| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2843  Responded to: 30 January 2024 |
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Please, first of all, accept my sincere apologies for the delay in providing a response to your request.

Tackling domestic abuse is a priority for Police Scotland and we are committed to working with our partners to reduce the harm it causes and ultimately eradicate it.

Domestic abuse is a despicable and debilitating crime which affects all of our communities and has no respect for ability, age, ethnicity, gender, race, religion or sexual orientation.

Police Scotland will not tolerate it.

Police Scotland will proactively target perpetrators and support victims to prevent domestic abuse from damaging the lives of victims and their families.

Police Scotland defines domestic abuse as:

“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 may be committed in the home or elsewhere including online”

This definition is included in the Joint Protocol between Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS), “In partnership challenging domestic abuse” which is a public document that can be found at the Police Scotland website on [Police Scotland (scotland.police.uk)](https://www.scotland.police.uk/spa-media/ymzlwhwj/joint-protocol-between-police-scotland-and-copfs-in-partnership-challenging-domestic-abuse.pdf?view=Standard) or on the COPFS website on [Crown Office and Procurator Fiscal Service (copfs.gov.uk)](https://www.copfs.gov.uk/).

Your recent request for information is replicated below, together with our response.

## I am […] writing a dissertation based on coercive control investigations. I am focussing on the difficulties that police in England and Wales face in evidencing the behaviour and the impact that it has on the victims. During my research, I have found that Scottish law differs slightly, with the legislation focussing more on the offender behaviour and intent rather than the effect that it has on the victim.

## I am writing to request information relating to domestic abuse investigations in Scotland since the law was implemented. The information relates to s1 Domestic Abuse (Scotland) Act 2018. I would like to know how many arrests have been made since the legislation was brought into force, and of those arrests,

The Criminal Justice (Scotland) Act 2016 removed the separate concepts of arrest and detention and replaced them with a power of arrest without warrant - where there are reasonable grounds for suspecting a person has committed, or is committing, an offence.

When a person is arrested, a statement of arrest should be read over as soon as reasonably practical and details recorded in the arresting officer’s notebook.

A person is ‘Not Officially Accused’ (a suspect) when arrested *and* *not* cautioned and charged. They are ‘Officially Accused’ once arrested *and* cautioned and charged.

If conveyed to a police station, the arrested person will have their details recorded in our National Custody System.

There are situations however whereby a person must be released from police custody prior to their arrival at a police station - effectively they are ‘de-arrested’ where the reasonable grounds for suspicion no longer exist. In those circumstances, the details of an arrested person are not held electronically.

As a result, we are unfortunately unable to collate comprehensivearrest data, as case by case assessment of all officer notebooks would be required - in addition to the partialarrest data held in the National Custody System.

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request and I am therefore refusing to provide the information sought in terms of section 12(1) - Excessive Cost of Compliance.

## how many resulted in a charge.

## I will then compare this with the data I have already collected to explore whether the differences in legislation make it easier or harder to investigate and evidence coercive and controlling behaviour.

Please be advised that the Domestic Abuse (Scotland) Act 2018 came into force on 1 April 2019. Police Scotland produce data based on recorded and detected crimes, broken down by Scottish Government Justice Department (SGJD) classification and data from this date is available on our website, which includes gender of victim.

The information sought is publicly available:

[How we are performing - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/)

The information is therefore held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the section 25(1) exemption applies:

“Information which the applicant can reasonably obtain other than by requesting it […] is exempt information”.

You may also be interested in the following publication by the Crown Office and Procurator Fiscal Service :[Domestic abuse and stalking charges in Scotland | COPFS](https://www.copfs.gov.uk/publications/domestic-abuse-and-stalking-charges-in-scotland-2022-2023/html/#domestic-abuse-scotland-act-2018-section-1--)

**If at all possible, I would also like to know the main reason for any investigations being NFA’d.**

Please be advised that in Scotland, we record crimes as recorded/ detected and do not use Home Office outcome classifications such as no further action - section 17 of the Act therefore applies as the information sought is not held.

Police Scotland conduct a full and thorough investigation into all reports of domestic abuse. Over the course of these investigations all lines of enquiry are pursued, one of which would be the interview of the perpetrator. During the course of that interview a perpetrator may reply no comment to any or all of the questions. If there is sufficient evidence to charge the perpetrator then we do so regardless of a no comment interview.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.