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# Religiously Aggravated Offending in Scotland 2016-17



CRIME AND JUSTICE



# **Religiously Aggravated Offending in Scotland 2016-17**

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# Executive Summary

In 2016-17, 673 charges were reported to the Crown Office and Procurator Fiscal Service of Scotland (COPFS) with a religious aggravation under section 74 of the Criminal Justice (Scotland) Act 2003. This is an increase of 14% from the 592 charges reported in 2015-16, although the number of charges reported each year fluctuate (see Table 1 of this report).

In the last five years, the numbers of religiously aggravated charges may have been influenced 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 1<sup>st</sup> March 2012, and, among other things, criminalises religious hatred that is connected to football. It may be used instead of section 74 in certain circumstances. There were 46 additional 'religious' charges<sup>1</sup> under this legislation during 2016-17. 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 719 charges relating to religious prejudice in Scotland in 2016-17; this is an increase from 642 (12%) in 2015-16.

Roman Catholicism is the religion that was most often the subject of reported abuse, with 384 charges for 2016-17. This is an increase of 28% from 299 charges in 2015-16, and is also higher than the 328 charges in 2014-2015. However, this is fewer than the numbers reported in previous years. The proportion of charges where Roman Catholicism was the subject of abuse has also increased slightly since 2015-16: from 51% to 57% in 2016-17. This increase is likely to be connected to a rise in charges where the police and community are the victim.

Protestantism and Islam are the religions that were subject to the next highest number of aggravations in 2016-17. There were 165 charges related to Protestantism in 2016-17; this is an increase of 24 charges between 2015-16 and 2016-17. The proportion of charges that were derogatory towards Protestantism has remained similar, from 24% to 25% of all charges in these respective years.

The number of charges where conduct was derogatory towards Islam has decreased by 16% from 2015-16, from 134 charges to 113 charges.

Charges for conduct derogatory towards Judaism increased from 18 charges to 23 between 2015-16 and 2016-17 but the overall proportion of all charges involving derogatory conduct towards Judaism has remained the same over this period (3%).

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<sup>1</sup> There were 62 'religious' charges under the offensive behaviour legislation; this comprises 58 section 1 charges, and 4 section 6 charges. The religious element in 16 of these charges was included as a section 74 religious aggravation. The other 46 charges involved a religious element and were included within the main charge, rather than as an aggravation.

As with previous years, Glasgow had the highest concentration of charges with 203 (30% of total charges) and the highest charges per head of population with 33 per 100,000 population.

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 increased since 2015-16, from 50 to 72 charges; an increase of 44%. Of these football related charges in 2016-17, 13 were also Section 1 offences under the OBFTCA; this is 18% of all football related charges. The number of charges occurring in football stadiums has decreased, from 15 in 2015-16 to 10 in 2016-17.

The majority of the charges (91%) relate to male accuseds.

41% of charges noted an accused between the ages of <16 and 30; this is the same proportion as 2015-16, but this represents an increase in actual number of charges, from 239 in 2015-16 to 273 in 2016-17 (an increase of 34 charges).

The accused was noted to be under the influence of alcohol in 52% of charges; a slight increase from 2015-16 when this was noted in 46% of charges.

Police officers were the most common target for religiously aggravated abuse. In 2016-17 there were 293 charges (44%) where the police was the victim. This is a similar proportion to 2015-16, when this was 41%, but there were fewer charges in 2015-16 where police were the victim (236 charges).

Many cases are on-going and information about final convictions will be presented in Scottish Government 'criminal proceedings' publications.<sup>2</sup> Provisional data shows that of the 369 concluded charges, 307 resulted in a conviction .

The most common disposal recorded was community penalty (33%). This is a similar proportion to that reported in 2015-16.

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<sup>2</sup> See: <http://scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/pubCriminalProceedings>

# 1. Introduction

This report presents information about religiously aggravated offending in Scotland in 2016-17 based on a review of police charges issued under section 74 of the Criminal Justice (Scotland) Act 2003. The Act<sup>3</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

This report presents a breakdown of the charges reported to the Crown Office and Procurator Fiscal Service (COPFS) in 2016-17 to provide 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 provisional court outcomes of charges.

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<sup>3</sup> See: <http://www.legislation.gov.uk/asp/2003/7/section/74>

## 2. Method

The analysis used the same method to previous analysis of religiously aggravated offending, carried out by the Scottish Government since 2010-11.<sup>4</sup> The analysis involved a review of COPFS case-files extracted from their case management database. The COPFS database contains information about the charges submitted to the 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 primarily designed for operational purposes rather than routine analysis. However extracted data-sets have been used as the source of these reports since 2010-11.

The analysis in this report is based on the religious aggravation charges that were reported to the COPFS in 2016-17. 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 the 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) conduct 6,000 face-to-face interviews of a randomly selected sample of adults across Scotland on an annual basis.<sup>5</sup> The survey 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 sectarianism in the SCJS is relatively low and consistent over time; it has been 1% or lower in each survey since 2009-10.

Second, religious aggravations data provide a partial account of the nature of religiously aggravated incidents reported to the 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

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<sup>4</sup> Previous 'Religiously Aggravated Offending in Scotland' reports are available at: <http://www.gov.scot/Publications/2016/06/7309>

<sup>5</sup> This is a recent change introduced in 2016-17; the survey was previously carried out every two years with 11,500 adults taking part.

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 the COPFS.

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 the 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 available data held by Police Scotland or the 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 2012<sup>6</sup> (OBFTCA) 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.

Sixth, some of the charges from the 2016-17 financial year are on-going and information about their outcomes is not yet available.

Finally, Justice Analytical Services are considering their suite of publications and are scoping out the possibility of replacing "Religiously Aggravated Offending in Scotland" with a new and broader statistical product on police recorded Hate Crime for 2017-18. We will keep users informed of any developments.

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<sup>6</sup> See: <http://www.legislation.gov.uk/asp/2012/1/contents/enacted>



### 3. Findings

#### Number of charges

There were 673 charges with a religious aggravation reported in 2016-17. This is an increase of 14% from the 592 charges reported in 2015-16. As demonstrated in Table 1, the number of charges reported each year fluctuates, and has done so over the ten year period analysed. The average number of charges over the last ten years is 661; the charges reported for 2016-17 are in line with this.

Table 1 below shows a breakdown of the charges reported to the COPFS between 2007 and 2016. It should be noted that 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, 2013-14, 2014-15, and 2015-16, by the Scottish Government at the time that research was carried out.

**Table 1: Charges reported to the COPFS: 2007-08 – 2016-17<sup>7</sup>**

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
<b>No. charges</b>	609	668	633	694	896	689	591	567	592	673

The number of charges may have been influenced in the last five years by the separate use of charges under section 1 of OBFTCA. This legislation, which came into force on 1<sup>st</sup> 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. In 2016-17, there were 46 charges<sup>8</sup> under OBFTCA legislation that involved a religious element that may have previously been charged under section 74.

When all legislation is considered (i.e. when section 74 charges are added to the section 1 and 6 OBFTCA charges) there are a total of 719 charges relating to religious prejudice in Scotland in 2016-17 (an increase of 12% from 642 in 2015-16).

<sup>7</sup> Data extracted 3<sup>rd</sup> May 2017.

<sup>8</sup> There were 62 'religious' charges under the offensive behaviour legislation; this comprises 58 section 1 charges, and 4 section 6 charges. The religious element in 16 of these charges was included as a section 74 religious aggravation. The other 46 charges involved a religious element and were included within the main charge, rather than as an aggravation.

Before providing further details of these religiously aggravated charges, it is worth highlighting that these charges do not relate to 673 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 relates to ‘charges’ rather than to separate incidents that were reported by the police to the COPFS.

## Details of accused

### *Sex and age of the accused*

In 2016-17, the majority of the charges (91%) related to male accuseds.

Table 2 shows the age breakdown of the accused for each of the 673 religious aggravation charges. Forty one per cent of charges noted an accused aged 30 and under (41% in 2015-16, 44% in 2014-15 and 47% in 2013-14).

**Table 2: Age breakdown of the accused for each charge\***

	2012-13		2013-14		2014-15		2015-16		2016-17	
Age group	No. charges	%	No. charges	%	No. charges	%	No. charges	%	No. charges	%
<16	12	2	0	0	7	1	2	0.3	0	0
16-20	105	15	83	14	71	12	82	14	96	14
21-30	229	33	191	33	182	32	155	27	177	26
31-40	173	25	133	23	127	22	142	24	144	21
41-50	116	17	114	19	110	19	103	18	128	19

	2012-13		2013-14		2014-15		2015-16		2016-17	
<b>51-60</b>	37	5	57	10	56	10	70	12	101	15
<b>&gt;60</b>	15	2	9	2	15	3	27	5	25	4
<b>Unknown</b>	0	0	0	0	1	0.2	0	0	2	0.3
<b>Total</b>	<b>687</b>	<b>100</b>	<b>587</b>	<b>100</b>	<b>569</b>	<b>100</b>	<b>581</b>	<b>100</b>	<b>673</b>	<b>100</b>

\* Percentages may not add up to 100 because of rounding.

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

Table 3 shows that the accused was described by the police as being under the influence of alcohol in 351 of charges (52% of the total) in 2016-17. This finding is based on the information recorded in police reports, therefore this may under-represent the link between alcohol and 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 where they suspected that the accused had taken drugs before the charge. In 2016-17 these accounted for 66 charges (10%), an increase from the 33 charges reported in 2015-16.

**Table 3: Alcohol and drug-related charges\***

	2012-13		2013-14		2014-15		2015-16		2016-17	
	No. charges	%	No. charges	%	No. charges	%	No. charges	%	No. charges	%
<b>Alcohol</b>	333	49	345	59	282	50	266	46	351	52
<b>Drugs</b>	60	9	28	5	41	7	33	6	66	10

\* Some charges may have included the influence of both alcohol and drugs.

## **Details of the offence**

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

Table 4 shows the local authority area where the charges occurred. As with previous years, Glasgow had the highest concentration of charges with 203 (30% of total charges) and the highest charges per head of population with 33 per 100,000 population.

Other local authorities with higher numbers of charges per head of population in 2016-17 are West Dunbartonshire (26 per 100,000 population), North Lanarkshire (21 per 100,000 population) and North Ayrshire (19 per 100,000 population).

**Table 4: Local authority area where charges occurred\***

Local authority	2013-14			2014-15			2015-16			2016-17		
	No. charges	%	Charges per 100k pop.	No. charges	%	Charges per 100k pop.	No. charges	%	Charges per 100k pop.	No. charges	%	Charges per 100k
<b>Aberdeen City</b>	7	1	3	11	2	5	9	2	4	8	1	4
<b>Aberdeenshire</b>	1	0.2	0.4	2	0.4	1	0	0	0	0	0	0
<b>Angus</b>	5	1	4	4	1	3	7	1	6	7	1	6
<b>Argyll &amp; Bute</b>	6	1	7	10	2	11	3	0.5	3	9	1	10
<b>Clackmannans hire</b>	4	1	8	0	0	0	11	2	21	2	0.3	4
<b>Dumfries &amp; Galloway</b>	11	2	7	8	1	5	13	2	2	19	3	13
<b>Dundee City</b>	7	1	5	4	1	3	18	3	12	9	1	6
<b>E. Ayrshire</b>	9	2	7	6	1	5	11	2	9	11	2	9
<b>E. Dunbartonshire</b>	7	1	7	4	1	4	1	0.2	1	5	0.7	5
<b>E. Lothian</b>	6	1	6	2	0.4	2	1	0.2	1	1	0.1	1
<b>E. Renfrewshire</b>	4	1	4	6	1	6	2	0.3	2	10	1.5	11

<b>Edinburgh City</b>	36	6	8	53	9	10	55	10	11	78	12	15
<b>Eilian Siar (Western Isles)</b>	0	0	0	1	0.2	3	3	0.5	11	2	0.3	7
<b>Falkirk</b>	41	7	26	30	5	19	29	5	18	26	4	16
<b>Fife</b>	12	2	4	9	2	2	20	3	5	20	3	5
<b>Glasgow City</b>	208	35	35	197	35	32	176	30	29	203	30	33
<b>Highland</b>	9	2	4	11	2	5	5	0.9	2	11	2	5
<b>Inverclyde</b>	7	1	9	5	1	6	14	2	18	7	1	9
<b>Midlothian</b>	4	1	5	9	2	10	2	0.3	2	12	2	13
<b>Moray</b>	3	1	3	2	0.4	2	0	0	0	1	0.1	1
<b>N. Ayrshire</b>	14	2	10	13	2	10	18	3	13	26	4	19
<b>N. Lanarkshire</b>	66	11	20	41	7	12	52	9	15	70	10	21
<b>Orkney Islands</b>	0	0	0	1	0.2	5	0	0	0	1	0.1	5
<b>Perth &amp; Kinross</b>	6	1	4	3	1	2	1	0.2	1	8	1	5
<b>Renfrewshire</b>	14	2	8	28	5	16	29	5	17	16	2	9
<b>Scottish Borders</b>	3	1	3	5	1	4	7	1	6	0	0	0
<b>Shetland</b>	4	1	17	1	0.2	4	3	0.5	13	0	0	0

<b>Islands</b>												
<b>S. Ayrshire</b>	20	3	18	9	2	8	9	2	8	7	1	6
<b>S. Lanarkshire</b>	21	4	7	24	2	8	28	5	9	41	6	13
<b>Stirling</b>	24	4	26	18	3		19	3	21	8	1	8
<b>W. Dunbartonshire</b>	12	2	13	14	3	16	8	1	9	23	3	26
<b>W. Lothian</b>	16	3	9	37	7	20	27	5	15	32	5	18
<b>Outside Scotland</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>587</b>	<b>100</b>	<b>11</b>	<b>569</b>	<b>100</b>	<b>11</b>	<b>581</b>	<b>100</b>	<b>11</b>	<b>673</b>	<b>100</b>	<b>9</b>

\* Scottish Local Authority area population rates for 2016-17 is based on GROS mid-year population rates 2016, rounded to the nearest 1. Available at: <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2016>

### ***Locus of the charges***

As Table 5 shows, the most common location where charges occurred is in a police car / station (161 charges which is 24% of all charges). The next most common location where charges occurred is in a main street<sup>9</sup> in a town or city centre, with 127 charges (19%).

The increase in charges occurring in a police car/station may be related to the increase in the number of charges where the police were victims, or alternatively, there may be more police victims because of this increase in charges occurring in these locations. For 2016-17, the number of charges taking place in a domestic dwelling was 84 (13%) and 86 charges (13%) took place in a residential area.

<sup>9</sup> '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 5: Locus of charges\***

Locus	2012-13		2013-14		2014-15		2015-16		2016-17	
	No. charges	%	No. charges	%	No. charges	%	No. charges	%	No. charges	%
<b>Police car/station</b>	159	23	113	19	109	19	107	18	161	24
<b>Main Street</b>	153	22	177	30	117	21	138	24	127	19
<b>Residential area</b>	126	18	85	15	58	10	68	12	86	13
<b>Domestic dwelling</b>	70	10	99	17	83	15	69	12	84	13
<b>Football stadium</b>	27	4	16	3	8	1	15	3	10	1.5
<b>Public transport</b>	27	5	16	3	35	6	41	7	47	7
<b>Pub/club</b>	32	6	24	4	20	4	25	4	35	5
<b>Hospital/ambulance</b>	15	2	15	3	21	4	15	3	25	4
<b>Social media</b>	30	4	17	3	36	6	23	4	29	4
<b>Place of worship</b>	6	2	7	1	3	0.5	9	2	7	1
<b>Other / unspecified</b>	64	9	18	3	79	14	71	12	62	9

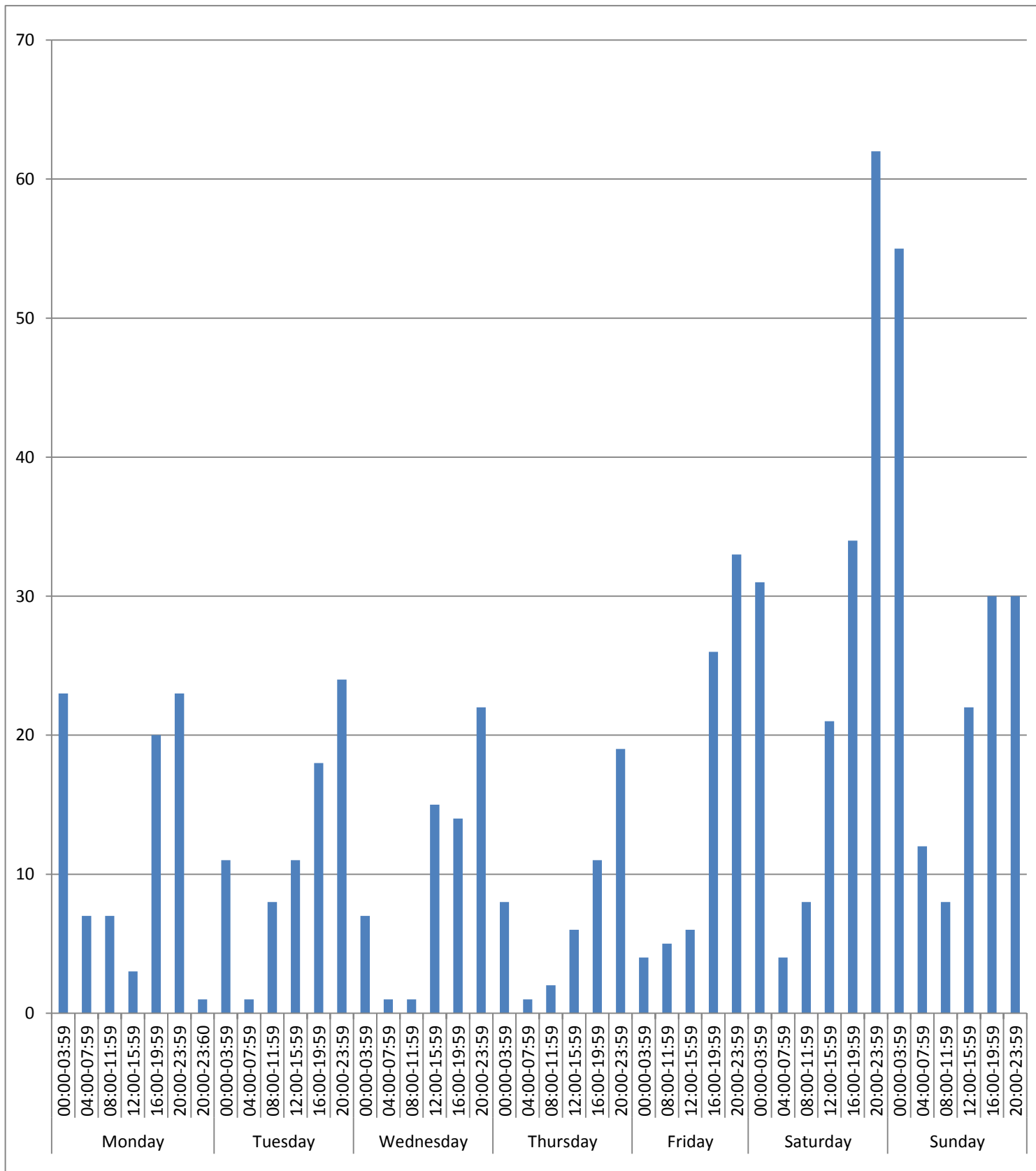
\* Charges do not always add up to the total number reported because an incident may fall into more than one locus type.

### ***Timing of the charges***

Chart 1 outlines the peak days of the week and times of the day that incidents took place. As with 2015-16, there were typically spikes in religiously aggravated offending on weekday evenings and larger spikes at weekends, particularly on Saturday nights, and the early hours of Sunday mornings.



**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 incident.<sup>10</sup> Again, this finding is based on the information recorded in the police reports and may under-report the links to football and marches/parades if the police did not note this.

**Table 6: Charges linked to football and marches/parades**

	2012-13		2013-14		2014-15		2015-16		2016-17	
	No. charges	%	No. charges	%	No. charges	%	No. charges	%	No. charges	%
<b>Football</b>	109	16	96	16	64	11	50	9	72	11
<b>Marches/parades</b>	85	12	34	6	31	5	15	3	21	3

Table 6 shows that the proportion of charges that are football related is similar to the proportion reported in 2015-16. However, the number of football-related charges (e.g. if the police noted the relevance of a football association within the description of the charge) has increased since 2015-16, from 50 to 72 charges, an increase of 44%. Within the football-related charges under section 74, 10 occurred at a football stadium. The other football-related charges took place in settings such as main streets, public transport, residential areas, social media, police car/station, and pub/club.

The OBFTCA 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 45 religious charges that were related to football in 2016-17. In total, there were 117 football-related charges reported to the 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 6, the proportion of charges related to marches and parades is the same in 2015-16 and 2016-17, although there is an increase in the number of charges: from 15 charges (3%) in 2015-16, to 21 charges (3%) in 2016-17.

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<sup>10</sup> The 'association with football' also took into consideration language that referred to a particular football team, or relevance to football songs or regalia/symbols.

**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 analysts 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 7 below shows that Roman Catholicism is the religion that was most often the subject of abuse, with 384 charges for 2016-17. This is an increase of 28% from 299 charges in 2015-16. While the numbers of these charges have fluctuated considerably, the proportional spread of the charges has been similar. The increase in the number of charges for 2016-17 is likely to be connected to an increase in reported anti-Catholic abuse directed towards police officers.

There was an increase of 24 charges with conduct derogatory towards Protestantism; from 141 charges to 165. The proportion of charges that were derogatory towards Protestantism has remained similar.

The number of charges where conduct was derogatory towards Islam has decreased by 16% from 2015-16, from 134 charges to 113 charges.

Charges for conduct derogatory towards Judaism increased from 18 charges to 23 between 2015-16 and 2016-17 but the overall proportion of all charges involving derogatory conduct towards Judaism has remained the same over this period (3%).

**Table 7: Religious affiliation that was the subject of offensive conduct\***

	2012-13		2013-14		2014-15		2015-16		2016-17	
Religion targeted	No. charges	%	No. charges	%	No. charges	%	No. charges	%	No. charges	%
Roman Catholicism	388	57	367	63	328	58	299	51	384	57
Protestantism	199	29	169	29	145	25	141	24	165	24
Islam	80	12	48	8	71	12	134	23	113	17
Judaism	27	4	9	2	25	4	18	3	23	3
Christianity (general)	5	1	4	1	6	1	0	0	5	0.9

<b>Unknown</b>	4	1	5	1	9	2	0	0	6	0.9
<b>Other</b>	3	0.4	2	0.3	1	0.2	0	0	0	0

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

## Details of the victims

### *Victims*

Information about the people targeted by the religious aggravation is not separately recorded in the police report and for the purpose of this report the analysts 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 8, the number of charges where the police were the victim of religiously aggravated offending has increased by 24% since last year – from 236 charges (41% of the charges) to 293 charges (44% of the total). 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 were not directly targeted by the accused) were the victim in 194 charges (29% of total) in 2016-17 - an increase from the 111 charges in 2015-16, which made up 19% of the total in that period. This increase reflects an increase in the number of charges for 2016-17 in which multiple victims were noted in the police reports.

Members of the public were the victims in 176 charges (26% of total) in 2016-17. While the number of charges is higher (from 148, an increase of 28 charges), the proportion of charges in which members of the public were victims was the same as 2015-16.

There was an increase in the number of charges where workers were the victims, from 99 in 2015-16 to 107 in 2015-16, an increase of 8 charges. The 'workers' category includes hospital staff, security staff, shop workers, taxi drivers, takeaway servers, and religious officials. Three religious officials were the victims of a religiously aggravated incident in 2016-17; in 2015-16, one religious official was a victim.

**Table 8: Victims of religious aggravation\***

	2012-13		2013-14		2014-15		2015-16		2016-17	
Victim	No. charges	%	No. charges	%	No. charges	%	No. charges	%	No. charges	%
<b>Police</b>	273	40	282	48	233	41	236	41	293	44
<b>Community</b>	231	34	155	26	205	36	111	19	194	29
<b>Member of the public</b>	172	25	161	27	169	30	148	26	176	26
<b>Worker(s)</b>	80	12	65	11	85	14	99	17	107	16

\* 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.

## **Main charges**

Table 9 shows a breakdown of the main charges to which aggravations were added. It shows small increases (or very small decreases in the case of assault and offensive behaviour at football) in the numbers of each of these listed main charges, but also that the proportion of each of these main charges is broadly similar to last year. Charges under the ‘threatening and abusive’ behaviour (under section 38 of the Criminal Justice and Licensing (Scotland) Act 2010) have increased in 2016-17, following an increase between 2014-15 and 2015-16.

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

Main charge	2012-13		2013-14		2014-15		2015-16		2016-17	
	No. charges	%	No. charges	%	No. charges	%	No. charges	%	No. charges	%
<b>Breach of the peace</b>	134	20	68	12	54	10	24	4	28	4
<b>Threatening or abusive behaviour</b>	385	56	416	71	372	65	427	73	508	75
<b>Assault</b>	26	4	34	6	36	6	50	9	47	7
<b>Offensive behaviour at football</b>	35	5	14	2	3	0.5	13	2	15	2
<b>Offensive communications</b>	4	1	2	0.3	38	7	24	4	24	4
<b>Act in a racially aggravated manner</b>	61	9	4	0.7	34	6	18	3	21	3
<b>Other</b>	42	6	49	8	32	6	25	4	30	5
<b>Total</b>	<b>687</b>	<b>100</b>	<b>587</b>	<b>100</b>	<b>569</b>	<b>100</b>	<b>581</b>	<b>100</b>	<b>673</b>	<b>100</b>

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

† These main charges refer to the main charges as recorded when this research was conducted; they may not be the same charges as originally reported by the police, and they may subsequently change during 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. The proportion of these charge types where Roman Catholicism and Protestantism were targeted is generally similar to previous years' charges.

**Table 10: Breakdown of main charges in 2016-17\***

Main charge	Catholicism		Protestantism		Islam		Judaism	
	No. charges	%	No. charges	%	No. charges	%	No. charges	%
Breach of the peace	15	4	8	5	6	5	1	4
Threatening or abusive behaviour	317	83	136	82	56	50	11	48
Assault	15	4	5	3	22	19	0	0
Offensive behaviour at football	10	3	2	1	0	0	0	0
Offensive communications	10	3	8	5	7	6	4	17
Act in a racially aggravated manner	5	1	2	1	14	12	2	9
Other	12	3	4	2	8	7	5	22
<b>Total</b>	<b>384</b>	<b>100</b>	<b>165</b>	<b>100</b>	<b>113</b>	<b>100</b>	<b>23</b>	<b>100</b>

\* 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.

Compared with 2015-16, where Islam was targeted there was a similar, though lower, proportion of charges that were threatening or abusive behaviour and a very slightly higher proportion of racially aggravated charges. The number of these charge types where Islam was targeted is lower for threatening or abusive

behaviour (by 20 charges) and higher for racially aggravated charges (by 2 charges). The proportion of charges targeting Islam that were assaults has increased since 2015-16, and this follows an increasing, though fluctuating, trend since 2014-15: 17% of charges in 2014-15, 16% of charges in 2015-16, and 19% of charges in 2016-17.

## Court proceedings

Court proceedings were commenced for 84% of charges with a religious aggravation in 2016-17 (568 out of 673 total charges)<sup>11</sup>. For details of charges that were concluded outside of court please see COPFS 'Hate Crime in Scotland in 2016-17'<sup>12</sup>, which provides more details on the action taken for these charges.

Both the 'Hate Crime in Scotland 2016-17' report and this report are based on the same data source i.e. the COPFS case management database and provides information on convictions for concluded charges. The convictions information is provisional and subject to change as some charges are yet to be dealt with in the system. Latest figures, from the data extracted on 3<sup>rd</sup> May 2017, show that court proceedings had been concluded for 368 of these main charges. Of these concluded charges, 307 resulted in a conviction.

Final statistics on convictions for 2016-17 will be presented in the next Scottish Government 'Criminal Proceedings in Scotland' publication.<sup>13</sup> There are differences in the way the Criminal Proceedings statistics measure activity in the courts to the figures in this report. This is because Criminal Proceedings statistics only measure the main charge within a single court case. As there can be more than one charge associated with a case the charge level information in this publication is higher. There will also be timing differences since the figures in this report are based on the year of the report to the COPFS, while the Criminal Proceedings figures are based on year of disposal from the courts.

As shown in Table 11, the most common disposal recorded was a community penalty<sup>14</sup> for 102 charges (33%)- this is an increase from 2015-16 when there were 79 charges. However this makes up a similar proportion of disposals for charges. A monetary penalty was given for 93 charges (30%), which was a similar number to 2015-16. Custody was the disposal for 83 charges (27%)- this is an increase from 58 charges in 2015-16. Other<sup>15</sup> disposals were recorded for the remaining 29 charges (9%). As outlined, the nature of the disposal relates to the main charge, as well as to the religious aggravation. As Table 9 demonstrates, main charges vary considerably and relate to a broad range of underlying offences.

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<sup>11</sup> At the time of the extraction of the data on 3<sup>rd</sup> May 2017

<sup>12</sup> See: <http://www.crownoffice.gov.uk/publications/publications>

<sup>13</sup> See: <http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/PubCriminalProceedings>

<sup>14</sup> 'Community penalty' here to correspond with community service orders and community payback orders.

<sup>15</sup> 'Other' disposals in 2016-17 include admonishments, absolute discharges and restriction of liberty orders.



**Table 11: Recorded disposals for convictions for main charge\***

	2012-13		2013-14		2014-15		2015-16		2016-17	
<b>Disposal</b>	<b>No. charges</b>	<b>%</b>	<b>No. charges</b>	<b>%</b>	<b>No. charges</b>	<b>%</b>	<b>No. charges</b>	<b>%</b>	<b>No. charges</b>	<b>%</b>
<b>Monetary penalty</b>	104	40	93	39	77	37	94	37	93	30
<b>Community penalty</b>	61	23	72	30	60	29	79	31	102	33
<b>Custody</b>	60	23	57	24	47	23	58	23	83	27
<b>Other</b>	37	14	16	7	22	11	20	8	29	9
<b>Total</b>	<b>262</b>	<b>100</b>	<b>238</b>	<b>100</b>	<b>206</b>	<b>100</b>	<b>251</b>	<b>100</b>	<b>307</b>	<b>100</b>

\* Previous years' data is based on information previously published and has not been updated.



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