornton Vale	-	30	30	-	49	49
Polmont ¹⁸	655	13	668	773	-	773

Source: Scottish Prison Service 2013 (p 69)

The maximum daily population, across the whole prison estate, in 2012-13 was:

- men – 7,903 (on 10 April 2012)
- women – 483 (on 11 July 2012)
- total – 8,384 (on 10 April 2012)

The design capacity of the prison estate (ie the number of inmates intended for prison facilities based on minimum standards) may also change during the course of a year. For example:¹⁹

- 1 April 2012 – design capacity of 7,848 and population of 8,297 (total)
- 31 March 2013 – design capacity of 7,820 and population of 7,864 (total)

Any difference between the design capacity of the prison estate and actual prisoner numbers can provide an indication of prison overcrowding. However, overcrowding may also be a particular problem within certain parts of the estate (eg for certain types of prisoner). The [Annual Report 2012-13](#) of HM Chief Inspector of Prisons for Scotland (2013) welcomes some stabilisation in the prison population but warns against allowing overcrowding to become a major problem again:

“In summary, overcrowding is a malaise that should be addressed before it becomes a serious issue once again. The Prisons Commission in its report stated: ‘The Commission recommends that the Government pursue a target of reducing the

¹⁶ The figures in these columns cannot be added to produce a total maximum number as the individual establishment figures relate to different days during the year.

¹⁷ The Open Estate previously operated at two sites, Castle Huntly and Noranside. The site at Noranside closed in November 2011.

¹⁸ During 2012-13, the population of Polmont included a number of women as a result of refurbishment at Cornton Vale. These are not included in the maximum numbers for Polmont.

¹⁹ Information from Scottish Prison Service officials (October 2013).

prison population to an average daily population of 5,000'.²⁰ I continue to support this target." (p 18)

The Scottish Government's statistical bulletin [Prison Statistics and Population Projections Scotland: 2011-12](#) (2012b) provides additional data, including information on:

- prison population levels up to 2011-12 – both the average number of prisoners during a period and the number at a specific point in time
- prison receptions up to 2011-12 – providing an indication of prisoner flow through the prison service (although not equivalent to people received into prison)²¹
- prison population projections up to 2021 (projections based on past trends)

Prison population and reception data is broken down by factors such as remand/sentenced, length of sentence, sex and age. It also provides some comparative information on the use of imprisonment in other countries. Publication of the equivalent bulletin for 2012-13 has been delayed.²²

Developments in the Prison Estate

The Scottish Prison Service's [Annual Report & Accounts 2012-13](#) (2013) highlights the following work on developing the prison estate:

"The redevelopment of HMP Shotts was completed on time and on budget with the handover of phase 2 in August 2012. This completes the redevelopment of the prison.

Work on the construction of HMP Grampian. This new community facing facility will include units for women and young people from the North East of Scotland and is scheduled for completion during 2013-14.

The refurbishment of parts of HMP&YOI Cornton Vale.

Work on the design of the women's prison at Inverclyde and on the new women's unit at HMP Edinburgh – fulfilling the commitment given by the Cabinet Secretary for Justice in response to the recommendations of the Commission of Women Offenders.

The disposal of HMP Noranside on 19 November 2012 that has generated income for re-investment in the estate.

The relocation in July 2012 of the National Top End facility from HMP Shotts to HMP Barlinnie." (p 10)

In September of this year, the Scottish Government (2013d) published an [update on infrastructure projects](#). In relation to the prison estate, it notes that:

- HMP Grampian – construction completed with planned opening March 2014; capital value (ie cost estimate) £90.0m
- HMP Inverclyde – start of construction planned for January 2015 with opening November 2016; capital value £70.0m to £80.0m

²⁰ Scottish Prisons Commission 2008 (p 57).

²¹ For example, a person who is remanded in custody pending trial will be counted as one reception and, if subsequently found guilty and sentenced to imprisonment, counted as a second reception although already in prison. Further explanation is provided within the statistical bulletin (Scottish Government 2012, p 18).

²² Scottish Government officials have advised that this is due to problems with data processing and that publication may be postponed until early 2014.

- HMP Highland – project in preparation stage; capital value £62.8m
- HMP Glasgow – project in preparation stage; capital value £100.0m

HM Chief Inspector of Prisons for Scotland

The Annual Report 2012-13 of HM Chief Inspector of Prisons for Scotland (2013) includes the following observations (in relation to areas identified as priorities for the year):

- female offenders – “In the short term I am therefore satisfied that female prisoners are being well treated at Cornton Vale, Edinburgh and Greenock and that there is a satisfactory long-term goal of opening a new female prison at Greenock, HMP Inverclyde, to replace Cornton Vale, also with a new female wing at HMP Edinburgh. A formal visit inspection to Cornton Vale will occur in January 2014. In summary, female offenders will be significantly better looked after by 2018 than in 2009. Nevertheless it has taken too long to make this progress.” (p 11)
- family access – “I am satisfied that there has been a complete change of approach by SPS Headquarters during the past 12 months. The new HMP Grampian will now contain a Family Help Hub, fully supported by Third Sector organisations and the plans for HMP Inverclyde will also include a Visitor Centre. Along with the new Centre at Cornton Vale, this is real progress. A family centre has been opened at Addiewell in the front entrance hall and I am hopeful this will be a success. I see Prisoner Visitor Centres as critically important parts of keeping families stable during that stressful period while a family member is in prison and therefore of improving the chances of success for that prisoner.” (p 12)
- purposeful activity in prisons – “Throughout my period as Chief Inspector I have been commenting on poor quality of activity and also poor access to activities. (...) At last this issue has arrived on the National Agenda with the ‘Inquiry into Purposeful Activity in Prisons’ by the Justice Committee, the report being published in March 2013. (...) I strongly support the Committee’s Report and especially the recommendation that urges the SPS to draft a strategy relating to purposeful activities.” (p 12-13)
- preparation for release – “I have often argued that liberation from prison needs to be improved, yet the links between prison and services in the community have undoubtedly improved in recent years. Prison Link Centres are an excellent service to join prisoners to essential services such as housing, benefits and employment. I commend those who work in Link Centres for the excellent work they do. Now there need to be improvements in those areas set out by Audit Scotland: ‘However, there appears to be only a limited relationship between the services offered to offenders (...) and what is known to be effective. The majority of services cover three outcome areas – employability, health and addictions and influencing thinking and behaviour. Few are provided on money and debt management, motivation or families and relationships.’²³ I agree with this view.” (p 17)

Reducing Reoffending

In November 2012, Audit Scotland published its report [Reducing Reoffending in Scotland](#). Key messages of the report include:

“There is a strong body of evidence on what is effective in reducing reoffending, but there is a mismatch between what is currently being delivered and what is known to be effective. There is an urgent need for a more strategic approach to planning, designing and delivering services at both a national and CJA level. Such an

²³ Audit Scotland (2012, p 24).

approach needs to be based on an analysis of need, the level of demand, evidence of what works and costs of delivery.

Demand for services to reduce reoffending is increasing and SPS, CJAs and councils need better information on the needs of offenders to plan and manage services. Access and availability vary across the country and the level of support for prisoners serving short sentences needs to improve, particularly in relation to their housing needs.

Many bodies are involved in reducing reoffending. They have different governance and accountability arrangements and different geographic boundaries, resulting in a complex landscape. Eight CJAs were established in 2007 to develop a more coordinated approach to delivering services for offenders and reduce reoffending. CJAs have brought people together, but the way they were set up and inflexible funding have significantly limited their effectiveness. They have made little progress with reducing reoffending.” (p 4)

The report recommends that the Scottish Government should:

“Improve arrangements for funding community justice to ensure that:

- the money is targeted towards effective approaches to reduce reoffending
- there is more flexibility to meet local needs and priorities
- allocations are more responsive to changes in demand

Improve the range of performance measures to assess the effectiveness of SPS, CJAs and councils in reducing reoffending

Review current arrangements for managing offenders in the community to ensure that:

- there are clear and shared objectives to reduce reoffending
- those working to reduce reoffending have appropriate powers
- there is clear accountability and a mechanism to promote collective responsibility for reducing reoffending
- arrangements promote and support what works in reducing reoffending and allow flexible service delivery
- there is a more coordinated and strategic approach to working with the third sector” (p 5)

It recommends that the Scottish Government, Scottish Prison Service, CJAs and councils should:

“Work together, and with other relevant public and third sector providers, to improve how services to reduce reoffending are planned, designed and delivered to ensure that they:

- meet the needs of offenders, in particular those serving short prison sentences
- recognise the level of demand
- are based on evidence of what works
- take into account costs of delivery” (p 5)

It recommends that CJAs and councils should:

“Work together to improve their understanding of the unit costs of different types of criminal justice social work activity and how these relate to the quality of service

delivered. This work should be used to inform decisions on how resources are used and where efficiency could be improved.” (p 5)

The Justice Committee took evidence in relation to the Audit Scotland report (from the Auditor General for Scotland and Audit Scotland) at its [meeting](#) on 4 December 2012. Later that month, the Scottish Government (2012c) published its consultation paper [Redesigning the Community Justice System](#). The consultation sought views on three options for redesigning the community justice system:

- an enhanced CJA model, where changes are made to CJA membership and functions
- a local authority model, where local authorities assume responsibility for the strategic planning, design and delivery of offender services in the community
- a single service model, where a new national social work-led service for community justice (separate to and sitting alongside the Scottish Prison Service) is established

The consultation closed in April of this year and the Scottish Government has published a [consultation report](#), produced by Liddell Thomson Consultancy (2013), which outlines the consultation process and highlights the themes which emerged. The Scottish Government has indicated that it plans to make an announcement on the way forward by the end of this year.

Further information is available in [Reducing Reoffending](#) (Scottish Government 2013e) under the heading of ‘Community Justice Redesign Project’, which also has information on related projects (eg looking at women offenders and at throughcare services).

Community Penalties

The Scottish Government’s response to a Justice Committee request for an update on work to assess the cost and effectiveness of community penalties states that:

“Research work is being commissioned to improve knowledge within the Scottish Government, Community Justice Authorities (CJAs) and Local Authorities (LAs) of the costs of providing Criminal Justice Social Work Services. This includes in-depth analysis of the unit costs of the delivery of Community Payback Orders (CPOs). This research and further studies will better inform us of the cost for the punishment and rehabilitation of offenders using CPOs. Findings from this research will be available in September 2014.

The Scottish Government published the Community Payback Order – Scottish Government Summary of Local Authority Annual Reports 2011-12 on 20 December 2012, providing information on the operation of the CPO during its first year. Furthermore, an independent process and early outcome evaluation of the CPO is now underway. This will assess progress with implementation of the new provisions, and examine the impact that the CPO has had to date. The Scottish Government is due to receive findings from this evaluation in October 2014.” (Scottish Government 2013b, p 33)

CROWN OFFICE & PROCURATOR FISCAL SERVICE

SPENDING

The Draft Budget 2014-15 notes that:

“The 2014-15 Budget is in line with the Spending Review 2011 allocation. The 2015-16 Budget includes a £0.7 million increase in non-cash funding to cover the depreciation resulting from capital investments.” (p 154)

Table 16 sets out level 3 budget figures for the COPFS.

Table 16: COPFS

	2013-14 budget £m	2014-15 draft budget £m	2015-16 plans £m
Cash terms			
Staff Costs	68.7	69.1	69.1
Office Costs	4.0	4.3	4.3
Case Related	12.7	13.0	13.0
Centrally Managed	19.1	18.7	19.4
Capital Expenditure	3.6	3.6	3.6
Total	108.1	108.7	109.4
Real terms			
Staff Costs	68.7	67.8	66.6
Office Costs	4.0	4.2	4.1
Case Related	12.7	12.8	12.5
Centrally Managed	19.1	18.4	18.7
Capital Expenditure	3.6	3.5	3.5
Total	108.1	106.7	105.5

Source: Draft Budget 2014-15 (table 11.03)

BACKGROUND

Restructuring

Since April 2012, the COPFS has been organised in three geographical federations, together with a fourth national federation containing the serious casework group and corporate services, rather than eleven areas. This change was, in part, motivated by the aim of achieving savings in management costs and ensuring effective links with the new single police force. The COPFS [Annual Report and Accounts for the Year Ended 31 March 2013](#) (2013a) state that:

“The COPFS has taken a number of steps in seeking to ensure continued operational delivery despite reduced funding; these include a fundamental restructuring of the organisation brigading areas into Federations and within Federations, creating specialist units eg Initial Case Processing and Fatalities units.

The move to a single Scottish Police Service offers opportunities as well as potentially posing risks. A Police Reform project team, led by one of our most senior Business Managers, has been set up to ensure that the COPFS is fully engaged in this process.” (p 5)

Criminal Justice Reform

The COPFS (2013a) annual report and accounts also note that:

“The Criminal Justice Bill (which includes proposals for the removal of the need for corroboration) will impact on the COPFS. A project team is in place to identify the risks and opportunities to the COPFS and to ensure that the COPFS is able to respond to changes.

Longer term, further legislative changes may be made eg as a result of Lord Gill’s review. The Policy Division within the COPFS, which is led by one of our most senior legal staff, is responsible for identifying developments which might impact on the COPFS and for ensuring that the COPFS is able to inform, influence and respond to changes.

During 2012-13, the Scottish Courts Service (SCS) reviewed the number and locations of courts across Scotland, consulted and recommended the closure of a number of courts. Whilst this process is not yet complete, the COPFS has been working with SCS colleagues to identify and, if necessary, respond to changes.” (p 5)

In relation to the potential impact of court closures, the Scottish Government’s response to a Justice Committee request for updates on various topics states that:

“In the context of court users and other organisations, only around 5% of overall court business will move to another court as a consequence of the court closures. COPFS, SLAB and Police Scotland have confirmed that the impact on their organisations costs will be broadly neutral.” (Scottish Government 2013b, p 35)

Domestic Abuse

The Justice Committee indicated that its budget scrutiny relating to the COPFS would include consideration of a COPFS commitment to implement a revised protocol for domestic abuse cases. The [Equality Statement](#) (Scottish Government 2013f) published along with the Draft Budget 2014-15 states that:

“COPFS operational priorities make it clear that prosecutors are targeting hate crime, domestic abuse and sexual offending – all of which involve significant equalities issues for those who have protected characteristics across all sections of society. In support of this work, COPFS commits to implement a revised protocol for processing domestic abuse cases and will be raising awareness of hate crimes within communities to encourage improved reporting of such crimes when they occur.” (p 53)

The current version of the revised protocol is available on COPFS website – [Joint Protocol between Police Scotland and Crown Office & Procurator Fiscal Service](#) (PSoS and COPFS 2013). In addition, a recent COPFS news release ([‘Specialist Lead Prosecutor to Strengthen Response to Domestic Abuse’](#), 26 September 2013b) notes that:

“The prosecution of cases involving domestic abuse has been further enhanced by the introduction of a new specialist, national prosecutor. As Procurator Fiscal for Domestic Abuse, Anne Marie Hicks will co-ordinate the prosecution service’s response to domestic abuse cases from across Scotland. This new role will bring further expertise to the prosecution approach towards cases involving domestic abuse. (...) In addition to oversight of cases across Scotland, her new role as Procurator Fiscal for Domestic Abuse will now include the ongoing review of prosecution policy with regard to crimes of this type, further engagement with

stakeholders to strengthen the collective response to domestic abuse cases, and she will assist in continuing to raise awareness among prosecutors and the police.”

There has been some media coverage indicating that the Chief Constable has suggested that some perpetrators of domestic abuse might be diverted to counselling or relationship guidance rather than being prosecuted in court (eg [‘Women’s Aid boss concerned at Police Chief’s call to take some Domestic Abuse Cases out of Court’](#), Daily Record 14 October 2013). In this context, it may be noted that the above mentioned protocol includes the following:

“In all cases of domestic abuse where there is sufficient corroborative evidence of a crime (...) the case will be reported to the Procurator Fiscal.” (para 7)

“There is a presumption in favour of prosecution in all cases of domestic abuse. In cases involving violence or the threat of violence, there is a further presumption that proceedings will be taken in the Sheriff Court or High Court.” (para 16)

Domestic abuse statistics are set out in the Scottish Government’s statistical bulletin [Domestic Abuse Recorded by the Police in Scotland, 2012-13](#) (2013g). The Scottish Government is currently developing a new national violence against women strategy for tackling domestic abuse (due to be published summer 2014).²⁴

²⁴ For example, see Scottish Government 2013h.

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