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Riaghaltas na h-Alba

# Religiously Aggravated Offending in Scotland 2013-14

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# **Religiously Aggravated Offending in Scotland 2013-14**

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## EXECUTIVE SUMMARY

- In 2013-14, 587 charges were reported with a religious aggravation under section 74 of the Criminal Justice (Scotland) Act 2003. This is a 15% decrease compared to 2012-13 and a 35% decrease since 2011-12. There were 689<sup>1</sup> charges reported in 2012-13 and 898 charges reported in 2011-12. The figures for the preceding five years were relatively stable, with between 600 and 700 charges reported each year.
- These trends may have been influenced in the last two years by the separate use of charges under section 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. This legislation came into force on 1 March 2012, and criminalises religious hatred that is connected to football. It may be used instead of section 74 in certain circumstances. There were 48 additional 'religious' charges<sup>2</sup> under this legislation during 2013-14. When all legislation is considered (i.e. when section 74 charges are added to the sections 1 and 6 (offensive behaviour at football and threatening communications legislation) charges) there are a total of 635 charges relating to religious prejudice in Scotland in 2013-14 (a 17% decrease on the corresponding figure in 2012-13 (762 charges) and a 29% decrease since 2011-12 when there were 898 religious charges reported under section 74).
- Similar to previous years, a substantial proportion (35%) of all charges were in Glasgow (41% in 2012-13), 90% were male (91% in 2012-13) and 47% of all accused were between the ages of 16 and 30 (49% in 2012-13). The accused was described by the police as being under the influence of alcohol in 59% of charges. This is an increase since 2012-13 where 49% of the accused were under the influence of alcohol.
- The number of football-related section 74 charges (e.g. if the police noted the relevance of a football association within the description of the charge) has decreased since last year, from 109 (16% of the total) in 2012-13, to 96 (16%) in 2013-14. The number of charges occurring in football stadiums has also decreased from 27 in 2012-13 (4%), to 16 in 2013-14 (3%).
- This reduction may also have been due to the use of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, which accounted for an extra 48 religious charges related to football in 2013-14. In total, there were 144 football-related charges that contained religious prejudice, when both section 74 (religious aggravation charges) and the

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<sup>1</sup> The total number of charges is taken from the most up-to date information recorded on the COPFS case management system. This is a live system and the numbers may vary from those previously published due to changes made during the course of investigation and prosecution of a case. The research conducted last year was based on the latest information available at the time, and reported 687 charges in 2012-13 and 901 charges in 2011-12.

<sup>2</sup> There were 61 'religious' charges under Offensive Behaviour legislation (60 under section 1 of this Act and one under section 6). The religious element in 13 of these charges was included as a section 74 religious aggravation. The other 48 charges involved the religious element within the main charge, so these represent 'extra' charges.

relevant parts of the offensive behaviour at football legislation are considered (which still represents a 22% decrease from the 184 charges reported in 2012-13).

- As with 2011-12 and 2012-13, Roman Catholicism and Protestantism were most often the religions that were the subject of abuse. There was a decrease in the number of charges (although an increased proportion) that referred to Roman Catholicism, from 388 charges (57% of the total) in 2012-13 to 367 charges (63%) in 2013-14. There was also a decrease in the charges that referred to Protestantism from 199 (29%) in 2012-13 to 169 (29%) in 2013-14.
- There has been a decrease in charges where conduct was derogatory towards Islam, from 80 charges (12% of the total) in 2012-13 to 48 charges (8% of the total) in 2013-14. There was also a decrease in the charges that referred to Judaism from 27 (4%) in 2012-13 to 9 (2%) in 2013-14.
- Police officers were the most common target of religiously aggravated abuse in 282 charges (48%), an increase from 273 (40%) in 2012-13. The occasions when religious abuse targeted people within the 'general community'<sup>3</sup>, and not a particular individual, represented just over a quarter (26%) of all charges. This is a decrease from 2012-13 where 34% of abuse targeted the general community.
- Many cases are on-going and information about final convictions will be presented in Scottish Government 'criminal proceedings' publications<sup>4</sup>. Provisional data shows that there were 238 convictions from 280 concluded main charges (85%)<sup>5</sup>. The most common disposal recorded was a monetary penalty (39%); similar to 2012-13 (40%). The figures show an increase in the proportion of charges which resulted in a community penalty (30%, compared to 23% in 2012-13).

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<sup>3</sup> 'General community' refers to people who happened to be in the vicinity of the charge taking place and may have been affected as a result, but who were not directly targeted by the accused.

<sup>4</sup> See: <http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/PubCriminalProceedings>

<sup>5</sup> 'Concluded main charges' consists of all convictions (238 charges), those given no conviction (29 charges) and those where no further action was ruled (13 charges).

## 1. INTRODUCTION

1.1 This report presents information about religiously-aggravated offending in Scotland in 2013-14 based on a review of police charges issued under section 74 of the Criminal Justice (Scotland) Act 2003. The Act<sup>6</sup> 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’.

### ***Research Aims***

1.2 This report presents a further breakdown of the charges reported to the Crown Office and Procurator Fiscal Services (COPFS) in 2013-14 to provide a greater insight into the nature of religious offending in Scotland.

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

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<sup>6</sup> See: <http://www.legislation.gov.uk/asp/2003/7/section/74>

## 2. METHODS

- 2.1 The analysis used a similar method to the previous analyses of religiously aggravated offending, carried out by the Scottish Government in 2010-11<sup>7</sup>, 2011-12<sup>8</sup>, and 2012-13<sup>9</sup>. It involved a review of COPFS case-files extracted from their case management database. The COPFS database contains information about the charges submitted to COPFS by the police. It also includes information about the decision on whether or not to proceed with the charge, and the final outcome of the charge. This report compares charge information with corresponding information from the previous two years.
- 2.2 The COPFS case-management database is not designed for routine analysis but extracted data-sets have been used as the source for this research project since 2011.
- 2.3 The analysis in this report is based on the religious aggravation charges that were reported to COPFS in 2013-14. There are a number of points that should be noted when reading this report.
- 2.4 First, this analysis does not provide 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 because there are circumstances where the police are not practically 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.
- 2.5 Other data, however, presents different estimates of prevalence for this type of offending. Researchers for the Scottish Crime and Justice Survey (SCJS) interview a randomly selected sample of adults in 13,000 households across Scotland. This survey is carried out every two years, and asks respondents about crimes that they may have experienced in the past year. Those who are the victims of crime are asked whether they thought the incident may have been religiously motivated, or related to sectarianism. "The proportion of crimes thought to be motivated by any of these reasons is very low and consistent over time. In 2008/09, 1% of crimes were thought by respondents to be motivated by sectarianism. In 2009/10 this dropped to less than 0.5% and then returned to 1% in 2010/11."<sup>10</sup> In 2012/13 this proportion remained at just below 1%.<sup>11</sup>

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<sup>7</sup> See: <http://www.scotland.gov.uk/Resource/Doc/362943/0122956.pdf>

<sup>8</sup> See: <http://www.scotland.gov.uk/Resource/0040/00408745.pdf>

<sup>9</sup> See: <http://www.scotland.gov.uk/Resource/0042/00424865.pdf>

<sup>10</sup> See: <http://www.scotland.gov.uk/Publications/2013/06/8109/5>

<sup>11</sup> See: <http://www.scotland.gov.uk/Publications/2014/03/9823>



- 2.6 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. Therefore, some reports may be inconclusive on the issues relevant to this research. 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.
- 2.7 Third, this study only looked at religiously-aggravated offending and the religious beliefs and affiliations that were targeted. It therefore does not provide a complete account of offending aggravated by 'sectarian' prejudice. For example, 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 conduct.
- 2.8 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 groups or of cultural groups with a perceived religious affiliation as this is not relevant to the definition of the crime in law.
- 2.9 Fifth, new legislation was introduced on 1 March 2012; the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012<sup>12</sup> that criminalises behaviour which is threatening, hateful, or otherwise offensive at a regulated football match, including offensive singing or chanting, where it is likely to incite public disorder. Religious hatred connected to football, which pre-2012 may have been charged 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 aggravation charges that were dealt with through section 74 of the Criminal Justice (Scotland) Act 2003, in 2013-14.
- 2.10 Finally, some of the charges from the 2013-14 financial year may still be underway and information about their outcomes is not yet available.

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

### 3. FINDINGS

#### *Number of charges*

3.1 There were 587 charges with a religious aggravation reported in 2013-14. This is a 15% decrease since 2012-13 when there were 689 charges reported to COPFS. This is also the lowest level of religiously aggravated charges reported to COPFS since 2004-05 when 479 charges were reported shortly after the legislation was introduced. Table 1 below shows a breakdown of the charges reported to COPFS between 2007 and 2014.

**Table 1: Charges reported to COPFS between 2007 and 2014**

	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
<b>Number of charges</b>	609	668	633	694	898	689	587

3.2 These trends may have been influenced in the last two years by the separate use of charges under section 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. This legislation, which came into force on 1 March 2012, criminalises religious hatred that is connected to football and may be used instead of section 74 legislation (religiously aggravated charges) in certain circumstances. There were 48 additional 'religious' charges<sup>13</sup> under this legislation during 2013-14. When all legislation is considered (i.e. when section 74 charges are added to the section 1 and 6, offensive behaviour at football and threatening communications, charges) there is a total of 635 charges relating to religious prejudice in Scotland in 2013-14 (a 17% decrease on the corresponding figure in 2012-13 when there were 764 'religion' charges, and a 29% decrease since 2011-12 when there were 898 religious charges under section 74).

3.3 COPFS statistics are based on a live database and therefore the figures reported in Table 1 do not exactly match those previously published in COPFS and Scottish Government reports. The database may change; for example if the Procurator Fiscal amends a charge the database will only hold details of the amended charge. The comparisons in the remainder of this report are based on the total number of charges that were analysed and included in the past reports for 2010-11, 2011-12, and 2012-13 by the Scottish Government at the time that research was carried out.

3.4 Before providing further details of these charges, it is worth highlighting that these charges do not relate to 587 separate incidents. Many of the incidents which took place involved more than one accused, and/or more than one breach of the law, and will therefore have resulted in more than one charge.

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<sup>13</sup> There were 61 'religious' charges under the Offensive Behaviour legislation (60 under section 1 of this Act and one under section 6). The religious element in 13 of these charges was included as a section 74 religious aggravation. The other 48 charges involved the religious element within the main charge, so these represent 'extra' charges.

The bulk of the analysis in this report relates to ‘charges’ rather than to separate incidents that were reported by the police to COPFS.

### ***Sex and age of the accused***

3.5 For 2013-14, 90% of the charges related to male accused. Table 2 shows the age breakdown of the accused for each of the 587 religious aggravation charges. The proportion of charges for accused aged between 16 and 30 has reduced from 58% in 2011-12, to 48% in 2012-13 and 47% in 2013-14.

**Table 2: Age breakdown of the accused**

Age	2010-11		2011-12		2012-13		2013-14	
	Number of charges	%	Number of charges	%	Number of charges	%	Number of charges	%
<16	24	4	5	0.6	12	2	0	0
16-20	143	21	178	20	105	15	83	14
21-30	257	37	331	38	229	33	191	33
31-40	120	17	184	21	173	25	133	23
41-50	98	14	118	14	116	17	114	19
51-60	32	5	41	5	37	5	57	10
>60	17	3	18	2	15	2	9	2
Unknown	2	0.3	1	0.1	0	0	0	0
<b>Total</b>	<b>693</b>	<b>100</b>	<b>876</b>	<b>100</b>	<b>687</b>	<b>100</b>	<b>587</b>	<b>100</b>

Note: Percentages may not add to 100 because of rounding.

### ***Location of charges***

3.6 Table 3 shows the local authority areas where charges occurred. There remains a strong focus of charges in Glasgow, which accounted for 35% of charges. This is however a decrease from 2012-13, when Glasgow accounted for 41% of all charges. The number of charges per 100,000 people has also reduced in Glasgow from 60 in 2011-12, to 47 in 2012-13 and to 35 in 2013-14.

3.7 Apart from the concentration in Glasgow, there were relatively high numbers in North Lanarkshire, Falkirk and Edinburgh City. This higher prevalence is also evident when controlling for population density. The remaining charges were spread throughout local authorities, with most of them having between 5-20 charges each year.

3.8 There were two local authorities where no charges occurred (Eilean Siar/Western Isles and Orkney Islands).

**Table 3: Local authority- area where the charges occurred 2011-2014<sup>14</sup>**

Local authority area	2010-11			2011-12			2012-13			2013-14		
	No. of charges	%	Charges per 100,000 pop.	No. of charges	%	Charges per 100,000 pop.	No. of charges	%	Charges per 100,000 pop.	No. of charges	%	Charges per 100,000 pop.
Aberdeen City	9	1	4	16	2	7	7	1	3	7	1	3
Aberdeenshire	0	0	0	5	1	2	6	1	2	1	0.2	0.4
Angus	1	0.1	1	4	1	4	0	0	0	5	1	4
Argyll & Bute	7	1	8	21	2	24	9	1	10	6	1	7
Clackmannanshire	2	0.3	4	12	1	24	8	1	16	4	1	8
Dumfries & Galloway	5	1	3	19	2	13	13	2	9	11	2	7
Dundee City	4	1	3	9	1	6	5	1	3	7	1	5
East Ayrshire	2	0.3	2	20	2	17	11	2	9	9	2	7
East Dunbartonshire	1	1	1	2	0.2	2	8	1	8	7	1	7
East Lothian	0	0	0	2	0.2	2	7	1	7	6	1	6
East Renfrewshire	5	1	6	5	1	6	10	2	11	4	1	4
Edinburgh City	22	3	5	48	6	10	32	5	6	36	6	8
Western Isles	0	0	0	1	0.1	4	2	0.3	7	0	0	0
Falkirk	30	4	20	41	5	27	48	7	31	41	7	26
Fife	9	1	2	18	2	5	11	2	3	12	2	4
Glasgow City	356	51	60	353	40	60	281	41	47	208	35	35
Highland	5	1	2	9	1	4	2	0.3	1	9	2	4
Inverclyde	12	2	15	14	2	18	3	0.4	4	7	1	9
Midlothian	2	0.3	2	2	0.2	3	2	0.3	2	4	1	5
Moray	1	0.1	1	4	1	5	4	1	4	3	1	3
North Ayrshire	16	2	12	23	3	17	8	1	6	14	2	10
North Lanarkshire	78	11	24	84	10	26	95	14	28	66	11	20
Orkney Islands	0	0	0	1	1	5	2	0.3	10	0	0	0
Perth & Kinross	3	0.4	2	9	1	6	10	2	7	6	1	4
Renfrewshire	16	2	9	33	4	20	11	2	6	14	2	8
Scottish Borders	7	1	6	1	0.1	1	0	0	0	3	1	3
Shetland Islands	0	0	0	1	0.1	5	0	0	0	4	1	17
South Ayrshire	10	1	9	8	1	7	3	0.4	3	20	3	18
South Lanarkshire	33	5	11	42	5	14	28	4	9	21	4	7
Stirling	10	1	11	22	3	25	21	3	23	24	4	26
West Dunbartonshire	12	2	13	27	3	30	14	2	16	12	2	13
West Lothian	35	5	20	10	1	6	24	4	14	16	3	9
Outside Scotland	0	0	13	0	0	0	0	1	0.1	0	0	0
Unknown	0	0	0	10	1	-	1	0.1	-	2	0.3	-
<b>Total</b>	<b>693</b>	<b>100</b>	<b>13</b>	<b>876</b>	<b>100.0</b>	<b>17</b>	<b>687</b>	<b>100.0</b>	<b>13</b>	<b>587</b>	<b>100.0</b>	<b>11</b>

<sup>14</sup> The local authority area population rates for 2013-14 and 2012-13 are based on the GROS mid-year population rates. Available at: <http://www.gro-scotland.gov.uk/statistics/theme/population/estimates/mid-year/2012/index.html>

The local authority area population rates for 2010-11 and 2011-12 are based on the GROS mid-year population rates. Available at: <http://www.gro-scotland.gov.uk/files2/stats/population-estimates/mid-2010/mid-year-pop-est-2010.pdf>

## Locus of charges

- 3.9 As Table 4 shows, 177 charges (30%) took place in a 'main street'<sup>15</sup> in a town or city centre. Just under a fifth (19%) of all charges occurred in a police car/station; a 17% decrease from 2012-13. The proportion of charges taking place in domestic dwellings increased from 70 (10%) to 99 (17%).
- 3.10 There was a decrease in the proportion of charges that took place in residential areas compared with 2012-13: from 126 (18%) to 85 (15%). There was also a decrease in the number of charges which took place at football stadiums: from 27 charges (4%) in 2012-13 to 16 (3%) in 2013-14. A lower proportion of charges also occurred on public transport or at a public transport station from 5% in 2012-13 to 3% in 2013-14.
- 3.11 Seventeen charges related to online social media including Facebook, Twitter, YouTube and other online forums, were recorded in 2013-14. This represents a decrease from 30 charges reported in 2012-13.

**Table 4: Locus of charges**

Locus	2010-11		2011-12		2012-13		2013-14	
	Number of charges	%	Number of charges	%	Number of charges	%	Number of charges	%
Police car/station	134	19	199	23	159	23	113	19
Main street	145	21	175	20	153	22	177	30
Residential area	82	12	162	19	126	18	85	15
Domestic dwelling	66	10	97	11	70	10	99	17
Football stadium	90	13	67	8	27	4	16	3
Public transport	91	13	60	7	27	5	16	3
Pub/club	37	5	33	4	32	6	24	4
Hospital/ambulance	12	2	23	3	15	2	15	3
Social media	-	-	-	-	30	4	17	3
Place of Worship	-	-	-	-	6	2	7	1
Other	46	7	71	8	64	9	18	3

Note 1: Charges do not always add up to the total number reported because an incident may fall into more than one locus type, for example a public transport station outside a football stadium.

Note 2: In 2010-11 and 2011-12 the number of charges relating to online social media were included in the domestic dwelling figures.

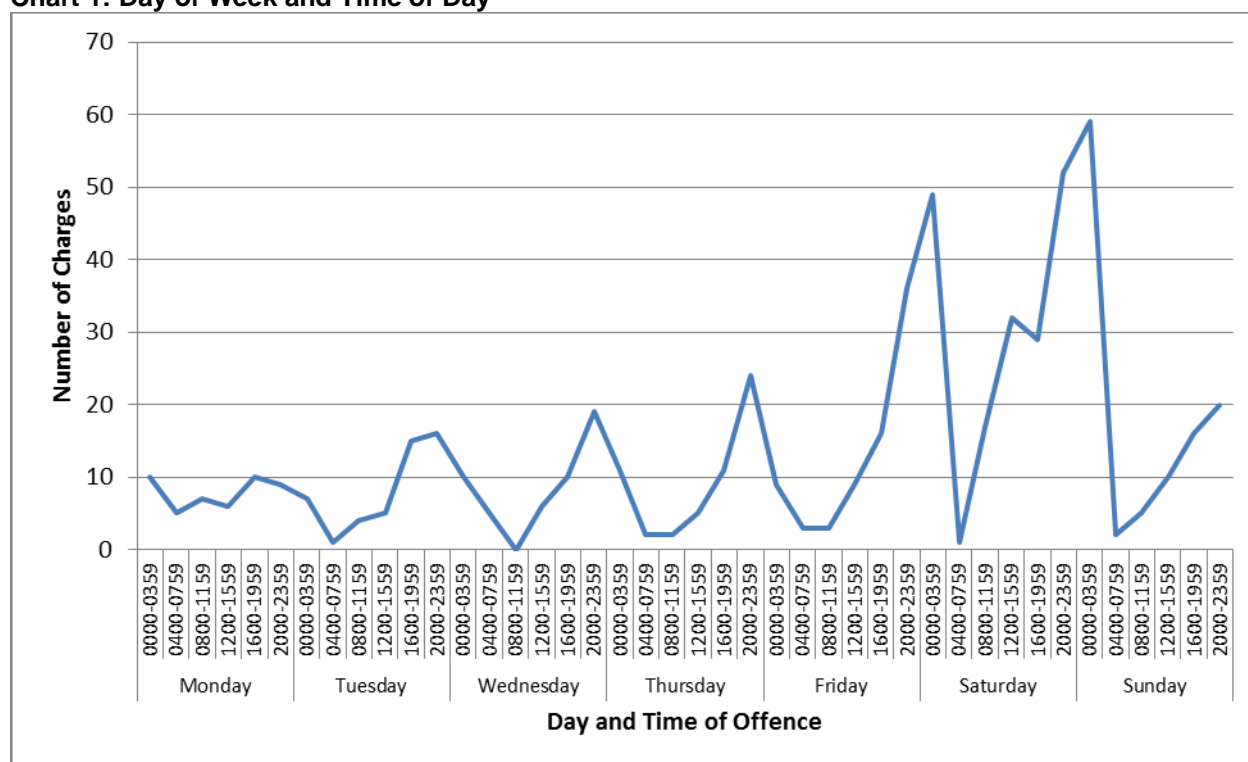
Note 3: Before 2012-13 the locus 'place of worship' was included in 'other'. Comparisons of this category should therefore be made with caution.

## Timing of charges

- 3.12 Chart 1 outlines the peak days of the week and times of the day that incidents took place. There were typically spikes in religiously aggravated offending between 16:00 and 20:00 on weekdays. There were larger spikes at weekends, particularly on Fridays and Saturdays between 20:00 and 00:00.

<sup>15</sup> '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.

**Chart 1: Day of Week and Time of Day**



**Football, marches and parades**

3.13 The analysis included looking at the number of religious aggravation charges that were related in some way to football or marches/parades. This included, for example, if the incident took place at a football match or screening, or at a march or parade, or if the police noted the relevance of a football association within the description of the incident<sup>16</sup>. 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.

**Table 5: Charges linked to football and marches/parades**

	2010-11		2011-12		2012-13		2013-14	
	Number of charges	%	Number of charges	%	Number of charges	%	Number of charges	%
Football	231	33	267	31	109	16	96	16
Marches/parades	32	5	18	2	85	12	34	6

3.14 Under section 74, there were 96 charges linked to football in 2013-14 (16% of the total). This is a decrease since 2012-13 when there were 109 charges, however it is a similar proportion of charges that were linked to football.

<sup>16</sup> The ‘association with football’ also took into consideration language that referred to a particular football team or reference to football songs or regalia/symbols.

- 3.15 Within the 96 football-related charges under section 74, 16 occurred at a football stadium<sup>17</sup>. The other football-related charges took place in settings such as public transport, domestic dwellings, main streets in town and city centres, on social media, and in residential areas.
- 3.16 The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 was introduced on 1 March 2012. The Act criminalises offensive behaviour related to football, including offensive singing or chanting, where it is likely to incite public disorder. Some of the charges that might, before this time, have been dealt with under section 74 of the Criminal Justice (Scotland) Act 2003, may from this date have been dealt with under the new legislation.
- 3.17 Under this legislation there were an extra 48 religious charges that were related to football in 2013-14. In total, there were 144 football-related charges reported to COPFS that contained religious prejudice, when both section 74 (religious aggravation charges) and the relevant parts of the offensive behaviour at football legislation are considered.
- 3.18 This is a 22% decrease in the comparable figure since 2012-13 when there were 184 football-related charges containing religious prejudice.
- 3.19 Also, as shown in table 5, there was a decrease in the proportion of charges relating to marches and parades from 12% (85 charges) in 2012-13 to 6% (34 charges) in 2013-14. This figure was reduced from 2012-13 when a single event at an anti-Islamic demonstration in Glasgow had 57 charges associated with it.

### ***Religious beliefs/affiliations that were targeted***

- 3.20 Information about the nature of the religiously offensive conduct was taken from the police report of the incident. There is no separate section within police reports that states which religious belief, in the reporting police officer's view, was targeted. An assessment was made by the researchers involved in this work about the religion that appeared to be targeted, based on the police 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 incident are not formally recorded by the police as they are not relevant to the definition of the crime in the law. This report does not therefore present definitive information about the religious beliefs or affiliations of the people targeted by the offensive conduct.
- 3.21 Table 6 below shows there was a 5% decrease in the number of charges where conduct was derogatory towards Roman Catholicism: from 388 charges in 2012-13 (57% of the total) to 367 charges in 2013-14 (63% of the total). There was a 15% decrease in the number of charges with conduct

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<sup>17</sup> Charges occurred at 10 football stadiums throughout Scotland. No individual stadium had more than five section 74 charges recorded at it.

derogatory towards Protestantism, from 199 in 2012-13 (29% of the total) to 169 in 2013-14 (29% of the total).

- 3.22 There was a decrease in the number of charges where conduct was derogatory towards Islam, from 80 charges<sup>18</sup> (12% of the total) in 2012-13 to 48 charges (8% of the total) in 2013-14. Charges for conduct derogatory towards Judaism also decreased from 27 charges (4% of the total) in 2012-13 to 9 charges (2% of the total) in 2013-14.

**Table 6: Religious affiliation that was the subject of offensive conduct**

Religion targeted	2010-11		2011-12		2012-13		2013-14	
	No. of charges	% of total charges	No. of charges	% of total charges	No. of charges	% of total charges	No. of charges	% of total charges
Roman Catholicism	400	58	509	58	388	57	367	63
Protestantism	253	37	353	40	199	29	169	29
Islam	15	2	19	2	80	12	48	8
Judaism	16	2	14	1	27	4	9	2
Christianity (general)	4	1	3	0.3	5	1	4	1
Unknown	8	1	2	0.2	4	1	5	1
Other	0	0	0	0	3	0.4	2	0.3

Note: Charges do not add up to the total number reported as some charges related to conduct that targeted more than one religious group.

### **Victims**

- 3.23 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 charge. This may have been a member of the public, police officer or other 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'.

- 3.24 As shown in Table 7, the police were again the most common target of religiously-aggravated offending in 2013-14. Since 2012-13, there has been an increase from 273 charges where police were victims to 282 in 2013-14 (a proportional rise from 40% to 48%). These charges often relate to incidents where the police arrested the accused for a separate charge (which may not have involved religious prejudice) and were then abused in religiously offensive terms afterwards. The general community (e.g. people who happened to be in the vicinity, but who were not directly targeted by the

<sup>18</sup> Fifty-seven of the anti-Islam charges in 2012-13 were from a single incident at a march in Glasgow.



accused) were victims in around a quarter of the charges. There was a decrease in the number (though not the proportion) of charges relating to members of the public from 172 charges in 2012-13 to 161 charges in 2013-14 (25% to 27%). There was also a decrease in charges where workers were the victims: from 80 charges in 2012-13 to 65 charges in 2013-14 (12% to 11%). The 'workers' category includes hospital staff, security staff, taxi drivers, and religious officials<sup>19</sup>. Seventy-three percent of the charges included victims that were police officers, the general community, 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 attacks were arbitrary in nature.

**Table 7: Victims of religious aggravation**

Victim	2010-11		2011-12		2012-13		2013-14	
	Number of charges	% of charges	Number of charges	% of charges	Number of charges	% of charges	Number of charges	% of charges
Police	288	42	449	51	273	40	282	48
Community	229	33	259	30	231	34	155	26
Member of public	157	23	271	31	172	25	161	27
Worker(s)	73	11	117	13	80	12	65	11

Note: Charges do not add up to the total number reported because some charges related to behaviour that targeted more than one victim or victim type.

### ***Alcohol and drug-related charges***

3.25 Table 8 shows that the accused was described by the police as being under the influence of alcohol in 345 charges (59% of the total) in 2013-14, an increase from 333 charges (49% of the total) in 2012-13. This finding is based on the information recorded in police reports, therefore 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.

3.26 Drug-related charges refer to incidents where the police reported the accused as possessing drugs or suspected they had taken drugs before the charge. In 2013-14 these accounted for 28 charges (5%), a decrease from 2012-13 when there were 60 charges (9%) related to drugs.

<sup>19</sup> Four religious officials were the victims of religiously aggravated incidents in 2013-14.

**Table 8: Alcohol and drug-related charges**

	2010-11		2011-12		2012-13		2013-14	
	Number of charges	%	Number of charges	%	Number of charges	%	Number of charges	%
<b>Alcohol</b>	424	61	498	57	333	49	345	59
<b>Drugs</b>	41	6	75	9	60	9	28	5

Note: Some charges may have included both drink and drugs.

### **Main charges**

3.27 Table 9 shows a breakdown of the main charges that aggravations were added to. It shows a trend of decreasing numbers of religious aggravations of the common law charge of 'breach of the peace', a decrease in aggravations related to the statutory charge of 'act in a racially aggravated manner'. Figures for the statutory charge of 'threatening or abusive behaviour' (under section 38 of the Criminal Justice and Licensing (Scotland) Act 2010), rose to a similar figure from 2011-12 following a dip in 2012-13.

**Table 9: Main charges that the religious aggravations were added to**

Main charge	2010-11		2011-12		2012-13		2013-14	
	Number of charges	%	Number of charges	%	Number of charges	%	Number of charges	%
Breach of the peace	503	73	365	32	134	20	68	12
Threatening or abusive behaviour	99	14	414	47	385	56	416	71
Assault	39	6	35	4	26	4	34	6
Offensive behaviour at football	-	-	N/A	N/A	35	5	14	2
Threatening communications	-	-	N/A	N/A	4	1	2	0.3
Act in racially aggravated manner	-	-	N/A	N/A	61	9	4	0.7
Other	52	8	62	7	42	6	49	8
<b>Total</b>	<b>693</b>	<b>100</b>	<b>876</b>	<b>100</b>	<b>687</b>	<b>100</b>	<b>587</b>	<b>100</b>

Note: Percentages do not add up to 100 due to rounding.

Note: These main charges refer to the main charges as initially cited, they may have changed during the court proceedings.

Note: The charge 'Act in a Racially Aggravated Manner' comes under the *Criminal Law (Consolidation) (Scotland) Act 1995* and is intrinsically racial, however a religious aggravation may be added where appropriate.

3.28 Table 10 shows a breakdown of the main charges by religion. There was a broadly similar proportional spread in the charges for breach of the peace and threatening or abusive behaviour given for offences against Roman

Catholicism and Protestantism. However, there was a different profile for charges including other religions, notably Islam, where there was a much smaller proportion of charges that were breaches of the peace.

**Table 20: Breakdown of main charges in 2013-14 by religion**

Main charge	Catholicism		Protestantism		Islam		Judaism		Christianity (General)	
	Charges	%	Charges	%	Charges	%	Charges	%	Charges	%
Breach of the Peace	41	11	25	15	2	4	2	22	1	25
Threatening or abusive behaviour	263	72	124	73	32	67	7	78	2	50
Assault	22	6	9	5	2	4	0	0	0	0
Offensive behaviour at football	11	3	2	1	0	0	0	0	0	0
Act in racially aggravated manner	0	0	0	0	3	6	0	0	0	0
Other	30	8	9	5	9	19	0	0	1	25
<b>Total</b>	<b>367</b>	<b>100</b>	<b>169</b>	<b>100</b>	<b>48</b>	<b>100</b>	<b>9</b>	<b>100</b>	<b>4</b>	<b>100</b>

Note: The charge 'Act in a Racially Aggravated Manner' comes under the *Criminal Law (Consolidation) (Scotland) Act 1995* and is intrinsically racial, however a religious aggravation may be added where appropriate.

### **Court proceedings**

3.29 The COPFS publish an annual report on hate crime in Scotland. This provides more detail on the outcomes of these charges and can be found at <http://www.copfs.gov.uk/publications/equality-and-diversity>. As explained in this report, court proceedings were commenced in 89% of charges with a religious aggravation, a slightly higher proportion than in 2012-13 when proceedings were commenced in around 82% of charges.

3.30 Many cases are on-going and information about final convictions will be presented in Scottish Government 'criminal proceedings' publications<sup>20</sup>. Provisional information from the COPFS case management database shows that court proceedings had been concluded for 280 of these main charges. Of this number 238 (85%) charges resulted in convictions. As shown in table 11 the most common disposal recorded was a monetary penalty (39%) similar to 2012-13. A community penalty was given for 72 charges (30%), an increase from 2012-13. Custody was the disposal for 57 charges (24%), similar to 2012-13. Other<sup>21</sup> disposals were recorded for the remaining 16 charges (7%).

<sup>20</sup> See: <http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/PubCriminalProceedings>

<sup>21</sup> 'Other' disposals in 2013-14 include admonishments and absolute discharges.

**Table 11: Recorded disposals**

Disposal	2010-11		2011-12		2012-13		2013-14	
	Number of charges	%	Number of charges	%	Number of charges	%	Number of charges	%
Monetary penalty	163	42	217	43	104	40	93	39
Community penalty <sup>22</sup>	99	25	110	22	61	23	72	30
Custody	70	18	103	20	60	23	57	24
Other	58	15	75	15	37	14	16	7
<b>Total</b>	<b>390</b>	<b>100</b>	<b>505</b>	<b>100</b>	<b>262</b>	<b>100</b>	<b>238</b>	<b>100</b>

<sup>22</sup> 'Community Penalty' includes a community service order and community payback order.

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