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Religiously Aggravated Offending in Scotland 2012-13

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Religiously Aggravated Offending in Scotland 2012-13

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EXECUTIVE SUMMARY

- In 2012-13 687 charges were reported with a religious aggravation under section 74 of the Criminal Justice (Scotland) Act 2003. This is a 24% decrease compared to 2011-12. There were 901¹ charges reported in 2011-12, and 696 in 2010-11. The figures for the preceding five years were relatively stable, with between 600 and 700 charges reported each year.
- This reduction may have been partly due to the use of section 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, (which came into force on 1 March 2012). The Act criminalises religious hatred that is connected to football and may be used instead of section 74 in certain circumstances. The accompanying report² shows that there were 75 additional charges³ relating to religious charges under this legislation during 2012-13. When added together there were therefore 762 charges relating to religious prejudice in 2012-13 when both pieces of legislation are considered (which still represents a decrease from 2011-12).
- Similar to previous years, a substantial proportion (40.9%) of all charges were in Glasgow, 91% were male and 48.6% of all accused were between the ages of 16 and 30. The accused was described by the police as being under the influence of alcohol in 48.5% of charges.
- The number of football-related charges has decreased since last year from 267(30.5% of the total) in 2011-12, to 109 (15.9%) in 2012-13. The number of charges occurring in football stadiums has also decreased from 67 in 2011-12 (7.6%), to 27 in 2012-13 (3.9%). This reduction also may have been due to the use of section 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act (2012) for religiously offensive football-related behaviour. This legislation resulted in an extra 75 religious charges that were related to football, so there were 184 football-related charges that contained religious prejudice, when both pieces of legislation are considered (which still represents a decrease from the 267 charges reported in 2011-12).
- As with 2011-12 and 2012-13, Roman Catholicism and Protestantism were most often the religions that were the subject of abuse but there was a 24% decrease in the number of charges that referred to Roman Catholicism, from 509 charges (58.1% of the total) in 2011-12 to 388 charges (56.5%) in 2012-13. There was a 44% decrease in the charges that referred to Protestantism from 353 (40.3%) in 2011-12 to 199 (29.0%) in 2012-13.

¹ The total number of charges is taken from the most up-to date information recorded on the COPFS case management system. This is a live system and the number of totals 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 876 charges in 2011-12 and 693 charges in 2010-11.

² Charges reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act (2012) in 2012-13

³ There were 106 'religious' charges under Offensive Behaviour legislation. The religious element in 31 of these charges was included as a religious aggravation and so already counted in the section 74 total. The other 75 charges involved the religious element within the main charge, so these represent 'extra' charges.

- There has been an increase in charges where conduct was derogatory towards Islam, from 19 charges (2.2% of the total) in 2011-12 to 80 charges (11.6% of the total) in 2012-13. This can be explained by one incident at a march in Glasgow, in which there were 57 anti-Islam charges. There was also an increase in the charges that referred to Judaism from 14 (1.6%) in 2011-12 to 27 (3.9%) in 2012-13.
- Police officers were the most common target of religiously aggravated abuse with 273 charges (39.7%), a decrease from 449 (51.3%) in 2011-12. The occasions when religious abuse targeted people within the 'general community' and not a particular individual, represented a third (33.6%) of all charges.
- There were 262 convictions from 313 concluded main charges, which is an overall conviction rate of 84%. The most common disposal recorded was a monetary penalty (39.7%); which was a slight decrease from 43.0% in 2011-12. The figures show a slight increase in the proportion of charges which resulted in a community penalty (23.3%, compared to 21.8% in 2011-12) and custody (22.9% compared to 20.4% in 2011-12).

1. INTRODUCTION

1.1 This report presents information about religiously aggravated offending in Scotland in 2012-13, based on a review of police charges issued under section 74 of the Criminal Justice (Scotland) Act 2003. The Act states that an offence is aggravated by religious prejudice if:

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

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

Research Questions

1.2 This report presents a further breakdown of the charges reported to COPFS in 2012-13, to provide a greater insight into the nature of religious offending in Scotland.

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

2. METHOD

2.1 The analysis used a similar method to the previous analysis carried out by the Scottish Government of religiously aggravated offending in 2010-11 and 2011-12, that were published in November 2011 and 2012⁴ respectively. It involved a review of Crown Office and Procurator Fiscal Services (COPFS) case-files extracted from its case management database. The database contains the information about the charges which were submitted to COPFS by the police at the time of the charge. It also includes information about the decision on whether or not to proceed with the charge, and its final outcome.

2.2 The COPFS case management database is not designed for routine analysis but has been used as the source for this one-off research project.

2.3 The analysis in this report is based on the religious aggravation charges that were reported to COPFS in 2012-13. There are a number of points that should be noted when reading this report.

2.4 First, this analysis does not provide a comprehensive picture of the prevalence of religiously offensive conduct in Scotland. This is because not all incidents of religiously aggravated offending come to the attention of the police, or in circumstances where they are able to charge offenders with an offence. The information that is reported by the police to COPFS may also be influenced by the decisions the police have made about when and where to deploy their officers and their enforcement strategies for religiously motivated crime. The number of charges may be increased in certain circumstances, such as where extra emphasis may have been given to the detection and reporting of religiously offensive crime. The fact that the Scottish Crime and Justice Survey shows there has been no increase in the proportion of victims who believe that the crime they experienced was related to race, religion or sectarianism suggests that the increase in the numbers of religiously aggravated crimes that have been reported to COPFS in recent years is indeed likely to be due to changes in reporting and recording practice. The survey interviews a randomly selected adult⁵ in 13,000 households across Scotland, 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 racially or 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. The next data point in the series will be for 2012/13 and available from November 2013.

2.5 Second, these figures may also not adequately reflect the religious prejudice that police became aware of but were not able to deal with, for example on occasions where there were large groups of people singing religiously offensive songs.

⁴ <http://www.scotland.gov.uk/Publications/2011/11/17154035/0>

⁵ Defined as those aged 16 and over.

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

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

2.8 Fifth, 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.

2.9 Sixth, new legislation was introduced on 1 March 2012; the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012⁶ 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 might before this time have been charged under section 74 of the Criminal Justice (Scotland) Act 2003, might from this date have been dealt with under the new legislation. This may have been responsible for a reduction in the number of football-related religious aggravation charges that were dealt with through section 74 of the Criminal Justice (Scotland) Act 2003, in 2012-13.

2.10 Finally, some of the charges from the 2012-13 financial year may still be underway and information about their outcomes is not yet available.

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

3. FINDINGS

Number of charges

3.1 There were 687 charges with a religious aggravation reported in 2012-13. This is a 24% decrease since 2011-12 when there were 901 charges reported to COPFS. It represents a return to the level of charges reported between 2007 and 2010, when there were between 600 and 700 charges in each financial year, which preceded a notable increase in 2011-12. Table 1 below shows a breakdown of the charges reported to COPFS between 2007 and 2013.

Table 1: Charges reported to COPFS between 2007 and 2013

	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Number of Charges	609	669	632	696	901	687

3.2 COPFS statistics are based on a live database and therefore the figures reported 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.

3.3 Previous Scottish Government analysis of religious aggravations for 2011-12 reported 876 charges in that financial year and 693 in 2010-11. These numbers were based on information recorded on the COPFS database at that time.

3.4 The comparisons on the remainder of this report are based on the total number of charges that were analysed and included in the past reports for 2010-11 and 2011-12 by the Scottish Government at the time that research was carried out.

Sex/age of the accused

3.5 For 2012-13, 91% of the charges related to male accused, and 48.6% of all accused were between the ages of 16 and 30. Table 2 shows the age breakdown of the accused for each of the 687 religious aggravation charges.

Table 2: Age breakdown of accused

Age group	2010-11		2011-12		2012-13	
	Number of charges	%	Number of charges	%	Number of charges	%
Under 16	24	3.5	5	0.6	12	1.7
16-20	143	20.6	178	20.3	105	15.3
21-30	257	37.1	331	37.8	229	33.3
31-40	120	17.3	184	21.0	173	25.2
41-50	98	14.1	118	13.5	116	16.9
51-60	32	4.6	41	4.7	37	5.4
Over 60	17	2.5	18	2.1	15	2.2
Unknown	2	0.3	1	0.1	0	0.0
Total	693	100	876	100	687	100.0

Location of offences

3.6 Table 3 shows the local authority areas where charges occurred. Consistent with 2011-12 the majority of charges took place in the west of Scotland, and 40.9% occurred in Glasgow.

3.7 As well as Glasgow there were also relatively higher numbers in North Lanarkshire and Falkirk. This higher prevalence is evident also when controlling for population density. However, a slight reduction was found in South Lanarkshire since 2011-12 from 4.8% to 4.1%. In Edinburgh there was also a decrease from 48 charges (5.5%) in 2011-12 to 32 charges (4.7%) in 2012-13. Increases in charges from 2011-12 were found in North Lanarkshire from 9.6% to 13.8% and in Falkirk from 4.7% to 7.0%. In contrast to 2011-12 there were 3 local authority areas where no charges occurred.

3.8 One charge took place at a domestic Scottish football fixture in England. This charge was a religious aggravation added to a charge under section 1 of the Offensive Behaviour etc Act which, unlike existing law such as breach of the peace, applies to incidents taking place around regulated football matches outside Scotland.

Table 3: Local authority area where charges occurred in 2012-13⁷

Local authority area	2010-11			2011-12			2012-13		
	Number of charges	%	No of charges per 100,000 population	Number of charges	%	No of charges per 100,000 population	Number of charges	%	No of charges per 100,000 population
Aberdeen City	9	1.3	4	16	1.8	7	7	1.0	3
Aberdeenshire	0	0	0	5	0.6	2	6	0.9	2
Angus	1	0.1	1	4	0.5	4	0	0.0	0
Argyll & Bute	7	1	8	21	2.4	23	9	1.3	10
Clackmannanshire	2	0.3	4	12	1.4	24	8	1.2	16
Dumfries & Galloway	5	0.7	3	19	2.2	13	13	1.9	9
Dundee City	4	0.6	3	9	1.0	6	5	0.7	3
East Ayrshire	2	0.3	2	20	2.3	17	11	1.6	9
East Dunbartonshire	1	0.1	1	2	0.2	2	8	1.2	8
East Lothian	0	0	0	2	0.2	2	7	1.0	7
East Renfrewshire	5	0.7	6	5	0.6	6	10	1.5	11
Edinburgh City	22	3.2	5	48	5.5	10	32	4.7	6
Western Isles	0	0	0	1	0.1	4	2	0.3	8
Falkirk	30	4.3	20	41	4.7	27	48	7.0	31
Fife	9	1.3	2	18	2.1	5	11	1.6	3
Glasgow City	356	51.4	60	353	40.3	59	281	40.9	47
Highland	5	0.7	2	9	1.0	4	2	0.3	1
Inverclyde	12	1.7	15	14	1.6	18	3	0.4	4
Midlothian	2	0.3	2	2	0.2	2	2	0.3	2
Moray	1	0.1	1	4	0.5	5	4	0.6	5
North Ayrshire	16	2.3	12	23	2.6	17	8	1.2	6
North Lanarkshire	78	11.3	24	84	9.6	26	95	13.8	29
Orkney Islands	0	0	0	1	0.1	5	2	0.3	10
Perth & Kinross	3	0.4	2	9	1.0	6	10	1.5	7
Renfrewshire	16	2.3	9	33	3.8	19	11	1.6	6
Scottish Borders	7	1	6	1	0.1	1	0	0.0	0
Shetland Islands	0	0	0	1	0.1	4	0	0.0	0
South Ayrshire	10	1.4	9	8	0.9	7	3	0.4	3
South Lanarkshire	33	4.8	11	42	4.8	13	28	4.1	9
Stirling	10	1.4	11	22	2.5	24	21	3.1	23
West Dunbartonshire	12	1.7	13	27	3.1	30	14	2.0	15
West Lothian	35	5.1	20	10	1.1	6	24	3.5	14
Outside Scotland (Northumberland, England)	0	0.0	0	0	0.0	0	1	0.1	
Unknown				10	1.1		1	0.1	
Total	693	100.0	13.2	876	100.0	16.7	687	100.0	13.1

Locus of charges

3.9 Similar proportions were found in the locus of charges when compared with 2010-11 and 2011-12. Just over a fifth (23.1%) of all charges occurred in a police car/station and 22.3% took place in a 'main street'⁸ in a town or city centre.

3.10 There were also similar proportions found in residential areas compared with 2011-12 from 18.5% to 18.3%. There is a decrease in charges taking place at football stadiums from 67 charges in 2011-12 to 27 in 2012-13, although this could

⁷ Local Authority Areas population rate based on GROS mid-year population rates 2011. Available at <http://www.gro-scotland.gov.uk/statistics/theme/population/estimates/mid-year/2011/tables.html>

⁸ '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.

be explained by the use of the Offensive Behaviour at Football etc Act to deal with football-related religious hatred, as discussed earlier.

3.11 Fewer charges also occurred on public transport or at a public transport station from 6.8% in 2011-12 to 3.9% in 2012-13. Thirty charges relating to online social media including Facebook, Twitter, YouTube and other online forums, were recorded for 2012-13 – this represents an increase from previous years.

Table 4: Locus of offences⁹

Locus of Offence	2010-11		2011-12		2012-13	
	Number of charges	%	Number of charges	%	Number of charges	%
Police Car/Station	134	19.3	199	22.7	159	23.1
Main Street	145	20.9	175	20.0	153	22.3
Residential Area	82	11.8	162	18.5	126	18.3
Domestic Dwelling	66	9.5	97	11.1	70	10.2
Football Stadium	90	12.9	67	7.6	27	3.9
Public Transport	91	13.1	60	6.8	27	3.9
Pub/Club	37	5.3	33	3.8	32	4.7
Hospital	12	1.7	23	2.6	15	2.2
Online Social Media	*	*	*	*	30	4.4
Other	46	6.6	71	8.1	70	10.2

Note: charges do not 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.

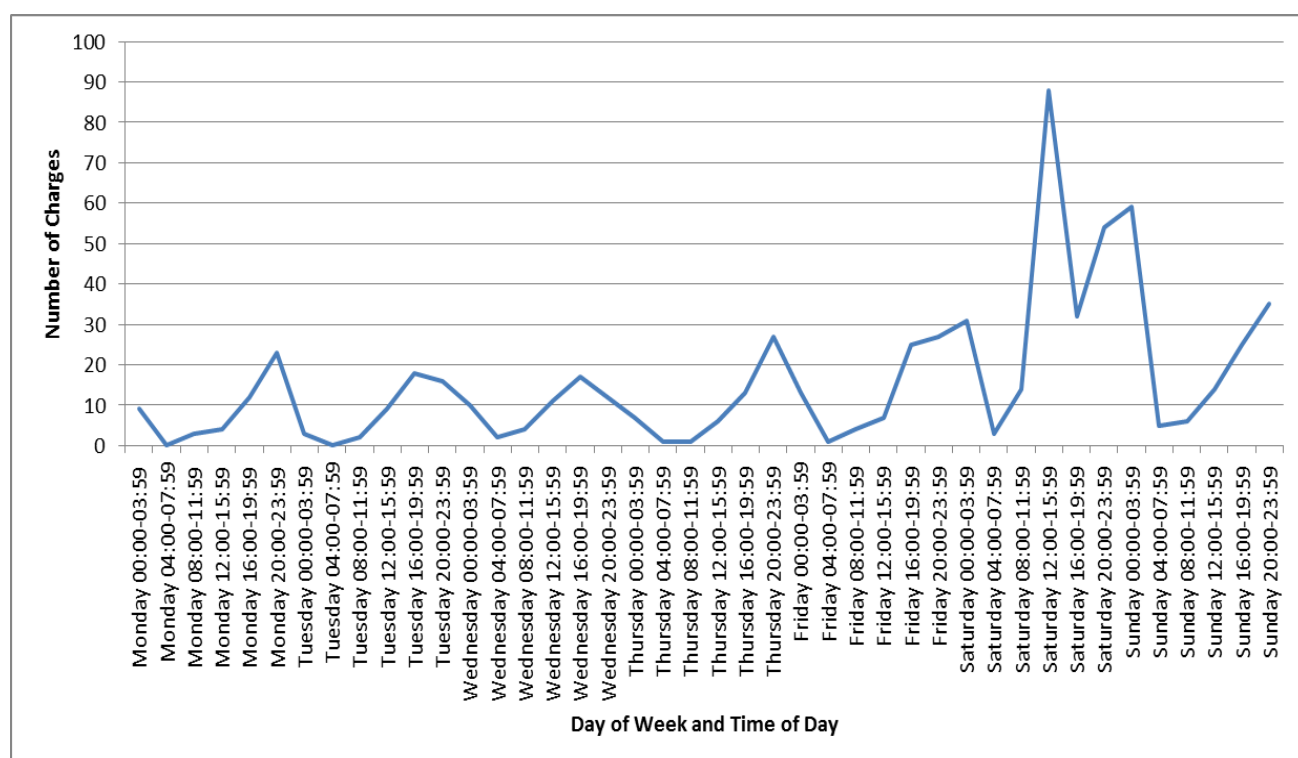
* In 2010-11 and 2011-12 the number of charges relating to online social media were so low they were included in the domestic dwelling figures.

Timing of charges

3.12 Chart 1 outlines the peak days of week and times of day for charges taking place. On weekdays there are typically spikes in offending between 4pm-8pm. There are larger spikes at the weekend and particularly on Saturdays between 12pm and 12am.

⁹ Included in the 'other' category are 6 charges which took place in religious buildings.

Chart 1: Day of Week and Time of Day



Football and marches/parades

3.13 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 incident¹⁰. Again, this finding is based on the information recorded in police reports and may under-report the links to football and marches/parades if the police did not note this.

Table 5: Charges linked to football and marches/parades

	2010-11		2011-12		2012-13	
	Number of charges	%	Number of charges	%	Number of charges	%
Football	231	33.3	267	30.5	109	15.9
Marches/Parades	32	4.6	18	2.1	85	12.4

3.14 Under section 74, there were 109 charges linked to football in 2012-13, (15.9% of the total). This is a decrease since 2011-12 when there were 267 charges. New legislation was introduced on 1 March 2012; the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012¹¹ that criminalises

¹⁰ The ‘association with football’ also took into consideration language that referred to a particular football team or reference to football songs or regalia/symbols

¹¹ <http://www.scotland.gov.uk/Topics/Justice/law/sectarianism-action-1/football-violence/bill>

offensive behaviour related to football, including offensive singing or chanting, where it is likely to incite public disorder. Some of the offences which might before this time have been dealt with under section 74 of the Criminal Justice (Scotland) Act 2003, might from this date have been dealt with under the new legislation. The charges under the 2012 Act included 75 in relation to religious hatred related to football in 2012-13, so there were in total 184 football-related charges regarding religious prejudice, when both pieces of legislation are considered.

3.15 Within the 109 football-related charges, 27 occurred at a football stadium. The other football-related charges took place in settings such as public transport, main streets in town and city centres and residential areas.

3.16 As shown in table 6, the number of incidents that took place at all stadiums have reduced in the last 12 months, although the proportion occurring at Ibrox and Tynecastle have increased. Of the 27 charges which happened at football stadiums, 10 occurred at Ibrox (37.0%), 8 at Tynecastle (29.6%) and only 1 charge (3.7%) took place at Celtic Park compared with 15 charges (22.4) in 2011-12.

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

Table 6: Charges at football stadiums

Football Stadium	2011-12		2012-13	
	Number of Charges	%	Number of charges	%
Celtic Park	15	22.4	1	3.7
Ibrox Stadium	15	22.4	10	37.0
Tynecastle Stadium	9	13.4	8	29.6
Hampden Park	4	6.0	1	3.7
East End Park	4	6.0	0	0.0
Other	20	29.9	7	25.9
Total	67	100.0	27	100.0

3.18 Also, as shown in table 5 there was an increase in the number of charges relating to marches/parades, from 2.1% (18 charges) in 2011-12 to 12.4% (85 charges) in 2012-13. This increase can in part be explained by one march which took place in Glasgow, in which there were 57 charges in one incident where Islam was the target of abuse.

Religious beliefs/affiliations that were targeted

3.19 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 and 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 by the police as they are not relevant to the definition of the crime in the law. This report does not therefore present information about the religious beliefs or affiliations of the people targeted by the offensive conduct.

3.20 There has been a decrease in the number of charges where conduct was derogatory towards Roman Catholicism from 509 charges in 2011-12 to 388 charges in 2012-13, the proportions are however similar 58.1% in 2011-12 and 56.5% in 2012-13. In charges which were derogatory toward Protestantism there has been a reduction from 353 in 2011-12 (40.3%) to 199 in 2012-13 (29.0%).

3.21 There has been an increase in charges where conduct was derogatory towards Islam, from 19 charges (2.2% of the total) in 2011-12 to 80 charges (11.6% of the total) in 2012-13. This can be explained by one incident at a march in Glasgow, in which there were 57 anti-Islam charges. Charges for conduct derogatory towards Judaism also increased from 14 charges (1.6% of the total) in 2011-12 to 27 charges (3.9% of the total) in 2012-13.

Table 7: Religious affiliation that was the subject of offensive conduct in 2012-13

Religion Targeted	2010-11		2011-12		2012-13	
	Number of charges	%	Number of charges	%	Number of charges	%
Roman Catholicism	400	57.7	509	58.1	388	56.5
Protestantism	253	36.5	353	40.3	199	29.0
Islam	15	2.1	19	2.2	80	11.6
Judaism	16	2.3	14	1.6	27	3.9
Christianity (General)	4	0.6	3	0.3	5	0.7
Unknown	8	1.2	2	0.2	4	0.6
Other	0	0	0	0	3	0.4

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

Victims

3.22 Information about the people targeted by the religious aggravation is not separately recorded in the police report and for the purpose of this analysis the researchers made an assessment of the victims, based on the police description of the incident. The victim was defined as the main target for the religiously offensive part of the offence. This may have been a 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'.

3.23 The police were the most common target, however there has been a decrease from 449 charges in 2011-12 to 273 in 2012-13 (51.3% to 39.7%). These charges often related to incidents where the police had arrested the accused for another offence and were then abused in religiously offensive terms afterwards. As was found in 2011-12 the general community were targeted in around a third of the charges. There was a decrease in charges relating to members of the public from 271 charges in 2011-12 to 172 charges in 2012-13 (30.9% to 25.0%) . There was also a decrease in charges where workers were the victims from 117 charges in

2011-12 to 80 charges in 2012-13 (13.4% to 11.6%). The 'workers' category includes hospital staff, security staff, taxi drivers and religious officials¹². The majority of the victims were police officers, the general community and workers. This suggests that for the majority of charges it is unlikely the accused knew the religious affiliation/belief of the victim at the time of incident and that the attacks were more arbitrary in nature.

Table 8: Victims of religious aggravation

Victim	2010-11		2011-12		2012-13	
	Number of charges	%	Number of charges	%	Number of charges	%
Police officer/s	288	41.5	449	51.3	273	39.7
Community	229	33.0	259	29.6	231	33.6
Member of the public	157	22.6	271	30.9	172	25.0
Worker/s	73	10.5	117	13.4	80	11.6

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

Alcohol and drug related charges

3.24 The accused was described by the police as being under the influence of alcohol in 333 charges (48.5% of the total) in 2012-13, a decrease from 498 charges (56.8% of the total) 2011-12. This finding is based on the information recorded in police reports and may under-report the alcohol links to the offending if there were charges where the police did not note that the accused had been drinking. It was also not possible to quantify the amount of alcohol consumed in any given case. Drugs related charges, referred to incidents where the police reported the accused as possessing drugs or suspected they had taken drugs before the offence, these were similar for 2012-13 when there were 60 charges (8.7%) and 2011-12 when there were 75 charges (8.6%).

Table 9: Alcohol and drugs related charges

	2010-11		2011-12		2012-13	
	Number of charges	%	Number of charges	%	Number of charges	%
Drink	424	61.1	498	56.8	333	48.5
Drugs	41	5.9	75	8.6	60	8.7

Note: the rows show the number and proportion of drink/drugs in all charges. Some charges may have included both drink and drugs.

Main charges

3.25 Table 10 shows a breakdown of the main charges that aggravations were added to. It shows a trend of decreasing numbers of religious aggravations of the common law offence of 'breach of the peace', matched by an increase in those for the statutory offence of 'threatening or abusive behaviour' (under section 38 of the Criminal Justice and Licensing (Scotland) Act 2010). This year also sees the first

¹² 3 religious officials were the victims of abuse.

religious aggravations of the charges of 'offensive behaviour at regulated football matches' and 'threatening communications' (under section 1 and 6 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, which came into force on 1 March 2012).

Table 10: Main charges that aggravations were added to

Main Charge	2010-11		2011-12		2012-13	
	Number of charges	%	Number of charges	%	Number of charges	%
Breach of the Peace	503	72.5	365	41.7	134	19.5
Threatening or Abusive Behaviour	99	14.2	414	47.3	385	56.0
Assault	39	5.6	35	4.0	26	3.8
Offensive Behaviour at Football	N/A	N/A	N/A	N/A	35	5.1
Threatening Communications	N/A	N/A	N/A	N/A	4	0.6
Act in Racially Aggravated Manner	N/A	N/A	N/A	N/A	61	8.9
Other	52	7.5	62	7.1	42	6.1
Total	693	100	876	100	687	100.0

Note: percentages do not add to 100 because of rounding

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

Note: Although the 35 'Offensive behaviour at football' charges had religious aggravations added, 31 of these charges were analysed by the researchers as being religious and 4 of them were racial or related to terrorism.

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

3.26 Table 11 shows a breakdown of the main charges by religion. There is a similar proportional spread in the charges for breach of the peace and threatening or abusive behaviour given for offences against Roman Catholicism and Protestantism.

Table 11: A breakdown of main charges by religion

Main Charge	Roman Catholicism		Protestantism		Islam		Judaism		Christianity (General)	
	Charges	%	Charges	%	Charges	%	Charges	%	Charges	%
Breach of the Peace	78	20.1	46	23.1	4	5.0	12	44.4	0	0.0
Threatening or Abusive Behaviour	234	60.3	120	60.3	21	26.3	10	37.0	3	60.0
Assault	12	3.1	9	4.5	2	2.5	3	11.1	0	0.0
Offensive Behaviour at Football	28	7.2	8	4.0	0	0.0	0	0.0	0	0.0
Threatening Communications	3	0.8	1	0.5	0	0.0	0	0.0	0	0.0
Act in Racially Aggravated Manner	6	1.5	2	1.0	52	65.0	1	3.7	0	0.0
Other	27	7.0	13	6.5	1	1.3	1	3.7	2	40.0
Total	388	100.0	199	100.0	80	100.0	27	100.0	5	100.0

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

Court proceedings

3.27 As explained in COPFS Hate Crime in Scotland 2012-13, court proceedings were commenced in 81% of charges with a religious aggravation, a slightly lower

proportion than in previous years when proceedings were commenced in around 87% of charges.

3.28 Some court cases are ongoing and information from the COPFS case management database shows that court proceedings had been concluded for 313 of these main charges. Of this number 262 (84%) charges resulted in convictions. As shown in table 12 the most common disposal recorded was a monetary penalty (39.7%) a decrease from 43.0% in 2011-12. A community penalty¹³ was given for 61 charges (23.3%) and custody for 60 charges (22.9%). Other¹⁴ disposals were recorded for the remaining 37 charges (14.1%).

Table 12: Recorded disposals

Disposal	2010-11		2011-12		2012-13	
	Number of charges	%	Number of charges	%	Number of charges	%
Monetary Penalty	163	41.8	217	43.0	104	39.7
Community Penalty	99	25.4	110	21.8	61	23.3
Custody	70	17.9	103	20.4	60	22.9
Other	58	14.9	75	14.9	37	14.1
Total	390	100.0	505	100.0	262	100.0

¹³ 'Community penalty' includes a community service order and a community payback order

¹⁴ 'Other' disposals include warnings, drug treatment orders and football banning orders

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