

Hate Crime in Scotland 2015-16

Introduction

This publication provides details of hate crime reported to the Procurator Fiscal in Scotland in 2015-16, 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.

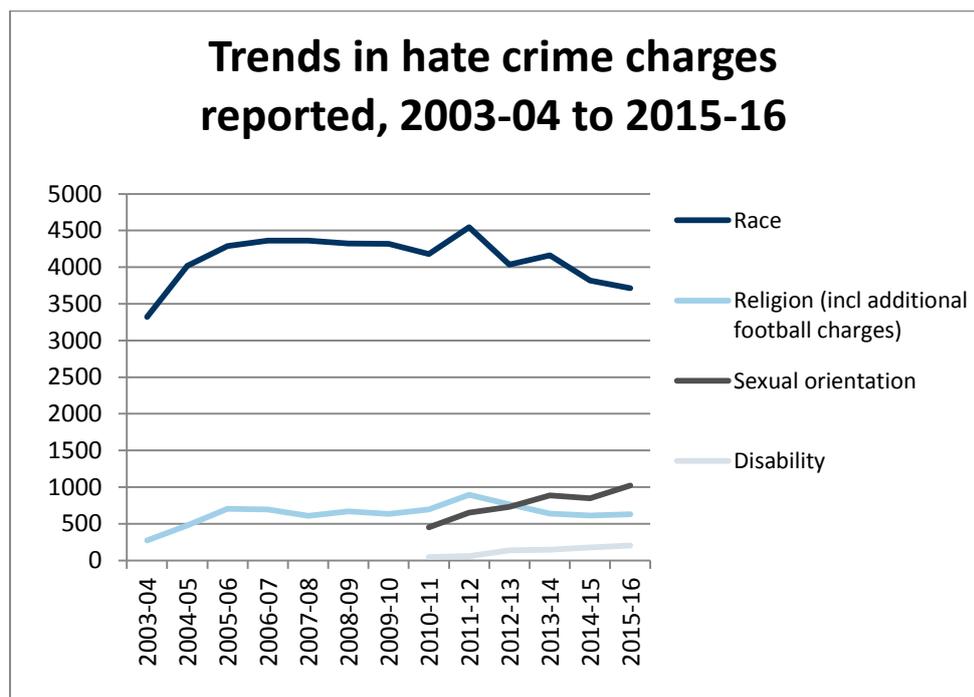
Main points

Racial crime remains the most commonly reported hate crime. There were 3,712 charges reported in 2015-16, but this is the lowest number reported since 2003-04.

Sexual orientation aggravated crime is the second most common type of hate crime. The number of charges reported increased by 20% in 2015-16 to 1,020. With the exception of 2014-15, there have been year on year increases in charges reported since the legislation introducing this aggravation came into force in 2010.

The number of religiously aggravated charges reported, at 581, is 3% higher than in 2014-15 but still at the second lowest level since 2004-05. Including charges that are now reported under the Offensive Behaviour at Football legislation, there were 631 religious related charges, also up 3% from 2014-15.

There were 287 charges reported in 2015-16 under Section 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. This is the highest number of charges reported since this legislation came into force.



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 2015-16 only. For the more established categories of hate crime (racial and religious) the publication covers the eight year period 2008-09 to 2015-16, plus some additional information on longer term trends since 2003-04.

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 2015-16, 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 3,712 charges relating to race crime were reported in 2015-16, a decrease of 3% compared to 2014-15. This is 18% lower than the peak in such charges in 2011-12, and is the lowest annual figure 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 48% in 2015-16. There has been a corresponding increase in the proportion of charges relating to other offences (for instance, threatening or abusive behaviour, or assault) 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 85% of charges in 2015-16. In total, 92% of charges reported in 2015-16 led to court proceedings (including those not separately prosecuted¹, but which may have been incorporated into other charges for the same accused which were prosecuted).

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

Religious crime (Tables 2a, 2b)

There were 581 charges with a religious aggravation reported in 2015-16, 3% more than in 2014-15.

The figures for 2012-13 onwards 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 provides an estimate of how many such additional religious charges there were in each year. For 2015-16 the estimate is 50 additional charges, so including charges under both pieces of legislation implies a total of 631 religiously aggravated charges. This is 3% more than in 2014-15, but similar to the number in 2013-14 and lower than the numbers in the three preceding years.

In 2015-16, court proceedings were commenced in respect of 90% of charges with a religious aggravation. In total, 95% of charges reported in 2015-16 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 2% of charges.

Disability (Tables 3a, 3b)

In 2015-16, 201 charges were reported with an aggravation of prejudice relating to disability, 14% more than in 2014-15. 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 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.

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

Court proceedings were commenced in respect of 83% of charges reported in 2015-16. In total 89% 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 1% of charges reported in 2015-16. This is a lower proportion than in previous years, partly due to a decrease in the number of charges reported for which there was insufficient admissible evidence to take action.

At the time this report was compiled, 15 charges (7%) were awaiting the outcome of further enquiries before a final decision on proceedings was taken.

Sexual orientation (Table 4a, 4b)

In 2015-16, 1,020 charges were reported with an aggravation of prejudice relating to sexual orientation, 20% more than in 2014-15. The 2014-15 figure was the first annual fall in charges reported since the legislation introducing this aggravation came into force in 2010. The 2015-16 figure re-establishes the previous trend of year on year increases in charges reported.

Court proceedings were commenced in respect of 86% of charges (or 91% 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.

Transgender identity (Table 5a, 5b)

In 2015-16, 30 charges were reported with an aggravation of prejudice relating to transgender identity. This is the highest number of charges reported since the legislation came into force, although the numbers remain very small.

Court proceedings were commenced in respect of 23 of the 30 charges (including three not separately prosecuted, but which may have been incorporated into other charges for the same accused).

Offensive Behaviour at Football – Section 1 (Table 6a, 6b)

In 2015-16, 287 charges were reported under Section 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. This is 49% more than reported in 2014-15, and the highest annual total since this legislation came into force. The previous highest number of charges (267) was reported in 2012-13, the first full year of implementation.

In 2015-16, court proceedings were commenced in respect of 75% of charges. In total, 87% 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 2% of charges.

At the time this report was compiled, 19 charges (7%) were awaiting the outcome of further enquiries before a final decision on proceedings was taken.

Threatening Communications – Section 6 (Table 7a, 7b)

In 2015-16, 7 charges were reported under Section 6 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. This compares with 4 charges in 2014-15, 11 charges in 2013-14 and 19 in 2012-13, the first full year of implementation.

In 2015-16, court proceedings were commenced in respect of all 7 charges (including four 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 2015-16 (numbers)								
Year	08-09	09-10	10-11	11-12	12-13	13-14	14-15	15-16
Total number of charges of race crimes	4322	4317	4178	4547	4034	4160	3817	3712
Of which								
Charges related to racially aggravated harassment and behaviour	2773	2654	2574	2792	2376	2300	1968	1765
Charges related to another offence with a racial aggravation	1549	1663	1604	1755	1658	1860	1849	1947
Decision on how charge will proceed								
Court proceedings	3456	3530	3500	3721	3345	3629	3293	3167
Not separately prosecuted	385	337	357	357	349	267	257	232
Direct measures	56	68	54	64	51	52	33	44
Referred to Children's Reporter	212	137	47	92	76	59	61	49
No action	213	245	220	313	213	153	159	122
Awaiting decision	-	-	-	-	-	-	14	98

Table 1b: Race crime Charges reported, 2008-09 to 2015-16 (percentages)								
Year	08-09	09-10	10-11	11-12	12-13	13-14	14-15	15-16
Total number of charges of race crimes	4322	4317	4178	4547	4034	4160	3817	3712
Of which								
Charges related to racially aggravated harassment and behaviour	64%	61%	62%	61%	59%	55%	52%	48%
Charges related to another offence with a racial aggravation	36%	39%	38%	39%	41%	45%	48%	52%
Decision on how charge will proceed								
Court proceedings	80%	82%	84%	82%	83%	87%	86%	85%
Not separately prosecuted	9%	8%	9%	8%	9%	6%	7%	6%
Direct measures	1%	2%	1%	1%	1%	1%	1%	1%
Referred to Children's Reporter	5%	3%	1%	2%	2%	1%	2%	1%
No action	5%	6%	5%	7%	5%	4%	4%	3%
Awaiting decision	0%	0%	0%	0%	0%	0%	0%	3%

**Table 2a: Religiously aggravated crime
Charges reported, 2008-09 to 2015-16 (numbers)**

Year	08-09	09-10	10-11	11-12	12-13	13-14	14-15	15-16
Total number of charges of an offence aggravated by religious prejudice	668	633	694	896	689	591	566	581
Additional religious charges now reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.					75	48	48	50
Estimated total religious charges	668	633	694	896	764	639	614	631
Decision on how charge will proceed								
Court proceedings	578	551	594	782	564	526	489	525
Not separately prosecuted	46	47	60	63	78	38	34	26
Direct measures	17	5	14	12	10	5	5	5
Referred to Children's Reporter	3	12	3	5	13	1	5	3
No action	24	18	23	34	24	21	33	9
Awaiting decision	-	-	-	-	-	-	-	13

**Table 2b: Religiously aggravated crime
Charges reported, 2008-09 to 2015-16 (percentages)**

Year	08-09	09-10	10-11	11-12	12-13	13-14	14-15	15-16
Total number of charges of an offence aggravated by religious prejudice	668	633	694	896	689	591	566	581
Decision on how charge will proceed								
Court proceedings	87%	87%	86%	87%	82%	89%	86%	90%
Not separately prosecuted	7%	7%	9%	7%	11%	6%	6%	4%
Direct measures	3%	1%	2%	1%	1%	1%	1%	1%
Referred to Children's Reporter	0%	2%	0%	1%	2%	0%	1%	1%
No action	4%	3%	3%	4%	3%	4%	6%	2%
Awaiting decision	0%	0%	0%	0%	0%	0%	0%	2%

**Table 3a: Disability aggravated crime
Charges reported, 2010-11 to 2015-16 (numbers)**

Year	10-11	11-12	12-13	13-14	14-15	15-16
Total number of charges of an offence aggravated by prejudice related to disability	48	60	137	147	176	201
Decision on how charge will proceed						
Court proceedings	35	36	94	127	151	167
Not separately prosecuted	2	7	7	4	5	12
Direct measures	3	3	5	3	2	4
Referred to Children's Reporter	-	2	6	-	1	1
No action	8	12	25	13	16	2
Awaiting decision	-	-	-	-	1	15

**Table 3b: Disability aggravated crime
Charges reported, 2010-11 to 2015-16 (percentages)**

Year	10-11	11-12	12-13	13-14	14-15	15-16
Total number of charges of an offence aggravated by prejudice related to disability	48	60	137	147	176	201
Decision on how charge will proceed						
Court proceedings	73%	60%	69%	86%	86%	83%
Not separately prosecuted	4%	12%	5%	3%	3%	6%
Direct measures	6%	5%	4%	2%	1%	2%
Referred to Children's Reporter	0%	3%	4%	0%	1%	0%
No action	17%	20%	18%	9%	9%	1%
Awaiting decision	0%	0%	0%	0%	1%	7%

**Table 4a: Sexual orientation aggravated crime
Charges reported, 2010-11 to 2015-16 (numbers)**

Year	10-11	11-12	12-13	13-14	14-15	15-16
Total number of charges of an offence aggravated by prejudice related to sexual orientation	452	650	729	887	848	1020
Decision on how charge will proceed						
Court proceedings	357	535	564	780	757	874
Not separately prosecuted	37	42	63	66	43	52
Direct measures	15	24	36	9	8	17
Referred to Children's Reporter	7	11	18	9	10	22
No action	36	38	48	23	30	35
Awaiting decision	-	-	-	-	-	20

**Table 4b: Sexual orientation aggravated crime
Charges reported, 2010-11 to 2015-16 (percentages)**

Year	10-11	11-12	12-13	13-14	14-15	15-16
Total number of charges of an offence aggravated by prejudice related to sexual orientation	452	650	729	887	848	1020
Decision on how charge will proceed						
Court proceedings	79%	82%	77%	88%	89%	86%
Not separately prosecuted	8%	6%	9%	7%	5%	5%
Direct measures	3%	4%	5%	1%	1%	2%
Referred to Children's Reporter	2%	2%	2%	1%	1%	2%
No action	8%	6%	7%	3%	4%	3%
Awaiting decision	0%	0%	0%	0%	0%	2%

**Table 5a: Transgender identity aggravated crime
Charges reported, 2010-11 to 2015-16 (numbers)**

Year	10-11	11-12	12-13	13-14	14-15	15-16
Total number of charges of an offence aggravated by prejudice related to transgender identity	14	16	14	25	21	30
Decision on how charge will proceed						
Court proceedings	14	12	11	22	18	20
Not separately prosecuted	-	1	1	-	1	3
Direct measures	-			-	-	4
Referred to Children's Reporter	-	2	1	1	-	-
No action	-	1	1	2	2	1
Awaiting decision	-	-	-	-	-	2

**Table 5b: Transgender identity aggravated crime
Charges reported, 2010-11 to 2015-16 (percentages)**

Year	10-11	11-12	12-13	13-14	14-15	15-16
Total number of charges of an offence aggravated by prejudice related to transgender identity	14	16	14	25	21	30
Decision on how charge will proceed						
Court proceedings	100%	75%	79%	88%	86%	67%
Not separately prosecuted	0%	6%	7%	0%	5%	10%
Direct measures	0%	0%	0%	0%	0%	13%
Referred to Children's Reporter	0%	13%	7%	4%	0%	0%
No action	0%	6%	7%	8%	10%	3%
Awaiting decision	0%	0%	0%	0%	0%	7%

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

Charges reported, 2011-12 to 2015-16 (numbers)

Year	11-12 ²	12-13	13-14	14-15	15-16
Total number of charges under Section 1 (Football)	65	267	206	193	287
Decision on how charge will proceed					
Court proceedings	57	221	165	171	214
Not separately prosecuted	7	7	5	16	37
Direct measures	1	11	7		5
Referred to Children's Reporter	-	5	13	2	7
No action	-	23	16	4	5
Awaiting decision	-	-	-	-	19

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

Charges reported, 2011-12 to 2015-16 (percentages)

Year	11-12 ²	12-13	13-14	14-15	15-16
Total number of charges under Section 1 (Football)	65	267	206	193	287
Decision on how charge will proceed					
Court proceedings	88%	83%	80%	89%	75%
Not separately prosecuted	11%	3%	2%	8%	13%
Direct measures	2%	4%	3%	0%	2%
Referred to Children's Reporter	0%	2%	6%	1%	2%
No action	0%	9%	8%	2%	2%
Awaiting decision	0%	0%	0%	0%	7%

² This legislation came into force on 1 March 2012, so 2011-12 figures relate to March 2012 only.

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

Charges reported, 2011-12 to 2015-16 (numbers)

Year	11-12 ³	12-13	13-14	14-15	15-16
Total number of charges under Section 6 (Threatening communications)	5	19	11	4	7
Decision on how charge will proceed					
Court proceedings	5	10	6	3	3
Not separately prosecuted	-	4	2	-	4
Direct measures	-	2	1	-	-
Referred to Children's Reporter	-	2	-	-	-
No action	-	1	2	1	-
Awaiting decision	-	-	-	-	-

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

Charges reported, 2011-12 to 2015-16 (percentages)

Year	11-12 ³	12-13	13-14	14-15	15-16
Total number of charges under Section 6 (Threatening communications)	5	19	11	4	7
Decision on how charge will proceed					
Court proceedings	100%	53%	55%	75%	43%
Not separately prosecuted	0%	21%	18%	0%	57%
Direct measures	0%	11%	9%	0%	0%
Referred to Children's Reporter	0%	11%	0%	0%	0%
No action	0%	5%	18%	25%	0%
Awaiting decision	0%	0%	0%	0%	0%

³ This legislation came into force on 1 March 2012, so 2011-12 figures relate to March 2012 only.

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 labelled
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 prosecuted, but where other charges for the same 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. The direct measures figures include a small number of charges which were not actioned, but where the accused was given a direct measure in respect of other charges within the same case. In some cases the charges which were given a direct measure may have included details from the charges which were not actioned.
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 2015-16.

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, 2015-16					
	Category				
	Racial	Religious	Disability	Sexual orientation	Transgender
Total number of charges – no action	122	9	2	35	1
Not a crime	8	-	-	3	1
Insufficient admissible evidence	98	6	2	23	-
Further action disproportionate	2	1	-	-	-
Mitigating circumstances	3	-	-	3	-
Other	11	2	-	6	-

Table 9: Breakdown of reason for no action, 2015-16		
	Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012	
	Section 1 (Football)	Section 6 (Threatening communications)
Total number of charges – no action	5	0
Not a crime	3	-
Insufficient admissible evidence	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,

2015-16, 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 2014-15 are published by the Scottish Government

<http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/PubCriminalProceedings>

Conviction information on the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 is available in Table A in Section 6 of the latest Criminal Proceedings publication. Conviction information on aggravations is available in Section 12 of the publication. 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). Please note that there are differences in the way the Criminal Proceedings statistics measure activity in comparison to the figures in this report. These differences are described in the sections indicated above and in Annex C of the Criminal Proceedings publication.

13. Information on convictions for 2015-16 will be published as indicated on the Forthcoming Publications page of the Scottish Government website

<http://www.gov.scot/Publications/2005/03/18798>

Related research - religious aggravations and offensive behaviour at football

14. The Scottish Government has published research which provides details of the circumstances of charges with religious aggravations reported in 2015-16. 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 each year from 2010-11 to 2014-15.

15. 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, 2013-14 and 2014-15.

16. The Scottish Government also published on 12 June 2015 the statutory evaluations of sections 1 and 6 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, which examine the implementation and impact of the legislation.

<http://www.gov.scot/Publications/2015/06/7094>

<http://www.gov.scot/Resource/0047/00479052.pdf>

Data sources and data quality

17. 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.

18. 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.
19. 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 crime category of transgender identity is small. The percentages derived from these figures should therefore be treated with caution, because they are based on small numbers.
20. 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. Both undergo regular quality assurance reviews to ensure that they meet customer needs and are produced free from any political interference.

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