



## **Domestic abuse and stalking charges in Scotland 2019 – 2020**

### **Charges reported to COPFS with a Domestic Abuse identifier**

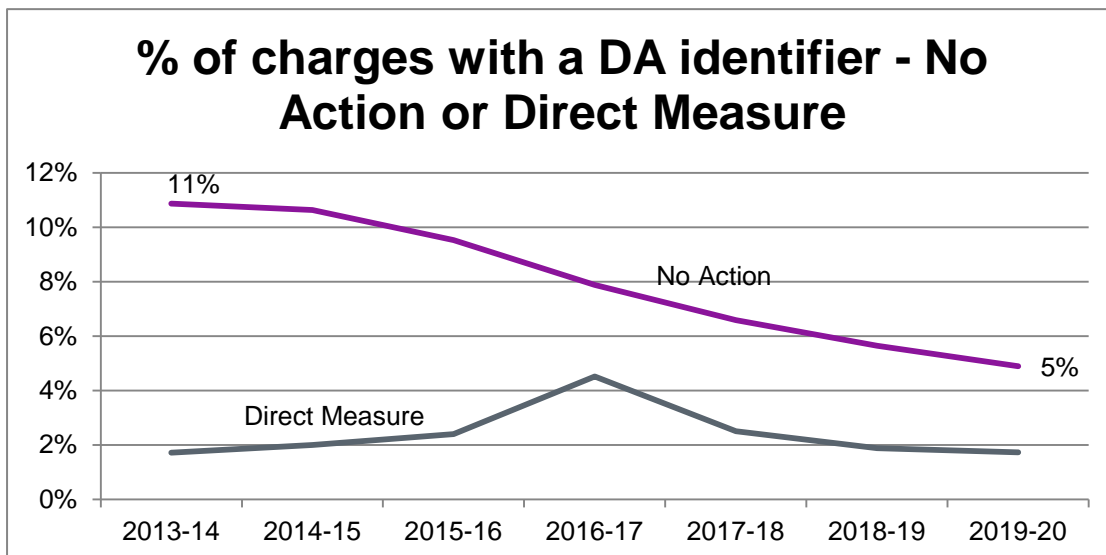
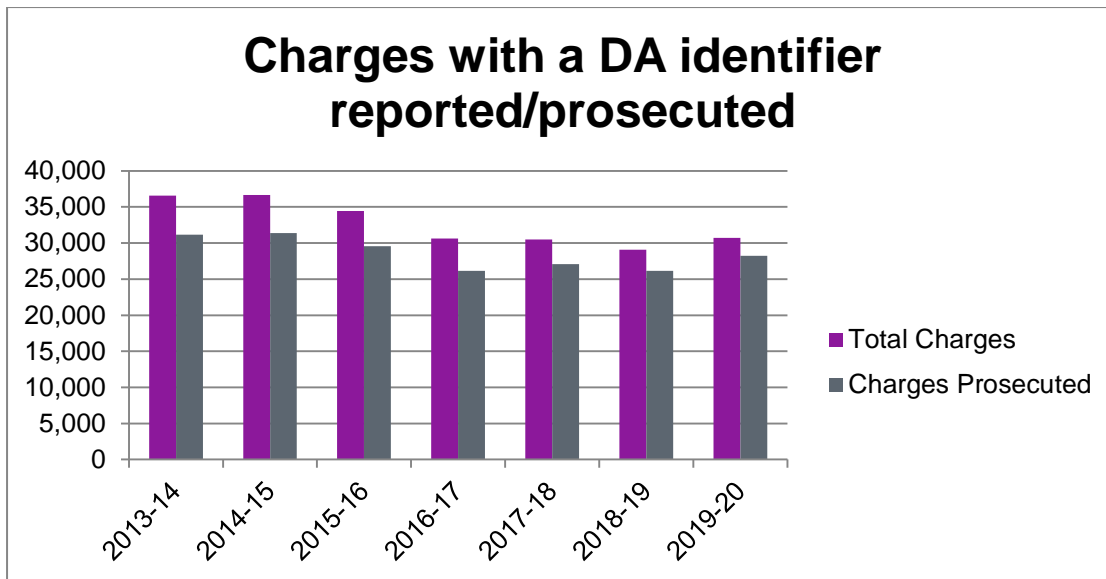
- Over recent years, the number of charges with a domestic abuse identifier reported to COPFS has remained relatively steady at around the 30,000 mark.
- The number of charges reported in 2019-20 is however the highest number reported since 2015-16, and is 5.7% higher than the number reported in 2018-19.

### **Decisions taken**

- The vast majority of charges reported with a domestic abuse identifier are prosecuted. The proportion resulting in court proceedings has increased over recent years, and is now at its highest level since 2013-14 (the period for which consistent figures are available). At the time the data was extracted, an initial decision had been made to proceed to court with 92% of charges in 2019-20 compared to 85% in 2013-14.
- Other prosecutorial actions are available through the use of Direct Measures, including warnings, and diversion from prosecution. Direct Measures are used in fewer than 2% of overall charges reported.
- The volume and percentage of charges where the decision was to take No Action has steadily decreased over the last few years from around 4,000 (11%) in 2013-14 to just over 1,500 (5%) in 2019-20.
- Where the decision was to take No Action in 2019-20, the most common reason recorded was "Insufficient Admissible Evidence" (57%).

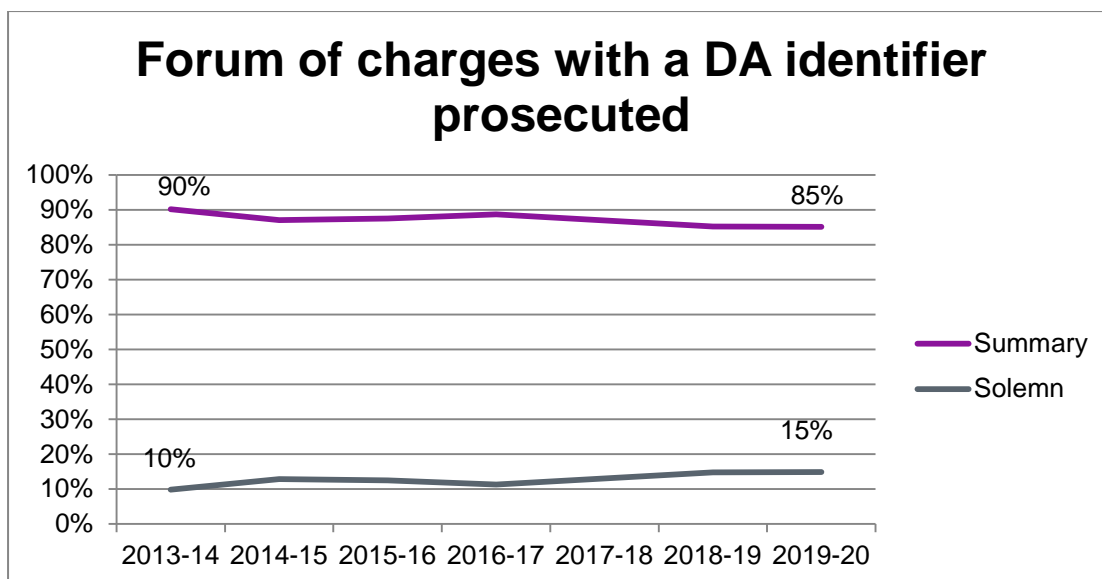
**Table 1: Charges reported with a domestic abuse identifier, by year reported and initial decision on how charge will proceed**

Year of report	Total charges reported	Decision on how charge will proceed				
		Court	Direct Measure	No Action	No Decision	Reporter
2013-14	<b>36,552</b>	31,179	624	3,974	749	26
2014-15	<b>36,667</b>	31,373	733	3,900	638	23
2015-16	<b>34,420</b>	29,556	825	3,280	723	36
2016-17	<b>30,630</b>	26,157	1,381	2,412	661	19
2017-18	<b>30,481</b>	27,073	763	2,007	623	15
2018-19	<b>29,054</b>	26,138	545	1,640	699	32
2019-20	<b>30,718</b>	28,234	530	1,501	402	51



#### Court forum

- The majority of charges where the decision taken is to prosecute in court are prosecuted at sheriff summary level. In 2019-20, 85% of charges prosecuted were at sheriff summary level.
- However, the proportion of charges prosecuted at solemn level has increased steadily over recent years, from 10% in 2013-14 to 15% in 2019-20.



### Statutory domestic abuse aggravation

- In 2019-20, 25,507 charges were reported with a statutory aggravation under the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, accounting for 83% of all domestic abuse charges reported.

### Type of offences

- The most common types of offences reported in 2019-20 with a domestic abuse identifier were breach of the peace type offences (35%, includes threatening and abusive behaviour and stalking offences), common assault (28%) and crimes against public justice (15%, includes bail offences).

**Table 2:Charges reported to COPFS with a domestic abuse identifier 2019-20**

Offence	Court	Direct Measure	No Action	No Decision	Reporter
Homicide	8	0	0	0	0
Serious Assault and Attempted Murder	553	0	10	5	0
Robbery	89	0	*	0	0
Other Violence	1,138	6	20	21	*
<i>of which are DASA^ charges</i>	<i>1,022</i>	<i>6</i>	<i>*</i>	<i>*</i>	<i>*</i>
Rape & Attempted Rape	417	0	31	23	7
Sexual Assault	192	*	15	7	6
Other sexual crimes	300	*	21	24	8
Housebreaking	50	0	7	*	*
Theft by opening lockfast places	*	0	0	0	0
Theft of Motor Vehicle	93	*	8	*	0
Other Theft	408	6	39	5	0
Fraud	78	*	22	22	0
Other Dishonesty	*	0	0	0	0
Fire-raising	21	0	*	*	0
Vandalism etc.	1,567	34	68	12	*
Crimes against Public Justice	4,336	12	284	54	*
Handling offensive weapons	128	0	*	0	0
Common Assault	7,853	191	515	116	9
Breach Of The Peace etc.	10,096	251	385	81	10
Drunkenness	*	0	0	0	0
Other Misc. Offences	839	20	68	27	*
Dangerous & Careless Driving	56	0	*	0	0
<b>Total</b>	<b>28,234</b>	<b>530</b>	<b>1,501</b>	<b>402</b>	<b>51</b>

^ Domestic Abuse (Scotland) Act 2018 Section 1 - Engage in a course of behaviour which is abusive of your partner or ex-partner

\* = data suppressed (see guidance notes)

**Table 3: Charges reported to COPFS with a statutory domestic abuse aggravator 2019-20**

Offence	Direct				
	Court	Measure	No Action	No Decision	Reporter
Homicide	*	0	0	0	0
Serious Assault and Attempted Murder	485	0	10	*	0
Robbery	84	0	*	0	0
Other Violence	86	0	*	*	0
Rape & Attempted Rape	187	0	7	10	*
Sexual Assault	99	0	*	*	*
Other sexual crimes	236	*	12	12	*
Housebreaking	36	0	*	0	0
Theft by opening lockfast places	*	0	0	0	0
Theft of Motor Vehicle	75	*	*	0	0
Other Theft	351	*	24	*	0
Fraud	58	*	*	13	0
Other Dishonesty	*	0	0	0	0
Fire-raising	*	0	*	*	0
Vandalism etc.	1,364	24	46	6	*
Crimes against Public Justice	3,444	*	190	41	*
Handling offensive weapons	113	0	*	0	0
Common Assault	7,029	165	361	62	*
Breach Of The Peace etc.	9,349	210	285	52	*
Drunkenness	*	0	0	0	0
Other Misc. Offences	733	14	43	13	*
Dangerous & Careless Driving	*	0	*	0	0
<b>Total</b>	<b>23,813</b>	<b>431</b>	<b>1,017</b>	<b>222</b>	<b>24</b>

\* = data suppressed (see guidance notes)

## Sex of accused

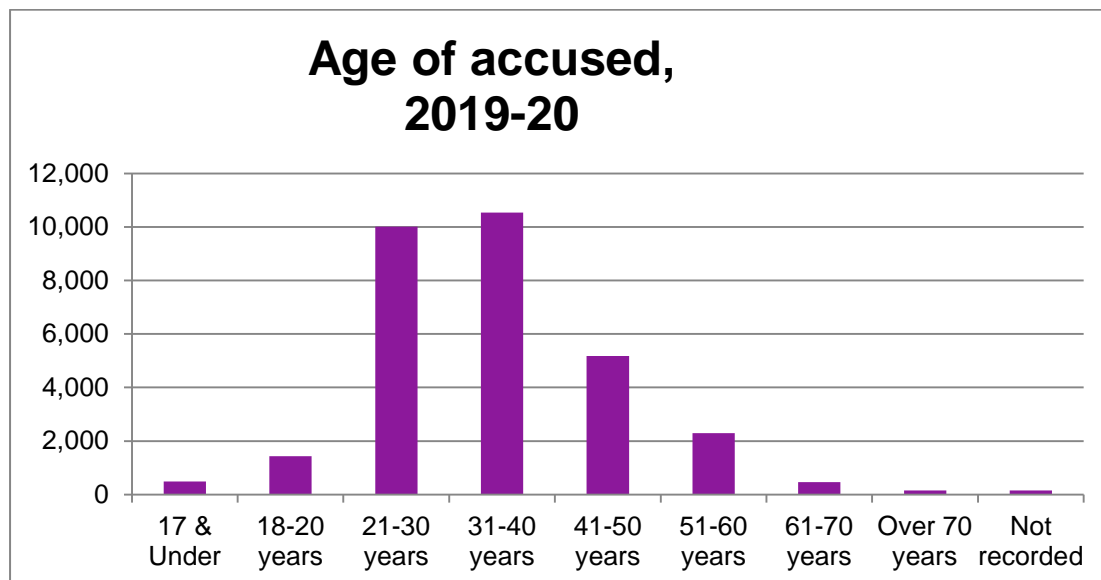
- The majority of those accused of domestic abuse are male. In 2019-20, 26,914 (88%) of the charges reported with a domestic abuse identifier were in cases where the accused was male.

## Age of Accused

- For all charges reported to COPFS with a Domestic Abuse identifier, the majority of accused fell into the age group 31-40 years (34%) or 21-30 years (33%).

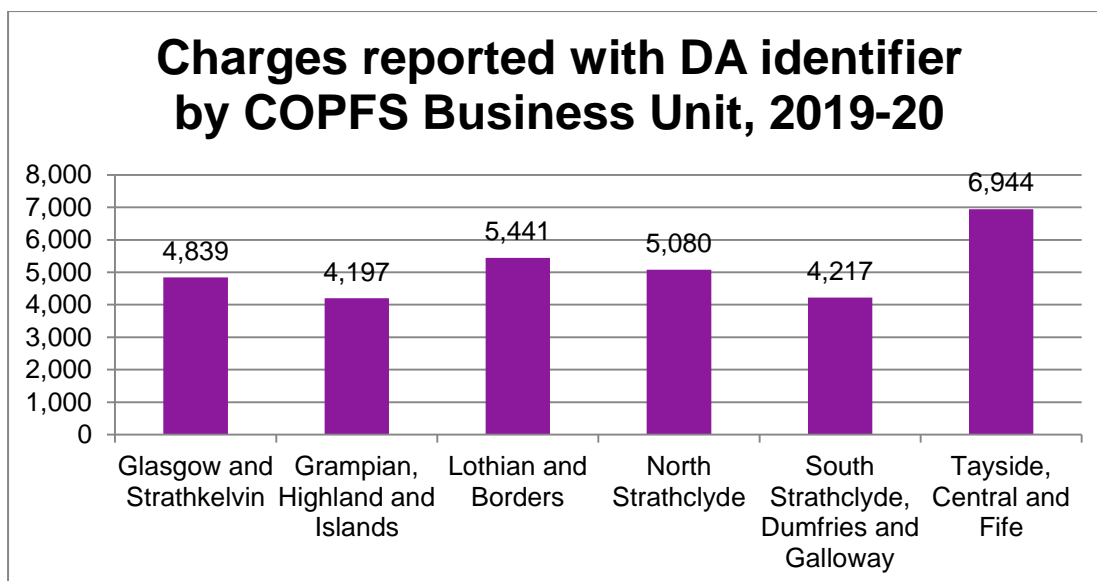
**Table 4: Age of accused**

Age of accused	Number of charges	Percentage of charges
17 & Under	495	2
18-20 years	1,432	5
21-30 years	10,010	33
31-40 years	10,536	34
41-50 years	5,173	17
51-60 years	2,294	7
61-70 years	471	2
Over 70 years	151	<1
Not recorded	156	1
<b>Total Charges</b>	<b>30,718</b>	<b>100</b>



**Table 5: Location of charges with a Domestic Abuse identifier, 2019-20**

<b>COPFS Business Unit</b>	<b>Procurator Fiscal Office</b>	<b>Total</b>
<b>Glasgow and Strathkelvin</b>	Glasgow	<b>4,839</b>
<b>Grampian, Highland and Islands</b>	Aberdeen	1,920
	Banff	147
	Elgin	493
	Fort William	84
	Inverness	617
	Kirkwall	76
	Lerwick	87
	Peterhead	406
	Portree	23
	Stornoway	57
	Tain	163
	Wick	124
	<b>Total</b>	<b>4,197</b>
<b>Lothian and Borders</b>	Edinburgh	3,709
	Jedburgh	359
	Livingston	1,133
	Selkirk	240
	<b>Total</b>	<b>5,441</b>
<b>North Strathclyde</b>	Ayr	892
	Campbeltown	64
	Dumbarton	820
	Dunoon	90
	Greenock	399
	Kilmarnock	1,409
	Oban	108
	Paisley	1,275
	Rothesay	23
<b>Total</b>	<b>5,080</b>	
<b>South Strathclyde, Dumfries and Galloway</b>	Airdrie	1,128
	Dumfries	660
	Hamilton	1,893
	Kirkcudbright	68
	Lanark	243
	Stranraer	225
	<b>Total</b>	<b>4,217</b>
<b>Tayside, Central and Fife</b>	Alloa	450
	Dundee	1,285
	Dunfermline	1,028
	Falkirk	1,071
	Forfar	688
	Kirkcaldy	1,464
	Perth	595
	Stirling	363
	<b>Total</b>	<b>6,944</b>
<b>Scotland</b>		<b>30,718</b>



#### Domestic Abuse (Scotland) Act 2018 Section 1 - Engage in a course of behaviour which is abusive of your partner or ex-partner

- In 2019-20, 1,065 charges were reported under the Domestic Abuse (Scotland) Act 2018 (DASA), accounting for 3.5% of all domestic abuse charges reported. This legislation came into force on 1 April 2019.
- Court proceedings were commenced in 96% of the DASA charges reported.
- A child aggravation was recorded against 251 (24%) of the DASA charges reported. Court proceedings were commenced in respect of 98% of charges with a child aggravation.
- 96% (1,023) of the DASA charges reported were in cases where the accused was male.
- The majority of accused in DASA charges fell into the age group 21-30 years (33%) or 31-40 years (32%).

**Table 6: Age of accused – DASA Section 1 charges only, 2019-20**

Age of accused	Number of charges	Percentage of charges
17 & Under	20	2
18-20 years	55	5
21-30 years	356	33
31-40 years	344	32
41-50 years	176	17
51-60 years	88	8
61-70 years	20	2
Over 70 years	6	1
<b>Total Charges</b>	<b>1,065</b>	<b>100</b>

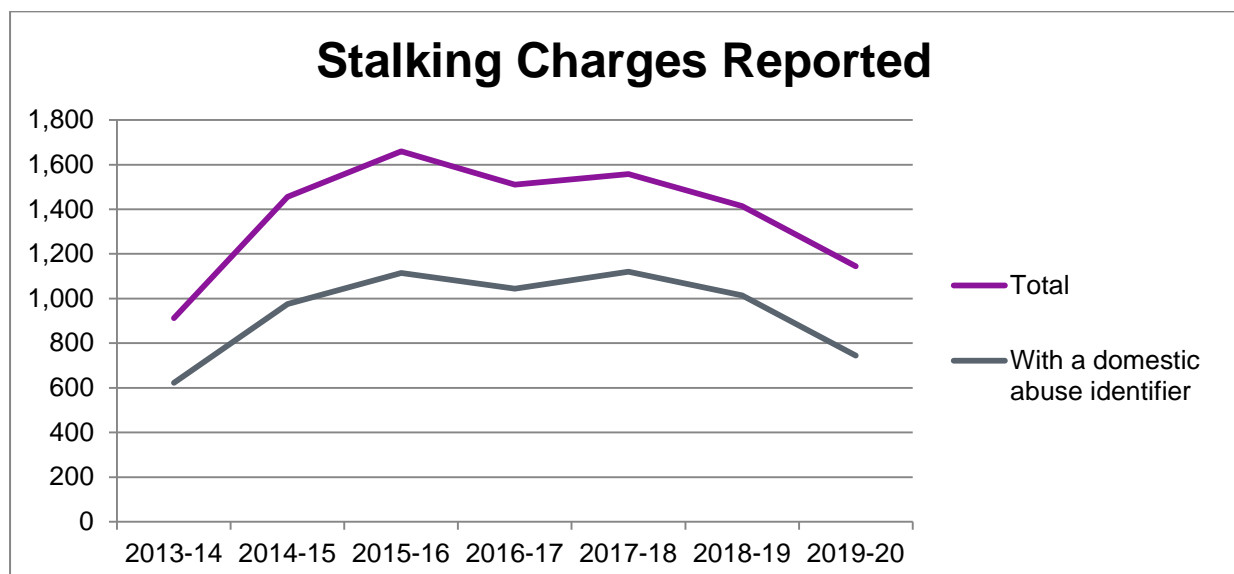


## Stalking charges

- In 2019-20, 1,145 stalking charges under section 39 of the Criminal Justice and Licensing (Scotland) Act 2010 were reported to COPFS. Of these, 744 (65%) contained a domestic abuse identifier. These are included under the “Breach of the Peace, etc” category in Tables 2 and 3.
- In 2019-20, if an offence that would previously have been reported as a stalking charge under section 39 of the 2010 Act was part of a course of conduct of domestic abuse, where appropriate it will have been reported as part of a charge under section 1 of the Domestic Abuse (Scotland) Act 2018. This will have contributed to the fall in the number of stalking charges reported in 2019-20 compared to previous years. On average over the preceding three years, around 1,500 stalking charges were reported to COPFS annually, around 71% of which included a domestic identifier.

**Table 7: Stalking charges, by year reported and whether related to domestic abuse**

Year	Total charges reported	Of which: charges with a domestic abuse identifier	Percentage of charges with a domestic abuse identifier
2013-14	912	623	68%
2014-15	1,456	975	67%
2015-16	1,660	1,114	67%
2016-17	1,510	1,044	69%
2017-18	1,558	1,120	72%
2018-19	1,414	1,014	72%
2019-20	1,145	744	65%



## **Annex: Guidance, definitions and background**

### **Data source**

1. The information in this publication is taken from the live COPFS operational database used to manage the processing of reports submitted to Procurators Fiscal by the police and other reporting agencies throughout Scotland. It is designed to meet business needs in the processing of criminal cases, rather than for statistical analysis, and the information within it is structured accordingly.
2. Reports to the Procurator Fiscal can include one or more persons. Each person within a report can be reported for one or more charges. The information in this publication relates to charges, rather than reports or people.
3. During the course of a case, the Procurator Fiscal may decide to amend the original charge reported. The COPFS database holds details of the amended charge only. The data for charges reported in 2019-20 was extracted in June 2020 and therefore reflects the information held at that date. The figures may not therefore exactly match those previously published, or the number of charges initially reported by the Police.

### **Definition of, and legislation on, domestic abuse**

4. The definition of domestic abuse followed by COPFS and the Police Service of Scotland is set out in the published [Joint Protocol](#).
5. The definition set out in the Protocol is “any form of physical, verbal, sexual, psychological or financial abuse which might amount to criminal conduct and which takes place within the context of a relationship. The relationship will be between partners (married, cohabiting, civil partnership or otherwise) or ex-partners. The abuse can be committed in the home or elsewhere including online”.
6. Police Scotland report a range of offences involving domestic abuse to COPFS, as set out in Table 2. COPFS prosecute these offences using a range of different statutory and common law charges. A charge that fits the definition of domestic abuse above will have a domestic abuse identifier. The majority of information in this publication relates to charges with a domestic abuse identifier.
7. On 24 April 2017, the statutory aggravation of domestic abuse was introduced by the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 section 1. The aggravation only applies to conduct that took place on or after 24 April 2017. An offence is aggravated if in committing the offence the person intends to cause or is reckless about causing their partner or ex-partner to suffer physical or psychological harm. The aggravation can only be applied where there is evidence capable of proving it and evidence from a single source is sufficient to prove that an offence is aggravated. All charges which

carry the aggravation should carry the domestic abuse identifier, but the identifier may apply to charges to which the aggravation does not.

8. Charges with a statutory domestic abuse aggravation are separately identified in Table 3. This table is therefore a subset of the information in Table 2.
9. The Domestic Abuse (Scotland) Act 2018 came into force on 1st April 2019. This Act created a new statutory offence of engaging in a course of behaviour which is abusive of a partner or ex-partner. A course of behaviour involves behaviour on at least 2 occasions where a reasonable person would consider this course of behaviour to be likely to cause physical or psychological harm and the person intended to cause or was reckless about causing their partner or ex-partner to suffer physical or psychological harm. The new offence only applies to conduct that took place on or after 1 April 2019.
10. The Domestic Abuse (Scotland) Act 2018 section 5 also created a new statutory aggravation to the new offence, where a child was involved in the offending. The aggravation can only be applied where there is evidence capable of proving it and evidence from a single source is sufficient to prove that an offence is aggravated.
11. Charges under this legislation are included under the broad grouping of “other violence” in Table 2, and have also been separately identified.
12. Charges under the Domestic Abuse (Scotland) Act 2018 will not also have a statutory aggravation under the Abusive Behaviour and Sexual Harm (Scotland) Act 2016. The aggravation will be used with other statutory or common law charges if appropriate, for instance if a single incident of assault involving domestic abuse is prosecuted.
13. Some charges may have the domestic abuse identifier or the statutory aggravation of domestic abuse removed by the Procurator Fiscal during the processing of the case, where they considered it was not appropriate to apply this. Conversely, a domestic abuse identifier or statutory aggravation of domestic abuse may be added by the Procurator Fiscal, where appropriate, to charges that were reported without this.

### **Initial Decision on how charge will proceed**

14. Court includes charges where the initial decision is to prosecute in court at either solemn level (i.e. before a jury) or summary level (i.e. without a jury). The court figures also include charges which were not prosecuted in court, but where other charges for the same accused within the same case were prosecuted. In some cases the charges which were prosecuted will have included details from the charges in the same case which were not prosecuted.
15. Direct measures include fiscal fines, fiscal compensation orders, fiscal work orders, warning letters and referral to diversion from prosecution schemes. The direct measures figures include charges which were not actioned, but

where the accused was given a direct measure in respect of other charges within the same case. In some cases, the charges which were given a direct measure will have included details from the charges which were not actioned.

16. No action includes charges where a decision has been taken not to proceed. This will include charges where, for instance, there is insufficient evidence to proceed or where further action would be disproportionate.
17. No decision includes charges where no decision has been taken yet, including those which have been reviewed but where more information is required before a final decision can be taken on whether to proceed.
18. Reporter includes charges where the accused is a child or young person, and they have been referred to the Scottish Children's Reporter for consideration of action to be taken.
19. The number and proportion of charges for which no decision has yet been taken varies slightly from year to year. This needs to be borne in mind when comparing the initial decisions made on taking charges forward in different years.

### **Figures for previous years**

20. Figures for previous years have been published on the Crown Office website. Figures for 2011-12 and 2012-13 were published on a slightly different basis from figures from 2013-14 onwards. Consistent information on trends and changes are therefore available from 2013-14.
21. Figures for earlier years have not been revised. They therefore reflect the information available at the time they were extracted from the database – generally around 3 months after the end of the financial year to which they relate.

### **Classification of charges**

22. Charges have been classified in tables 2 and 3 according to the crime classification system used by the Scottish Government.
23. Details of the classification are available in the Scottish Government [Criminal proceedings in Scotland: 2018-2019](#) publication, in section D9 of Annex D.

### **Stalking**

24. The publication includes some additional information on stalking. Offences of stalking are reported under section 39 of the Criminal Justice and Licensing (Scotland) Act 2010.
25. Not all stalking charges relate to domestic abuse but those that do have been separately identified in the figures provided in Table 7.

26. After 1 April 2019, if stalking is part of a course of conduct of domestic abuse, where appropriate it will be included within the libel of a charge reported under section 1 of the Domestic Abuse (Scotland) Act 2018. As the stalking offence would previously have been reported separately, this is likely to lead to a decrease in the number of stand-alone stalking charges reported.

## Convictions

27. The publication does not include information on convictions or conviction rates. Many of the charges reported in 2019-20 will not yet have reached conviction stage. The Scottish Government Criminal Proceedings database is the usual source for convictions data, and they have published figures for years up to 2018-19 on offences convicted with a domestic abuse identifier recorded. These are available by [sex of accused](#) and by [offence type](#).

## Data protection

28. Some figures have been suppressed to ensure compliance with the Data Protection Act 2018 and the General Data Protection Regulation implemented in 2018. This is to avoid potentially releasing information about identifiable people. COPFS does not normally disclose statistical information for data entries of fewer than 5 to ensure it meets its obligations under the Act. Where the number of charges is fewer than 5, these figures have been replaced with an asterisk. In some cases, figures greater than or equal to 5 have also been replaced with an asterisk to ensure suppressed figures cannot be derived by deduction. COPFS apply this approach to all published data where Data Protection considerations apply.

29. Percentages may not add up to 100% due to rounding.

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## Correspondence and enquiries

For enquiries about this publication please contact:

Tony McCartan  
Management Information Unit  
Crown Office and Procurator Fiscal Service  
Email: [tony.mccartan@copfs.gov.uk](mailto:tony.mccartan@copfs.gov.uk)