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Religiously Aggravated Offending in Scotland 2010-11

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RELIGIOUSLY AGGRAVATED OFFENDING IN SCOTLAND 2010-11

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1 INTRODUCTION

1.1 Section 74 of the Criminal Justice (Scotland) Act 2003 states that an offence is aggravated by religious prejudice if:

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

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

1.2 Some information about these offences was published by the Crown Office and Procurator Fiscal Service (COPFS) in May 2011¹ in their report titled 'Hate Crime in Scotland 2010-11'. The report included statistics on racially and religiously motivated crime, as well as figures on the three recently introduced categories of hate crime (disability, sexual orientation and transgender identity.) It showed that there were 693 charges with a religious aggravation reported in 2010-11. Over the last five years the overall total number of these charges has been relatively stable, fluctuating between 600 and 700 charges reported each year. In the five financial years between 2006-07 and 2010-11 there were 696, 609, 667, 632 and 693 religious aggravation charges respectively. The number of reported charges in 2010-11 was however 9.7% higher than in 2009-10 and the highest number of charges since 2006-07.

Research questions

1.3 To provide a greater insight into the nature of religious offending in Scotland this report presents a further breakdown of the charges reported to COPFS in 2010-11 including information about when and where these incidents took place, the nature of the religious belief that was targeted through the offensive conduct, the victims of the conduct and more information about the accused.

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

¹ <http://www.copfs.gov.uk/Publications/2011/05/Hate-Crime-Scotland-2010-11>

2 METHOD

- 2.1 The analysis followed a similar method to the previous analysis carried out by the Scottish Government and COPFS, published in 2006². This included a review of COPFS case files extracted from their case management database. This database contains the information about the offence which was submitted to COPFS by the police at the time of the offence. It also includes information about the progress of the charge, such as the COPFS case marking – whether they decided to proceed with the charge or not, and the final outcome of the case.
- 2.2 The previous analysis took a limited view of the religious aggravations charges by only tracking cases which included one accused and one charge. The analysis that is presented in this report is more complete and is based on all of the religious aggravation charges that were reported to COPFS in 2010-11.
- 2.3 There are a number of points that should be noted when reading this report. First, this analysis provides an indication but not a comprehensive picture of the prevalence of religiously offensive conduct in Scotland. This is because not all incidents of religiously aggravated offending come to the attention of the police, or in circumstances where they are able to charge offenders with a religiously aggravated offence. The information that is reported by the police to COPFS may also be influenced by the decisions they have made about when and where to deploy their officers and by their enforcement strategies on religiously motivated crime. This may be increased in certain circumstances, such as where extra emphasis may have been given to the detection and reporting of this type of offending. Also, these figures may not adequately reflect the religious prejudice that police became aware of but were not able to deal with, for example on occasions where there were large groups of people singing religiously offensive songs.
- 2.4 Second, this analysis only provides a partial account of the nature of religiously aggravated incidents reported to COPFS. This is because the research method involved interpreting the information included by the police in the description of the incident. Police reports are designed to provide prosecutors with sufficient evidence to prosecute an accused person. The reports were sometimes inconclusive on the issues relevant to this research and it is possible that, for example, information about the nature of the religious offence, or links to alcohol or football may be under-reported if the police did not need to highlight these factors to prove a charge being reported to COPFS.
- 2.5 Third, this study only looked at religiously aggravated offending and the religious beliefs and affiliations which were targeted. It therefore does not provide a complete account of offending aggravated by ‘sectarian’ prejudice. This is because many of these types of incidents may have been reported to COPFS as racial aggravations rather than religious aggravations, depending

² <http://www.scotland.gov.uk/Publications/2006/11/24133659/0>

on the nature of the conduct. Information about the number of racially aggravated charges in 2010-11 was included in the COPFS report “Hate Crime in Scotland 2010-11” (Ibid).

- 2.6 Fourth, this report does not present any information about the religious beliefs or affiliations of the people targeted by the offensive conduct. The legislation defines a religiously aggravated offence as an incident where the offender evinces towards the victim “malice and ill-will based on the victim’s membership (or perceived membership) of a religious group or a social or cultural group with a perceived religious affiliation”, or, the offence is motivated by the same. There is no data held by Police or COPFS on victims’ membership of religious or cultural groups with a perceived religious affiliation as this is not relevant to the definition of the crime in law.
- 2.7 Fifth, the analysis of charges from the 2010-11 financial year may include cases which are still underway and information about final outcomes of cases may therefore not be complete.
- 2.8 Finally, although this research has followed a similar method to that used in previous research (Scottish Government 2006), care must be taken when making comparisons with the findings from this report. This is because the previous analysis was based on an 18 month period between January 2004 and June 2005 and only included the cases where there was a single charge and a single accused and excluded cases with multiple charges and/or accused. The analysis presented in this report is for the financial year 2010-11 and includes all of the religious aggravation charges reported to COPFS by the police.

3 FINDINGS

Sex/age of the accused

- 3.1 There were 693 charges with a religious aggravation reported in 2010-11. Ninety-five percent of the charges related to males and 58% of all accused were between the ages of 16 and 30. Table 1 shows the age breakdown of the accused in each of the 693 religious aggravation charges.

Age group	Number of charges	%
Under 16	24	3.5
16-20	143	20.6
21-30	257	37.1
31-40	120	17.3
41-50	98	14.1
51-60	32	4.6
Over 60	17	2.5
Unknown	2	0.3
Total	693	100

Table 1: Age breakdown of accused

Location of offences

- 3.2 Table 2 shows the local authority areas where the incidents happened. The majority of the incidents took place in the west of Scotland and over half of these took place in Glasgow local authority area. Outside Glasgow, there were higher numbers of incidents in North Lanarkshire, West Lothian, South Lanarkshire and Falkirk. There are still higher numbers of charges in these locations even when controlling for population density. There are however large areas of Scotland where there are few religious aggravations charges reported and no charges at all were reported in 5 local authority areas.

Local authority area	Number of charges	%	Number of charges per 100,000 population ³
Aberdeen City	9	1.3	4
Aberdeenshire	0	0	0
Angus	1	0.1	1
Argyll & Bute	7	1	8
Clackmannanshire	2	0.3	4
Dumfries & Galloway	5	0.7	3
Dundee City	4	0.6	3
East Ayrshire	2	0.3	2
East Dunbartonshire	1	0.1	1
East Lothian	0	0	0
East Renfrewshire	5	0.7	6
Edinburgh City	22	3.2	5
Western Isles	0	0	0
Falkirk	30	4.3	20
Fife	9	1.3	2
Glasgow City	356	51.4	60
Highland	5	0.7	2
Inverclyde	12	1.7	15
Midlothian	2	0.3	2
Moray	1	0.1	1
North Ayrshire	16	2.3	12
North Lanarkshire	78	11.3	24
Orkney Islands	0	0	0
Perth & Kinross	3	0.4	2
Renfrewshire	16	2.3	9
Scottish Borders	7	1	6
Shetland Islands	0	0	0
South Ayrshire	10	1.4	9
South Lanarkshire	33	4.8	11
Stirling	10	1.4	11
West Dunbartonshire	12	1.7	13
West Lothian	35	5.1	20
Total	693	100	13

Table 2: Local authority area where charges occurred in 2010-11

Locus of charges

- 3.3 Just over a fifth (21%) of all reported offences occurred in a 'main street' in a town or city centre, 19% took place in a police car/station, and 13% on public transport or at a public transport station. Football stadiums were the locus for 13% of charges and residential areas for 12%.

³ Population rate based on GROS mid-year population rates 2010. Available at: <http://www.gro-scotland.gov.uk/statistics/theme/population/estimates/mid-year/2010/tables.html>

Locus of offence	Number of charges	%
Main street ⁴	145	20.9
Police car/station	134	19.3
Public transport	91	13.1
Football stadium	90	12.9
Residential area	82	11.8
Domestic dwelling	66	9.5
Pub/club	37	5.3
Hospital	12	1.7
Other	46	6.6

Table 3: Locus of offences. Note that percentages do not add to 100 because an incident may fall into more than one locus type, e.g. a public transport station outside a football stadium

- 3.4 Included in the domestic dwelling category were two charges which referred to offensive behaviour which involved posts onto the accused's "Facebook" pages.

Football and marches/parades

- 3.5 Following previous research, the analysis included looking at the number of religious aggravation charges which were related in some way to football or marches and parades, for example if the incident took place at a football match/screening or a march or parade, or if the police noted the relevance of a football association within the description of the incident⁵. Again, this finding is based on the information recorded in police reports and may under-report the links to football and marches/parades if there were cases where the police did not note this. According to the police reports around a third of offences were specifically linked to football. Fewer than 5% of the incidents were related to marches or parades.

	Number of charges	%
Football	231	33.3
Marches/parades	32	4.6

Table 4: Charges linked to football and marches/parades

- 3.6 Within the 231 football-related charges, 90 occurred at a football stadium, or a public transport station at a football stadium. The other football-related charges took place in settings such as public transport, pubs/clubs and main streets in town and city centres.
- 3.7 Of the 90 charges which referred to football stadium incidents, 47 charges (52%) related to incidents that happened at Celtic Park, 24 charges (27%) were related to incidents that took place at Ibrox Stadium and 6 charges (7%) took place at Hampden Park. Note that this information relates only to the stadium where the incident took place and makes no inference to the club

⁴ '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.

⁵ The 'association with football' also took into consideration language that referred to a particular football team or reference to football regalia/symbols.

affiliations of victims or the accused, or whether these were ‘home’ or ‘away’ supporters.

Football stadium	Number of charges	%
Celtic Park	47	52
Ibrox Stadium	24	27
Hampden Park	6	7
Easter Road	4	4
Pittodrie	3	3
Other	6	7
Total	90	100

Table 5: Charges from incidents at football stadiums

Religious beliefs/affiliations that were targeted

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

3.9 Charges referred to conduct which was derogatory towards Roman Catholicism in 400 charges (58%) and derogatory towards Protestantism in 253 charges (37%). There were 16 charges which referred to conduct which was derogatory to Judaism and 15 which were derogatory towards Islam.

Religion targeted	Number of charges	%
Roman Catholicism	400	57.7
Protestantism	253	36.5
Judaism	16	2.3
Islam	15	2.1
Christianity (general)	4	0.6
Unknown ⁶	8	1.2

Table 6: Religious group targeted in 2010-11. Note: percentages do not add to 100 since some charges related to conduct which targeted more than one religious belief.

⁶ There were 8 charges which related to incidents where the researchers were not able to adequately assess, based on the information presented in the police report, the religious belief or affiliation which was targeted by the conduct.

Victims

- 3.10 Information about the people targeted by the religious aggravation is also not separately recorded in the police report and for the purpose of this report the researchers made an assessment of who the main victims were. This was based on the police's description of the incident. For this purpose the victim was defined as the main target for the religiously offensive part of the offence, as noted in the police description of the event. This may have been a specific individual, a member of the public, police officer or worker or it may have been the general community, for example if someone was singing a religiously offensive song that was not directed at anyone in particular. Each charge may have included multiple victim 'types'.
- 3.11 The police were victims of the religious abuse in 42% of the charges and were the most common target. These charges often referred to incidents where the police had arrested someone for an offence and were subsequently abused by him or her in religiously offensive terms. The general community was targeted in almost a third of the cases and members of the public in just over a fifth of the cases. Workers, such as hospital staff, security staff and taxi drivers, were targeted in just over 10% of charges.

Victim	Number of charges	%
Police officer/s	288	41.5
Community	229	33.0
Member of the public	157	22.6
Worker/s	73	10.5

Table 7: Victims of religious aggravation. Note: percentages do not add to 100 since some charges related to behaviour which targeted more than one victim or victim type.

Alcohol and drugs related charges

- 3.12 Just over 60% of charges were described as being alcohol related, where the police had reported that the accused was under the influence of alcohol. This finding is based on the information recorded in police reports and may under-report the alcohol links to the offending if there were cases 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. Six percent of the cases referred to incidents where the police reported the accused as having a drugs possession or suspected they had taken drugs before the offence.

	Number of charges	%
Drink	424	61.1
Drugs	41	5.9

Table 8: Alcohol and drugs related charges

Main charges

- 3.13 The following table shows the main charges that aggravations were added to. This shows that the main charges were most commonly 'breach of the peace', 'threatening or abusive behaviour'⁷, and 'assault'.

Main charge	Number of charges	%
Breach of the peace	503	72.5
Threatening or abusive behaviour	99	14.2
Assault	39	5.6
Other	52	7.5
Total	693	100

Table 9: Main charges that aggravations were added to. Note that percentages do not add to 100 because of rounding.

Criminal proceedings

- 3.14 Of the 693 charges that the police reported to COPFS, court proceedings were initiated for 587 (85%) of the charges (COPFS, 2011).
- 3.15 Some court cases may be ongoing but information from the COPFS case management database shows that⁸ court proceedings had been concluded for 457 of these charges. Of this number, 390 charges resulted in convictions. The most common disposal recorded was a monetary penalty (for 163 of the charges or 42%), community service for 99 charges (25%) and custody for 70 charges (18%). Other disposals were recorded (including admonishment and referral to the children's reporter) for the remaining 58 charges (15%).

⁷ A new offence from section 38 of the 'Criminal Justice and Licensing (Scotland) Act 2010', which came into force on 6 October 2010 and only relates to offences after this date, i.e. the second half of the period being analysed.

⁸ As at end of October 2011

4 CONCLUSIONS

- 4.1 Previous research based on an analysis of religious aggravations charges from 2004 and 2005 (Scottish Government, 2006) noted the geographical concentration of this problem and the high prevalence of religious aggravations charges in the west of Scotland, where the accused were typically young men and under the influence of alcohol. It also noted the prevalence of Catholicism and Protestantism as the main subjects of religiously offensive conduct. Previous research also noted around a third of cases being related in some way to football and a smaller number (around 12%) related to marches and parades.
- 4.2 Many of these findings are reflected in the analysis of religious aggravation charges that were reported in 2010-11. Ninety-five percent of the accused were male and 58% were between the ages of 16 and 30. There is a continuing concentration of religious aggravation charges in the west of Scotland, with over half of all charges in the Glasgow local authority area. Much of the offensive conduct also took place in main street locations in town and city centres and also in police cars and police stations. The charges which relate to incidents in domestic dwellings represent only around 10% of all the charges. A third (33%) of all charges were related to football and 13% took place at football stadiums. The proportion of charges related to football is the same as (33%) reported in the previous analysis (Scottish Government, 2006) but these findings suggest a higher proportion of the football-related cases happening outside stadiums, in bars/clubs, public transport and main streets in town and city centres. Only 5% of charges took place at marches or parades, compared with 12% of cases reported in the previous analysis.
- 4.3 Fifty-eight percent of charges referred to conduct which was derogatory towards Catholicism. Protestantism was the second most common subject of the religious aggravation, in 37% of the charges. Previous analysis of religious aggravations cases (Scottish Government, 2006) presented a broadly similar ratio of offensive conduct towards religious beliefs/affiliations. Roman Catholicism was deemed to be targeted in 64% of cases and Protestantism was targeted in 31% of cases. There appears to have been a slight change, with a rise in the proportion of charges which are related to anti-Protestant conduct. The last analysis (Scottish Government, 2006) however did not present the total numbers of the religious aggravations charges reported in the study period and excluded cases where there were multiple charges and/or multiple accused. Comparisons must therefore be drawn with caution.
- 4.4 A large proportion of the behaviour referred to in these charges included the direct targeting of police officers with religious abuse and the police were the most common target of this kind of abuse in 42% of the charges reported. The general community was targeted in nearly a third of charges. These charges included occasions where religious abuse was carried out in a public space and did not necessarily target a particular individual.

- 4.5 Overwhelmingly these religious aggravations were added to 'breach of the peace' charges, this was true for 73% of the charges. There were also 99 'threatening or abusive behaviour' aggravations which were added to a new offence from section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 which came into force on 6 October 2010.
- 4.6 Although this research provides insight into the nature of religious offending and will enable comparisons for analysis of trends in future years, there are, as noted in chapter 3 of this report, a number of qualifications for the understanding of this information which means that this report presents only a partial view of the nature of religiously motivated offending in Scotland. A fuller insight into the nature and scale of religious offending in Scotland would need to include reference to contextual information about the enforcement strategies of the police and also the more hidden types of abuse, and cases of religious victimisation that were not reported to the police.

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