



Religiously Aggravated Offending in Scotland 2011-12

RELIGIOUSLY AGGRAVATED OFFENDING IN SCOTLAND 2011-12

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EXECUTIVE SUMMARY

- There has been an increase in the number of recorded religious aggravation charges in 2011-12 compared with previous years. For this report, 876 charges with a religious aggravation reported in 2011-12 were analysed, compared with 693 charges in 2010-11. This is an increase of 26%. As COPFS have suggested¹, this increase may be partly due to increased awareness, reporting and recording of these crimes, following several incidents which received media attention during 2011-12².
- A substantial proportion (40%) of all charges were in Glasgow, 93% of the accused were male and 58% were between the ages of 16 and 30. Fifty-seven percent of all charges were reported by the police as being alcohol related. Glasgow was one of the four local authority areas where there was a reduction in the number of aggravations compared to the previous year. The data analysed in this report did not however allow for further explanations of regional differences.
- Although the number of football-related charges rose in the last year by 16% (from 231 to 267) the proportion went down from 33% to 31% of charges. The number of charges occurring in football stadiums also decreased from 90 (13%) to 67 (8%). This reduction in charges may in part be explained by the increased focus on football-policing and supporter conduct through the work of the Joint Action Group on Football, established in 2011.³
- Roman Catholicism and Protestantism were most often the religions that were the subject of abuse. The proportional spread of the religions that were targeted was similar to the previous year: 57.7% in 2010-11 and 58.1% in 2011-12 for Roman Catholicism; and 36.5% in 2010-11 and 40.3% in 2011-12 for Protestantism.
- Police officers were the most common target of religiously aggravated offending, in over half (51%) of all charges. The occasions when religious abuse targeted people within the 'general community' and not a particular individual, represented 30% of all charges, a proportional reduction since 2010-11.
- There has been a slight rise since 2010-11 in the use of custody for religiously aggravated offences. The figures show that 43% of charges resulted in fines in 11-12 (42% in 10-11), 22% community penalty in 11-12 (25% in 10-11),

¹ Note: The starting point for the analysis in this report is the 897 charges with a religious aggravation that were reported to COPFS in 2011-12. However, during the course of conducting this research some charges were identified that had been subsequently amended, or appeared to have been added erroneously. These have been omitted from the analysis. All the following analyses are therefore based on 876 charges. The COPFS report can be found at:

² <http://www.copfs.gov.uk/Publications/2012/05/Hate-Crime-Scotland-2011-12>

³ <http://www.scotland.gov.uk/News/Releases/2011/12/06141134>

20% custody in 11-12 (18% in 10-11) and 14.9% 'other' in 11-12, which is exactly the same as 10-11.

- Although this research provides insight into the nature of religious offending and will enable comparisons for analysis of trends in future years, there are, as noted in chapter 3 of this report, a number of qualifications for the understanding of this information which means that this report presents only a partial view of the nature of religiously motivated offending in Scotland. To understand changes in the number of charges with a religious aggravation, there is a need to know more about the enforcement strategies of the police.

1. INTRODUCTION

1.1 This report presents information about recorded religiously aggravated offending in Scotland in 2011-12, based on a review of police charges issued under section 74 of the Criminal Justice (Scotland) Act 2003. The Act states that an offence is aggravated by religious prejudice if:

(a) at the time of committing the offence or immediately before or after doing so, the offender evinces towards the victim (if any) of the offence malice and ill-will based on the victim's membership (or presumed membership) of a religious group, or of a social or cultural group with a perceived religious affiliation; or

(b) the offence is motivated (wholly or partly) by malice and ill-will towards members of a religious group, or of a social or cultural group with a perceived religious affiliation, based on their membership of that group.

1.2 Some information about the use of this legislation for the financial year 2011-12 was published by the Crown Office and Procurator Fiscal Service (COPFS) in May 2012⁴ in their report titled 'Hate Crime in Scotland 2011-12'.

1.3 The COPFS report showed a rise in charges aggravated by religion, racial, sexual orientation, disability and transgender prejudice and suggested these increases were likely to be partly caused by increased awareness, reporting and recording of these crimes, following several high profile hate crime incidents which received media attention in 2011-12.

Research Questions

1.4 To provide a greater insight into the nature of religious offending in Scotland this report presents a further breakdown of the charges reported to COPFS in 2011-12.

1.5 The research sought to find out the age and sex of the accused; who the offensive conduct was directed towards; where incidents took place; if they were related to alcohol, drugs, football or marches and parades; which religions were targeted, and the final court outcomes for the charges.

⁴ <http://www.copfs.gov.uk/Publications/2012/05/Hate-Crime-Scotland-2011-12>

2. METHOD

2.1 The analysis used a similar method to the previous analysis carried out by the Scottish Government and COPFS that was published in November 2011⁵. This involved a review of COPFS case files extracted from its case management database. The database contains the information about the offence which was submitted to COPFS by the police at the time of the offence. It also includes information about the progress of the charge, the decision on whether or not to proceed with the charge, and the final outcome of the case. Since this is a live database, information can be updated and changed during the life of the case. For instance if the Procurator Fiscal amends a charge, the database only holds details of the amended charge.

2.2 The analysis in this report is based on all of the religious aggravation charges that were reported to COPFS in 2011-12. There are a number of points that should be noted when reading this report.

2.3 First, this analysis provides an indication but not a comprehensive picture of the prevalence of religiously offensive conduct in Scotland. This is because not all incidents of religiously aggravated offending come to the attention of the police, or in circumstances where they are able to charge offenders with an offence. The information that is reported by the police to COPFS may also be influenced by the decisions the police have made about when and where to deploy their officers and their enforcement strategies for religiously motivated crime. The number of charges may be increased in certain circumstances, such as where extra emphasis may have been given to the detection and reporting of religiously offensive crime. These figures may also not adequately reflect the religious prejudice that police became aware of but were not able to deal with, for example on occasions where there were large groups of people singing religiously offensive songs.

2.4 Second, this analysis only provides a partial account of the nature of religiously aggravated incidents reported to COPFS. Police reports are designed to provide prosecutors with sufficient evidence to prosecute an accused person. The reports may therefore sometimes be inconclusive on the issues relevant to this research and it is possible that, for example, information about the nature of the religious offence, or links to alcohol or football may be incomplete or under-reported if the police did not need to highlight these factors to prove a charge being reported to COPFS.

2.5 Third, this study only looked at religiously aggravated offending and the religious beliefs and affiliations which were targeted. It therefore does not provide a complete account of offending aggravated by 'sectarian' prejudice. This is because many of these types of incidents may have been reported to COPFS as racial aggravations rather than religious aggravations, depending on the nature of the

⁵ <http://www.scotland.gov.uk/Publications/2011/11/17154035/0>

conduct. Information about the number of racially aggravated charges in 2011-12 was included in the COPFS report “Hate Crime in Scotland 2011-12” (Ibid).

2.6 Fourth, this report does not present any information about the religious beliefs or affiliations of the people targeted by the offensive conduct. The legislation defines a religiously aggravated offence as an incident where the offender evinces towards the victim “malice and ill-will based on the victim’s membership (or perceived membership) of a religious group or a social or cultural group with a perceived religious affiliation”, or, the offence is motivated by the same. There is no data held by police or COPFS on victims’ membership of religious or cultural groups with a perceived religious affiliation as this is not relevant to the definition of the crime in law.

2.7 Fifth, new legislation was introduced on 1 March 2012, (Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012)⁶ which criminalises behaviour which is threatening, hateful or otherwise offensive at a regulated football match including offensive singing or chanting. Religiously offensive behaviour which might before this time have been dealt with under section 74 of the Criminal Justice (Scotland) Act 2003, might from this date have been dealt with under the new legislation⁷. This may have been responsible for a reduction in the number of religious aggravation charges for the month of March 2012.

2.8 Finally, some of the charges from the 2011-12 financial year may still be underway and information about their outcomes is not therefore included.

⁶ <http://www.scotland.gov.uk/Topics/Justice/law/sectarianism-action-1/football-violence/bill>

⁷ Section 11 of the 2012 Act includes a requirement for a review, which will involve an opportunity to consider the impact of the Act on existing legislation.

3. FINDINGS

Sex/age of the accused

3.1 Of the 876⁸ charges that were analysed in this research, 93% related to male accused, and 58% of all accused were between the ages of 16 and 30. Table 1 shows the age breakdown of the accused for each of the 876 religious aggravation charges.

Table 1: Age breakdown of accused

Age group	2010-11		2011-12	
	Number of charges	%	Number of charges	%
Under 16	24	3.5	5	0.6
16-20	143	20.6	178	20.3
21-30	257	37.1	331	37.8
31-40	120	17.3	184	21.0
41-50	98	14.1	118	13.5
51-60	32	4.6	41	4.7
Over 60	17	2.5	18	2.1
Unknown	2	0.3	1	0.1
Total	693	100	876	100

Location of offences

3.2 Table 2 shows the local authority areas where charges occurred. The majority took place in the west of Scotland; 40% were in Glasgow. Outside of Glasgow, there were relatively higher numbers of charges in North Lanarkshire, South Lanarkshire, Edinburgh City and Falkirk. This higher prevalence is evident also when controlling for population density. There were reported charges in every local authority area, in contrast to 2010-11 when there were 5 areas with no charges. There are however large areas of Scotland where there are few religious aggravations charges reported and only one charge was reported in 4 local authority areas.

3.3 All local authorities have seen an increase in the rate of charges since 2010-11, apart from East Renfrewshire and Midlothian where there were the same number and Glasgow, Scottish Borders, South Ayrshire and West Lothian, where there were fewer charges.

⁸ There were 897 charges with a religious aggravation reported to COPFS in 2011-12. However during the course of conducting the research some changes were identified that had been subsequently amended, or appear to have been added erroneously. These have been omitted from the analysis. (This also explains why our report makes reference to a 26% increase in charges with a religious aggravation between 2010-11 and 2011-12, while the COPFS report makes reference to a 29% increase.) This COPFS report can be found at: <http://www.copfs.gov.uk/Publications/2012/05/Hate-Crime-Scotland-2011-12>

Table 2: Local authority area where charges occurred in 2011-12⁹

Local authority area	2010-11			2011-12		
	Number of charges	%	No of charges per 100,000 population	Number of charges	%	No of charges per 100,000 population
Aberdeen City	9	1.3	4	16	1.8	7
Aberdeenshire	0	0	0	5	0.6	2
Angus	1	0.1	1	4	0.5	4
Argyll & Bute	7	1	8	21	2.4	23
Clackmannanshire	2	0.3	4	12	1.4	24
Dumfries & Galloway	5	0.7	3	19	2.2	13
Dundee City	4	0.6	3	9	1.0	6
East Ayrshire	2	0.3	2	20	2.3	17
East Dunbartonshire	1	0.1	1	2	0.2	2
East Lothian	0	0	0	2	0.2	2
East Renfrewshire	5	0.7	6	5	0.6	6
Edinburgh City	22	3.2	5	48	5.5	10
Western Isles	0	0	0	1	0.1	4
Falkirk	30	4.3	20	41	4.7	27
Fife	9	1.3	2	18	2.1	5
Glasgow City	356	51.4	60	353	40.3	59
Highland	5	0.7	2	9	1.0	4
Inverclyde	12	1.7	15	14	1.6	18
Midlothian	2	0.3	2	2	0.2	2
Moray	1	0.1	1	4	0.5	5
North Ayrshire	16	2.3	12	23	2.6	17
North Lanarkshire	78	11.3	24	84	9.6	26
Orkney Islands	0	0	0	1	0.1	5
Perth & Kinross	3	0.4	2	9	1.0	6
Renfrewshire	16	2.3	9	33	3.8	19
Scottish Borders	7	1	6	1	0.1	1
Shetland Islands	0	0	0	1	0.1	4
South Ayrshire	10	1.4	9	8	0.9	7
South Lanarkshire	33	4.8	11	42	4.8	13
Stirling	10	1.4	11	22	2.5	24
West Dunbartonshire	12	1.7	13	27	3.1	30
West Lothian	35	5.1	20	10	1.1	6
Unknown				10	1.1	
Total	693	100	13.2	876	100	16.7

Locus of charges

3.4 Just over a fifth (23%) of all charges occurred in a police car/station and 20% took place in a 'main street'¹⁰ in a town or city centre. These are similar proportions to 2010-11.

3.5 Charges in residential areas have increased from 12% in 2010-11 to 19% in 2011-12. Football stadiums were the locus for a fewer number of charges than in

⁹ Population rate based on GROS mid-year population rates 2011. Available at: <http://www.gro-scotland.gov.uk/statistics/theme/population/estimates/mid-year/2011/tables.html>

¹⁰ 'Main street' refers to a public street in a town or city centre and is used in this report, and in the previous analysis, to distinguish between these areas and residential/suburban areas.

2010-11, in terms of numbers and also as a proportion of the charges. They were the locus for 67 charges (8%) in 2011-12 compared with 90 (13%) in 2010-11. Seven percent of charges occurred on public transport or at a public transport station compared with 13% in 2010-11.

Table 3: Locus of offences

Locus of Offence	2010-11		2011-12	
	Number of charges	%	Number of charges	%
Police Car/Station	134	19.3	199	22.7
Main Street	145	20.9	175	20.0
Residential Area	82	11.8	162	18.5
Domestic Dwelling	66	9.5	97	11.1
Football Stadium	90	12.9	67	7.6
Public Transport	91	13.1	60	6.8
Pub/Club	37	5.3	33	3.8
Hospital	12	1.7	23	2.6
Other	46	6.6	71	8.1

Note: charges do not add up to 876 because an incident may fall into more than one locus type, for example a public transport station outside a football stadium.

Football and marches/parades

3.6 The analysis included looking at the number of religious aggravation charges which were related in some way to football or marches and parades, for example if the incident took place at a football match/screening or a march or parade, or if the police noted the relevance of a football association within the description of the incident¹¹. Again, this finding is based on the information recorded in police reports and may under-report the links to football and marches/parades if the police did not note this.

3.7 Also, as noted in the introduction, new legislation was introduced on 1 March 2012, (Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012)¹² which criminalises offensive behaviour at or around football matches including offensive singing or chanting. Offences which might before this time have been dealt with under section 74 of the Criminal Justice (Scotland) Act 2003, might from this date have been dealt with under the new legislation. This may have been responsible for a reduction in the number of football-related religious aggravations in March 2012.

3.8 According to the police reports 31%¹³ of the incidents were directly linked to football and just 2% were related to marches or parades.

¹¹ The 'association with football' also took into consideration language that referred to a particular football team or reference to football songs or regalia/symbols

¹² <http://www.scotland.gov.uk/Topics/Justice/law/sectarianism-action-1/football-violence/bill>

¹³ The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 came into force on 1 March 2012. After March 2012, the final calendar month included in this analysis, this new legislation may have been used instead of Section 74 of the Criminal Justice (Scotland) Act

Table 4: Charges linked to football and marches/parades

	2010-11		2011-12	
	Number of charges	%	Number of charges	%
Football	231	33.3	267	30.5
Marches/Parades	32	4.6	18	2.1

Note: the rows show the charges linked to football and marches/parades as a proportion of all charges.

3.9 Within the 267 football-related charges, 67 occurred at a football stadium, or a public transport station at a football stadium. The other football-related charges took place in settings such as public transport, main streets in town and city centres and residential areas. The number of football-related charges has increased from 231 in 2010-11 to 267 in 2011-12 but the proportion of all charges has decreased from 33% to 31%.

3.10 The number of incidents that took place at Celtic Park and Ibrox have reduced in the last 12 months. Of the 67 charges which happened at football stadiums, 15 (22%) related to incidents which occurred at Celtic Park and 15 occurred at Ibrox. Data from 2010-11 showed that 47 charges (52%) took place at Celtic Park and 24 charges (27%) at Ibrox.

3.11 This information relates only to the stadium where the incident took place and makes no inference to the club affiliations of the victims or the accused, or whether these were 'home' or 'away' supporters.

Table 5: Charges at football stadiums

Football Stadium	Number of Charges	%
Celtic Park	15	22.4
Ibrox Stadium	15	22.4
Tynecastle Stadium	9	13.4
Hampden Park	4	6.0
East End Park	4	6.0
Other	20	29.9
Total	67	100.0

2003, and some of the football related statistics may be smaller than they might otherwise have been for this month.

Religious beliefs/affiliations that were targeted

3.12 Information about the nature of the religiously offensive conduct which related to the aggravation was taken from the police report of the incident. There is no separate section within police reports for the police to state which religious belief in their view was targeted. Therefore an assessment was made by the researchers involved in this work on the religion which appeared to be targeted based on a description of the incident and the details about what was said or done by the accused. The religious beliefs or affiliations of the accused or the victims of the offence are not formally recorded anywhere in the report as they are not relevant to the definition of the crime in the law. This report does not therefore present information about the religious beliefs or affiliations of the people targeted by the offensive conduct.

3.13 Charges referred to conduct which was derogatory towards Roman Catholicism in 509 charges (58% of the total) and derogatory towards Protestantism in 353 charges (40% of the total charges). Islam was the other religion which saw an increase from 15 to 19 charges. The number of charges derogatory towards Judaism reduced slightly from 16 to 14.

3.14 The proportions of charges derogatory towards religious beliefs/affiliations within the total number of charges are generally similar to 2010-11, the main difference was a slight rise in the proportion of anti-Protestantism charges from 37% to 40%.

Table 6: Religious group targeted in 2011-12.

Religion Targeted	2010-11		2011-12	
	Number of charges	%	Number of charges	%
Roman Catholicism	400	57.7	509	58.1
Protestantism	253	36.5	353	40.3
Islam	15	2.1	19	2.2
Judaism	16	2.3	14	1.6
Christianity (General)	4	0.6	3	0.3
Unknown	8	1.2	2	0.2

Note: charges do not add up to 876 as some charges related to conduct which targeted more than one religious group.

Victims

3.15 Information about the people targeted by the religious aggravation is not separately recorded in the police report and for the purpose of this analysis the researchers made an assessment of the victims, based on the police description of the incident. The victim was defined as the main target for the religiously offensive part of the offence. This may have been a specific individual, a member of the public, police officer or worker or it may have been the general community, for example if someone was singing a religiously offensive song that was not directed at anyone in particular. Each charge may have included multiple victim 'types'.

3.16 The police were victims of religious abuse in just over half (51%) of the charges and were the most common target. Police officers were also the most

common target last year. These charges often related to incidents where the police had arrested the accused for another offence and were then abused in religiously offensive terms afterwards. The general community were targeted in 30% of the charges and members of the public in 31% of the charges. Workers, such as hospital staff, security staff and taxi drivers, were targeted in 13% of charges. The majority of the victims were police officers and workers. This suggests that for the majority of charges it is unlikely the accused knew the religious affiliation/belief of the victim at the time of incident and that the religious abuse was more arbitrary in nature.

Table 7: Victims of religious aggravation.

Victim	2010-11		2011-12	
	Number of charges	%	Number of charges	%
Police officer/s	288	41.5	449	51.3
Community	229	33.0	259	29.6
Member of the public	157	22.6	271	30.9
Worker/s	73	10.5	117	13.4

Note: charges do not add up to 876 because some charges related to behaviour which targeted more than one victim or victim type.

Alcohol and drug related charges

3.17 The accused was described by the police as being under the influence of alcohol in 57% of the charges. This finding is based on the information recorded in police reports and may under-report the alcohol links to the offending if there were charges where the police did not note that the accused had been drinking. It was also not possible to quantify the amount of alcohol consumed in any given case. For drugs related charges, 9% of the charges referred to incidents where the police reported the accused as possessing drugs or suspected they had taken drugs before the offence.

Table 8: Alcohol and drugs related charges

	2010-11		2011-12	
	Number of charges	%	Number of charges	%
Drink	424	61.1	498	56.8
Drugs	41	5.9	75	8.6

Note: the rows show the charges linked to alcohol and drugs as a proportion of all charges. Some may have included both drink and drugs.

Main charges

3.18 Table 9 shows that aggravations are now most commonly added to 'threatening and abusive behaviour' charges from section 38 of the 'Criminal Justice and Licensing (Scotland) Act 2010'. This was the main charge for 47% of aggravations and breach of the peace was the main charge for 42% of aggravations. This is a change since 2010-11 when breach of the peace was the main charge, for

73% of aggravations. The ‘threatening and abusive behaviour charge’ was however only available for part of the 2010-11 year, it came into force on 6 October 2010.

Table 9: Main charges that aggravations were added to

Main Charge	2010-11		2011-12	
	Number of charges	%	Number of charges	%
Breach of the Peace	503	72.5	365	41.7
Threatening or Abusive Behaviour	99	14.2	414	47.3
Assault	39	5.6	35	4.0
Other	52	7.5	62	7.1
Total	693	100	876	100

3.19 Table 10 shows a breakdown of the main charges by religion. There is a similar proportional spread in the charges for breach of the peace and threatening or abusive behaviour given for offences against Roman Catholicism and Protestantism. Over a quarter (26%) of charges for behaviour derogatory towards Islam were for assault, compared with 3% for Roman Catholicism and 5% for Protestantism.

Table 10: A breakdown of main charges by religion

Main Charge	Roman Catholicism		Protestantism		Islam		Judaism		Christianity (General)	
	Charges	%	Charges	%	Charges	%	Charges	%	Charges	%
Assault	14	2.8	16	4.5	5	26.3	0	0.0	0	0.0
Breach of the Peace	215	42.2	147	41.6	5	26.3	6	42.9	1	33.3
Communications Act	7	1.4	3	0.8	0	0.0	2	14.3	0	0.0
Threatening or Abusive Behaviour	249	48.9	165	46.7	6	31.6	5	35.7	1	33.3
Other	24	4.7	22	6.2	3	15.8	1	7.1	1	33.3
Total	509	100.0	353	100.0	19	100.0	14	100.0	3	100.0

Court proceedings

3.20 Of the 876 charges that were analysed in this research, court proceedings were initiated for 771 (88%) of the charges.

3.21 Some court cases may be ongoing but information from the COPFS case management database shows that court proceedings had been concluded for 633 of these charges. Of this number 505 charges resulted in convictions. As shown in table 11 the most common disposal recorded was a monetary penalty (43%), a community penalty¹⁴ was given for 110 charges (22%) and custody for 103 charges (20%). Other¹⁵ disposals were recorded for the remaining 75 charges (15%).

¹⁴ ‘Community penalty’ includes a community service order and a community payback order

¹⁵ ‘Other’ disposals include warnings, drug treatment orders and football banning orders

Table 11: Recorded disposals

Disposal	2010-11		2011-12	
	Number of charges	%	Number of charges	%
Monetary Penalty	163	41.8	217	43.0
Community Penalty	99	25.4	110	21.8
Custody	70	17.9	103	20.4
Other	58	14.9	75	14.9
Total	390	100.0	505	100.0

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