

Domestic Abuse charges reported to COPFS 2018 - 2019

The data has been extracted from the COPFS case management system.

This is a live operational database. 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. The data was extracted in May 2019, and reflects the position at that date.

Reports to the Procurator Fiscal can include one or more persons. Each person within a report can be reported for one or more charges. Charges can include a domestic abuse identifier/aggravator where appropriate.

COPFS and the Police Service of Scotland have a wide definition of crimes identified as domestic abuse, which is set out in the published [Joint Protocol](#)

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”.

Table 1 relates to all charges (rather than reports, or people) reported to COPFS in 2018-19, which had a domestic abuse identifier as at May 2019.

On 24 April 2017, the statutory aggravation of domestic abuse was introduced by the Abusive Behaviour and Sexual Harm (Scotland) Act 2016. The aggravation only applies to conduct that took place on or after 24 April 2017. The aggravation can only be applied where there is evidence capable of proving it. All charges which carry the aggravation should carry the identifier, but the identifier may apply to charges which the aggravation does not.

Table 2 relates to all charges reported to COPFS in 2018-19, which had a statutory domestic abuse aggravation applied as at May 2019.

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.

The figures for Court and Direct Measures include charges that were not actioned (either through prosecution or a direct measure) but where other charges for the same accused within the same case were actioned. In some cases the charges which were actioned may have included details from the charges that were not actioned.

In the majority of cases where no action was taken, the reason given is insufficient admissible evidence.

We have not provided statistical information for groups of fewer than five and relevant numbers have been replaced with an asterisk. Some values of five or more may also have been replaced with an asterisk to ensure that no suppressed values can be deduced by subtraction from a total.

We apply this approach, where appropriate, to requests for data such as FOI responses, Parliamentary Questions and other statistical reports which are published on the COPFS website. This practice best meets our legal responsibilities under the Data Protection Act 2018 and the General Data Protection Regulation implemented in 2018.

COPFS should not be providing information that identifies, or potentially allows to be identified, an individual person or some personal information about that individual. The prosecution service can receive separate requests over a period of time for related but slightly different information e.g. by age, sex, location, crime, etc. and for overlapping time periods or geographies. These separate pieces of information taken together for numbers fewer than five could create the potential risk of identifying individuals.

COPFS uses a live operational database and the information contained within it is structured accordingly. Information provided may therefore be subject to change as our systems are updated for operational reasons.

Charges have been classified according to the crime classification system used by the Scottish Government. The table below gives more information on what is included in the categories.

Group 1: Non-sexual crimes of violence (Also referred to as Crimes of violence)

Homicide etc. Includes:

- Murder
- Culpable homicide
- Culpable homicide (common law)
- Causing death by dangerous driving
- Causing death by careless driving while under the influence of drink or drugs
- Causing death by careless driving
- Illegal driver involved in fatal accident
- Corporate homicide

Attempted murder and serious assault Includes:

- Attempted murder
- Serious assault

An assault is classified as **serious** if the victim sustained an injury resulting in detention in hospital as an in-patient or any of the following injuries whether or not he/she was detained in hospital: fractures, internal injuries, severe concussion, lacerations requiring sutures which may lead to impairment or disfigurement or any other injury which may lead to impairment or disfigurement.

Robbery Includes:

- Robbery and assault with intent to rob

Other Includes:

- Threats and extortion
- Cruel and unnatural treatment of children or adults
- Abortion
- Concealment of pregnancy
- Possession of a firearm with intent to endanger life, commit crime etc.
- Abduction
- Ill treatment and neglect of patients and vulnerable adults
- Drugging

Group 2: Sexual crimes

Rape and attempted rape Includes:

- Rape
- Attempted rape

Sexual assault Includes:

- Contact sexual assault (13-15 year old or adult 16+)
- Sexually coercive conduct (13-15 year old or adult 16+)
- Sexual crimes against children under 13 years
- Lewd and libidinous practices

Other Includes:

- Other sexually coercive conduct
- Other sexual crimes involving 13-15 year old children
- Indecent image offences i.e. "Taking, distribution, possession etc. of indecent photos of children"
- Incest
- Unnatural crimes
- Public indecency
- Sexual exposure
- Other sexual crimes

Group 3: Crimes of dishonesty (Also referred to as Dishonesty)

Housebreaking Includes:

- Theft by housebreaking domestic property (dwelling and non-dwelling)
- Theft by housebreaking other property
- Housebreaking with intent to steal domestic property (dwelling and non-dwelling)
- Housebreaking with intent to steal other property
- Attempted housebreaking with intent to enter and steal domestic property (dwelling and non-dwelling)
- Attempted housebreaking with intent to enter and steal other property

Theft by opening a lockfast place (OLP) Includes:

- Theft by opening lockfast places (OLP) (excluding motor vehicle)
- OLP (excluding motor vehicle) with intent to steal
- Attempted OLP excluding motor vehicle with intent to steal

Theft from a motor vehicle by OLP Includes :

- Theft by OLP from a motor vehicle
- OLP with intent to steal from a motor vehicle
- Attempted OLP with intent to steal from a motor vehicle

Theft of motor vehicle Includes :

- Theft of a motor vehicle and contents
- Attempted theft of a motor vehicle

Other theft Includes :

- Theft of pedal cycles
- Theft from a motor vehicle not elsewhere classified

Fraud Includes:

- Common law fraud
- Statutory fraud
- Forgery and uttering (excluding currency crimes)

Other crimes of dishonesty Includes:

- Forgery (other)
- Reset
- Embezzlement
- Corruption

Group 4: Fire-raising, vandalism etc.

Fire-raising Includes:

- Fire-raising
- Muirburn

Vandalism, etc. Includes:

- Malicious mischief
- Vandalism

- Culpable and reckless conduct (not with firearms)
- Reckless conduct with firearms

Group 5: Other crimes

Crimes against public justice Includes:

- Perjury
- Resisting arrest
- Bail offences (other than absconding or re-offending)
- Wasting police time

Handling offensive weapons Includes:

- Possession of an offensive weapon
- Restriction of offensive weapons
- Having in a public place an article with a blade or point
- Having in prison an article with a blade or point
- Possession of an offensive weapon (not blade or point) in a prison

Group 6: Miscellaneous offences

Common assault Includes:

- Common assault
- Common assault on an emergency worker

Breach of the peace etc. Includes:

- Breach of the peace
- Threatening or abusive behaviour
- Offence of stalking
- Offensive behaviour at football
- Threatening communications (Offensive Behaviour at Football and Threatening Communications Act 2012)

Drunkenness and other disorderly conduct Includes:

- Drunk and disorderly
- Drunk and incapable
- Drunk in charge of a child
- Drunk and attempting to enter licensed premises

- Drunk or drinking in unlicensed premises
- Disorderly on licensed premises
- Drunk and attempting to enter a sports ground
- Refusing to quit licensed premises
- Consumption of alcohol in designated places, byelaws prohibited

Urinating etc Includes:

- Urinating /defecating

Other Includes:

- Racially aggravated harassment
- Racially aggravated conduct
- False/Hoax calls
- Offences involving children
- Offences involving animals/plants
- Offences against local legislation
- Offences against liquor licensing laws
- Labour laws
- Naval military and air force laws
- Offences against environmental legislation
- Consumer protection acts

Group 7: Motor vehicle offences

Dangerous and careless driving Includes:

- Dangerous driving offences
- Driving carelessly

Other motor vehicle offences Includes

- Accident offences including failing to stop/provide details
- Parking offences
- Motor Vehicle Records of Work (eg Tachograph) Offences

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