| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 25-0618Responded to: 17 March 2025 |
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Your recent request for information is replicated below, together with our response.

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”

Please note that the definition of Domestic abuse in Scotland differs from the definition of Domestic Violence in England and Wales which includes wider familial abuse.

**1. What guidance is given to police officers who are making proactive approaches to former partners of a domestic abuse suspect to establish if they were also victims of abuse?**

The ‘proactive approach’ is a legitimate tactic employed during investigations to identify and engage potential (recent and non-recent) victims of serious crime, particularly serious physical and sexual crime. It provides victims and survivors of domestic abuse and serious crime the opportunity to engage with the criminal justice process. It also allows them to access support networks which may not have been previously known or available to them.

The [Joint Protocol Between Police Scotland and the Crown Office and Procurator Fiscal Service, In Partnership Challenging Domestic Abuse](https://spi.spnet.local/policescotland/org-support/professionalism-and-assurance/chief-data-office-information-management/Partnership%20Agreements/Joint%20protocol%20between%20%20Police%20Scotland%20and%20the%20COPFS%20-%20In%20partnership%20challenging%20domestic%20abuse%20-%20MoU%2023-054.pdf) promotes when investigating incidents of domestic abuse, the police will ensure that all possible lines of enquiry are rigorously pursued and all available evidence is secured. The approach benefits the investigation of significantly under reported crimes of domestic and serious sexual abuse and removes barriers to reporting for many victims.

Specialist officers are provided both guidance and training on proactive approaches.

**2. In this guidance, what safeguards are there against leading ex-partners or telling them that other alleged victims may have already come forward?**

Police Scotland aims to adopt a ‘trauma-informed’ approach to potential victims of such crimes, by acknowledging the impact, being victim-centred and signposting to relevant support services, whilst tackling the root cause of abuse - perpetrators.

A trauma-based approach primarily views the victim of crime as having been harmed by something or someone. Being ‘trauma-informed’ means having a good understanding of the neurological, biological, psychological and social effects of trauma and interpersonal abuse. It is an approach where services are organised around the recognition and acknowledgement of trauma and its prevalence, alongside awareness and sensitivity to its dynamics.

A ‘trauma-informed’ approach is a strength-based framework which is responsive to the impact of trauma, emphasising physical, psychological and emotional safety for both service providers and survivors, and creates opportunities for survivors to rebuild a sense of control and empowerment.

Officers are reminded that at no point in an investigation should they disclose specialist knowledge to potential complainers. However, they are required to provide an honest response and to that end, officers should endeavour to provide an explanation of police investigations and the Moorov Doctrine in simple terms. At no time should a victim be coerced into providing a statement.

**3. What case law on this is provided in training police officers and Sexual Offence Liaison Officers?**

There are many references to sexual offences and domestic abuse case law throughout a Police Officers training, Probationary Constables will be taught sexual offences legislation and some case law which is reiterated throughout the VRI SOLO course. There is a further ‘Detective Training Case Law’ document which is dedicated to case law handed out on the initial investigative interview Skills Course.

There is a “questioning styles” input on the SOLO VRI course. The guidance is that officers should avoid suggestibility and leading questions when interviewing a victim.

In terms of the case law, the following is highlighted during the training;

**Corroboration**

Howden v HMA 1994

Moorov v HMA 1930

**evidence of distress**

Moore v HMA 1990

Ferguson V HMA 2019

Lord Advocates Reference (No1 of 2023) SLT 1115

**Mens Rea**

Masqood v HMA 2019

**Evidence of Penetration**

Jamal V HMA 2019

Munro v HMA 2015

Diba v HMA 2016

Adamson v HMA 2012

**4. What is the memorandum that was circulated in Police Scotland on this issue between 2018-2023?**

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

By way of explanation, thousands of memos will have been issued during the time frame specified. To determine which one you are referring to would require a manual review of all memos issued. As such, this is an exercise which would exceed the cost limit set out in the Fees Regulations.

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 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](https://www.foi.scot/appeal), by email 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.