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SCOTLAND'S PROSECUTION SERVICE

Domestic Abuse and Stalking Charges in Scotland 2020-21

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Charges reported to COPFS with a Domestic Abuse identifier

In 2020-21, 33,425 charges were reported to COPFS with a domestic abuse identifier.

This is an increase of 9% compared to the 2019-20 total of 30,718 and is the highest number reported since 2015-16. This follows a run of four years where the number of charges with a domestic abuse identifier reported to COPFS remained relatively steady at around the 30,000 mark.

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 remains 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 2020-21 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.

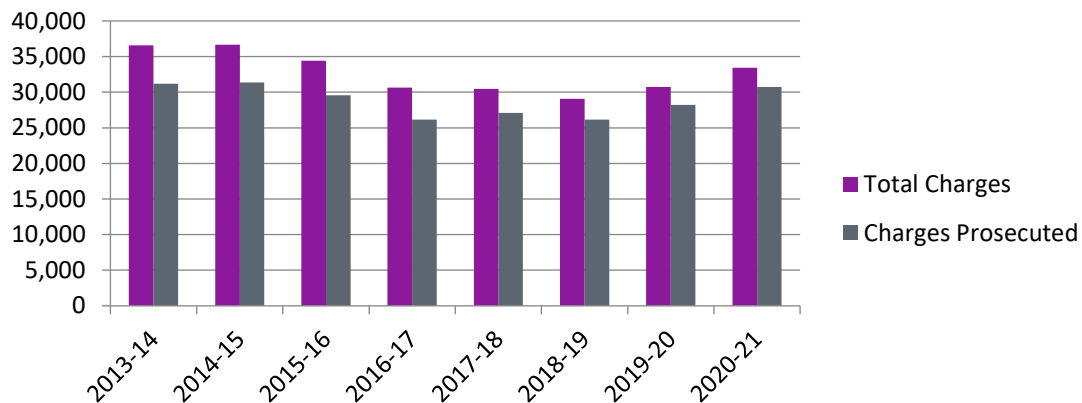
The volume and percentage of charges where No Action was taken has decreased over the last few years from 3,974 (11%) in 2013-14 to 1,392 (4%) in 2020-21.

Where the decision was to take No Action in 2020-21, the most common reason recorded was "Insufficient Admissible Evidence" (59%).

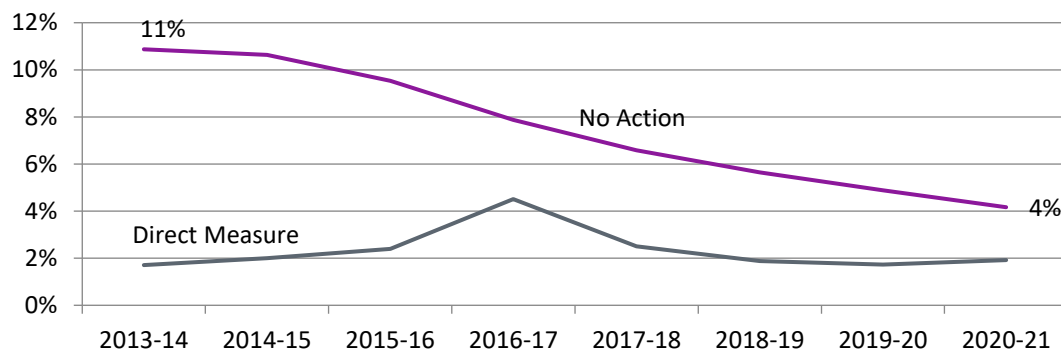
Table 1: Charges reported with a domestic abuse identifier, by year reported and initial decision on how charge will proceed

Year of report	Total charges reported	Court	Direct Measure	No Action	No Decision	Reporter
2013-14	36,552	31,179	624	3,974	749	26
2014-15	36,667	31,373	733	3,900	638	23
2015-16	34,420	29,556	825	3,280	723	36
2016-17	30,630	26,157	1,381	2,412	661	19
2017-18	30,481	27,073	763	2,007	623	15
2018-19	29,054	26,138	545	1,640	699	32
2019-20	30,718	28,234	530	1,501	402	51
2020-21	33,425	30,727	640	1,392	620	46

Charges with a DA identifier reported/prosecuted



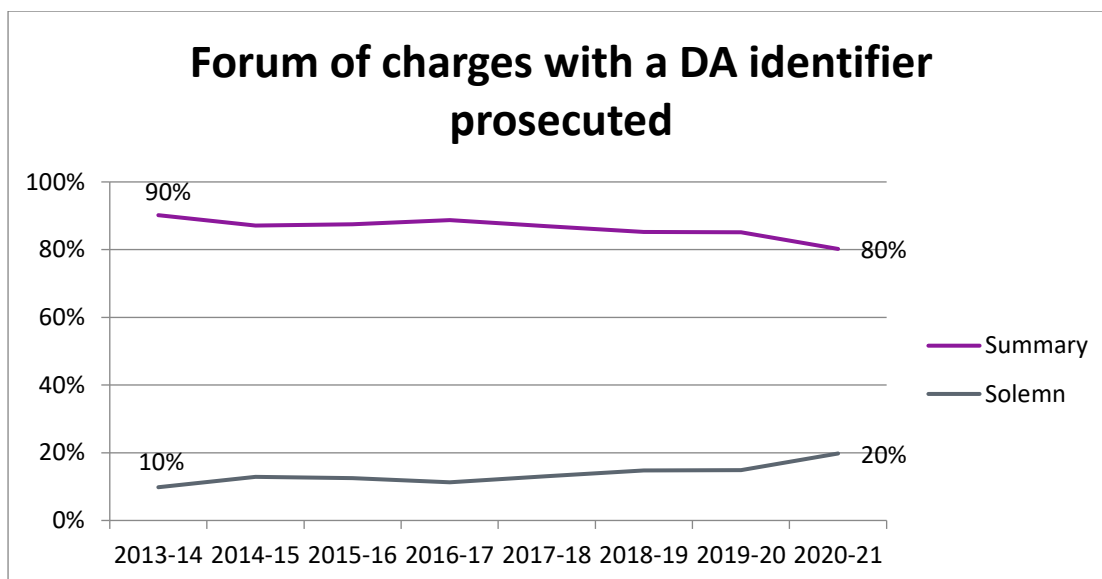
% of Charges with a DA identifier - No Action or Direct Measure



Court forum

Most charges where the decision taken is to prosecute in court are prosecuted at sheriff summary level. In 2020-21, 80% of charges prosecuted were at sheriff summary level.

However, the proportion of charges prosecuted at solemn level has increased over recent years, from 10% in 2013-14 to 15% in 2019-20 and to 20% in 2020-21.



Statutory domestic abuse aggravation

In 2020-21, 27,658 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. This is a similar proportion to 2019-20.

Table 2: Charges with a statutory aggravation

Year of report	Total number of charges	Charges with statutory aggravation	Percentage of charges with a statutory aggravation
2017-18	30,481	20,338	67%
2018-19	29,054	24,747	85%
2019-20	30,718	25,507	83%
2020-21	33,425	27,658	83%

Type of offences

The most common types of offences reported in 2020-21 with a domestic abuse identifier were breach of the peace type offences (31%, includes threatening and abusive behaviour and stalking offences), common assault (25%) and crimes against public justice (22%, includes bail offences).

Table 3: Charges reported to COPFS with a domestic abuse identifier 2020-21

Offence	Court	Direct Measure	No Action	No Decision	Reporter	Total
Homicide	2	0	0	0	0	2
Serious Assault and Attempted Murder	557	1	9	6	0	573
Robbery	81	0	1	1	0	83
Other Violence	1,619	14	31	44	3	1,711
of which are charges under S1 of the Domestic Abuse (Scotland) Act 2018	1,496	13	28	41	3	1,581
Rape & Attempted Rape	542	1	30	41	6	620
Sexual Assault	212	0	12	19	4	247
Other sexual crimes	417	15	28	30	2	492
Housebreaking	53	0	2	1	0	56
Theft by opening lockfast places	3	0	0	1	0	4
Theft of Motor Vehicle	96	2	16	1	0	115
Shoplifting	1	0	0	0	0	1
Other Theft	427	7	39	9	0	482
Fraud	85	3	12	33	0	133
Other Dishonesty	3	0	1	2	0	6
Fire-raising	28	0	0	2	0	30
Vandalism etc.	1,581	33	66	14	2	1,696
Crimes against Public Justice	6,951	29	284	163	2	7,429
Handling offensive weapons	129	1	2	1	0	133
Other	1	0	0	0	0	1
Common Assault	7,550	228	447	95	18	8,338
Breach of the Peace etc.	9,527	268	343	91	8	10,237
Drunkenness	1	0	0	0	0	1
Urinating	1	0	0	0	0	1
Other Misc. Offences	807	37	66	64	1	975
Dangerous & Careless Driving	51	1	3	2	0	57
Unlawful Use of Motor Vehicle	2	0	0	0	0	2
Total	30,727	640	1,392	620	46	33,425

Table 4: Charges reported to COPFS with a statutory domestic abuse aggravator 2020-21

Offence	Court	Direct Measure	No Action	No Decision	Reporter	Total
Homicide	2	0	0	0	0	2
Serious Assault and Attempted Murder	476	1	5	6	0	488
Robbery	69	0	0	1	0	70
Other Violence	82	1	2	1	0	86
Rape & Attempted Rape	273	1	10	17	5	306
Sexual Assault	125	0	1	9	3	138
Other sexual crimes	324	8	18	19	0	369
Housebreaking	51	0	1	1	0	53
Theft by opening lockfast places	2	0	0	1	0	3
Theft of Motor Vehicle	70	2	14	0	0	86
Shoplifting	1	0	0	0	0	1
Other Theft	387	5	31	6	0	429
Fraud	72	1	7	25	0	105
Other Dishonesty	3	0	0	1	0	4
Fire-raising	24	0	0	2	0	26
Vandalism etc.	1,396	27	40	8	2	1,473
Crimes against Public Justice	6,089	22	205	111	0	6,427
Handling offensive weapons	108	1	2	1	0	112
Other	1	0	0	0	0	1
Common Assault	6,653	195	310	55	12	7,225
Breach of the Peace etc.	8,834	239	248	60	7	9,388
Drunkenness	1	0	0	0	0	1
Other Misc. Offences	692	30	50	41	1	814
Dangerous & Careless Driving	49	1	0	1	0	51
Total	25,784	534	944	366	30	27,658

Sex of accused

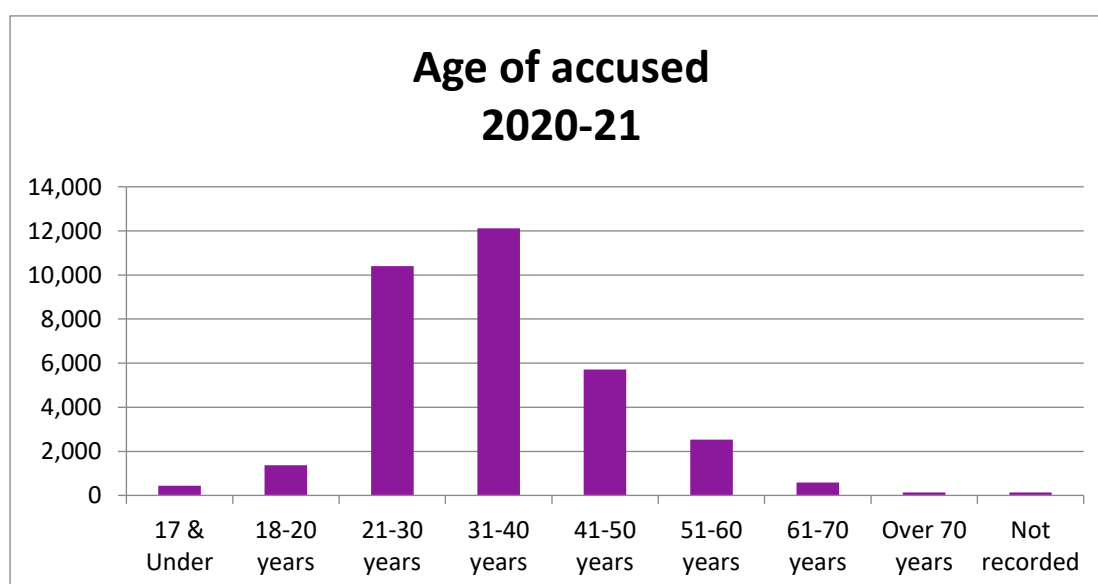
The majority of those accused of domestic abuse are male. In 2020-21, 28,975 (87%) of the charges reported with a domestic abuse identifier were in cases where the accused was male.

Age of accused

The majority of those reported with a charge with a domestic offence identifier in 2020-21 were aged 31-40 years (36%) or 21-30 years (31%).

Table 5: Age of accused

Age of accused	Number of charges	Percentage of charges
17 & Under	441	1
18-20 years	1,372	4
21-30 years	10,406	31
31-40 years	12,112	36
41-50 years	5,717	17
51-60 years	2,530	8
61-70 years	579	2
Over 70 years	138	0
Not recorded	130	0
Total Charges	33,425	100



Location of charges

Table 6a: Location of charges with a domestic abuse identifier 2020-21, Glasgow and Strathkelvin

Procurator Fiscal Office	Total charges
Glasgow	5,348

Table 6b: Location of charges with a domestic abuse identifier 2020-21, Grampian, Highland and Islands

Procurator Fiscal Office	Total charges
Aberdeen	2,069
Banff	111
Elgin	556
Fort William	72
Inverness	840
Kirkwall	72
Lerwick	94
Lochmaddy	18
Peterhead	420
Portree	30
Stornoway	38
Tain	155
Wick	109
Total	4,584

Table 6c: Location of charges with a domestic abuse identifier 2020-21, Lothian and Borders

Procurator Fiscal Office	Total charges
Edinburgh	4,096
Jedburgh	427
Livingston	1,415
Selkirk	301
Total	6,239

Table 6d: Location of charges with a domestic abuse identifier 2020-21, North Strathclyde

Procurator Fiscal Office	Total charges
Ayr	884
Campbeltown	37
Dumbarton	889
Dunoon	125
Greenock	446
Kilmarnock	1,325
Oban	93
Paisley	1,336
Rothesay	20
Total	5,155

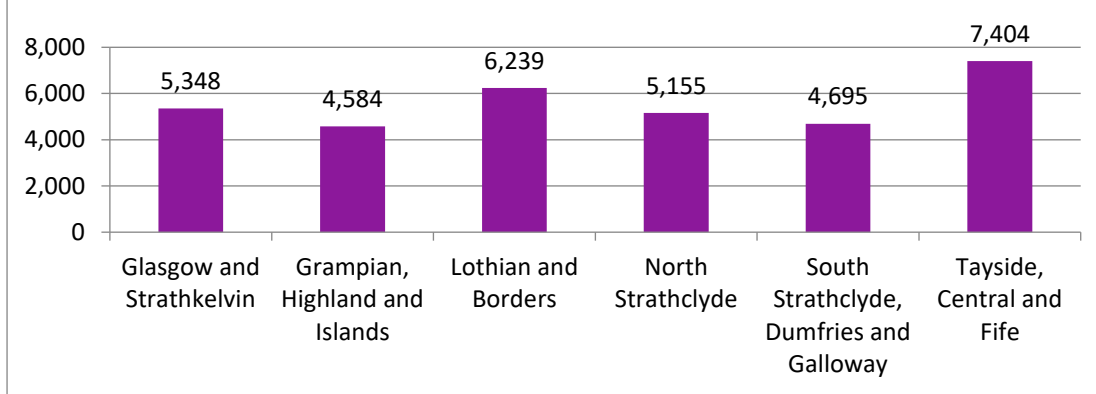
Table 6e: Location of charges with a domestic abuse identifier 2020-21, South Strathclyde, Dumfries and Galloway

Procurator Fiscal Office	Total charges
Airdrie	1,067
Dumfries	750
Hamilton	2,272
Kirkcudbright	82
Lanark	315
Stranraer	209
Total	4,695

Table 6f: Location of charges with a domestic abuse identifier 2020-21, Tayside, Central and Fife

Procurator Fiscal Office	Total charges
Alloa	477
Dundee	1,735
Dunfermline	1,099
Falkirk	997
Forfar	580
Kirkcaldy	1,490
Perth	593
Stirling	433
Total	7,404

Charges reported with DA identifier by COPFS Business Unit 2020-21



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

In 2020-21, 1,581 charges were reported under the Domestic Abuse (Scotland) Act 2018 (DASA), accounting for 4.7% of all domestic abuse charges reported. This represents an increase of 48% on the 2019-20 total of 1,065 (3.5% of all domestic abuse charges reported). This legislation came into force on 1 April 2019.

Court proceedings were commenced in 95% of the DASA charges reported.

The majority of charges prosecuted in court proceed at sheriff summary level. However, the proportion prosecuted at this level fell from 82% in 2019-20 to 69% in 2020-21. The corresponding proportion prosecuted at solemn level increased from 18% in 2019-20 to 31% in 2020-21.

A statutory child aggravation under section 5 of DASA was recorded against 346 (22%) of the DASA charges reported. Court proceedings were commenced in respect of 98% of charges with a child aggravation.

95% (1,505) 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 31-40 years (36%) or 21-30 years (32%).

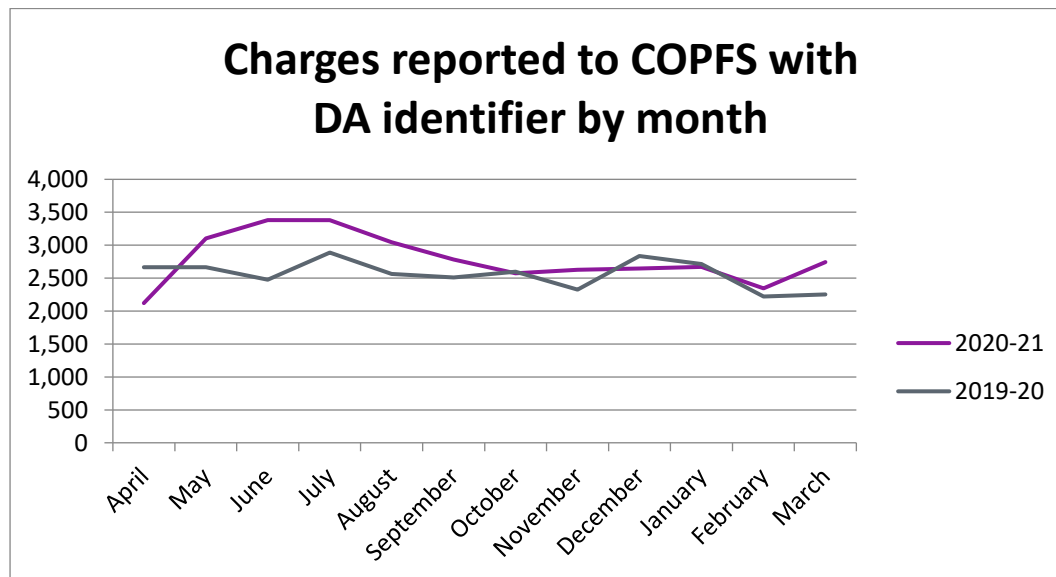
Table 7: DASA Section 1 charges, by year reported and initial decision on how charge will proceed

Year of report	Total charges reported	Court	Direct Measure	No Action	No Decision	Reporter
2019-20	1,065	1,022	6	16	18	3
2020-21	1,581	1,496	13	28	41	3

Charges reported by month

The first lockdown in Scotland following the coronavirus outbreak began on 23 March 2020. Restrictions were in place throughout much of the year, including a second lockdown at the beginning of 2021.

The following chart shows the monthly breakdown of charges reported to COPFS for the periods April 2020 to March 2021 and April 2019 to March 2020. There was a greater monthly variation in the number of charges reported in 2020-21 compared to 2019-20. Charges reported with a domestic abuse identifier were relatively low in February, March and April 2020 and in February 2021. However they were relatively high for several months following the first lockdown, peaking at over 3,300 charges in both June and July 2020.



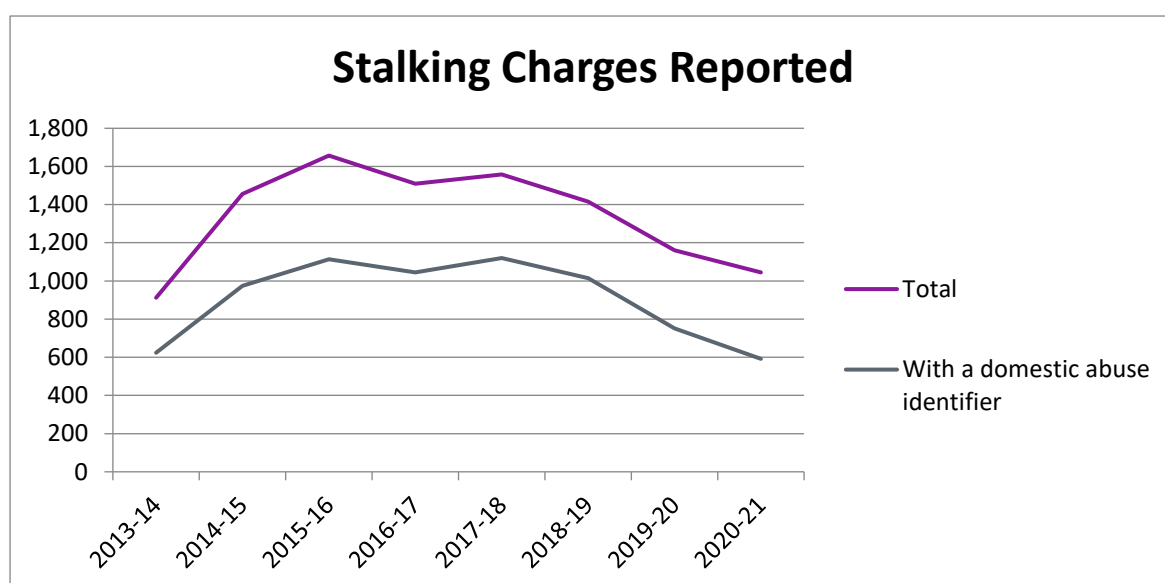
Stalking charges

In 2020-21, 1,045 stalking charges under section 39 of the Criminal Justice and Licensing (Scotland) Act 2010 were reported to COPFS. Of these, 592 (57%) contained a domestic abuse identifier. These are included under the “Breach of the Peace, etc” category in Tables 2 and 3.

From 1 April 2019, 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 and 2020-21 compared to previous years.

Table 8: Stalking charges by year reported

Year	Total charges reported	Charges with a domestic abuse identifier	Charges without a domestic abuse identifier	Percentage of charges with a domestic abuse identifier
2013-14	912	623	289	68%
2014-15	1,456	975	481	67%
2015-16	1,657	1,114	543	67%
2016-17	1,510	1,044	466	69%
2017-18	1,558	1,120	438	72%
2018-19	1,415	1,015	400	72%
2019-20	1,160	751	409	65%
2020-21	1,045	592	453	57%



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 2020-21 was extracted in June 2021 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 in the Protocol will have a domestic abuse identifier. Most of the 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 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 against the same accused 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, 2019-20](#) publication, in section D13 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 2020-21 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 2019-20 on offences convicted with a domestic abuse identifier recorded. These are available by [sex of accused](#) and by [offence type](#).

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

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