| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-0003  Responded to: 27 February 2025 |
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Your recent request for information is replicated below, together with our response.

**1.Which laws relates to “incitement to breach bail”, particularly as it relates to domestic abuse?**

In response to this question, Section 293 Criminal Procedure (Scotland) Act 1995 makes it an offence for any person to incite another to commit an offence – the person found guilty of incitement is guilty of the offence they incited.

## 2. How many victims, who may be subject to coercive control, are arrested for the above “offence”?

This legislation should not be utilised in such cases, where the victim may – through no other option than to preserve their personal safety, and that of their children – feel obliged to allow the perpetrator to contact them or visit their home and therefore this option should be avoided in all but the most extreme circumstances.

The perpetrator is responsible for ensuring that he/she complies with any bail condition(s) imposed upon them and should take reasonable steps to ensure that they are not compromised.

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

To provide some explanation, although we could provide the number of incidences of a contravention of Section 293 Criminal Procedure (Scotland) Act 1995, it would require a manual review of all incidences and additional research of all parties involved to accurately answer this question and provide relevant caveats.

As such, this is an exercise which would exceed the cost limit set out in the Fees Regulations.

For additional information regarding the Policing response to Domestic Abuse incidents, the [Domestic Abuse Investigation Standard Operating Procedure](https://www.scotland.police.uk/spa-media/fuaflohy/domestic-abuse-investigation-sop.pdf) defines the expected policing response to, and investigation of domestic abuse. It supports Police Scotland’s [Domestic Abuse Policy](https://www.scotland.police.uk/spa-media/he5ffktq/domestic-abuse-policy.pdf?view=Standard) and the Joint Protocol between Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS), ["In Partnership Challenging Domestic Abuse"](https://www.copfs.gov.uk/media/xjtd4i4p/joint-domestic-abuse-protocol.pdf).

## 3. How many are charged?

Please see answer above.

## 4. What training officers receive on coercive control and how are they trained to think about the interaction between coercive control and this notion of “incitement to breach bail”, as well as how this notion empowers perpetrators of abuse who can use the law against their victims when they, the perpetrator, are the ones breaching conditions placed on them, for which they should be responsible.

At an operational level, Police Scotland utilises a ‘three tiered approach’ to the policing of domestic abuse: local operational policing, divisional specialist domestic abuse investigation officers and the national Domestic Abuse Task Force. This established ‘three tiered approach’ ensures domestic abuse victims across Scotland receive a police response tailored to the circumstances of their case.

• Tier 1 – Operational Policing.

This is the initial response to reports of domestic abuse and encapsulates almost every report coming into the service. The operational response in Tier 1 will likely include several policing divisions i.e. Contact, Command and Control Division, Local Policing Divisions and Criminal Justice Division.

• Tier 2 – Specialist Domestic Abuse Investigative Officers.

Each Local Policing Division must have specialist officers within the division who support the Tier 1 response. These personnel will ensure effective victim safety planning, maintain an overview of the divisional response, and undertake complex or protracted investigations. They will work cooperatively with the Tier 1 and Tier 3 response.

• Tier 3 – Domestic Abuse Task Force and Domestic Abuse Coordination Unit.

Tier 3 represents the national resource available as part of the Specialist Crime Division. The Domestic Abuse Task Forces (one based in the north, east and west) are responsible for investigations into serial perpetrators who are identified as posing the greatest threat of risk and harm. The Domestic Abuse Coordination Unit are responsible for all national policies in respect of domestic abuse. Both works cooperatively with Tier 1 and Tier 2 of the policing response.

Effective delivery of the ‘three tiered approach’ is supported by a cadre of bespoke and embedded domestic abuse training to ensure domestic abuse victims across Scotland receive a police response tailored to the particular circumstances of their case.  This includes but is not limited to Probationer Training, Operation Command Training for newly promoted sergeants and training for Specialist Domestic Abuse Investigators.

**Domestic Abuse Matters (Scotland)**

To support officers and staff in the roll out of the Domestic Abuse (Scotland) Act 2018 the ‘Domestic Abuse Matters (Scotland)’ (DAMS) training was designed and commenced prior to the Act being enacted on 1st April 2019. It provided guidance on the practical issues like evidence gathering and reporting of coercive and controlling behaviours. Specifically, it advances staff and officers’ knowledge of the dynamics of power and control in abusive relationships and tackles the myths and misconceptions which are common in our communities.

The training was delivered using the following structure:

* Pre-learning – an E-Learning package was developed and hosted on the Moodle platform which was completed by circa 18,000 officers and staff. This gave an overview of the new Act and initial training on coercive controlling behaviours.
* Face-to-Face training - this consisted of one day classroom training for circa 14,000 officers and staff. Each session was co-delivered by a Domestic Abuse Specialist and a Police Officer.
* Post course learning materials – materials and PowerPoint presentation hosted on Police Scotland intranet. Further ‘roadshows’ also held in Local Policing Division’s after the Act came into force to ensure the understanding of the local Domestic Abuse specialist officers.

The training was delivered to officers and staff up to and including the rank of Chief Inspector from:

* Local Policing Division officers.
* Local policing public counter staff.
* Contact, Command and Control Division officers and staff, up to and including the rank of Inspector / equivalent.
* Relevant Custody Division officers and staff.

The training was immersive and inputs were delivered on:

* Dynamics of Domestic Abuse / responding to Domestic Abuse.
* Gender and the stages of coercive control.
* Perpetrator tactics.
* Difficulties of leaving.
* The Domestic Abuse Act 2018 and evidence gathering.

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](https://www.foi.scot/appeal), by [email](mailto:enquiries@foi.scot) 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.