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# Domestic Abuse and Stalking Charges in Scotland 2021-22

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## Charges reported to COPFS with a Domestic Abuse identifier

In 2021-22, 32,776 charges were reported to COPFS with a domestic abuse identifier.

This is a decrease of 1.9% compared to the 2020-21 total of 33,425. It is the second highest number of charges reported since 2015-16, but lower than the numbers reported between 2013-14 and 2015-16.

### Decisions taken

Most of the charges reported with a domestic abuse identifier are prosecuted. The proportion resulting in court proceedings has increased over recent years and is at its highest level since 2013-14 (the period from which consistent figures are available). At the time the data was extracted, an initial decision had been made to proceed to court with 93% of charges in 2021-22 compared to 85% in 2013-14.

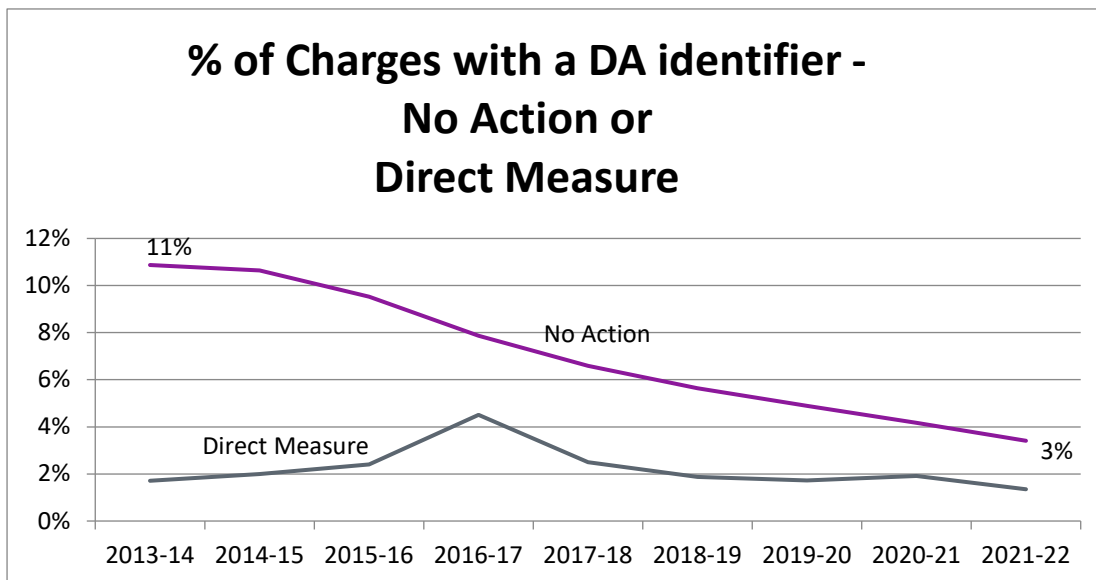
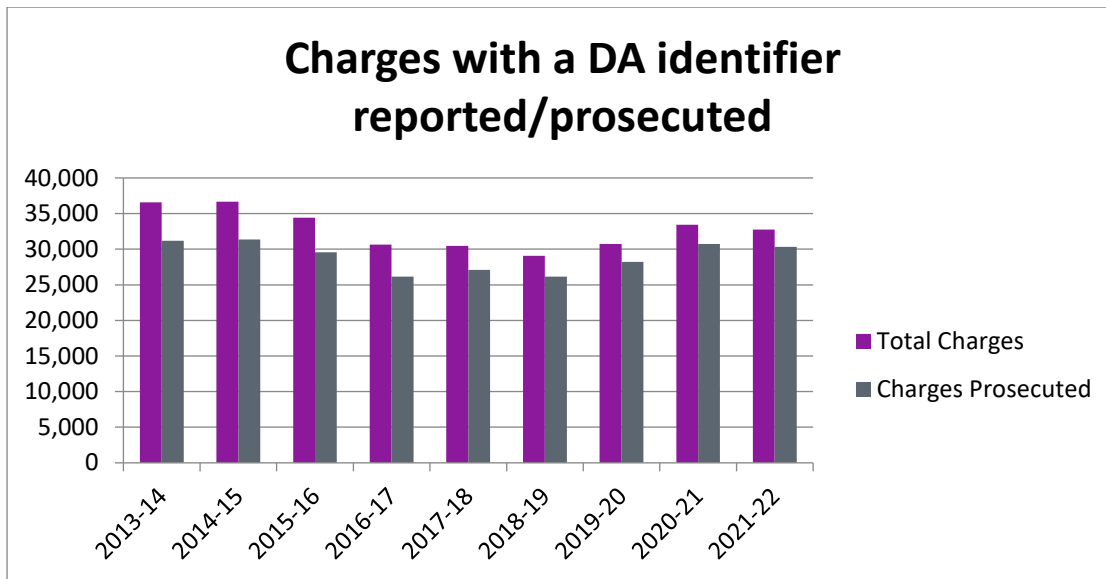
Other prosecutorial actions are available using Direct Measures, including warnings and diversion from prosecution. Direct Measures are used in fewer than 2% of overall charges reported.

The number and percentage of charges where No Action was taken have decreased over the last few years from 3,974 (11%) in 2013-14 to 1,117 (3%) in 2021-22.

Where the decision was to take No Action in 2021-22, the most common reason recorded was “Insufficient Admissible Evidence” (62%).

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

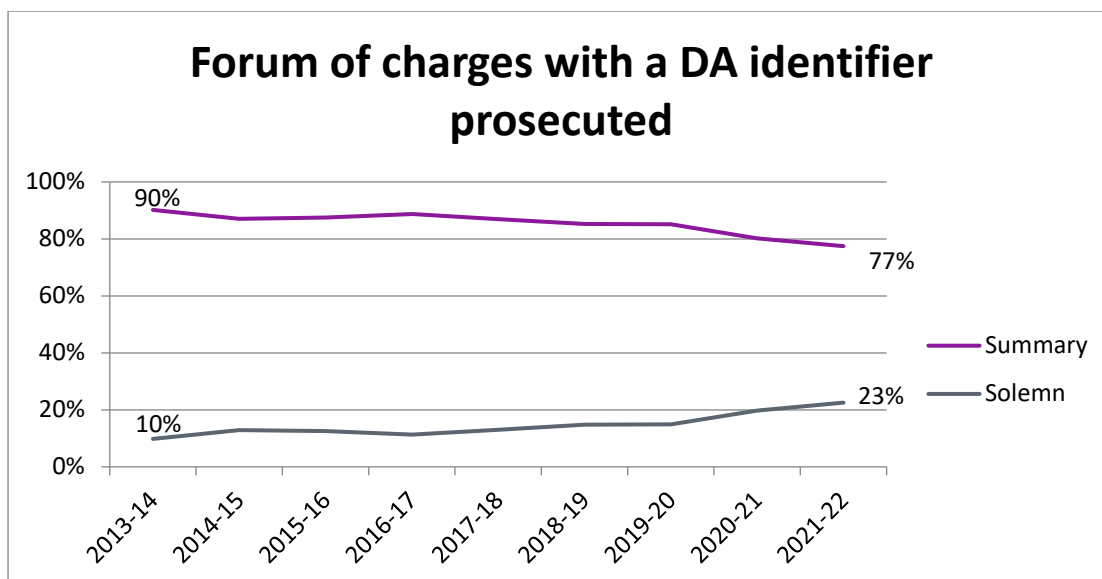
Year of report	Total charges reported	Court	Direct Measure	No Action	No Decision	Reporter
2013-14	36,552	31,179	624	3,974	749	26
2014-15	36,667	31,373	733	3,900	638	23
2015-16	34,420	29,556	825	3,280	723	36
2016-17	30,630	26,157	1,381	2,412	661	19
2017-18	30,481	27,073	763	2,007	623	15
2018-19	29,054	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
2021-22	32,776	30,333	442	1,117	807	77



## Court forum

Most of the charges that are prosecuted in court are at sheriff summary level. In 2021-22, 77% 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 23% in 2021-22.



## Statutory domestic abuse aggravation

In 2021-22, 26,248 charges were reported with a statutory aggravation under the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, accounting for 80% of all domestic abuse charges reported. This is a slight reduction in comparison with 83% in 2020-21. Since 2019-20, some charges which might previously have been reported with a statutory aggravation may instead have been reported under section 1 of the Domestic Abuse (Scotland) Act 2018.

**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%
2021-22	32,776	26,248	80%

## Type of offences

The most common types of offences reported in 2021-22 with a domestic abuse identifier were threatening and abusive behaviour offences (28%), common assault (25%) and crimes against public justice (23%, includes bail offences).

**Table 3: Charges reported to COPFS with a domestic abuse identifier 2021-22**

Offence	Court	Direct Measure	No Action	No Decision	Reporter	Total
Murder and culpable homicide	12	0	0	0	0	12
Serious assault and attempted murder	546	0	8	10	0	564
Common assault	7,354	156	338	187	15	8,050
Robbery	80	0	0	3	0	83
Domestic Abuse (Scotland) Act 2018	1,686	8	37	56	3	1,790
Other non-sexual violence	654	2	8	22	1	687
Rape & attempted rape	597	5	26	48	6	682
Sexual assault	223	10	15	19	20	287
Causing to view sexual activity or images	81	2	6	5	1	95
Communicating indecently	19	2	4	3	0	28
Threatening to or disclosing intimate images	161	3	8	13	5	190
Indecent photos of children	2	1	0	0	3	6
Other sexual crimes	147	5	6	21	3	182
Housebreaking	32	1	2	1	0	36
Theft by opening lockfast places	6	0	0	2	0	8
Theft of motor vehicle	107	0	6	4	0	117
Other theft	425	11	29	21	0	486
Fraud	57	2	16	29	0	104
Other dishonesty	2	0	0	0	0	2
Fire-raising	34	0	2	0	0	36
Vandalism	1,348	28	40	23	0	1,439
Reckless conduct	82	3	3	2	1	91
Crimes against public justice	7,098	13	253	171	2	7,537
Weapons possession (not used)	153	1	1	2	1	158

Offence	Court	Direct Measure	No Action	No Decision	Reporter	Total
Drugs - Supply	1	0	0	0	0	1
Threatening and abusive behaviour	8,546	169	268	117	11	9,111
Racially aggravated conduct	10	0	1	0	0	11
Drunkenness & other disorderly conduct	1	0	0	0	0	1
Urinating etc.	1	0	0	0	0	1
Community and public order offences	769	20	40	44	5	878
Licensing offences	1	0	0	0	0	1
Wildlife offences	31	0	0	0	0	31
Other misc. offences	5	0	0	1	0	6
Dangerous & careless driving	43	0	0	3	0	46
Driving under the influence	2	0	0	0	0	2
Unlawful use of motor vehicle	13	0	0	0	0	13
Other road traffic offences	4	0	0	0	0	4
<b>Total</b>	<b>30,333</b>	<b>442</b>	<b>1,117</b>	<b>807</b>	<b>77</b>	<b>32,776</b>

**Table 4: Charges reported to COPFS with a statutory domestic abuse aggravator 2021-22**

Offence	Court	Direct Measure	No Action	No Decision	Reporter	Total
Murder and culpable homicide	9	0	0	0	0	9
Serious assault and attempted murder	461	0	3	3	0	467
Common assault	6,465	127	230	109	13	6,944
Robbery	72	0	0	1	0	73
Other non-sexual violence	566	1	5	10	1	583
Rape & attempted rape	347	4	18	27	3	399
Sexual assault	128	6	7	11	13	165
Causing to view sexual activity or images	65	1	6	2	1	75
Communicating indecently	17	2	3	1	0	23
Threatening to or disclosing intimate images	136	3	7	7	4	157
Indecent photos of children	1	1	0	0	2	4
Other sexual crimes	93	4	3	15	2	117
Housebreaking	28	1	1	0	0	30
Theft by opening lockfast places	5	0	0	0	0	5
Theft of motor vehicle	90	0	4	1	0	95
Other theft	382	10	22	9	0	423
Fraud	50	2	10	13	0	75
Other dishonesty	1	0	0	0	0	1
Fire-raising	31	0	1	0	0	32
Vandalism	1,181	20	28	15	0	1,244
Reckless conduct	74	3	2	2	1	82
Crimes against public justice	5,574	10	179	102	2	5,867
Weapons possession (not used)	137	1	1	2	1	142

Offence	Court	Direct Measure	No Action	No Decision	Reporter	Total
Threatening and abusive behaviour	7,974	151	207	73	10	8,415
Racially aggravated conduct	4	0	1	0	0	5
Drunkenness & other disorderly conduct	1	0	0	0	0	1
Urinating etc.	1	0	0	0	0	1
Community and public order offences	655	15	28	31	5	734
Licensing offences	1	0	0	0	0	1
Wildlife offences	14	0	0	0	0	14
Other misc. offences	5	0	0	1	0	6
Dangerous & careless driving	40	0	0	3	0	43
Driving under the influence	2	0	0	0	0	2
Unlawful use of motor vehicle	11	0	0	0	0	11
Other road traffic offences	3	0	0	0	0	3
<b>Total</b>	<b>24,624</b>	<b>362</b>	<b>766</b>	<b>438</b>	<b>58</b>	<b>26,248</b>



## Sex of accused

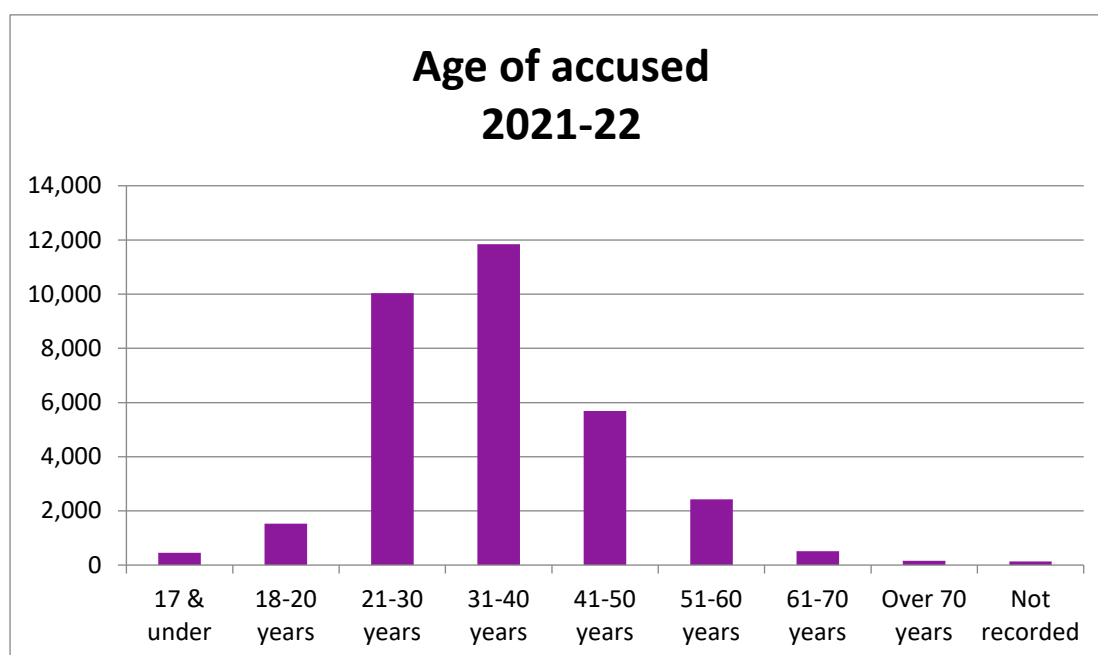
The majority of those accused of domestic abuse are male. In 2021-22, 28,591 (87%) of the charges reported with a domestic abuse identifier were in cases where the accused was male.

## Age of accused

The majority of those reported with a charge with a domestic offence identifier in 2021-22 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	449	1
18-20 years	1,526	5
21-30 years	10,038	31
31-40 years	11,841	36
41-50 years	5,691	17
51-60 years	2,429	7
61-70 years	507	2
Over 70 years	156	0
Not recorded	139	0
Total Charges	32,776	100



## Location of charges

**Table 6a: Location of charges with a domestic abuse identifier 2021-22, Glasgow and Strathkelvin**

Procurator Fiscal Office	Total charges
Glasgow	5,179

**Table 6b: Location of charges with a domestic abuse identifier 2021-22, Grampian, Highland and Islands**

Procurator Fiscal Office	Total charges
Aberdeen	1,931
Banff	111
Elgin	534
Fort William	96
Inverness	735
Kirkwall	53
Lerwick	61
Lochmaddy	6
Peterhead	427
Portree	30
Stornoway	84
Tain	164
Wick	164
Total	4,396

**Table 6c: Location of charges with a domestic abuse identifier 2021-22, Lothian and Borders**

Procurator Fiscal Office	Total charges
Edinburgh	4,091
Jedburgh	378
Livingston	1,479
Selkirk	315
Total	6,263

**Table 6d: Location of charges with a domestic abuse identifier 2021-22, North Strathclyde**

Procurator Fiscal Office	Total charges
Ayr	793
Campbeltown	51
Dumbarton	819
Dunoon	159
Greenock	507
Kilmarnock	1,311
Oban	118
Paisley	1,346
Rothesay	34
Total	5,138

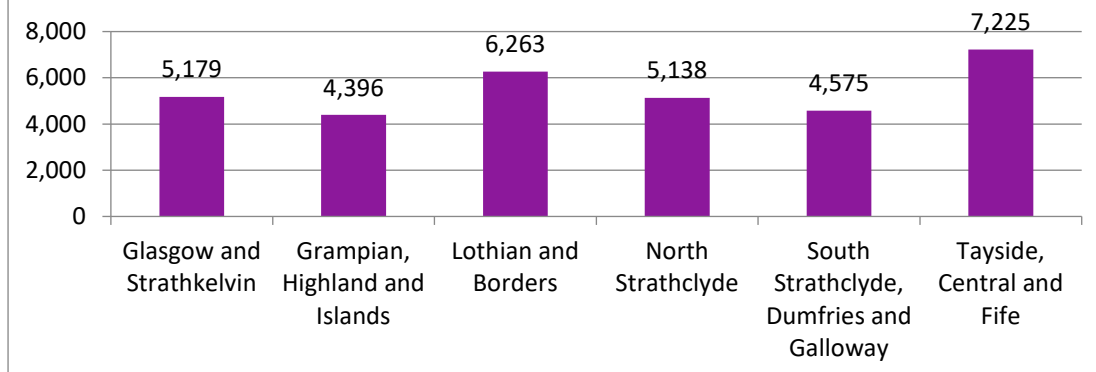
**Table 6e: Location of charges with a domestic abuse identifier 2021-22, South Strathclyde, Dumfries and Galloway**

Procurator Fiscal Office	Total charges
Airdrie	1,094
Dumfries	678
Hamilton	2,194
Kirkcudbright	86
Lanark	299
Stranraer	224
Total	4,575

**Table 6f: Location of charges with a domestic abuse identifier 2021-22, Tayside, Central and Fife**

Procurator Fiscal Office	Total charges
Alloa	382
Dundee	1,460
Dunfermline	1,030
Falkirk	1,035
Forfar	608
Kirkcaldy	1,639
Perth	605
Stirling	466
Total	7,225

## Charges reported with DA identifier by COPFS Business Unit 2021-22



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

In 2021-22, 1,790 charges were reported under the Domestic Abuse (Scotland) Act 2018 (DASA), accounting for 5.5% of all domestic abuse charges reported. This represents an increase of 13% on the 2020-21 total of 1,581 (4.7% of all domestic abuse charges reported). This legislation came into force on 1 April 2019.

Court proceedings were commenced in 94% of the DASA charges reported.

The majority of charges prosecuted in court proceed at sheriff summary level. However, the proportion prosecuted at this level has fallen from 69% in 2020-21 to 61% in 2021-22. The corresponding proportion prosecuted at solemn level increased from 31% in 2020-21 to 39% in 2021-22.

A statutory child aggravation under section 5 of DASA was recorded against 290 (16%) of the DASA charges reported (compared with 346 or 22% in 2020-21). Court proceedings were commenced in respect of almost all charges (98%) with a child aggravation.

96% (1,710) 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 (34%) or 21-30 years (33%).

**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
2021-22	1,790	1,686	8	37	56	3

## Stalking charges

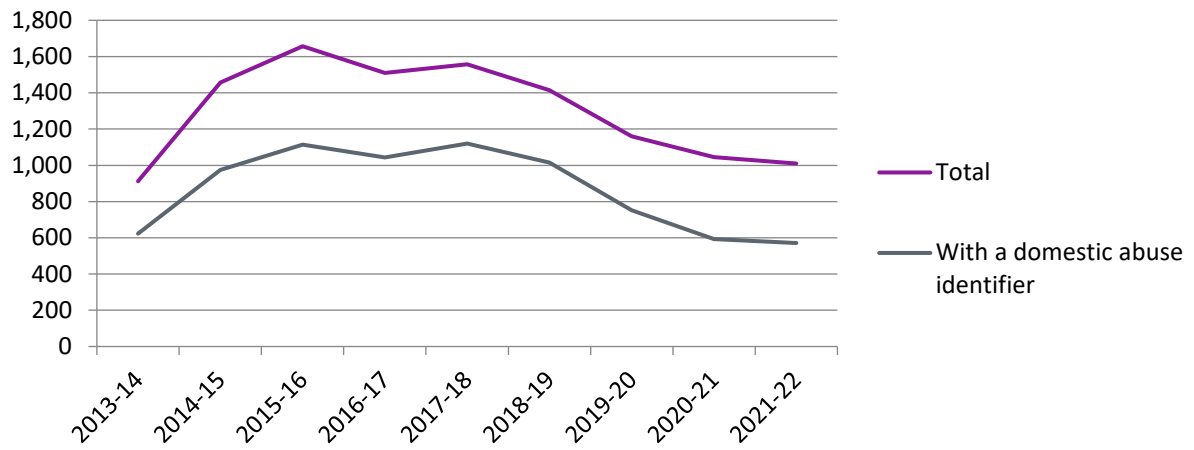
In 2021-22, 1,010 stalking charges under section 39 of the Criminal Justice and Licensing (Scotland) Act 2010 were reported to COPFS. Of these, 571 (57%) contained a domestic abuse identifier. These are included under the “Other non-sexual violence” category in Tables 3 and 4.

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 since 2019-20.

**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%
2021-22	1,010	571	439	57%

## Stalking Charges Reported



# 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 2021-22 was extracted in June 2022 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 Tables 3 and 4. 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 4. This table is therefore a subset of the information in Table 3.
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 section 1 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 as a separate category of offence in Table 3.
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 had yet been taken at the time the figures were compiled 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 earlier years were previously published on the Crown Office website. Figures for 2011-12 and 2012-13 were compiled on a slightly different basis from figures from 2013-14 onwards. Consistent information on trends and changes are therefore available from 2013-14. Tables providing figures for previous years are available in Excel format on our website: <https://www.copfs.gov.uk/about-copfs/reports-and-statistics/domestic-abuse-and-stalking-charges-in-scotland-2021-2022-data-tables/>
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 3 and 4 according to the crime classification system used by the Scottish Government. This classification was updated in June 2022. The first publication to use the new classification was the Scottish Government's Recorded Crime 2021-22 bulletin. This included a description of the new classification and the main changes from the previous classification at [Recorded Crime Annex 5](#)
23. The breakdown provided in tables 3 and 4 is therefore not the same as that provided in this publication in earlier years. Copies of these tables for all years are available in an Excel spreadsheet on our website: <https://www.copfs.gov.uk/about-copfs/reports-and-statistics/domestic-abuse-and-stalking-charges-in-scotland-2021-2022-data-tables/>

## 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 8.
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 2021-22 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 2020-21. They have also published a supporting document in Excel format which includes figures on offences convicted with a domestic abuse identifier recorded (at Tables 12 and 13) and figures on people prosecuted and convicted under the Domestic Abuse (Scotland) Act 2018 (at Tables 4a, 4b and 4c).
28. 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: [ManagementInformationUnit@copfs.gov.uk](mailto:ManagementInformationUnit@copfs.gov.uk)