| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 25-1226Responded to: 16 May 2025 |
| --- | --- |

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 e.g. from parents or children etc.

**1.  What the indicators of domestic abuse?**

Following clarification from yourself you advised about the indicators of domestic abuse on the Victim Support Scotland website.

Police Scotland and Crown Office and Procurator Fiscal Office see 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 of domestic abuse encompasses the entire spectrum of behaviour by perpetrators where this amounts to criminal conduct. This includes cases which involve isolated incidents as well as cases involving a course of conduct and includes both violent and non-violent abusive behaviour. Some cases will involve elements and tactics of coercive control, which can involve a range of behaviours designed to control and harm a victim, while others will involve isolated incidents of conflict provoked by situational factors.

The Police Scotland website contains more information about domestic abuse, including the legislation, the effects on children and what people can do if they are experiencing domestic abuse. A direct link is provided here - [Police Scotland website - domestic abuse](https://www.scotland.police.uk/advice-and-information/domestic-abuse/). Although a list of what domestic abuse can include is available here, this list is not exhaustive, and domestic abuse can manifest in a number of ways and each incident is unique.

**2. What is Police Scotland's policy and SOP on dealing with false accusations of rape and/or domestic abuse?**

It should be noted that not all rape crimes are a result of domestic abuse. We have liaised with our Rape and Sexual Crime unit, as well as our Domestic Abuse unit, to answer your questions.

Police Scotland do not have a specific policy or SOP on dealing with false accusations in relation to domestic abuse. As per the [Joint Protocol between Police Scotland and Crown Office and Procurator Fiscal Service "in partnership challenging domestic abuse"](https://www.copfs.gov.uk/media/xjtd4i4p/joint-domestic-abuse-protocol.pdf) effectively tackling domestic abuse is an organisational priority for both Police Scotland and COPFS. This Protocol outlines the procedures and practices that will be followed by Police Scotland and COPFS in the investigation, reporting and prosecution of allegations involving an element of domestic abuse. 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 circumstances of a domestic abuse report cannot be looked at in isolation and officers must have regard to the history and nature of the relationship and previous incidents. If throughout the investigation it transpires that a false report has been made, officers, taking cognisance of the particular dynamics of domestic abuse will decide how to proceed. Only where there is sufficient evidence available will a suspect be charged and the circumstances reported to COPFS.

It should also be noted that tackling sexual abuse and violence against women and girls is one of Police Scotland's highest priorities and we have a very clear strategy to ensure our officers have the best support and guidance from specialists when dealing with this type of crime.

Every report is thoroughly investigated, with sensitivity and professionalism, by specially trained officers who will support victims and signpost to appropriate support and each case will be assessed and investigated on its own merits.

When it is ascertained that the crime did not occur as first reported and the report is ascertained to be false then the SIO would discuss the circumstances with both the relevant Detective Superintendent and COPFS.

**3. When there is a sufficiency of evidence that such a false accusation has been made, who can authorise that the 'complainer' is reported to COPFS?**

The officer investigating the ‘false accusation’ would be able to report the circumstances to COPFS if a sufficiency of evidence existed, in line with current reporting guidelines. A supervisory oversight is in place to ensure all reports to COPFS meet the required evidential threshold prior to submission.

It should also be noted that with any report of rape best practice would be liaising with COPFS prior to submitting the report therefore this process is the same for someone accused of making a false accusation and liaison with COPFS would be carried out prior to the report being submitted.

**4. Under what circumstances, when the sufficiency exists per Q3, would such a report to COPFS not be made?**

In almost all instances a report would be made to COPFS. As per previous response, any domestic abuse investigation is aligned to the [Joint Protocol between Police Scotland and Crown Office and Procurator Fiscal Service "in partnership challenging domestic abuse."](https://www.copfs.gov.uk/media/xjtd4i4p/joint-domestic-abuse-protocol.pdf) If there were other exculpatory or mitigating factors that the reporting officer wished to highlight to COPFS, this would be included in the report for the attention of the relevant Procurator Fiscal.

**5. If a decision is taken not to report a false accusation to COPFS, where is this recorded?**

Any information relating to the decision not to report a false allegation would be recorded on Police systems. For example, if a Crime Report had been raised for the initial ‘false allegation’ it would be marked as ‘No Crime’ and the reasons for this would be detailed. A crime report cannot be filed without review by a supervisor to ensure justification is sound and appropriately recorded.

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.