

Hate Crime in Scotland 2013-14

Introduction

This publication provides details of hate crime reported to the Procurator Fiscal in Scotland in 2013-14, and earlier years. It also provides details of charges reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. The relevant legislative provisions are provided in Annex 1.

Main points

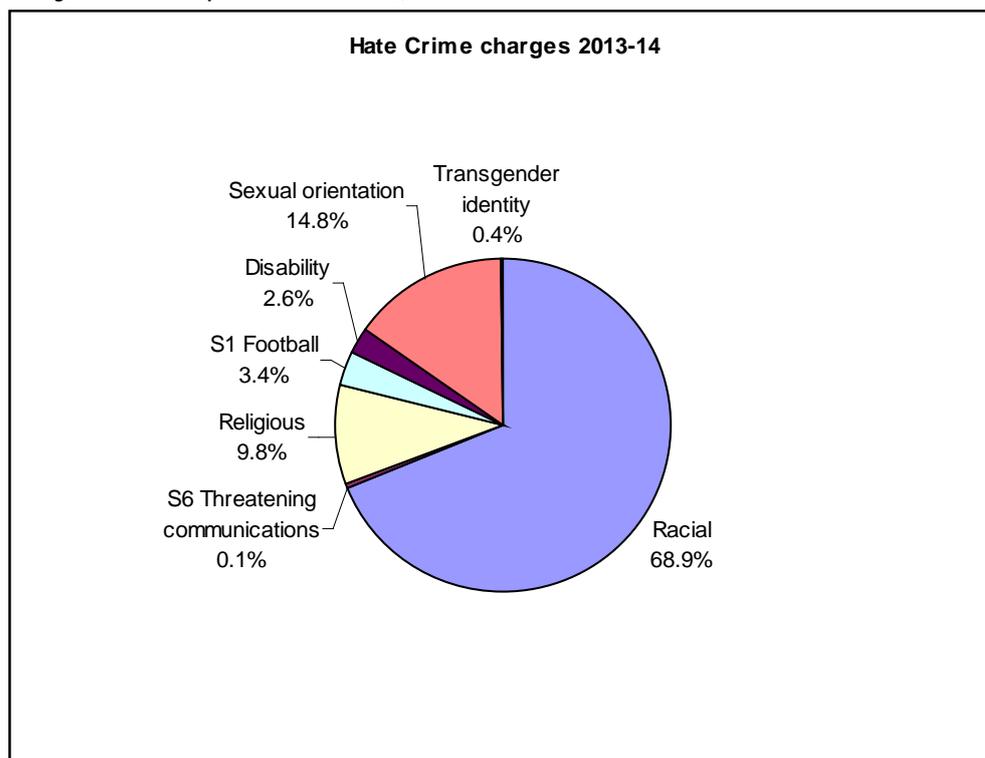
Racial crime remains the most commonly reported hate crime, with 4,148 charges in 2013-14, more than twice the number for the other four categories of hate crime combined.

Sexual orientation aggravated crime is the second most common type of hate crime. The number of charges reported has risen each year since the legislation was introduced, to stand at 890 in 2013-14.

The number of religiously aggravated charges reported, at 587, is at its lowest level since 2004-05. Including charges that are now reported under the Offensive Behaviour at football legislation, religious related charges are at their lowest level since 2009-10.

The number of charges reported with a disability or transgender identity aggravation remains low, but both have increased compared to 2012-13.

Offensive Behaviour at Football charges reported in 2013-14 (the second full year of implementation) were 24% lower than in 2012-13.



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. Since this is a live database, the figures in this publication may differ slightly from those published in earlier years due to changes made during investigation and prosecution of a case.

The legislation for the newer 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 to 2013-14 only. For the more established categories of hate crime (racial and religious) the figures cover the six year period 2008-09 to 2013-14.

The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 came into force on 1 March 2012. The information in this publication thus covers 2011-12 to 2013-14, but the 2011-12 figures only relate to the single month of March 2012.

In many cases, charges under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 do not include an aggravation, because the charge itself covers the relevant behaviour. However in certain subsections of the Act, the charge does not include the behaviour against specific individuals or groups covered by the hate crime categories and in these instances the charge may be reported with an aggravation.

The figures quoted in this publication relate to the number of charges reported 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. If a charge under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 contains a hate crime aggravation it is also included in the overall figures for each type of hate crime into which it falls.

The tables provide information on the initial decision taken by Procurators Fiscal on how a charge will proceed. This includes the decision to take court proceedings or to use alternatives to prosecution including fiscal fines and other direct measures. 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.

Race crime (Tables 1a, 1b)

In total 4,148 charges relating to race crime were reported in 2013-14. This is an increase of 3% compared to 2012-13. However this is still the second lowest annual figure in the period covered in this report (and the second lowest since 2003-04 when 3,322 charges were reported).

The proportion of charges that specifically relate to racially aggravated harassment and behaviour has fallen over recent years, from 64% in 2008-09 to 55% in 2013-14. There has been a corresponding increase in the proportion of charges relating to other offences with a racial aggravation. In order to prove a charge of racially aggravated harassment and behaviour two sources of evidence are required whereas evidence from a single source is sufficient to prove a racial aggravation which is attached to another substantive charge libelled.

Court proceedings were commenced in respect of 87% of charges in 2013-14. In total, 93% of charges reported in 2013-14 led to court proceedings (including those not separately prosecuted¹, but which may have been incorporated into other charges for the same accused).

No action was taken in respect of 3% of charges.

Religious crime (Tables 2a, 2b)

There were 587 charges with a religious aggravation reported in 2013-14, 15% fewer than in 2012-13. This is the lowest number of charges reported in the period covered by this report (and the lowest since 2004-05 shortly after the legislation introducing religious aggravations was introduced, when 479 charges were reported).

However, the figures for 2012-13 and 2013-14 cannot be directly compared with the figures for earlier years, because some charges that would previously have been reported with a religious aggravation may now be reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. Research by the Scottish Government suggests that there were 75 additional charges under this legislation in 2012-13 which related to religiously aggravated behaviour, and 48 additional charges in 2013-14. Including charges under both pieces of legislation therefore implies a total of 764 religiously aggravated charges in 2012-13, and 635 in 2013-14. The 2013-14 total is 17% lower than the 2012-13 figure, and is the lowest total since 2009-10.

In 2013-14, court proceedings were commenced in 89% of charges with a religious aggravation. In total, 95% of charges reported in 2013-14 led to court proceedings (including those not separately prosecuted, but which may have been incorporated into other charges for the same accused).

No action was taken in respect of 3% of charges.

Disability (Tables 3a, 3b)

In 2013-14, 154 charges were reported with an aggravation of prejudice relating to disability, 12% more than in 2012-13 (17 additional charges). There is a broad consensus however that this type of crime continues to be under reported compared to other forms of hate crime. Both Police

¹ See note 7 of the Annex for the definition of charges not separately prosecuted.

Scotland and COPFS are engaged in a variety of activities aimed at increasing the level of awareness, especially amongst disability communities, that hate crime is unacceptable and should not be tolerated.

Court proceedings were commenced in respect of 126 charges (82%) reported in 2013-14, a higher proportion than in previous years. In total 130 (84%) of charges led to court proceedings, including those not separately prosecuted, but which may have been incorporated into other charges for the same accused.

No action was taken in respect of 7 charges (5%) reported in 2013-14, a lower rate than in previous years. The most common reason for taking no action was the lack of sufficient admissible evidence for the substantial charge even though there was sufficient evidence for the disability aggravation associated with the charge. If there are no proceedings on the substantial charge, there can be no proceedings on an aggravation associated with the charge.

At the time this report was compiled, 13 charges (8%) were awaiting the outcome of further enquiries before a final decision on proceedings was taken.

Sexual orientation (Table 4a, 4b)

In 2013-14, 890 charges were reported with an aggravation of prejudice relating to sexual orientation, 22% more than in 2012-13. The numbers of charges reported with a sexual orientation aggravation have increased steadily year on year since the legislation introducing this aggravation came into force.

Court proceedings were commenced in 87% of charges (or 94% including those not separately prosecuted, but which may have been incorporated into other charges for the same accused). These are the highest proportions of charges taken to court since the legislation came into force.

No action was taken in respect of 2% of charges.

Transgender identity (Table 5a, 5b)

In 2013-14, 25 charges were reported with an aggravation of prejudice relating to transgender identity, the highest number since the legislation introducing this aggravation came into force.

Court proceedings were commenced in respect of 22 of the 25 charges.

Offensive Behaviour at Football – Section 1 (Table 6)

This legislation came into force on 1 March 2012. In 2012-13, the first full year of implementation, 267 charges were reported. The number of charges reported in 2013-14 fell to 203 (down 24%)

In 2013-14, court proceedings were commenced in respect of 79% of charges (down from 83% in 2012-13). In total, 81% of charges led to court proceedings (including those not separately prosecuted, but which may have been incorporated into other charges for the same accused).

No action was taken in respect of 7% of charges, similar to the figure for 2012-13.

Threatening Communications – Section 6 (Table 7)

This legislation came into force on 1 March 2012. In 2012-13, the first full year of implementation, 19 charges were reported. In 2013-14, 9 charges were reported

In 2013-14, court proceedings were commenced in respect of 4 charges (with a further 2 not separately prosecuted but which may have been incorporated into other charges for the same accused).

Table 1a: Race crime Charges reported, 2008-09 to 2013-14 (numbers)						
Year	08-09	09-10	10-11	11-12	12-13	13-14
Total number of charges of race crimes	4322	4316	4179	4548	4029	4148
Of which						
Charges related to racially aggravated harassment and behaviour	2773	2653	2574	2793	2376	2295
Charges related to another offence with a racial aggravation	1549	1663	1605	1755	1653	1853
Decision on how charge will proceed						
Court proceedings	3456	3530	3500	3722	3340	3601
Not separately prosecuted	385	337	365	359	355	262
Direct measures	56	68	45	62	45	40
Referred to Children's Reporter	212	136	48	92	76	56
No action	213	245	220	313	210	138
Awaiting decision	-	-	1	-	3	51

Table 1b: Race crime Charges reported, 2008-09 to 2013-14 (percentages)						
Year	08-09	09-10	10-11	11-12	12-13	13-14
Total number of charges of race crimes	4322	4316	4179	4548	4029	4148
Of which						
Charges related to racially aggravated harassment and behaviour	64%	61%	62%	61%	59%	55%
Charges related to another offence with a racial aggravation	36%	39%	38%	39%	41%	45%
Decision on how charge will proceed						
Court proceedings	80%	82%	84%	82%	83%	87%
Not separately prosecuted	9%	8%	9%	8%	9%	6%
Direct measures	1%	2%	1%	1%	1%	1%
Referred to Children's Reporter	5%	3%	1%	2%	2%	1%
No action	5%	6%	5%	7%	5%	3%
Awaiting decision	0%	0%	0%	0%	0%	1%

Table 2a: Religiously aggravated crime Charges reported, 2008-09 to 2013-14 (numbers)						
Year	08-09	09-10	10-11	11-12	12-13	13-14
Total number of charges of an offence aggravated by religious prejudice	668	633	694	898	689	587
Decision on how charge will proceed						
Court proceedings	578	551	594	782	564	523
Not separately prosecuted	46	47	60	66	81	36
Direct measures	17	5	14	11	7	4
Referred to Children's Reporter	3	12	3	5	13	1
No action	24	18	23	34	24	18
Awaiting decision	-	-	-	-	-	5

Table 2b: Religiously aggravated crime Charges reported, 2008-09 to 2013-14 (percentages)						
Year	08-09	09-10	10-11	11-12	12-13	13-14
Total number of charges of an offence aggravated by religious prejudice	668	633	694	898	689	587
Decision on how charge will proceed						
Court proceedings	87%	87%	86%	87%	82%	89%
Not separately prosecuted	7%	7%	9%	7%	12%	6%
Direct measures	3%	1%	2%	1%	1%	1%
Referred to Children's Reporter	0%	2%	0%	1%	2%	0%
No action	4%	3%	3%	4%	3%	3%
Awaiting decision	0%	0%	0%	0%	0%	1%

Table 3a: Disability aggravated crime Charges reported, 2010-11 to 2013-14 (numbers)				
Year	10-11	11-12	12-13	13-14
Total number of charges of an offence aggravated by prejudice related to disability	48	60	137	154
Decision on how charge will proceed				
Court proceedings	35	36	94	126
Not separately prosecuted	2	7	10	4
Direct measures	3	3	2	4
Referred to Children's Reporter	-	2	6	-
No action	8	11	25	7
Awaiting decision	-	1	-	13

Table 3b: Disability aggravated crime Charges reported, 2010-11 to 2013-14 (percentages)				
Year	10-11	11-12	12-13	13-14
Total number of charges of an offence aggravated by prejudice related to disability	48	60	137	154
Decision on how charge will proceed				
Court proceedings	73%	60%	69%	82%
Not separately prosecuted	4%	12%	7%	3%
Direct measures	6%	5%	1%	3%
Referred to Children's Reporter	0%	3%	4%	0%
No action	17%	18%	18%	5%
Awaiting decision	0%	2%	0%	8%

Table 4a: Sexual orientation aggravated crime Charges reported, 2010-11 to 2013-14 (numbers)				
Year	10-11	11-12	12-13	13-14
Total number of charges of an offence aggravated by prejudice related to sexual orientation	452	650	729	890
Decision on how charge will proceed				
Court proceedings	357	536	564	777
Not separately prosecuted	37	44	63	64
Direct measures	15	21	36	8
Referred to Children's Reporter	7	11	18	5
No action	36	38	48	21
Awaiting decision	-	-	-	15

Table 4b: Sexual orientation aggravated crime Charges reported, 2010-11 to 2013-14 (percentages)				
Year	10-11	11-12	12-13	13-14
Total number of charges of an offence aggravated by prejudice related to sexual orientation	452	650	729	890
Decision on how charge will proceed				
Court proceedings	79%	82%	77%	87%
Not separately prosecuted	8%	7%	9%	7%
Direct measures	3%	3%	5%	1%
Referred to Children's Reporter	2%	2%	2%	1%
No action	8%	6%	7%	2%
Awaiting decision	0%	0%	0%	2%

Table 5a: Transgender identity aggravated crime Charges reported, 2010-11 to 2013-14 (numbers)				
Year	10-11	11-12	12-13	13-14
Total number of charges of an offence aggravated by prejudice related to transgender identity	14	16	14	25
Decision on how charge will proceed				
Court proceedings	14	12	11	22
Not separately prosecuted		1	1	
Direct measures	-	-	-	-
Referred to Children's Reporter		2	1	1
No action		1	1	2
Awaiting decision	-	-	-	-

Table 5b: Transgender identity aggravated crime Charges reported, 2010-11 to 2013-14 (percentages)				
Year	10-11	11-12	12-13	13-14
Total number of charges of an offence aggravated by prejudice related to transgender identity	14	16	14	25
Decision on how charge will proceed				
Court proceedings	100%	75%	79%	88%
Not separately prosecuted	0%	6%	7%	0%
Direct measures	0%	0%	0%	0%
Referred to Children's Reporter	0%	13%	7%	4%
No action	0%	6%	7%	8%
Awaiting decision	0%	0%	0%	0%

Table 6: Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 Section 1 (Football)

Year	11-12	12-13	13-14		11-12	12-13	13-14
Total number of charges under Section 1 (Football)	65	267	203		65	267	203
Decision on how charge will proceed							
	Numbers				Percentages		
Court proceedings	57	221	160		88%	83%	79%
Not separately prosecuted	7	7	5		11%	3%	2%
Direct measures	1	11	7		2%	4%	3%
Referred to Children's Reporter	-	5	13		0%	2%	6%
No action	-	22	14		0%	8%	7%
Awaiting decision	-	1	4		0%	0%	2%

Table 7: Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 Section 6 (Threatening Communications)

Year	11-12	12-13	13-14		11-12	12-13	13-14
Total number of charges under Section 6 (Threatening Communications)	5	19	9		5	19	9
Decision on how charge will proceed							
	Numbers				Percentages		
Court proceedings	5	10	4		100%	53%	44%
Not separately prosecuted	-	5	2		0%	26%	22%
Direct measures	-	1	1		0%	5%	11%
Referred to Children's Reporter	-	2	-		0%	11%	0%
No action	-	1	1		0%	5%	11%
Awaiting decision	-	-	1		0%	0%	11%

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. In order to prove a charge of racially aggravated harassment and behaviour two sources of evidence are required whereas evidence from a single source is sufficient to prove a racial aggravation which is attached to another substantive charge libelled
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.
6. The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 came into force on 1 March 2012. Charges under Section 1 cover offensive behaviour at football, and those under Section 6 cover threatening communications.

Definitions

7. Not separately prosecuted include charges which were not separately prosecuted, but where other charges for the accused within the same case were prosecuted. In some cases the charges which were prosecuted may have included details from the charges which were not prosecuted.
8. Direct measures include fiscal fines, warning letters and referral to diversion from prosecution schemes.
9. 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. Tables 8 and 9 below give a breakdown of the reasons for no action in 2013-14.

10. 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 8: Breakdown of reason for no action, 2013-14					
	Category				
	Racial	Religious	Disability	Sexual orientation	Trans-gender
Total number of charges – no action	138	18	7	21	2
Not a crime	12	4	1	2	2
Insufficient admissible evidence	90	10	4	15	-
Further action disproportionate	7	2	-	1	-
Mitigating circumstances	14	0	2	1	-
Other	15	2	-	2	-

Table 9: Breakdown of reason for no action, 2013-14		
	Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012	
	Section 1 (Football)	Section 6 (Threatening communications)
Total number of charges – no action	14	1
Not a crime	2	-
Insufficient admissible evidence	11	1
Further action disproportionate	1	-
Mitigating circumstances	-	-
Other	-	-

Convictions

11. The figures in this publication relate to initial decisions taken by the Procurator Fiscal. Many of the charges reported in the most recent year, 2013-14, will not yet have reached a conclusion, so information on the final number convicted is not yet available.
12. Figures on convictions for years up to 2012-13 are published by the Scottish Government (<http://www.scotland.gov.uk/Publications/2013/11/2711/0>) Conviction information on aggravations is available based on charges convicted. The figures for race crime cover convictions with racial aggravations only and do not include racial charges. (See note 1 above for the definition of race crime). Information on convictions for 2013-14, including those under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, will be published later in 2014-15.

Related research - religious aggravations and offensive behaviour at football

13. The Scottish Government has published research which provides details of the circumstances of charges with religious aggravations reported in 2013-14. This includes information on the religion targeted, the location where the offence was committed, and the age and gender of the accused. Similar research has also been published relating to charges reported in 2010-11, 2011-12 and 2012-13.
14. The Scottish Government has also published research which provides details of the circumstances of charges under Section 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. This includes information on the location where the offence was committed including the football stadium if appropriate, the nature of the offensive behaviour, the age and gender of the accused and their team affiliation. Similar research has also been published relating to charges reported in 2012-13

Data sources and data quality

15. 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.
16. Spot checks of charges with a disability aggravation revealed that in some cases the aggravations had not been recorded correctly. Errors identified have been corrected where possible.

17. The total number of charges relating to Section 6 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, and to the hate crimes categories of transgender identity and to a lesser extent disability, is small. The percentages derived from these figures should therefore be treated with caution, because they are based on small numbers.

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

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