

Submission from Police Scotland

Hate Crime and Public Order (Scotland) Bill - Financial Memorandum

Police Scotland have been engaged with Scottish Government Connected Communities since November 2019 in consultation over the financial assumptions made to update guidance, training materials and IT connected to the implications of the Hate Crime and Public Order (Scotland) Bill 2020.

The Financial Memorandum is published to accompany the Hate Crime (Scotland) Bill 2020, introduced in the Scottish Parliament on 10 March 2020 and sets out the estimated costs of introducing the legislation and the additional receipts that are expected to be generated as a result of the changes proposed.

The new offences outlined in the Bill may result in more incidents being reported to Police. Additionally increased awareness of what constitutes hate crime may lead to an increase in reporting. There will be one-off costs in updating the training and standard operating procedures in time for the introduction of the new offences and any training will likely be undertaken by officers in-house.

There may also be costs relating to updating the Police Scotland 'Criminal History System' which has an interface with the Crown Office and Procurator Fiscal Service (COPFS), however these should be planned to be incorporated during the regular updates.

In order to fully understand, anticipate and provide detailed costs regarding the financial impact of the Bill, Police Scotland have planned a short life working group (SLWG) of key stakeholders and partners to commence in Summer 2020. This will be convened forthwith and I would anticipate being in a position to provide a further specific update on costs by Friday 7 August 2020.

The operational impact on Police Scotland will also be dependent on the confirmation of the coming into effect date of the Bill, given Police Scotland's commitment to COP26 (Conference of Parties 26) in November 2021 and associated training and demands of this event.

I hope this is of assistance and addresses the needs of Scottish Government and the Committee. I am happy to provide further clarity on any aspect.

Submission from Gary Ritchie, Assistant Chief Constable, Police Scotland
Hate Crime and Public Order (Scotland) Bill

On 23rd July 2020, I provided a response to the Justice Committee outlining the draft financial implications of the implementation of the Hate Crime and Public Order (Scotland) Act. The purpose of this note is to provide an updated estimate of the financial impact this may have on Police Scotland.

Police Scotland have been engaged with Scottish Government Connected Communities Division since November 2019 in consultation over the financial implications of the proposed legislation on the police service. These relate to a variety of matters including updating guidance, training materials and IT systems.

The Financial Memorandum is published to accompany the Hate Crime (Scotland) Bill 2020, introduced in the Scottish Parliament on 10 March 2020 and sets out the estimated costs of introducing the legislation that are expected to be generated as a result of the changes proposed.

I would provide the caveat that this estimation of financial impact will be subject to change/amendment as the bill progresses through Parliament and elements subject to debate are fully clarified. Estimates provided are dependent on elements such as the level of training required (which will depend on the extent of change to the law and associated practice), method of delivery, extent of ICT changes required and so on. Delivery of training may also be subject to ongoing social distancing guidelines depending on public health situation at relevant time.

When exploring the potential financial costs as a result of the legislation, this note has focused on:

- Training Costs;
- 'Opportunity' Costs through loss of front line service due to officers being abstracted for training;
- Administration Costs.

As I outlined in my previous response, it is reasonable to anticipate that the new offences proposed in the Bill may result in more incidents being reported to Police. Additionally, increased awareness of what constitutes hate crime may lead to an increase in reporting. These increases remain difficult to predict or forecast in the absence of a benchmark of similar legislative change being introduced.

Given that a key intention of the Bill is to enhance public understanding of, and confidence to report, hate crime offences, we can reasonably expect an increase in calls from the public. In addition, where these calls lead to increases in investigation (as would also be the intention of the bill) there would be associated increase in costs related thereto. Quantifying this on a cost basis is not possible at this time. It may be, however, that as the Bill progresses towards promulgation that this could be revisited in terms of the exact nature of offences and predicted rise in demand.

It may also be reasonable to predict that, given the interest in the Bill at present, its ambition and scale of potential change to the law, that we can expect not only increase in reporting of crime but a volume increase (especially on commencement of the resulting Act) in requests for advice from the public. We have seen this through the introduction of emergency legislation under The Health Protection (Restrictions) (Coronavirus) (Scotland) Regulations 2020. This would result in increased officer/staff time to provide advice, particularly within contact centres.

There will be one-off costs in updating the training and standard operating procedures in time for the introduction of the new offences and any training will likely be undertaken by officers in-house.

All officers up to and including the rank of Superintendent would need to be trained, which equates to approx. 17,190 officers. Please note this must be strongly caveated and final agreement on the ranks of officers to be trained is yet to be confirmed.

A comprehensive training e-learning / PowerPoint training package at this level would cost approximately **£920,000** (estimation of 2 hours for each officer to complete both the e-learning package and attend a supervisor briefing presentation). This represents the 'opportunity' cost to Police Scotland of the time taken for officers to complete this training package. The cost to develop an elearning package is estimated to be **£12,000**. These packages are designed and developed internally and hosted on the Police Scotland intranet training site. This equates to a **total estimated training cost of £932,000**.

As noted also in the July update, we anticipate any costs resulting from updating the Police Scotland 'Criminal History' system, which interfaces with the Crown Office and Procurator Fiscal Service (COPFS) to be incorporated into routine planned updates; as such, we cannot associate a direct uplift in costs with this.

The training costs outlined above will also result in annual refresher training (timing and frequency of which are to be confirmed). This will become a business as usual (BAU) cost once the initial training has been completed, and again we cannot reliably quantify the opportunity costs until this has been agreed. Refresher training is BAU activity within Police Scotland and is generally absorbed within operational capacity across the year.

Any associated ICT costs as a result of updating the training materials will be captured as a BAU cost once the initial training has been developed. Another potential requirement of the legislation may be the need to record, monitor and evaluate the impact of the change, and ICT system updates may be required to capture this. Again, it is strongly caveated that this is not quantifiable at the moment until further details are known.

As noted in my previous correspondence, the operational impact on Police Scotland will also be dependent on the confirmation of the coming into effect date of the Bill, given Police Scotland's commitment to COP26 (Conference of Parties 26) in November 2021 and associated training and demands of this event. There are other potential legislative vehicles in progress also which may have either compounding, or mitigating, impact on costs depending on how these are introduced (e.g. UNCRC incorporation, Criminal Justice reform, etc.). It would be of value, I would suggest, for these to be considered alongside the Hate Crime bill.

I would be happy to discuss further and would reiterate that these estimates, and the additional elements to which I have referred, are subject to change as the full impact of the legislative changes becomes clear.