

Annex A

RELEVANT INFORMATION – FOR FOI REQUEST TO SCOTTISH GOVERNMENT 202100242279

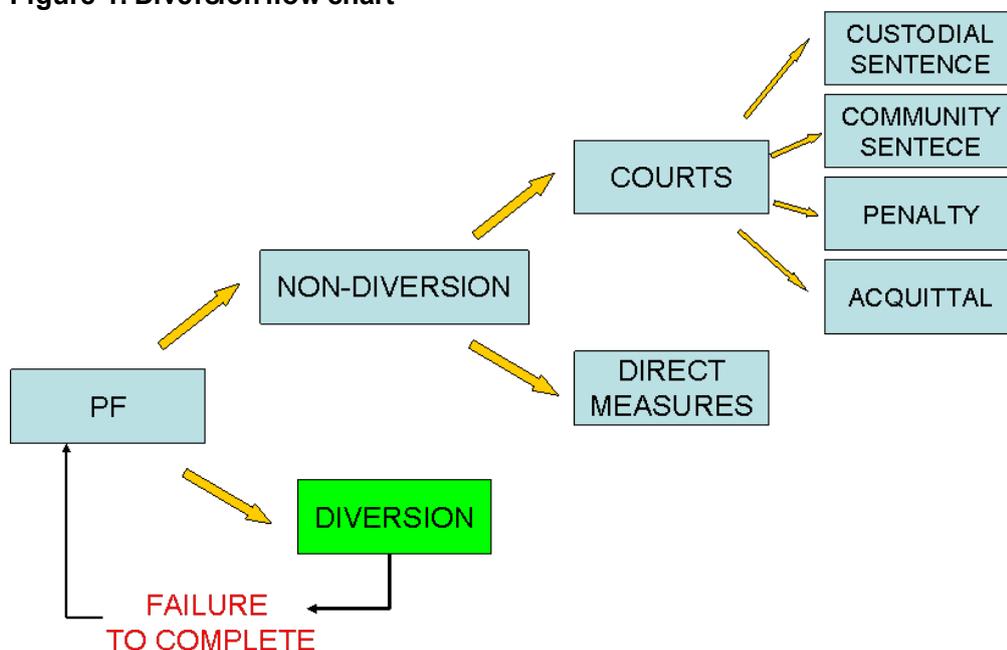
SCOTTISH GOVERNMENT DIVERSION WORKING GROUP PAPER DWG 8/2011 (August 2011)

Diversion: What we do and do not know

This note looks at what information and data would be required to conduct an analysis of the costs and benefits of diversion.

Figure 1 plots an illustrative overview of the (potential) diversion process. The costs and benefits of diversion are dependant on the route cases would have taken if they had not been diverted, and it is therefore this information which needs to be confirmed before an analysis can commence.

Figure 1: Diversion flow chart



Details of the various stages of diversion and the potential alternative prosecution routes are described below, including what costing data we have for each area and what we are lacking.

(a) Diversion: We are able to estimate the average cost of a completed and commenced diversion by using the total expenditure on diversion by CJAs and dividing this by the number of completed and commenced diversion cases as shown in the Criminal Justice Social Work statistics. This is shown in Table 1 below, and comes out at £1,511 per completed diversion and £1,223 per commenced diversion.

Table 1: Average cost per completed and commenced diversion

Total CJA diversion expenditure (inc overheads)	£	1,176,757
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Completed diversion cases		779
Commenced diversion cases		962
Average cost per completed diversion	£	1,511
Average cost per commenced diversion	£	1,223

(b) Non-diversion: The costs of diversion need to be compared to the costs incurred through the alternative to diversion. Therefore we need to know:

- What share would have gone to court, and which type?
- What stage of court proceedings would they have reached on average?
- What would have been the disposal for those who were sentenced?

Direct-measure costs: Limited information is available on the costs of direct measures. The Summary Justice Reform Direct Measure evaluation does have some estimates.

It contains little on the costs of Fiscal Direct Measures which would be of most relevance as could be used as an alternative to diversion. It reported that hourly rates of COPFS staff grades were unavailable but having spoken to COPFS finance this may not be the case.

It estimates that an ASB FPN would take a police constable around 5-15 minutes at an hourly rate of £17. Costs of the case management are not known. Officers were unable to put a figure on the time spent on Formal Adult Warnings decisions but identified it required agreement from multiple officers.

The Summary Justice Reform Evaluation of Fiscal Work Orders Pilot estimated the cost per started order at £1,150 and £1,550 per completed order. It should be noted that this pilot was under-utilised and operating at capacity it was expected the unit cost would be closer to £500 per order.

(i) Court

We can estimate the average cost of a sheriff summary case based on the current distribution of cases which currently enter the court. Table 2 shows the proportion of cases which reach each stage of sheriff summary proceedings alongside the average legal aid, prosecution and courts and judiciary costs for these. This allows us to estimate the average cost of a sheriff summary case, which comes out at £1,259.

Table 2: Average court case costs

Sheriff Summary	Legal Aid	Prosecution	Courts and Judiciary	Proportion of cases
Plea at pleading diet		£ 176	£ 118	54%
Plea at intermediate diet	£ 695	£ 396	£ 189	22%
Plea at trial diet		£ 484	£ 283	18%
Trials-evidence led		£ 704	£ 1,604	6%
Average Cost of Sheriff Summary				£ 1,259

This assumes all cases would have gone to sheriff summary court – rather than JP court for which there is less data – and the distribution of where cases proceeded to would be the same as it currently is for all cases in sheriff summary courts. This is a strong assumption as individuals who are considered for diversion would presumably be accused of lower level offences and therefore cases are likely to exit court at an early stage.

(ii) Costs of disposal

The costs of the disposal also need to be taken into account. We have information on the average costs of custodial and community sentences, but again would need to know what percentage of those diverted from prosecution would have reached this stage. Also, for those who would have been given custodial sentences there may be short term benefits through the incarceration effect – i.e. being unable to offend while in prison?

Failure to complete diversion

The costs incurred to the point where a diversion was not completed would be fully additional to the costs which would then be incurred when the individual was re-admitted to the standard prosecution route.

To estimate this would require information on the what stage of diversion was reached on average before being readmitted into the prosecution route and the costs associated with this.

Effectiveness (Long run benefits)

In addition to the immediate direct costs/savings to the criminal justice system from using diversion, the effectiveness of diversion in terms of reducing reoffending will have a significant impact on the long run impact on economic and social costs of crime. Data on the effectiveness will be hard to acquire due to small sample sizes, lack of control groups etc.

For instance, research on the introduction of the presumption against short term custodial sentences found that although there were short term costs from shifting offenders to community sentences, it would only require a 1% reduction in the average reoffending frequency for those initial costs to be outweighed by the savings from reduced crime.