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# Charges reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 in 2016-17



CRIME AND JUSTICE



# **Charges reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 in 2016-17**

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# Executive Summary

In 2016-17, there were 377 charges under section 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 (the Act), reported by the police to the Crown Office and Procurator Fiscal Service (COPFS). This is an increase of 32% on the 286 charges reported in 2015-16 and the highest number of 'offensive behaviour at football' charges since the Act was introduced. The increase is explained by the 140 charges associated with the Rangers v Hibernian Scottish Cup Final fixture held at Hampden stadium on 21<sup>st</sup> May 2016.

This analysis should not be read as a direct measure of changes in offensive behaviour at and around football matches. It is a specific report measuring the number of charges made under Section 1 of the Act by Police Scotland. Not all offensive behaviour at football occurs in circumstances where the police are able to charge people for an offence under Section 1. The ability to pursue charges is influenced by decisions the police have made about when and where to deploy officers, and wider strategies for the policing of football.

We have now gathered data over a sufficient number of years to be able to see that the changes and trends from year to year are often driven by a small number of specific events, and we need to be extremely cautious about drawing conclusions from comparing data across different years. This is particularly pertinent this year because of the high number of charges associated with the Scottish Cup Final at Hampden stadium on 21<sup>st</sup> May 2016.

In 2016-17, as with all previous years, the accused were mostly males. Of the 377 charges, 373 (99%) involved a male accused.

Thirty-one percent of the charges involved an accused aged 20 or under, 39% of charges involved an accused aged 21-30 and 30% were 31 or older.

The 117 charges involving an accused aged 20 or under is a 12% decrease compared with the 133 charges recorded in 2015-16. For this age group, 44 of this year's 117 charges were associated with the Scottish Cup Final. The 2016-17 figure is higher in terms of numbers of charges than in 2014-15, 2013-14 and 2012-13, but is lower in terms of the proportion of charges with an accused in this age group. For those charges involving an accused aged 21-30, there was an increase of 76% (63 charges) in the number of charges compared with last year. Fifty of the charges for this age group were associated with the Scottish Cup Final.

The accused were noted to be affiliated with 20 football teams – a decrease from last year when affiliation to 33 teams was noted. The accused had an

affiliation with Rangers in 110 charges (29% of the total, with 60 of these charges associated with the Scottish Cup Final), Hibernian in 101 (27% of the total, with 75 of these charges associated with the Scottish Cup Final), Celtic in 60 (16% of the total) and Hearts in 17 (5% of the total).

The Act criminalises hateful, threatening or otherwise offensive behaviour that is likely to incite public disorder in relation to football. The most common category of offence in 2016-17 was threatening behaviour (79%), followed by hateful behaviour (17%) and otherwise offensive (10%).

Looking at the data over time shows that the spread of charges across these categories has changed. In 2012-13, there was a fairly even split between threatening behaviour (44%) and hateful behaviour (47%). In contrast, this year shows that a far greater proportion of charges relate to threatening behaviour (79%) than hateful behaviour (18%). This can be partly explained by the Scottish Cup Final where 45% of the charges on 2016-17 related to threatening behaviour occurred.

For the period 2016-17, there were 66 charges for hateful behaviour. This represents a 20% decrease from the 83 charges in 2015-16. Breaking down the hateful behaviour category further, 58 charges of hateful behaviour were religious hatred; this is a decrease of 8% on the 63 charges falling into this category in 2015-16.

Catholicism and Protestantism were the main religions targeted within the religious hatred category. Catholicism was the main target, with hateful behaviour reported towards this religion in 44 charges- 75% of the total of religious hatred charges (representing a decrease from last year where the 55 charges accounted for 87% of the total). There has been a slight increase in charges against Protestantism – 14 charges in 2016-17 compared with 8 in 2015-16.

The majority of the charges occurred at a football stadium (69%). This represents an increase of 85% from period 2015-16 (142 charges) to 2016-17 (262 charges). This increase can be explained by 137 of the 140 charges associated with the Scottish Cup Final 2016 occurring at Hampden stadium.

After charges occurring at football stadiums, the next most common are on a main street (19%), followed by public transport (8%). The number of charges occurring on public transport has decreased by 53% since last year. However, the number of charges in 2015-16 was particularly high compared to previous years and was partly attributed to two incidents which accounted for 26 of the 66 charges.

Charges were connected to 85 fixtures (a decrease of 27% from the 117 fixtures for period 2015-16). Of these fixtures, 79 were domestic matches, 5

were European competitions and 1 was an international match. It was not possible to identify which particular football fixture three charges were associated with.

The fixtures with the highest number of charges were: Rangers v Hibernian on 21<sup>st</sup> May 2016 (140 charges); Hearts v Hibernian on 7<sup>th</sup> February 2016 (34 charges); and Celtic v Rangers on 10<sup>th</sup> September 2016 (23 charges). The charges for these three fixtures account for 52% of all charges; the Rangers v Hibernian match on 21<sup>st</sup> May 2016 (the Scottish Cup Final 2016) accounts for 37% of the total of all charges for period 2016-17.

It is possible to have more than one victim type recorded for a single incident. In 2016-17, the community was at least one of the victim types in 269 charges. The next most common victim was members of the public (one of the victim types in 211 charges), followed by the police (one of the victim types in 59 charges), and workers (one of the victim types in 30 charges). This pattern is consistent with that observed in period 2015-16. However, the number in each victim category has increased since 2015-16. This is attributable firstly to the overall rise in the number of charges. Secondly, it is reflective of the fact that more charges this year have been assessed to have more than one victim type than previous years. This is particularly the case for the charges associated with the Scottish Cup Final where members of the public were noted as the victim for 110 of the 140 charges, and with the wider community noted to be the victim for 130 of the 140 charges (as the majority of the police incident reports for the Scottish Cup Final mentioned the impact on those present in the stadium as well as the large TV audience).

Court proceedings were commenced in 337 of the 377 charges (data extracted on 3<sup>rd</sup> May 2017). Many cases are on-going and information about final convictions will be presented in the next Scottish Government 'Criminal Proceedings in Scotland' statistical publications<sup>1</sup>. Provisional findings show that of the 337 charges for which court proceedings had commenced, 196 had concluded and there were 145 convictions.

Section 6 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 introduced the offence of 'threatening communications' to address threats of serious harm and threats that incite hatred on religious grounds. In 2016-17 there were 6 'threatening communication' (section 6 of the Act) charges reported to the COPFS.

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<sup>1</sup> See <http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/PubCriminalProceedings>

# 1. Introduction

The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 (hereafter referred to as the Act) came into force on 1<sup>st</sup> March 2012. The Act criminalises behaviour which is threatening, hateful<sup>2</sup> or otherwise offensive at a regulated football match including offensive singing or chanting where it is likely to lead to public disorder. It also criminalises the communication of threats of serious violence and threats intended to incite religious hatred.

This report focusses on offensive behaviour at regulated football matches and provides an analysis of charges reported to the Crown Office and Procurator Fiscal service (COPFS) in the whole financial year of 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017.<sup>3</sup>

This report provides information about the locations, dates of charges, the nature of the offensive behaviour, the age and the gender of the accused, and the nature of the victims.

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<sup>2</sup> Including where charges were added as a result of expressing hatred, or stirring up hatred, against people based on their membership, or presumed membership of a religious group, a social or cultural group with a perceived religious affiliation, or a group defined by reference to colour, race, nationality (including citizenship), ethnic or national origins, sexual orientation, transgender identity or disability.

<sup>3</sup> Although this report includes charges *reported* during 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017, incidents may have *occurred* before this date.

## 2. Methods

For this research, analysts from the Scottish Government undertook a review of cases files from the COPFS case management database. This database contains the information that is submitted to the COPFS by the police after the accused are charged, including a description of the incident, information about the progression of the charge through the criminal justice system, the decisions that were made on whether or not to prosecute, the court's verdict, and any penalties issued by the court after a conviction. Since this is a live database, information can be updated and changed during the life of the case. For instance, if the Procurator Fiscal amends a charge, the database only holds details of the amended charge.

The COPFS case management database is not designed for routine analysis but an extracted dataset has been used as the source for this research project to explore charges made under the Act.<sup>4</sup>

There are a number of points that should be kept in mind when reading this report:

- First, this analysis is based on data that was reported to the COPFS by the police and is therefore limited by what was included in their reports. Any analysis of, for example, the nature of the offensive behaviour and/or the links to drugs and alcohol depend on the extent to which this information is provided in the reports. This information may not have always been recorded by the police, for example where it was not viewed as directly relevant to the charge.
- Second, this report does not present information about the real or actual personal, social, or cultural backgrounds of victims that may have been the focus of an attack. For example, no information is included about the religious affiliation, ethnic origin, or sexual orientation of victims. This is because the characteristics of the victim are not relevant to an assessment of whether a crime was committed and therefore are not required to be recorded in police prosecution reports.
- Third, this analysis does not provide a straightforward measure of changes in behaviour at and around football matches, and the trends and findings noted in this report are within the context of the policing of this behaviour. Not all offensive behaviour at football comes to the attention of the police, or occurs in circumstances where the police are able to charge people for an offence. The information that is reported by the police to the COPFS is influenced by the decisions

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<sup>4</sup> The data was extracted on 3<sup>rd</sup> May 2017.



the police have made about when and where to deploy their officers, and wider strategies for the policing of football.

- Fourth, we have now gathered data over a sufficient number of years to be able to see that the changes and trends from year to year are often driven by a small number of specific events, and we need to be extremely cautious about drawing conclusions from comparing data across different years. This is particularly pertinent this year because of the high number of charges associated with the Scottish Cup Final at Hampden stadium on 21<sup>st</sup> May 2016.
- Finally, the analysis of charges included cases which are still underway and the findings may therefore be incomplete on some of the questions.

### 3. Findings

There were 377 charges of ‘offensive behaviour at football’ that were reported to the COPFS in 2016-17 – an increase of 32% on the 286 charges reported in 2015-16. This increase is attributable to the 140 charges associated with the 21<sup>st</sup> May 2016 Scottish Cup Final between Rangers and Hibernian which took place at Hampden stadium. Following completion of this game, there was a large scale pitch invasion involving both sets of fans, and acts of violence, disorder and vandalism occurred.

Table 1 shows an annual count of the charges reported to the COPFS between 2012 and 2017. 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.

**Table 1: Charges reported to COPFS between 2012-13 and 2016-2017\***

	2012-13	2013-14	2014-15	2015-16	2016-17
No. charges	267	206	193	286	377

\*The Act was in force for a month preceding the 2012-13 financial year (i.e. March 2012), when 65 charges were reported to the COPFS.

Before providing further details of these charges, it is worth highlighting that these charges do not relate to 377 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.

The 377 charges were generated from 286 separate incidents (each incident was contained in a single police report). This is shown in Table 2.

There were 252 incidents that involved one accused – an increase from the 124 incidents last year. This is also a proportional increase from 73% to 88%. There were 17 incidents that involved two accused – a decrease from the 24 incidents last year and a decrease in the proportion of all incidents from 14% to 6%. There were 18 incidents that involved three or more accused – this is a

slight decrease from the 21 incidents last year and a decrease in the proportion from 12% to 6%.

**Table 2: Number of accused per incident in 2016-17\***

No. of accused	No. of separate incidents	No. charges
1	252	254
2	17	38
3	5	15
4	4	15
5	6	30
6	1	6
9	1	19
	<b>286</b>	<b>377</b>

\* The number of charges does not equal the number of incidents multiplied by the number of accused because some of the accused were charged for more than one offence within one incident.

As well as some of the accused being charged for more than one breach of the law in a single incident report, some of the accused were charged for more than one breach of the law in separate incidents reported to the COPFS.

The 377 charges involved 346 accused. The majority of the accused had only one charge (93%). Seven percent had two or more charges, which is lower than last year when 18% of accused had two or more charges.

**Table 3: Number of charges per accused 2016-17**

No. charges	No. of accused	% of accused	Total no. charges
1	322	93%	322
2	18	5%	36
3	5	1%	15
4	1	0.2%	4

## **Details about the accused**

### ***Age and sex of the accused***

The following section compares the ages of the accused for each of the 377 charges as opposed to the age for each of the 346 accused.

Of the 377 charges, 373 (99%) involved a male accused. This is consistent with previous years.

Table 4 shows the age breakdown of the accused for each of the 377 charges in 2016-17. Thirty one percent of the charges involved an accused aged 20 or under (117 charges), 39% involved an accused aged 21-30 (146 charges) and 30% were 31 or older (114 charges).

The 117 charges involving an accused aged 20 or under is a 12% decrease compared with the 133 charges recorded in 2015-16. For this age group, 44 of this year's 117 charges were associated with the Scottish Cup Final. The 2016-17 figure is higher in terms of numbers of charges than in 2014-15, 2013-14 and 2012-13, but is lower in terms of the proportion of charges with an accused in this age group.

For those charges involving an accused aged 21-30, there was an increase of 76% (63 charges) in the number of charges compared with last year. Fifty of the charges for this age group were associated with the Scottish Cup Final.

**Table 4: Age breakdown of accused for each charge\***

Age group	2012-13		2013-14		2014-15		2015-16		2016-17	
	No. charges	%	No. charges	%	No. charges	%	No. charges	%	No. charges	%
<16	7	3	15	7	5	3	12	4	5	1
16-20	89	33	80	39	66	34	121	42	112	30
21-30	101	38	83	41	68	35	83	29	146	39
31-40	37	14	7	3	28	15	36	13	50	13
41-50	25	9	13	6	20	10	27	9	51	14
51-60	7	3	4	2	6	4	7	2	9	2
>60	2	1	1	1	0	-	1	0.3	4	1
<b>Total</b>	<b>268</b>	<b>100</b>	<b>203</b>	<b>100</b>	<b>193</b>	<b>100</b>	<b>287</b>	<b>100</b>	<b>377</b>	<b>100</b>

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

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

**Table 5: 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>	73	27	55	27	39	20	68	24	113	30
<b>Drugs</b>	4	1	4	2	6	3	9	3	10	3

Note: Some charges may have included the influence of both alcohol and drugs.

The police reports describe the accused as being under the influence of alcohol in 113 charges, shown in Table 5. This finding may under-report the links between alcohol and offensive behaviour as it is possible that police did not always report whether the accused had been drinking or not. It is also not possible to quantify the amount of alcohol consumed in any given case.

Further, it is important to note that in some cases (and including many of the charges associated with the Scottish Cup Final), the police charged the accused some time after the incident. In these cases, it is not possible for the police to know if the accused was under the influence of alcohol (or drugs) at the time of the incident.

Only a small number of charges were reported to have involved drugs. These were incidents where the police recorded that the accused was in possession of drugs or they suspected had taken drugs before the offence took place. Again, it is possible that this underestimates the number of cases where the accused was under the influence of drugs.

### ***Football affiliation of accused***

The analysis included looking at the football affiliation<sup>5</sup> of the accused for each charge; these are shown in Table 6. The information was gathered from the police reports.

The accused were noted to be affiliated with 20 football teams – a decrease since last year when 33 teams were noted. The accused had an affiliation with Rangers in 110 charges (29% of the total, with 60 of these charges associated with the Scottish Cup Final), Hibernian in 101 (27% of the total, with 75 of these charges associated with the Scottish Cup Final), Celtic in 60 (16% of the total) and Hearts in 17 (5% of the total).

The number of charges where it was noted the accused had an affiliation with Rangers has increased from 71 in 2015-16. The number of charges where it was noted that the accused had an affiliation with Hibernian has increased from 17 last year. The number of charges where the accused was noted to have an affiliation with Celtic has risen from 27 in 2015-16 to 60 in 2016-17.

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<sup>5</sup> The affiliation may have been apparent from the accused being located in a 'home' or 'away' section of a football stadium; the accused admitting to their club affiliation, having a match ticket or item of clothing identified with their team (e.g. a scarf or replica football shirt) were means of identifying the accused's affiliation when an incident occurred somewhere other than a football ground.

**Table 6: Football affiliation of the accused for each charge\***

	2012-13		2013-14		2014-15		2015-16		2016-17	
<b>Club aff.</b>	Charges	%	Charges	%	Charges	%	Charges	%	Charges	%
<b>Aberdeen</b>	<5	-	11	5	30	16	8	3	7	2
<b>Celtic</b>	68	25	44	22	19	10	27	9	60	16
<b>Dundee Utd</b>	0	-	0	-	11	6	<5	-	5	1
<b>Falkirk</b>	17		<5	-	<5	-	<5	-	12	3
<b>Hearts</b>	13	5	12	6	6	3	25	9	17	5
<b>Hibernian</b>	28	10	9	4	16	8	17	6	101	27
<b>Motherwell</b>	<5	-	5	2	7	4	9	3	7	2
<b>Partick Thistle</b>	<5	-	9	4	<5	-	16	6	7	2
<b>Rangers</b>	85	32	59	29	58	30	71	25	110	29
<b>Other</b>	43	16	52	26	32	11	106	37	30	8
<b>Unknown</b>	10	4	10	5	0	-	0	-	30	8
<b>Total</b>	<b>268</b>	<b>100</b>	<b>203</b>	<b>100</b>	<b>193</b>	<b>100</b>	<b>287</b>	<b>100</b>	<b>377</b>	<b>100</b>

\* 'Other' also includes football clubs not listed in the table (where there were fewer than five charges in 2012-13, 2013-14, 2014-15, 2015-16 and 2016-17).

## Details of the offence

### *Nature of the offence*

The Act criminalises behaviour that is hateful (section 1(2) (a)-(c)), threatening (section 1(2) (d)) or otherwise offensive to a reasonable person (section 1(2) (e)) and is likely to incite public disorder.

It was not possible to determine from the COPFS database whether the charges were under section 1(2)(a), (b), (c), (d) or (e), and therefore the classification presented in Table 7 represents the analysts' common understanding of the nature of the offence from the notes available in police reports. Offensive behaviour was classified as hate crime if there was a specific reference to religion, race<sup>6</sup>, sexual orientation or other forms of hatred. The offence was classified as threatening where the accused threatened another/other person/people; it involved the accused acting in a disorderly or aggressive manner, making threats or challenging others to fight, or where they engaged in fighting. The Lord Advocate's guidelines on the Act specify that 'otherwise offensive' behaviour included behaviour that shows support of terrorist organisations or glorifies or celebrates events involving the loss of life or serious injury.

Table 7 provides information about the nature of the offence. The most common category of offence in 2016-17 was threatening behaviour (79%), followed by those categorised as hateful behaviour (17%) and otherwise offensive (10%).

Looking at the data over time shows that the spread of charges across these categories has changed. In 2012-13, there was a fairly even split between threatening behaviour (44%) and hateful behaviour (47%). In contrast, this year shows that a far greater proportion of charges relate to threatening behaviour (79%) than hateful behaviour (18%). This can be partly explained by the Scottish Cup Final where 45% of the charges in 2016-17 related to threatening behaviour occurred.

For the period 2016-17 there were 66 charges for hateful behaviour. This represents a 20% decrease from the 83 charges in 2015-16. Breaking down the hateful behaviour category further, 58 charges of hateful behaviour were religious hatred; this is a decrease of 8% on the 63 charges falling into this category in 2015-16.

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<sup>6</sup> For the purposes of this analysis, hateful references to colour, race, nationality (including citizenship), and ethnic or national origins were included as racial hatred.



**Table 7: Nature of offence\* ‡**

	2012-13		2013-14		2014-15		2015-16		2016-17	
Offensive Behaviour	No. charges	%	No. charges	%	No. charges	%	No. charges	%	No. charges	%
Hate Crime	125	47	73	36	58	30	83	29	66	18
Religion	106	40	60	30	50	26	63	22	58	15
Race	19	7	17	8	8	4	14	5	6	2
Sexual orientation	0	-	1	1	0	-	5	2	2	<1
Disability	0	-	0	-	0	-	1	0.3	0	-
Threatening behaviour	119	44	99	49	118	61	188	66	299	79
Otherwise offensive	46	17	57	28	26	13	29	10	38	10

\* Some charges contained reference to more than one category e.g. hateful and making threats, or hateful of which there was reference to religion and race, therefore these numbers do not add up to the total number of charges.

‡ For reasons noted above, the classification in this table is not necessarily matched up with the a-e classifications of section 1 of the Act.

Table 8 shows the different religious groups that were targeted in each of the religious hatred charges. Catholicism and Protestantism were the main religions that were targeted. Catholicism was the main target of the offensive behaviour that was religious hatred, with hateful behaviour reported towards this religious group in 44 charges- 75% of the total of religious hatred charges (this represents a decrease in percentage terms from last year where the 55 charges accounted for 87% of the total). There has been a slight increase in

charges against Protestantism – 14 charges in 2016-17 compared with 8 in 2015-16 (this is also an increase in the proportion of charges from 13% to 24%).

**Table 8: Breakdown of religions that were targeted\***

	2012-13		2013-14		2014-14		2015-16		2016-17	
Religion	No. charges	%	No. charges	%	No. charges	%	No. charges	%	No. charges	%
Catholicism	88	83	46	77	42	84	55	87	44	75
Protestantism	16	15	11	18	6	12	8	13	14	25
Judaism	2	2	3	5	1	2	0	-	0	-
Islam	-	-	2	3	1	2	0	-	1	2

\* In 2013-14 two charges were directed specifically at both Catholicism and Protestantism therefore the number of charges does not add up to 60. In 2016-17, one charge was directed at both Catholicism and Protestantism, therefore the number of charges does not add up to 58.

### ***Method of abuse***

Table 9 outlines the method of abuse used within each charge. These refer to the method in which the abuse or offensiveness was conveyed. The category of 'generally offensive' refers to behaviour used by the accused that could not be categorised as singing, speech, banner, or gesture, and in any charges

which involved the accused acting in a disorderly or aggressive manner, challenging others to a fight or physically engaging in fighting.<sup>7</sup>

As in all previous years, the most common method of abuse in 2016-17 was generally offensive (present in 66% of charges), singing (present in 12% of charges) and speech (present in 11% of charges).

**Table 9: Method of abuse used**

	2012-13		2013-14		2014-15		2015-16		2016-17	
Method	No. charges	%	No. charges	%	No. charges	%	No. charges	%	No. charges	%
Generally offensive	82	31	79	39	107	55	181	63	247	66
Singing	112	42	75	37	53	27	73	25	44	12
Speech	137	51	72	35	26	13	32	11	42	11
Banner	9	3	2	1	1	0.5	0	-	22	6
Gesture	48	18	6	3	9	5	4	1	22	6

<sup>7</sup> An updated method of classification was used from 2013-14 onwards: gesturing people to fight was categorised as 'generally offensive' rather than 'gesture' as it was more closely aligned with other charges that were classified as generally offensive. Therefore the generally offensive and gesture categories noted in the 2013-14, 2014-15, 2015-16, and 2016-17 reports are not directly comparable with 2012-13.

## Location of the charges

Table 10 shows the local authority area where the charges occurred. In 2016-17, the local authority areas with the highest proportion of charges were Glasgow (60% of charges), followed by Edinburgh (14%). This may reflect the two cities hosting some of the matches that draw some of the largest crowds, as well as due to charges associated with particular fixtures.

For Glasgow, the 225 charges represent a significant increase compared to the 56 charges in year 2015-16. Of these, 140 charges occurred at the 21<sup>st</sup> May 2016 Scottish Cup Final which took place at Hampden stadium. In addition, the 10<sup>th</sup> September 2016 Celtic v Rangers fixture took place at Celtic Park stadium and 23 charges occurred at this fixture.

For Edinburgh, the 54 charges represent a slight decrease from the 58 charges in 2015-16. The Hearts v Hibernian fixture on 2<sup>nd</sup> February 2016 took place in Edinburgh's Tynecastle stadium, and 34 charges (of the total of 54) were associated with this fixture. Thirty three of these 34 charges were related to a large scale fight occurring between Hearts and Hibernian fans, in an Edinburgh street.

Another area of note is Falkirk where 23 charges took place. A large proportion of these occurred on 6<sup>th</sup> August 2016 and was related to a disturbance at a railway station in Falkirk.

**Table 10: Local authority area where charges occurred\***

Local authority area	2013-14			2014-15			2015-16			2016-17		
	Charges	%	Per 100k pop.	Charges	%	Per 100k pop.	Charges	%	Per 100k pop.	Charges	%	Per 100k pop.
Aberdeen City	7	3	3	6	3	3	11	4	5	3	1	1.3
Aberdeenshire	2	1	1	0	-	-	0	-	-	0	-	0
Angus	2	1	2	0	-	-	6	2	5	0	-	0
Clackmannanshire	0	-	-	0	-	-	2	0.7	4	0	-	0
D & Galloway	3	1	2	3	2	2	6	2	4	0	-	0
Dundee City	4	2	3	32	17	21	3	1	2	11	3	7
E. Ayrshire	7	3	6	10	5	8	25	9	20	4	1	3

	2013-14			2014-15			2015-16			2016-17		
<b>E. Lothian</b>	1	1	1	0	-	-	0	-	-	0	-	0
<b>Edinburgh City</b>	24	12	5	30	16	6	58	20	11	54	14	11
<b>Falkirk</b>	13	6	8	3	2	2	6	2	4	23	6	14
<b>Fife</b>	1	1	<1	23	12		12	4	3	8	2	2
<b>Glasgow City</b>	72	35	12	46	24	8	56	20	9	225	60	37
<b>Highland</b>	4	2	2	7	4	3	9	3	4	4	1	2
<b>Moray</b>	0	-	-	0	-	-	0	-	-	5	1	5
<b>Inverclyde</b>	0	-	-	0	-	-	12	4	15	0	-	0
<b>N. Ayrshire</b>	0	-	0	0	-	-	1	0.3	0.7	0	-	0
<b>N. Lanarkshire</b>	43	21	13	0	-	-	12	4	4	18	5	5
<b>Perth &amp; Kinross</b>	1	1	1	3	2	2	4	1	3	2	1	1
<b>Renfrewshire</b>	5	2	3	0	-	-	5	2	3	6	2	3
<b>S. Ayrshire</b>	3	1	3	0	-	-	0	-	-	3	1	3
<b>S. Lanarkshire</b>	7	3	2	17	9	5	18	6	6	8	2	3
<b>Stirling</b>	0	-	-	1	1	1	6	2	7	0	-	0
<b>W. Dun'shire</b>	0	-	-	1	1	1	9	3	10	1	-	1

	2013-14			2014-15			2015-16			2016-17		
<b>W. Lothian</b>	2	1	1	11	6	6	26	9	15	2	1	1
<b>Non-Scotland</b>	2	1	-	0	1	1	0	-	-	0	0	0
<b>Total</b>	203	10 0	4	19 3	10 0	4	287	100	5	377	100	4

\* Scottish Local Authority area population rate 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 charges***

As in all previous years since the Act was introduced, the majority of the charges occurred at a football stadium (69%). This represents an increase of 85% from period 2015-16 (from 142 charges to 262 in 2016-17). This increase is attributable to 137 of the 140 charges associated with the Scottish Cup Final 2016 occurring at Hampden stadium.

After charges occurring at football stadiums, the next most common are on a main street (19%), followed by public transport (8%). The number of charges occurring on public transport has decreased by 53% since last year. However, the number of charges in 2015-16 was particularly high compared to previous years and was partly attributed to two incidents which accounted for 26 of the 66 charges.

**Table 11: Locus of charges**

Locus of offence	2012-13		2013-14		2014-15		2015-16		2016-17	
	No. charges	%	No. charges	%	No. charges	%	No. charges	%	No. charges	%
Football Stadium	165	62	109	54	89	46	142	50	262	69
Main Street	60	22	70	34	71	37	70	24	72	19
Public Transport	24	9	9	4	10	5	66	23	31	8
Residential Area	8	3	6	3	5	3	0	-	2	1
Pub or Club	8	3	8	4	15	8	9	3	4	1
Police Station / vehicle	0	-	1	1	0	-	0	-	0	-
Other	3	1	0	-	3	2	0	-	6	2
<b>Total</b>	<b>268</b>	<b>100</b>	<b>203</b>	<b>100</b>	<b>193</b>	<b>100</b>	<b>287</b>	<b>100</b>	<b>377</b>	<b>100</b>

There were 21 stadiums in which there was at least one charge. Table 12 shows the number of charges at specific football stadiums for each year, but only shows stadiums with more than 5 charges. Only those stadiums with more than 5 charges this year are shown in the table. The two stadiums with the highest proportion of charges in 2016-17 were Hampden (56%) and Celtic Park (16%).

This information relates only to the stadium where the incident took place and does not identify the club affiliations of the victims or the accused, or whether these were 'home' or 'away' supporters.

**Table 12: Charges from incidents at football stadiums**

Football Stadium	2012-13		2013-14		2014-15		2015-16		2016-17	
	No. charges	%	No. charges	%	No. charges	%	No. charges	%	No. charges	%
<b>Celtic Park</b>	40	24	23	21	<5	-	0	-	42	16
<b>Dens Park</b>	<5		0	-	<5	-	0	-	6	2
<b>Elgin City</b>	0		0	-	0	-	0	-	5	2
<b>Fir Park</b>	<5		0	-	0	-	<5	-	9	3
<b>Hampden</b>	14	9	<5	-	5	6	6	4	148	56
<b>Ibrox</b>	33	20	17	16	8	9	24	17	12	5
<b>New Douglas Park</b>	0	-	<5	-	9	10	9	6	5	2
<b>Tynecastle</b>	10	6	9	8	7	8	9	6	6	2
<b>Other</b>	66	40	58	53	54	61	91	64	29	11
<b>Total</b>	<b>165</b>	<b>100</b>	<b>109</b>	<b>100</b>	<b>89</b>	<b>100</b>	<b>142</b>	<b>100</b>	<b>262</b>	<b>100</b>

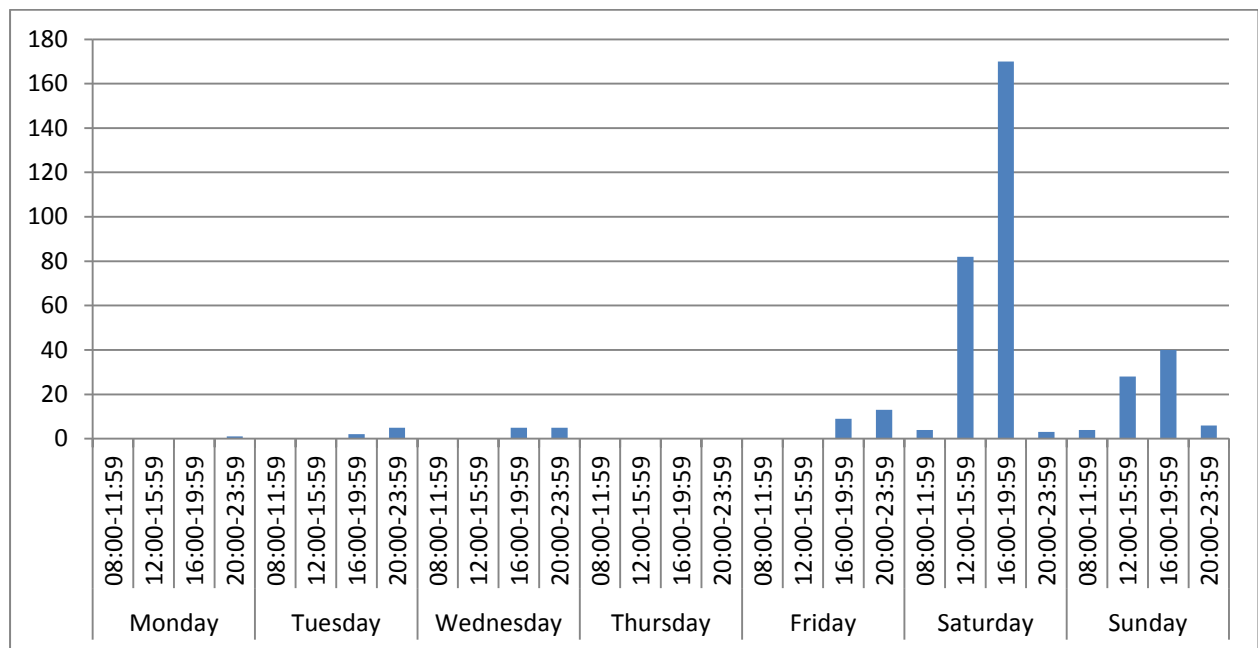


## Timing of charges

Chart 1 illustrates the peak days of the week and times of day when the offences took place.

There were charges in the evening during the week but peaks in mid/late afternoon during Saturday and Sunday. As with all previous years, the majority of charges occurred on the weekend. This is largely consistent with the times of when the majority of football fixtures take place.

**Chart 1: Time and day of charges**



## Football fixtures

Table 13 shows the breakdown of the football fixtures where there were charges made.

Within the period of this analysis, there were charges connected to 85 fixtures (a decrease of 27% from the 117 fixtures for period 2015-16). Of these fixtures, 79 were domestic, 5 were European competitions and 1 was an international match. It was not possible to identify which particular football fixture three charges were associated with.

The fixtures with the highest number of charges were: Rangers v Hibernian on 21<sup>st</sup> May 2016 (140 charges); Hearts v Hibernian on 7<sup>th</sup> February 2016 (34 charges); and Celtic v Rangers on 10<sup>th</sup> September 2016 (23 charges). The charges for these three fixtures account for 52% of all charges; the Rangers v Hibernian match on 21<sup>st</sup> May 2016 (the Scottish Cup Final 2016) accounts for 37% of the total of all charges for period 2016-17.

The number of police charges issued at any given fixture may not represent the incidence of offensive behaviour at or around a match, and may also be a reflection of the decisions the police have made regarding when and where to deploy their officers and their enforcement strategies.

**Table 13: Football fixtures associated with charges\***

Date	Fixture	No. charges	%
21.05.16	Rangers v Hibernian	140	37
07.02.16	Hearts v Hibernian	34	9
10.09.16	Celtic v Rangers	23	6
06.08.16	Falkirk v Hibernian	9	2
17.04.16	Rangers v Celtic	8	2
23.10.16	Rangers v Celtic	8	2
06.08.16	Partick Thistle v Inverness Caledonian Thistle	7	2
09.04.16	Motherwell v Celtic	7	2
12.03.17	Celtic v Rangers	7	2
16.01.16	Hearts v Motherwell	6	2
13.08.16	Dundee v Rangers	5	1
21.01.17	Elgin City v Inverness Caledonian Thistle	5	1
23.01.16	Celtic v St Johnstone	5	1
	Other*	113	30

\* Other refers to fixtures with fewer than 5 charges.

Note this table does not total the 377 charges for 2016-17, as it was not clear which particular fixture 3 charges were related to.

## Details about the victims

Information about the people targeted by offensive behaviour is not separately recorded in the police reports. For the purpose of this report the analysts made an assessment of who the main victims were, based on the police description of the incident. Victims were identified as the main target for the

offensive behaviour. The victim could have been a specific member of the public, the police, a worker (including footballers), or the general ‘community’ (if, for example, someone was singing an offensive song that was not directed at any specific person but could have been offensive to passers-by, people in the vicinity, or opposing fans). Each charge may have included multiple victim ‘types’.

**Table 14: Victims of the offensive behaviour\***

Victim	2012-13		2013-14		2014-15		2015-16		2016-17	
	No. charges	%	No. charges	%	No. charges	%	No. charges	%	No. charges	%
Community	123	46	118	58	137	71	185	65	269	71
Member of the public	103	38	73	36	50	50	88	31	211	56
Police	35	13	24	12	21	21	39	14	59	16
Worker	29	11	14	7	23	23	25	9	31	8
Unidentified	2	1	0	-	0	-	0	-	0	-

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

Table 14 shows the different victim groups. It is possible to have more than one victim type recorded for a single incident. In 2016-17, the community was one of the victim types in 269 charges. The next most common victim was members of the public (one of the victim types in 211 charges), followed by the police (one of the victim types in 59 charges), and workers (one of the victim types in 30 charges). This pattern is consistent with that observed in

2015-16. However, the number in each victim category has increased since 2015-16. This is attributable firstly to the overall rise in the number of charges. Secondly, it is reflective of the fact that more charges this year have been judged to have more than one victim type than previous years. This is particularly the case for the charges associated with the Scottish Cup final where members of the public were noted as the victim for 110 of the 140 charges, with the wider community assessed to be the victim for 130 of the 140 charges (as the majority of the police incident reports for the Scottish Cup Final mentioned the impact on those present in the stadium as well as the large TV audience).

Any comparison with previous years should be treated with caution as each charge may include multiple victim 'types' and the number of charges this affects may vary over the years.

## **Details of criminal proceedings**

Court proceedings were commenced in 337 of the 377 charges that were reported to the COPFS in 2016-17. For details of charges that were concluded outside of court, please see the COPFS publication 'Hate Crime in Scotland 2016-17', 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 provide 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 data extracted on 3<sup>rd</sup> May 2017, show that of the 337 charges for which court proceedings had commenced, 196 had concluded and there were 145 convictions. Comparable data presented in last year's publication for 2015-16 showed that there were 86 concluded charges and there were 73 convictions.

Charges that conclude quickly may not be representative of all charges. They may have concluded quickly because they were the most straightforward cases or those where there was an early guilty plea. It is therefore possible that final conviction rates will be different from those quoted here.

Final statistics on convictions for 2016-17 will be presented in the next Scottish Government 'Criminal Proceedings in Scotland' statistical publication<sup>8</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

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<sup>8</sup> See <http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/PubCriminalProceedings>

the report to the COPFS, while the Criminal Proceedings figures are based on year of disposal for the courts.

The latest information on conviction rates from Criminal Proceedings in Scotland covers 2015-16. This shows that there were 131 people convicted where their main charge was under section 1 of the OBFTC Act in 2015-16. When compared against the number of cases where proceedings have concluded, this represents a conviction rate of 76 per cent. This is lower than the conviction rate in 2014-15 (84%), but higher than in 2013-14 (56%). However, it is important to note that the conviction rate can naturally vary from year to year. Comparable conviction rates for people proceeded under Breach of the Peace and Common Assault charges in 2015-16 are 84% and 74% respectively.

The main court disposals for convictions are shown in Table 15. A monetary penalty was the most common disposal (53% of total disposals), slightly lower than previous years.

**Table 15: Main court disposals\***

Disposal	2012-13		2013-14		2014-15		2015-16		2016-17	
	No. charges	%	No. charges	%	No. charges	%	No. charges	%	No. charges	%
<b>Community penalty</b>	11	18	5	12	5	13	16	22	36	25
<b>Custody</b>	2	3	2	5	1	3	3	4	4	3
<b>Football Banning Order (FBO)*</b>	5	8	7	16	4	11	6	8	18	12
<b>Monetary penalty</b>	38	61	27	63	23	61	46	63	77	53
<b>Other</b>	6	10	2	5	5	13	2	3	10	7
<b>Total</b>	<b>62</b>	<b>100</b>	<b>43</b>	<b>100</b>	<b>38</b>	<b>100</b>	<b>73</b>	<b>100</b>	<b>145</b>	<b>100</b>

\* FBOs are given for other offences; therefore this table does not capture all of the FBOs in 2016-17.

## **Section 6 of the Act: Threatening Communications**

The Act also introduced measures to address threats of serious harm and threats that incite hatred on religious grounds, not confined to football settings. As with section 1, it was not always possible to determine from the COPFS database how the charges had been classified within these two categories. Therefore, the classification presented here represent the researchers' understanding of the nature of the offences from the notes available in the COPFS.

In 2016-17, there were 6 section 6 charges reported to the COPFS. In 2015-16, there were 7, in 2014-15, there were 4 and in 2013-14, there were 11. One of the 6 charges in 2016-17 was related to football, which is the same number as in 2015-16 and 2014-15. There were 6 charges related to football in 2013-14.

Social media was the medium used to send a threatening communication in 4 of the section 6 charges in 2016-17.

Of the 6 charges, court proceedings have commenced in all 6 charges. Three are on-going, 2 were given monetary penalties and one was served with a harassment order.



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