

Religiously Aggravated Offending in Scotland in 2014-15



CRIME AND JUSTICE

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Executive summary

In 2014-15, 569 charges were reported with a religious aggravation under section 74 of the Criminal Justice (Scotland) Act 2003. This represents a decrease of 4% from 2013-14, a decrease of 17% from 2012-13, and a decrease of 37% from 2011-12. There were 591¹ charges reported in 2013-14, 689 charges reported in 2012-13 and 897 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 three years by the separate use of charges under section 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 (OBFTCA). This legislation came into force on 1st 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' charges² under this legislation during 2014-15. The total number of 'religiously prejudicial' charges in 2014-15 (i.e. section 74 charges added to the religiously prejudicial charges under section 1 and 6 of the OBFTCA Act) is 617 (a 3% decrease of the corresponding figure in 2013-14 (639), a decrease of 19% since 2012-13 (764) and a decrease of 31% since 2011-12 (897)).

Similar to previous years, a substantial proportion (35%) of all charges were in Glasgow (35% in 2013-14, 41% in 2012-13), 92% were male (90% in 2013-14, 91% in 2012-13), and 44% were between the ages of 16 and 30 (47% in 2013-14 and 49% in 2012-13). The accused was noted to be under the influence of alcohol in 50% of charges.

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 96 charges (16%) in 2013-14 to 64 charges (11%) in 2014-15. The number of charges occurring in football stadiums has also decreased from 16 in 2013-14 to 8 in 2014-15.

This reduction may also have been due to the use of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act, which counted for an extra 48 religious charges related to football in 2014-5. In total there were 112

¹ The total number of charges is taken from the most up-to-date information recorded by 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 587 charges in 2013-14, 687 in 2012-13 and 901 charges in 2011-12.

² There were 51 'religious' charges under OFBTCA (50 under section 1 of this Act and 1 under section 6). The religious element in 3 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.

football-related charges that contained religious prejudice, when both section 74 (religious aggravation charges) and the relevant parts of the offensive behaviour at football legislation are considered (which still represents a decrease from the 144 in 2013-14).

As with 2011-12, 2012-13 and 2013-14, Roman Catholicism and Protestantism were most often the religions that were the subject of abuse. There was a decrease in the number of charges and proportion that referred to Roman Catholicism, from 367 charges (63%) in 2013-14 to 328 charges (58%) in 2014-15. There was also a decrease in the charges that referred to Protestantism from 169 charges (29%) to 145 charges (25%) in 2014-15.

There was an increase of four percentage points in the proportion of charges where conduct was derogatory towards Islam, from 8% of the total (48 charges) in 2013-14 to 12% of the total (71 charges) in 2014-15. Charges for conduct derogatory towards Judaism also increased by two percentage points from 2% of the total (9 charges) in 2013-14 to 4% of the total (25 charges) in 2014-15.

Police officers were the most common target for religiously aggravated abuse 233 charges (41%), a decrease from 273 charges and a similar proportion (40%) in 2013-14. The occasions when behaviour targeted people within the 'general community'³, and not a particular individual, represented 36% of all charges. This is an increase from 2013-14 (26%) but similar to 2012-13 when 34% of the charges targeted people within the general community.

Many cases are on-going and information about final convictions will be presented in Scottish Government 'criminal proceedings' publications⁴. Provisional data shows that there were 206 convictions from 244 concluded main charges (84%)⁵. The most common disposal recorded was a monetary penalty (37%); similar to 2013-14 (39%) and 2012-13 (40%).

³ 'Generally 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.

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

⁵ 'Concluded main charges' consists of all convictions (206 charges), those given no conviction (27 charges) and those where no further action was ruled (11 charges).

1. Introduction

This report presents information about religiously-aggravated offending in Scotland in 2014-15 based on a review of police charges issued under section 74 of the Criminal Justice (Scotland) Act 2003. The Act⁶ 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

This report presents a further breakdown of the charges reported to the Crown Office and Procurator Fiscal Service (COPFS) in 2014-15 to provide a greater insight into the nature of religiously aggravated offending in Scotland.

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 of charges.

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

2. Method

The analysis used a similar method to the previous analysis of religiously aggravated offending, carried out by the Scottish Government in 2010-11⁷, 2011-12⁸, 2012-13⁹ and 2013-14¹⁰. 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.

The COPFS case-management database is not designed for routine analysis but extracted data-sets have been used as the source for this project since 2001.

The analysis in this report is based on the religious aggravation charges that were reported to COPFS in 2014-15. There were a number of points that should be noted when reading this report.

First, this analysis does not provide a comprehensive picture of the prevalence of religiously-aggravated 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 people 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.

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."¹¹ In 2012/13 this proportion remained at just below 1%.¹²

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

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

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

¹⁰ See: <http://www.gov.scot/Resource/0045/00452559.pdf>

¹¹ See: <http://www.scotland.gov.uk/Publications/2013/06/8109/5>

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.

Third, this study only looked at religiously-aggravated offending and the religious beliefs and affiliations that were targeted. It therefore does not provide 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.

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 social or cultural group with a perceived religious affiliation", or, the offence is motivated by the same. There is no data held by Police Scotland 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.

Fifth, new legislation was introduced on 1st March 2012; the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012¹³ 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.

Finally, some of the charges from the 2014-15 financial year are on-going and information about their outcomes is not yet available.

¹² See: <http://www.scotland.gov.uk/Publications/2014/03/9823>

¹³ See: <http://scotland.gov.uk/Topics/Justice/law/sectarianism-action-1/football-violence/bill>

3. Findings

Number of charges

There were 569 charges with a religious aggravation reported in 2014-15. This is a 4% decrease since 2013-14 when there were 591 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 2015.

Table 1: Charges reported to COPFS between 2007 and 2015

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Number of charges	609	668	633	694	897	689	591	569

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 1st 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 charges additional 'religious' charges¹⁴ under this legislation during 2014-15. 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 617 charges relating to religious prejudice in Scotland in 2014-15 (a 3% decrease on the corresponding figure in 2013-14 when there were 639 'religion' charges, and a 19% decrease since 2012-13 when there were 764 'religious' charges, and a 31% decrease since 2011-12 when there were 897 'religious' charges under section 74).

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 2011-12, 2012-13, and 2013-14 by the Scottish Government at the time that research was carried out.

¹⁴ There were 51 'religious' charges under the Offensive Behaviour legislation (50 under section 1 of this Act and 1 under section 6). The religious element in 3 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.

Before providing further details of these charges, it is worth highlighting that these charges do not relate to 569 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. The bulk of the analysis in this report relate to ‘charges’ rather than to separate incidents that were reported by the police to COPFS.

Sex and age of the accused

For 2014-15, 92% of the charges related to male accused. Table 2 shows the age breakdown of the accused for each of the 569 religious aggravation charges. 44% were between the ages of 16 and 30 (47% in 2013-14, 49% in 2012-13, and 58% in 2011-12).

Table 2: Age breakdown of the accused*

Age group	2011-12		2012-13		2013-14		2014-15	
	Number of charges	%	Number of charges	%	Number of charges	%	Number of charges	%
Under 16	5	0.6	12	2	0	0	7	1
16-20	178	20	105	15	83	14	71	12
21-30	331	38	229	33	191	33	182	32
31-40	184	21	173	25	133	23	127	22
41-50	118	14	116	17	114	19	110	19
51-60	41	5	37	5	57	10	56	10
Over 60	18	2	15	2	9	2	15	3
Unknown	1	0.1	0	0	0	0	1	0.2
Total	876	100	687	100	587	100	569	100.0

* Percentages may not add to 100 because of rounding.

Location of the charges

Table 3 shows the local authority area where the charges occurred. As with previous years, there remains a large concentration of charges in Glasgow, which accounts for 35% of the charges. This is the same proportion (35%) as in 2013-14, but a reduction from 47% in 2012-13 and 40% in 2011-12. The number of charges per 100,000 people has reduced from 60 in 2011-12, 47 in 2012-13, 35 in 2013-14, to 32 in 2014-15.

Apart from the concentration in Glasgow, there were relatively high numbers of charges in Edinburgh, North Lanarkshire, Falkirk and West Lothian. With the

exception of Edinburgh, this higher prevalence is also evident when controlling for population density. The remaining charges are spread out throughout local authorities, with most of them having between 5-20 charges each year.

Table 3: Local authority area where charges occurred*

Local authority area	2011-12			2012-13			2013-14			2014-15		
	No. of charges	%	Charges per 100k pop.	No. of charges	%	Charges per 100k pop.	No. of charges	%	Charges per 100k pop.	No. of charges	%	Charges per 100k pop.
Aberdeen City	16	2	7	7	1	3	7	1	3	11	2	5
Aberdeenshire	5	1	2	6	1	2	1	0.2	0.4	2	0.4	1
Angus	4	1	4	0	0	0	5	1	4	4	1	3
Argyll & Bute	21	2	24	9	1	10	6	1	7	10	2	11
Clackmannanshire	12	1	24	8	1	16	4	1	8	0	0.0	0
Dumfries & Galloway	19	2	13	13	2	9	11	2	7	8	1	5
Dundee City	9	1	6	5	1	3	7	1	5	4	1	3
E. Ayrshire	20	2	17	11	2	9	9	2	7	6	1	5
E. Dunbartonshire	2	0.2	2	8	1	8	7	1	7	4	1	4
E. Lothian	2	0.2	2	7	1	7	6	1	6	2	0.4	2
E. Renfrewshie	5	1	6	10	2	11	4	1	4	6	1	6
Edinburgh City	48	6	10	32	5	6	36	6	8	53	9	10
Eilian Siar (Western Isles)	1	0.1	4	2	0.3	7	0	0	0	1	0.2	3
Falkirk	41	5	27	48	7	31	41	7	26	30	5	19
Fife	18	2	5	11	2	3	12	2	4	9	2	2
Glasgow City	353	40	60	281	41	47	208	35	35	197	35	32
Highland	9	1	4	2	0.3	1	9	2	4	11	2	5
Inverclyde	14	2	18	3	0.4	4	7	1	9	5	1	6
Midlothian	2	0.2	3	2	0.3	2	4	1	5	9	2	10
Moray	4	1	5	4	1	4	3	1	3	2	0.4	2
N. Ayrshire	23	3	17	8	1	6	14	2	10	13	2	10
N. Lanarkshire	84	10	26	95	14	28	66	11	20	41	7	12
Orkney Islands	1	1	5	2	0.3	10	0	0	0	1	0.2	5
Perth & Kinross	9	1	6	10	2	7	6	1	4	3	1	2

Renfrewshire	33	4	20	11	2	6	14	2	8	28	5	16
Scottish Borders	1	0.1	1	0	0	0	3	1	3	5	1	4
Shetland Islands	1	0.1	5	0	0	0	4	1	17	1	0.2	4
S. Ayrshire	8	1	7	3	0.4	3	20	3	18	9	2	8
S. Lanarkshire	42	5	14	28	4	9	21	4	7	24	4	8
Strirling	22	3	25	21	3	23	24	4	26	18	3	20
W. Dunbartonshire	27	3	30	14	2	16	12	2	13	14	3	16
W. Lothian	10	1	6	24	4	14	16	3	9	37	7	20
Outside Scotland	0	0	0	0	1	0.1	0	0	0	0	0	0
Unknown	10	1	-	1	0.1	-	2	0.3	-	1	0.2	-
Total	876	100	17	687	100	13	587	100	11	569	100.0	11

* Scottish Local Authority area population rates for 2014-15 is based on GROS mid-year population rates 2014, rounded to the nearest 1. Available at <http://www.nrscotland.gov.uk/files//statistics/population-estimates/midyear-2014/14mid-year-pe-cahb-publication-correction.pdf>.

Locus of charges

As Table 4 shows, 117 charges (21%) took place in a 'main street'¹⁵ in a town or city centre. Just under a fifth (19%) of all charges occurred in a police car/station; this is a decrease from 23% in 2012-13, and the same as 2013-14. The proportion of charges taking place in domestic dwellings was 83 (15%) in 2014-15. This is an increase from 70 (10%) in 2012-13 but a decrease from 99 (17%) in 2013-14.

There was a decrease in the proportion of charges that took place in residential areas from 126 (18%) in 2012-13, 85 (15%) in 2013-14, to 58 (10%) in 2014-15. There was also a decrease in the number of charges which took place at football stadiums; from 27 charges (4%) in 2012-13, 16 charges (3%) in 2013-14, to 8 (1%) in 2014-15. Thirty-six charges (6%) related to online social media including Facebook and Twitter. This represents an increase from 30 in 2012-13 and 17 in 2013-14.

¹⁵ 'Main street' refers to a public street in a town or city centre and is used in this report, and the previous analysis, to distinguish between these areas and residential/suburban areas.

Table 4: Locus of charges§**

Locus	2011-12		2012-13		2013-14		2014-15	
	Number of charges	%	Number of charges	%	Number of charges	%	Number of charges	%
Police car/station	199	23	159	23	113	19	109	19
Main street	175	20	153	22	177	30	117	21
Residential area	162	19	126	18	85	15	58	10
Domestic dwelling	97	11	70	10	99	17	83	15
Football stadium	67	8	27	4	16	3	8	1
Public transport	60	7	27	5	16	3	35	6
Pub/club	33	4	32	6	24	4	20	4
Hospital/ambulance	23	3	15	2	15	3	21	4
Social media	-	-	30	4	17	3	36	6
Place of worship	-	-	6	2	7	1	3	0.5
Other / unspecified	71	8	64	9	18	3	79	14

* 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.

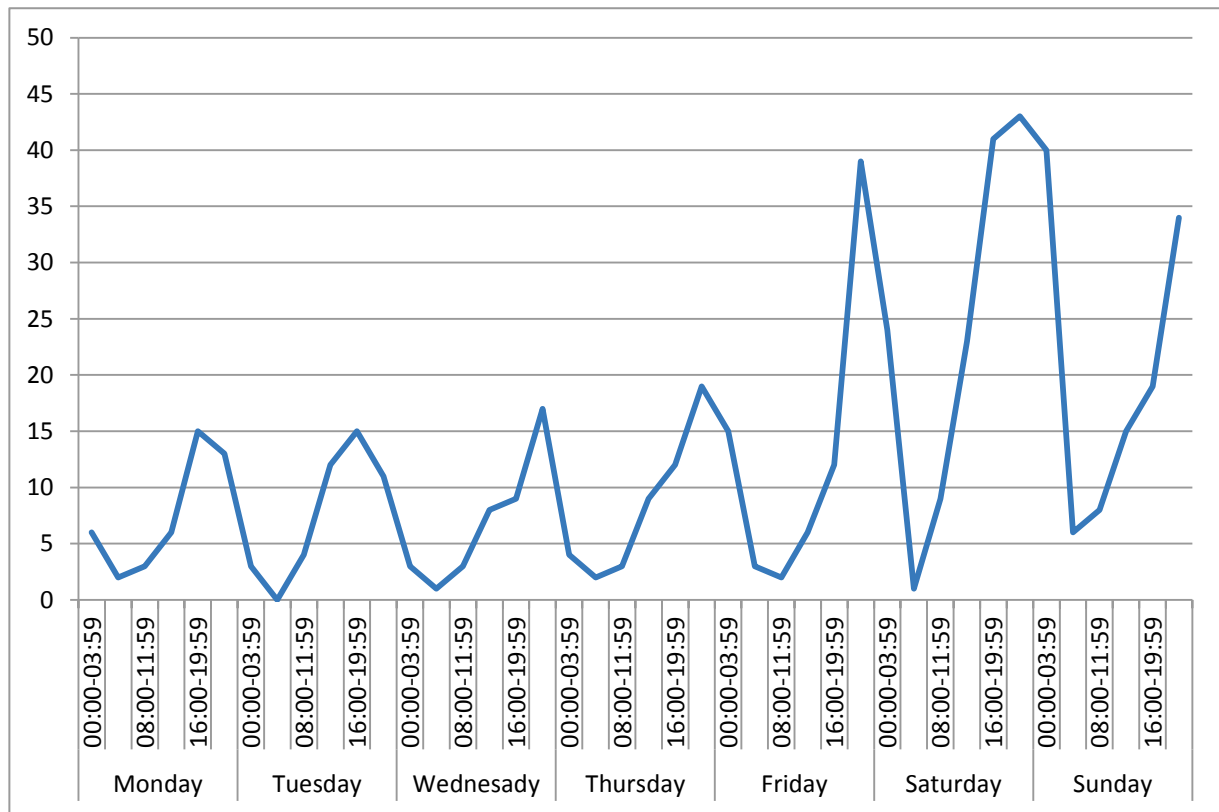
† In 2011-12 the number of charges relating to online social media were included in the domestic dwelling figures.

§ 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

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.

Chart 1: Time and day of incidents



Football, marches and parades

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 incident¹⁶. Again, this findings 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

	2011-12		2012-13		2013-14		2014-15	
	Number of charges	%	Number of charges	%	Number of charges	%	Number of charges	%
Football	267	31	109	16	96	16	64	11
Marches/parades	18	2	85	12	34	6	31	5

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

Under section 74 there were 64 charges linked to football in 2014-15 (11% of the total). This is a decrease since 2012-13 when there were 109 charges, and 2013-14 when there were 96 charges. This is also a reduction in proportion of charges that were linked to football.

Within the 64 football-related charges under section 74, 8 occurred at a football stadium. The other football-related charges took place in settings such as main streets in town and city centres, on social media, in/at police cars/stations, on public transport, in residential areas, and in domestic dwellings.

The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 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.

Under this legislation there were an extra 48 religious charges that were related to football in 2014-15. In total, there were 112 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.

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, 6% (34 charges) in 2013-14, to 5% (31) charges in 2014-15.

Religious beliefs/affiliations that were targeted

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 researcher 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 present definitive information about the religious beliefs or affiliations of the people targeted by the offensive conduct.

Table 6 below shows there was decrease of 5 percentage points in the proportion of charges where conduct was derogatory towards Roman Catholicism; from 367 charges in 2013-14 (63% of the total) to 328 charges in 2014-15 (58% of the total). There was a decrease of 4 percentage points in the proportion of charges with conduct derogatory towards Protestantism; from 169 in 2013-14 (29% of the total) to 145 in 2014-15 (25% of the total).

There was an increase of 4 percentage points in the proportion of charges where conduct was derogatory towards Islam, from 48 charges (8% of the total) in

2013-14 to 71 charges (12% of the total) in 2014-15. Charges for conduct derogatory towards Judaism also increased from 9 charges (2% of the total) in 2013-14 to 25 (4% of the total) in 2014-15.

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

Religion targeted	2011-12		2012-13		2013-14		2014-15	
	Number of charges	%	Number of charges	%	Number of charges	%	Number of charges	%
Roman Catholicism	509	58	388	57	367	63	328	58
Protestantism	353	40	199	29	169	29	145	25
Islam	19	2	80	12	48	8	71	12
Judaism	14	1	27	4	9	2	25	4
Christianity (general)	3	0.3	5	1	4	1	6	1
Unknown	2	0.2	4	1	5	1	9	2
Other	0	0	3	0.4	2	0.3	1	0.2

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

Victims

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 a member of the 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'.

As shown in Table 7, the police were again the most common target of religiously-aggravated offending in 2014-15. However, since 2013-14 there has been a decrease from 282 charges where police were the victims to 233 in 2014-15 (a proportional decrease from 48% to 41%). 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.

Since 2013-14, there has been an increase in the number of charges relating to the generally community (e.g. people who happened to be in the vicinity, but who

were not directly targeted by the accused) were the victim from 155 in 2013-14 to 205 in 2014-15 (a proportional increase from 26% to 36%).

There was an increase in the number of charges relating to members of the public from 161 in 2013-14 to 169 in 2014-15 (a proportional increase from 27% to 30%). There was also an increase in the number of charges where workers were the victims: from 65 charges in 2013-14 to 85 in 2014-15 (a proportional increase from 11% to 15%). The 'workers' category includes hospital staff, security staff, shop workers, taxi drivers, and religious officials¹⁷. Seventy 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 that the accused knew the religious affiliation/belief of the victim at the time of the incident, and that the attacks were arbitrary in nature.

Table 7: Victims of religious aggravation*

Victim	2011-12		2012-13		2013-14		2014-15	
	Number of charges	%	Number of charges	%	Number of charges	%	Number of charges	%
Police	449	51	273	40	282	48	233	41
Community	259	30	231	34	155	26	205	36
Member of public	271	31	172	25	161	27	169	30
Worker(s)	117	13	80	12	65	11	85	15

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

Alcohol and drug-related charges

Table 8 shows that the accused was described by the police as being under the influence of alcohol in 282 charges (50% of the total) in 2014-15, a decrease from the 345 charges (59% of the total) in 2013-14. This finding is based on the information recorded in police reports, therefore may under-represent 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.

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 2014-15 these accounted for 41 charges (7%), a slight increase from 2013-14 when there were 28 charges (5%) related to drugs.

¹⁷ One religious official was the victim of a religiously aggravated incident in 2014-15.

Table 8: Alcohol and drug-related charges*

	2011-12		2012-13		2013-14		2014-15	
	Number of charges	%	Number of charges	%	Number of charges	%	Number of charges	%
Alcohol	498	57	333	49	345	59	282	50
Drugs	75	9	60	9	28	5	41	7

* Some charges may have included both alcohol and drugs.

Main charges

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 common law charge of 'breach of the peace'. Charges under the 'threatening and abusive behaviour' (under section 38 of the Criminal Justice and Licensing (Scotland) Act 2010) have decreased in 2014-15 after a rise in 2013-14 compared to 2012-13.

There has been an increase aggravations related to the statutory charge of 'act in a racially aggravated manner' from 4 charges (0.7) in 2013-14 to 34 charges (6%) in 2014-15.

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

Main charge	2011-12		2012-13		2013-14		2014-15	
	Number of charges	%	Number of charges	%	Number of charges	%	Number of charges	%
Breach of the peace	365	32	134	20	68	12	54	10
Threatening or abusive behaviour	414	47	385	56	416	71	372	65
Assault	35	4	26	4	34	6	36	6
Offensive behaviour at football	N/A	N/A	35	5	14	2	3	0.5
Offensive communications	N/A	N/A	4	1	2	0.3	38	7
Act in a racially aggravated manner	N/A	N/A	61	9	4	0.7	34	6
Other	62	7	42	6	49	8	32	6
Total	876	100	687	100	587	100	569	100.0

* Percentages do not add up to 100 due to rounding.

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

§ 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.

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 and threatening or abusive behaviour, and a higher proportion of racially aggravated charges.

Table 10: Breakdown of main charges in 2014-15*

Main charge	Catholicism		Protestantism		Islam		Judaism		Christianity (general)	
	Charges	%	Charges	%	Charges	%	Charges	%	Charges	%
Breach of the peace	40	12	10	7	2	3	3	12	0	–
Threatening or abusive behaviour	228	70	108	74	27	38	9	36	5	83
Assault	13	4	11	8	12	17	0	0	1	17
Offensive Behaviour at Football	1	0.03	2	1	0	0.0	0	0	0	0
Offensive communications	16	5	7	5	5	7	8	32	0	0
Act in a racially aggravated manner	8	2	1	1	23	32	3	12	0	0
Other	22	7	6	4	2	3	2	8	0	–
Total	328	100	145	100	71	100	25	100	6	100

* 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

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 86% of charges with a religious aggravation in 2014-15.

Many cases are on-going and information about final convictions will be presented in Scottish Government 'criminal proceedings' publications¹⁸. Provisional information from the COPFS case management database shows that court proceedings had been concluded for 244 of these main charges. Of this number 206 (84%) resulted in convictions. As shown in Table 11, the most common disposal recorded was a monetary penalty for 77 charges (37%) similar to 2013-14. A community penalty¹⁹ was given for 60 charges (29%) similar to 2013-14. Custody was the disposal for 47 charges (23%) similar to 2013-14. Other²⁰ disposals were recorded for the remaining 22 charges (11%).

Table 11: Recorded disposals²¹

Disposal	2011-12		2012-13		2013-14		2014-15	
	Number of charges	%	Number of charges	%	Number of charges	%	Number of charges	%
Monetary penalty	217	43	104	40	93	39	77	37
Community penalty	110	25	61	23	72	30	60	29
Custody	103	18	60	23	57	24	47	23
Other	75	15	37	14	16	7	22	11
Total	505	100	262	100	238	100	206	100

¹⁸ See: <http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/PubCriminalProceedings>

¹⁹ 'Community penalty' included a community service order and community payback order.

²⁰ 'Other disposals in 2014-15 include admonishments and absolute discharge.

²¹ Previous years' data is based on information previously published and hasn't been updated.

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How to access background or source data

The data collected for this social research publication:

- are available in more detail through Scottish Neighbourhood Statistics
- are available via an alternative route <specify or delete this text>
- may be made available on request, subject to consideration of legal and ethical factors. Please contact Ben.Cavanagh@Scotland.gsi.gov.uk for further information.
- cannot be made available by Scottish Government for further analysis as Scottish Government is not the data controller.



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