

Our Ref: IM-FOI-2021-2694
Date: 17th January 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

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 <https://www.scotland.police.uk/> or on the COPFS website on <http://www.copfs.gov.uk/>.

For ease of reference, your request is replicated below together with the response.

- What tends to be the main motive behind most domestic violence cases in the UK?

Unfortunately I am unable to answer this question as it is not a valid request in terms of Section 8 of the Freedom of Information (Scotland) Act 2002.

By way of explanation, your question is seeking an opinion which is not considered recorded information as per the Act.

- How many domestic violence cases were reported in 2019, 2020 and 2021?

Please be advised that the requested information is publicly available.

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As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”

I can confirm that the information requested is available through the Scottish Government website. I have attached a direct link to the relevant document below:

<https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2021/11/domestic-abuse-recorded-police-scotland-2020-212/documents/tables-figures/tables-figures/govscot%3Adocument/tables-figures.xlsx>

Please see table 1.

- How many of those cases were murders/suicides?

Following clarification, you confirm that this question should use the answers for “How many domestic violence cases were reported in 2019, 2020 and 2021” as the basis for the answer.

Please find the requested statistics for murders within table 1 of the attached spreadsheet for this information. I would ask you to note the caveats included below the data table and that the data is in calendar year.

In regards to suicides, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, unfortunately Police Scotland do not routinely record statistics on suicide. Whilst it is possible this information will be recorded in regards to individuals we

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have no way to automatically retrieve this information and a manual check of records would be required.

In this case 204,486 nominal records would need to be manually checked to determine if statistics could be collated and even then there would be doubt as to their accuracy. At a conservative estimate of 5 minutes per record, this equates to over 17,040 hours of work to provide the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

- How many of those cases were repeated cases?

Following clarification, you confirm that this question should use the answers for "How many domestic violence cases were reported in 2019, 2020 and 2021" as the basis for the answer.

Please see table 2 of the attached spreadsheet for this information. I would ask you to note the caveats included below each data table.

- How many of those cases were taken to court?

- What is the maximum and minimum sentencing for an abuser in the UK?

In regards to the two questions above, whether cases are taken to court as well as conviction or case disposal information is held by the Crown Office and Procurator Fiscal Service (COPFS) rather than Police Scotland. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

You may wish to make a request to COPFS directly using the following email address:
foi@copfs.gov.uk

- What are the main causes for not going to court?

I have broken your question down into two as it is open to interpretation.

In regards to the question above, the main causes a case does not go to court once reported is held by the Crown Office and Procurator Fiscal Service (COPFS) rather than Police Scotland. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

You may wish to make a request to COPFS directly using the following email address:
foi@copfs.gov.uk

In regards to the main causes why offences are not reported to COPFS and therefore do not go to court, unfortunately I am unable to answer this question as it is not a valid request in terms of Section 8 of the Freedom of Information (Scotland) Act 2002.

By way of explanation, your question is seeking an opinion which is not considered recorded information as per the Act.

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- Out of all the reported cases, how many cases of abuse are male on male, female on female, male on female and female on male?

Please be advised that the requested information is publicly available.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

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Please see table 6.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

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As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.

