

Hate Crime in Scotland 2010-11

Introduction

This publication provides details of hate crime reported to the Procurator Fiscal in Scotland in 2010-11, and earlier years.

It brings together in one publication figures previously published separately on race crime and religiously motivated crime, as well as figures on the three recently introduced categories of hate crime (disability, sexual orientation and transgender identity). The relevant legislative provisions are provided in Annex 1.

Background

The information in this publication is obtained from the Crown Office and Procurator Fiscal Service (COPFS) operational database. The database manages and processes reports submitted to Procurators Fiscal by the police and other reporting agencies throughout Scotland.

The figures quoted relate to the number of charges rather than the number of individuals charged or the number of incidents that gave rise to such charges. Where a charge has more than one hate crime aggravation, it is included in the overall figures for each type of hate crime into which it falls.

The legislation for the new categories of hate crime (disability, sexual orientation and transgender identity) came into force on 24 March 2010. Therefore the information in this publication covers 2010-11 only. For the more established categories of hate crime (racial and religious) the figures cover the five year period 2006-07 to 2010-11.

The tables provide information on the initial decision taken by Procurators Fiscal on how a charge will proceed. Further information on what is included in each decision category, including a breakdown of the reasons for taking no action, is given in Annex 1.

Main points

Race crime (Tables 1a, 1b)

In total 4,165 charges of race crime were reported in 2010-11, 3.6% fewer than in 2009-10. The number of charges reported in the earlier period from 2006-07 to 2009-10 has been consistent at around 4,350 a year.

Sixty two percent of the charges related to racially aggravated harassment and behaviour, and 38% related to another offence with a racial aggravation. This is consistent with the breakdown in previous years.

Court proceedings were commenced in 83% of charges in 2010-11, the highest proportion in the last five years. Fewer charges proceeded by means of referral to the Children's Reporter – 1% in 2010-11 compared to 3% or more in previous years.

In total, 92% of charges led to court proceedings (including those not separately prosecuted but where other charges for the same accused within the same case were), and 2% were dealt with by direct measures including referral to the Children's Reporter.

Religious crime (Tables 2a, 2b)

There were 693 charges with a religious aggravation reported in 2010-11, 9.7% more than in 2009-10. Over the last five years the number of charges has fluctuated between 600 and 700. The figure for 2010-11 is the highest since 2006-07.

In 2010-11, court proceedings were commenced in 85% of charges, compared with 87% in the previous year.

In total, 94% of charges led to court proceedings (including those not separately prosecuted), and 2% were dealt with by direct measures including referral to the Children's Reporter.

Disability/sexual orientation/transgender identity crime (Tables 3a, 3b)

In the first full year of implementation of the new legislation, 448 charges were reported with an aggravation of sexual orientation, 50 with an aggravation of disability, and 14 with an aggravation of transgender identity.

Court proceedings were commenced in all 14 transgender identity charges, in 79% of the sexual orientation charges and in 70% of the disability charges.

In total, 86% of the sexual orientation charges led to court proceedings (including those not separately prosecuted), and 4% were dealt with by direct measures including referral to the Children's Reporter.

In total, 74% of the disability charges led to court proceedings (including those not separately prosecuted), and 6% were dealt with by direct measures including referral to the Children's Reporter.

Table 1a: Race crime Charges reported, 2006-07 to 2010-11 (numbers)						
Year	06-07	07-08	08-09	09-10	10-11	
Total number of charges of race crimes	4,361	4,366	4,334	4,322	4,165	
Of which						
Charges related to racially aggravated harassment and behaviour	2,771	2,698	2,782	2,658	2,577	
Charges related to another offence with a racial aggravation	1,590	1,668	1,552	1,664	1,588	
Decision on how charge will proceed						
Court proceedings	3,457	3,512	3,447	3,516	3,452	
Not separately prosecuted	414	360	398	341	368	
Direct measures	92	74	57	69	43	
Referred to Children's Reporter	229	213	216	137	39	
No action	169	207	216	249	192	
Awaiting decision	-	-	-	10	71	

Table 1b: Race crime Charges reported, 2006-07 to 2010-11 (percentages)						
Year	06-07	07-08	08-09	09-10	10-11	
Total number of charges of race crimes	4,361	4,366	4,334	4,322	4,165	
Of which						
Charges related to racially aggravated harassment and behaviour	64%	62%	64%	61%	62%	
Charges related to another offence with a racial aggravation	36%	38%	36%	39%	38%	
Decision on how charge will proceed						
Court proceedings	79%	80%	80%	81%	83%	
Not separately prosecuted	9%	8%	9%	8%	9%	
Direct measures	2%	2%	1%	2%	1%	
Referred to Children's Reporter	5%	5%	5%	3%	1%	
No action	4%	5%	5%	6%	5%	
Awaiting decision	0%	0%	0%	0%	2%	

Table 2a: Religiously aggravated crime Charges reported, 2006-07 to 2010-11 (numbers)					
Year	06-07	07-08	08-09	09-10	10-11
Total number of charges of an offence aggravated by religious prejudice	696	609	667	632	693
Decision on how charge will proceed					
Court proceedings	600	528	578	551	587
Not separately prosecuted	63	35	45	47	63
Direct measures	11	18	17	5	13
Referred to Children's Reporter	11	14	3	11	1
No action	11	14	24	18	20
Awaiting decision	-	-	-	-	9

Table 2b: Religiously aggravated crime Charges reported, 2006-07 to 2010-11 (percentages)					
Year	06-07	07-08	08-09	09-10	10-11
Total number of charges of an offence aggravated by religious prejudice	696	609	667	632	693
Decision on how charge will proceed					
Court proceedings	86%	87%	87%	87%	85%
Not separately prosecuted	9%	6%	7%	7%	9%
Direct measures	2%	3%	3%	1%	2%
Referred to Children's Reporter	2%	2%	0%	2%	0%
No action	2%	2%	4%	3%	3%
Awaiting decision	0%	0%	0%	0%	1%

Table 3a: New hate crime categories Charges reported, 2010-11 (numbers)			
	Aggravation		
	Disability	Sexual orientation	Transgender identity
Total number of charges	50	448	14
Decision on how charge will proceed			
Court proceedings	35	352	14
Not separately prosecuted	2	34	-
Direct measures	3	11	-
Referred to Children's Reporter	-	7	-
No action	5	32	-
Awaiting decision	5	12	-

Table 3b: New hate crime categories Charges reported, 2010-11 (percentages)			
	Aggravation		
	Disability	Sexual orientation	Transgender identity
Total number of charges	50	448	14
Decision on how charge will proceed			
Court proceedings	70%	79%	100%
Not separately prosecuted	4%	8%	0%
Direct measures	6%	2%	0%
Referred to Children's Reporter	0%	2%	0%
No action	10%	7%	0%
Awaiting decision	10%	3%	0%

Annex 1

Legislation

1. Race crime is defined as any charge of racially aggravated harassment and behaviour in terms of Section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 or Section 18, 19 or 23(1)a of the Public Order Act 1980 or any racial aggravation in terms of Section 96 of the Crime and Disorder Act 1998.
2. Religiously aggravated offences are defined as charges that include an aggravation of religiously motivated behaviour in terms of Section 74 of the Criminal Justice (Scotland) Act 2003.
3. Disability aggravated offences are defined as charges that include an aggravation of prejudice relating to disability in terms of Section 1 of the Offences (Aggravated by Prejudice) (Scotland) Act 2009.
4. Sexual orientation aggravated offences are defined as charges that include an aggravation of prejudice relating to sexual orientation in terms of Section 2 of the Offences (Aggravated by Prejudice) (Scotland) Act 2009.
5. Transgender identity aggravated offences are defined as charges that include an aggravation of prejudice relating to transgender identity in terms of Section 2 of the Offences (Aggravated by Prejudice) (Scotland) Act 2009.

Definitions

6. Not separately prosecuted include charges which were not separately prosecuted, but where other charges for the accused within the same case were. In some cases the charges which were prosecuted may have included details from the charges which were not prosecuted.
7. Direct measures include Fiscal Fines, warning letters and referral to Diversion from Prosecution Schemes.
8. No action includes charges where a decision has been taken not to proceed. This will include charges where there is insufficient evidence to proceed or where further action would be disproportionate. Table 4 below gives a breakdown of the reasons for no action in 2010-11.
9. Cases awaiting decision include those where no decision has been taken yet, and also those which have been reviewed and have been marked for "further enquiries" i.e. where more information is required before a final decision can be taken on whether to proceed.

Table 4: Breakdown of reason for no action, 2010-11					
	Category				
	Racial	Religious	Disability	Sexual orientation	Transgender
Total number of charges – no action	192	20	5	32	0
Not a crime	13	7	-	5	-
Insufficient evidence	109	6	5	19	-
Further action disproportionate	13	5	-	4	-
Mitigating circumstances	7	1	-	-	-
Other	50	1	-	4	-

Data sources and data quality

10. The information in this publication is taken from the COPFS operational database used to manage the processing of reports submitted to Procurators Fiscal by the police and other reporting agencies throughout Scotland. Since this is a live database, the figures given here may not exactly match those previously published. For instance, if the Procurator Fiscal amends a charge, the database only holds details of the amended charge.

11. The legislation for disability, sexual orientation and transgender identity hate crime came into force on 24 March 2010. The figures given in this report therefore cover the first full year of implementation, when procedures and processes will still have been bedding down to some extent. Spot checks of the data revealed that in some cases the aggravations had not been recorded correctly. Errors identified have been corrected where possible, but some may still remain. The figures are therefore subject to revision as new information becomes available.

12. In addition, the total number of charges relating to the new hate crimes categories is small, particularly for transgender identity and disability aggravations. The percentages derived from these figures should therefore be treated with caution, because they are based on small numbers.

13. Percentages may not add up to 100% due to rounding.

AN OFFICIAL STATISTICS PUBLICATION FOR SCOTLAND

Official and National Statistics are produced to high professional standards set out in the Code of Practice for Official Statistics at <http://www.statisticsauthority.gov.uk/assessment/code-of-practice/code-of-practice-for-official-statistics.pdf>. Both undergo regular quality assurance reviews to ensure that they meet customer needs and are produced free from any political interference.

Further information about Official and National Statistics can be found on the UK Statistics Authority website at www.statisticsauthority.gov.uk

Enquiries

Any enquiries on this publication should be addressed to

Fiona Roberts
Management Information Unit
Crown Office and Procurator Fiscal Service
Room 1.12
25 Chambers Street
Edinburgh
EH1 1LA

Telephone: 0844 561 4866
E-mail: fiona.roberts@copfs.gsi.gov.uk