

Religiously Aggravated Offending in Scotland 2015-16



CRIME AND JUSTICE

Religiously Aggravated Offending in Scotland 2015-16

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Executive summary

In 2015-16, 581 charges were reported with a religious aggravation under section 74 of the Criminal Justice (Scotland) Act 2003. This is a slight increase of 3% from the 566 charges reported in 2014-15. Prior to this, religiously aggravated charges had been steadily decreasing from a peak of 896 charges in 2011-12. The figures for the five years prior to 2011-12 were relatively stable, with between 600 and 700 charges reported each year.

These trends may have been influenced in the last four years by the separate use of charges under section 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 (OBFTC). This legislation came into force on 1st March 2012, and, among other things, criminalises religious hatred that is connected to football. It may be used instead of section 74 in certain circumstances. There were 50 additional 'religious' charges¹ under this legislation during 2015-16. When all legislation is considered (i.e. when section 74 charges are added to the section 1 and 6, offensive behaviour at football and threatening communications charges) there is a total of 631 charges relating to religious prejudice in Scotland in 2015-16 (a slight increase from 614 (3%) in 2014-15).

Roman Catholicism is the religion that was most often the subject of abuse, but this number has been falling steadily over recent years - from 388 in 2012-13, 367 in 2013-14, 328 in 2014-15 and 299 in 2015-16. Protestantism and Islam are the religions that were subject to the next highest number of aggravations in 2015-16. There were 141 charges related to Protestantism in 2015-16, but this number has fallen from 199 in 2012-13, 169 in 2013-14, and 145 in 2014-15. In contrast charges where conduct was derogatory to Islam have nearly doubled (up 89%) from 71 charges (12% of the total) in 2014-15 to 134 charges (23%) in 2015-16. Unlike a previous year (2012-13) where there was an increase in charges targeting Islam that was related to a specific event, the rise this year is not attributable to a single event or pattern, and appears to reflect a general rise in the reporting of these types of charges.

The number of charges with religious aggravations recorded in Glasgow, the local authority with the highest proportion of charges (30%), decreased by 11% - from 197 charges in 2014-15 to 176.

The number of football-related section 74 charges (e.g. if the police noted the relevance of a football association within the description of the charge) has

¹ There were 63 'religious' charges under the Offensive Behaviour legislation. The religious element in 13 of these charges was included as a section 74 religious aggravation. The other 50 charges involved the religious element within the main charge, so these represent 'additional' charges.

decreased since last year, from 64 charges in 2014-15 to 50. The number of charges occurring in football stadiums is similar; there were 16 charges in stadiums in 2014-15 and 15 in 2015-16.

Again this reduction may also have been due to the use of OBFTC, which counted for an extra 50 religious charges related to football in 2015-16. In total there were 100 football-related charges that contained religious prejudice, when both section 74 (religious aggravation charges) and the relevant parts of the offensive behaviour at football legislation are considered (this is an 11% decrease from the 112 football related charges in 2014-15).

The majority of the charges (90%) related to male accused. Forty-one per cent of the charges noted an accused between the ages of 16 and 30 (44% in 2014-15, 47% in 2013-14, and 48% in 2012-13). The accused was noted to be under the influence of alcohol in 46% of charges.

Police officers were the most common target for religiously aggravated abuse. In 2015-16 there were 236 charges (41%) where the police were the victim. This is similar to the 233 charges (41%) in 2014-15.

The general community (e.g. people who happened to be in the vicinity, but were not directly targeted by the accused) were the victim in 111 charges (19% of total) 2015-16 - a decrease from 205 charges (36% of total) in 2014-15.

Members of the public were the victims in 148 charges (25 of total) in 2015-16 – a decrease from 169 (30% of total) in 2014-15.

There was an increase in the number of charges where workers were the victims: from 85 in 2014-15 to 99. The 'workers' category includes hospital staff, security staff, shop workers, taxi drivers, takeaway servers, and religious officials².

Many cases are on-going and information about final convictions will be presented in Scottish Government 'criminal proceedings' publications³. Provisional data shows that of the 295 concluded charges 251 resulted in a conviction (85%).

The most common disposal recorded was a monetary penalty (37%). This is the same as 2014-15 and similar to 2013-14 (39%) and 2012-13 (40%).

² One religious official was the victim of a religiously aggravated incident in 2014-15.

³ See: <http://scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/pubCriminalProceedings>

1. Introduction

This report presents information about religiously aggravated offending in Scotland in 2015-16 based on a review of police charges issued under section 74 of the Criminal Justice (Scotland) Act 2003. The Act⁴ states that an offence is aggravated by religious prejudice if:

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

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

Research aims

This report presents a breakdown of the charges reported to the Crown Office and Procurator Fiscal Service (COPFS) in 2015-16 to provide insight into the nature of religiously aggravated offending in Scotland. The research sought to find out the age and sex of the accused; who the offensive conduct was directed towards; where the incidents took place; if they were related to alcohol, drugs, football, marches or parades; which religions were targeted; and the provisional court outcomes of charges.

⁴ See: <http://www.legislation.gov.uk/asp/2003/7/section/74>

2. Method

The analysis used the same method to the previous analysis of religiously aggravated offending, carried out by the Scottish Government since 2010-11⁵. It involved a review of COPFS case-files extracted from their case management database. The COPFS database contains information about the charges submitted to COPFS by the police. It also includes information about the decision on whether or not to proceed with the charge, and the final outcome of the charge.

The COPFS case-management database is primarily designed for operational purposes rather than routine analysis. However extracted data-sets have been used as the source of these reports since 2010-11.

The analysis in this report is based on the religious aggravation charges that were reported to COPFS in 2015-16. There were a number of points that should be noted when reading this report.

First, this analysis does not provide a comprehensive picture of the prevalence of religiously aggravated conduct in Scotland. This is because not all incidents of religiously aggravated offending come to the attention of the police, or because there are circumstances where the police are not practically able to charge people with an offence. The information that is reported by the police to COPFS may also be influenced by the decisions the police have made about when and where to deploy their officers and their enforcement strategies for religiously motivated crime. The number of charges may be increased in certain circumstances, such as where extra emphasis may have been given to the detection and reporting of religiously-offensive crime.

Other data, however, presents different estimates of prevalence for this type of offending. Researchers for the Scottish Crime and Justice Survey (SCJS) conduct 11,500 face-to-face interviews of a randomly selected sample of adults across Scotland. This survey is carried out every two years, and asks respondents about crimes that they may have experienced in the past year. Those who are the victims of crime are asked whether they thought the incident may have been religiously motivated, or related to sectarianism. The proportion of crimes thought to be motivated by sectarianism, in the Scottish Crime and Justice Survey, is relatively low and consistent over time, and has been 1% or lower in each survey since 2009-10.

Second, religious aggravations data provides a partial account of the nature of religiously aggravated incidents reported to COPFS. Police reports are designed to provide prosecutors with sufficient evidence to prosecute an accused person. Therefore, some reports may be inconclusive on the issues relevant to this research. It is possible that, for example, information about the nature of the

⁵ Previous 'Religiously Aggravated Offending in Scotland' reports available at <http://www.gov.scot/Publications>

religious offence, or links to alcohol or football may be incomplete or under-reported if the police did not need to highlight these factors to prove a charge being reported to COPFS.

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

Fourth, this report does not present any information about the religious beliefs or affiliations of the people targeted by the offensive conduct. The legislation defines a religiously aggravated offence as an incident where the offender evinces towards the victim "malice and ill-will based on the victim's membership (or perceived membership) of a religious group or social or cultural group with a perceived religious affiliation", or the offence is motivated by the same. There is no available data held by Police Scotland or COPFS on victims' membership of religious groups or of cultural groups with a perceived religious affiliation as this is not relevant to the definition of the crime in law.

Fifth, new legislation was introduced on 1st March 2012; the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012⁶ (OBFTC) that criminalises behaviour which is threatening, hateful, or otherwise offensive at a regulated football match, including offensive singing or chanting, where it is likely to incite public disorder. Religious hatred connected to football, which pre-2012 may have been charged under section 74 of the Criminal Justice (Scotland) Act 2003, might from this date have been dealt with under the new legislation.

Finally, some of the charges from the 2015-16 financial year are on-going and information about their outcomes is not yet available.

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

3. Findings

Number of charges

There were 581 charges with a religious aggravation reported in 2015-16. This is a slight increase of 3% from the 566 charges reported in 2014-15. Prior to this religiously aggravated charges have been steadily decreasing from a peak of 896 charges in 2011-12 and from 689 in 2013-14.

Table 1 below shows a breakdown of the charges reported to COPFS between 2007 and 2016. It should be noted that COPFS statistics are based on a live database and therefore the figures reported in Table 1 do not exactly match those previously published in COPFS and Scottish Government reports. The database may change; for example if the Procurator Fiscal amends a charge the database will only hold details of the amended charge. The comparisons in the remainder of this report are based on the total number of charges that were analysed and included in the past reports for 2011-12, 2012-13, 2013-14 and 2014-5 by the Scottish Government at the time that research was carried out.

Table 1: Charges reported to COPFS: 2007 - 2016

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
No. charges	609	668	633	694	896	689	591	566	581

These trends may have been influenced in the last four years by the separate use of charges under section 1 of OBFTC. This legislation, which came into force on 1st March 2012, criminalises religious hatred that is connected to football and may be used instead of section 74 legislation (religiously aggravated charges) in certain circumstances. There were 50 charges⁷ under the OBFTC legislation that involved a religious element that may have previously been charged under section 74.

When all legislation is considered (i.e. when section 74 charges are added to the section 1 and 6 OBFTC charges there are a total of 631 charges relating to religious prejudice in Scotland in 2015-16 (an increase of 3% from 614 in 2014-15).

Before providing further details of these charges, it is worth highlighting that these charges do not relate to 581 separate incidents. Many of the incidents

⁷ There were 63 'religious' charges under the Offensive Behaviour legislation. The religious element in 13 of these charges was included as a 74 religious aggravation. The other 50 charges involved the religious element within the main charge, so these represent 'additional' charges.

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 COPFS.

Details of accused

Sex and age of the accused

In 2015-16, 524 of the charges (90%) related to male accused.

Table 2 shows the age breakdown of the accused for each of the 581 religious aggravation charges. Forty-one per cent of the charges noted an accused between the ages of 16 and 30 (44% in 2014-15, 47% in 2013-14, and 49% in 2012-13).

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

	2012-13		2013-14		2014-15		2015-16	
Age group	No. of charges	%	No. of charges	%	No. of charges	%	No. of charges	%
<16	12	2	0	0	7	1	2	0.3
16-20	105	15	83	14	71	12	82	14
21-30	229	33	191	33	182	32	155	27
31-40	173	25	133	23	127	22	142	24
41-50	116	17	114	19	110	19	103	18
51-60	37	5	57	10	56	10	70	12

	2012-13		2013-14		2014-15		2015-16	
>60	15	2	9	2	15	3	27	5
Unknown	0	0	0	0	1	0.2	0	0
Total	687	100	587	100	569	100	581	100

* Percentages may not add up to 100 because of rounding

Alcohol and drug-related charges

Table 3 shows that the accused was described by the police as being under the influence of alcohol in 266 charges (46% of the total) in 2015-16, a decrease from the 282 charges (50% of the total) in 2014-15. This finding is based on the information recorded in police reports, therefore may under-represent the between alcohol and the offending if there were charges where the police did not note that the accused had been drinking. It was also not possible to quantify the amount of alcohol consumed in any given case.

Drug-related charges refer to incidents where the police reported the accused as possessing drugs or suspected they had taken drugs before the charge. In 2015-16 these accounted for 33 charges (6%), a decrease from 2014-15 when there were 41 charges (7%).

Table 3: Alcohol and drug-related charges*

	2012-13		2013-14		2014-15		2015-16	
	No. of charges	%	No. of charges	%	No. of charges	%	No. of charges	%
Alcohol	333	49	345	59	282	50	266	46
Drugs	60	9	28	5	41	7	33	6

* Some charges may have included both alcohol and drugs.

Details of the offence

Location of the charges

Table 4 shows the local authority area where the charges occurred. As with previous years, there remains a large concentration of charges in Glasgow, which accounts for 173 (30%) of the total charges. The number of charges with religious aggravations recorded in Glasgow has decreased by 11% - from 197 charges in 2014-15 to 176.

Apart from the concentrations in Glasgow, there were relatively high numbers of charges in Edinburgh, North Lanarkshire, Renfrewshire, Falkirk, South Lanarkshire and West Lothian. With the exception of Edinburgh and South Lanarkshire, this higher prevalence is also evident when controlling for population density. Clackmannanshire and Inverclyde have lower numbers of charges but a high number of charges per 100k population due to smaller population sizes.

The remaining charges are spread throughout local authorities, with most having between 5-20 charges each year.

Table 4: Local authority area where charges occurred*

Local authority	2012-13			2014-13			2014-15			2015-16		
	No. of charges	%	Charges per 100k pop.	No. of charges	%	Charges per 100k pop.	No. of charges	%	Charges per 100k pop.	No. of charges	%	Charges per 100k pop.
Aberdeen City	7	1	3	7	1	3	11	2	5	9	2	4
Aberdeenshire	6	1	2	1	0.2	0.4	2	0.4	1	0	0	0
Angus	0	0	0	5	1	4	4	1	3	7	1	6
Argyll & Bute	9	1	10	6	1	7	10	2	11	3	0.5	3
Clackmannanshire	8	1	16	4	1	8	0	0	0	11	2	21
Dumfries & Galloway	13	2	9	11	2	7	8	1	5	13	2	2
Dundee City	5	1	3	7	1	5	4	1	3	18	3	12
E. Ayrshire	11	2	9	9	2	7	6	1	5	11	2	9
E. Dunbartonshire	8	1	8	7	1	7	4	1	4	1	0.2	1
E. Lothian	7	1	7	6	1	6	2	0.4	2	1	0.2	1
E. Renfrewshire	10	2	11	4	1	4	6	1	6	2	0.3	2
Edinburgh City	32	5	6	36	6	8	53	9	10	55	10	11

	2012-13			2014-13			2014-15			2015-16		
Eilian Siar (Western Isles)	2	0.3	7	0	0	0	1	0.2	3	3	0.5	11
Falkirk	48	7	31	41	7	26	30	5	19	29	5	18
Fife	11	2	3	12	2	4	9	2	2	20	3	5
Glasgow City	281	41	47	208	35	35	197	35	32	176	30	29
Highlands	2	0.3	1	9	2	4	11	2	5	5	0.9	2
Inverclyde	3	0.4	4	7	1	9	5	1	6	14	2	18
Midlothian	2	0.3	2	4	1	5	9	2	10	2	0.3	2
Moray	4	1	4	3	1	3	2	0.4	2	0	0	0
N. Ayrshire	8	1	6	14	2	10	13	2	10	18	3	13
N. Lanarkshire	95	14	28	66	11	20	41	7	12	52	9	15
Orkney Islands	2	0.3	10	0	0	0	1	0.2	5	0	0	0
Perth & Kinross	10	2	7	6	1	4	3	1	2	1	0.2	1
Renfrewshire	11	2	6	14	2	8	28	5	16	29	5	17
Scottish Borders	0	0	0	3	1	3	5	1	4	7	1	6
Shetland Islands	0	0	0	4	1	17	1	0.2	4	3	0.5	13

	2012-13			2014-13			2014-15			2015-16		
S. Ayrshire	3	0.4	3	20	3	18	9	2	8	9	2	8
S. Lanarkshire	28	4	9	21	4	7	24	2	8	28	5	9
Stirling	21	3	23	24	4	26	18	3		19	3	21
W. Dunbartonshire	14	2	16	12	2	13	14	3	16	8	1	9
W. Lothian	24	4	14	16	3	9	37	7	20	27	5	15
Outside Scotland	0	1	0.1	0	0	0	0	0	0	0	0	0
Total	687	10	13	587	10	11	569	10	11	581	10	11

* Scottish Local Authority area population rates for 2015-16 is based on GROS mid-year population rates 2015, rounded to the nearest 1. Available at <http://www.nrscotland.gov.uk/files//statistics/population-estimates/mid-15-cor-12-13-14/mype-2015-corrections-for-12-13-14.pdf>.

Locus of the charges

As table 5 shows, 138 charges took place in a 'main street'⁸ in a town or city centre, which is a rise from 117 in 2014-15 but is lower than the 177 in 2013-14. One hundred and seven charges occurred in a police car/station, which is similar to the 109 in 2014-15 and the 113 in 2013-14. The number of charges taking place in a domestic dwelling was 69 in 2015-16, which is a decrease from 83 in 2014-15 and 99 in 2013-14.

⁸ 'Main street' refers to a public street in a town or city centre and is used in this report, and the previous analysis, to distinguish between these areas and residential/suburban areas.

Table 5: Locus of charges*

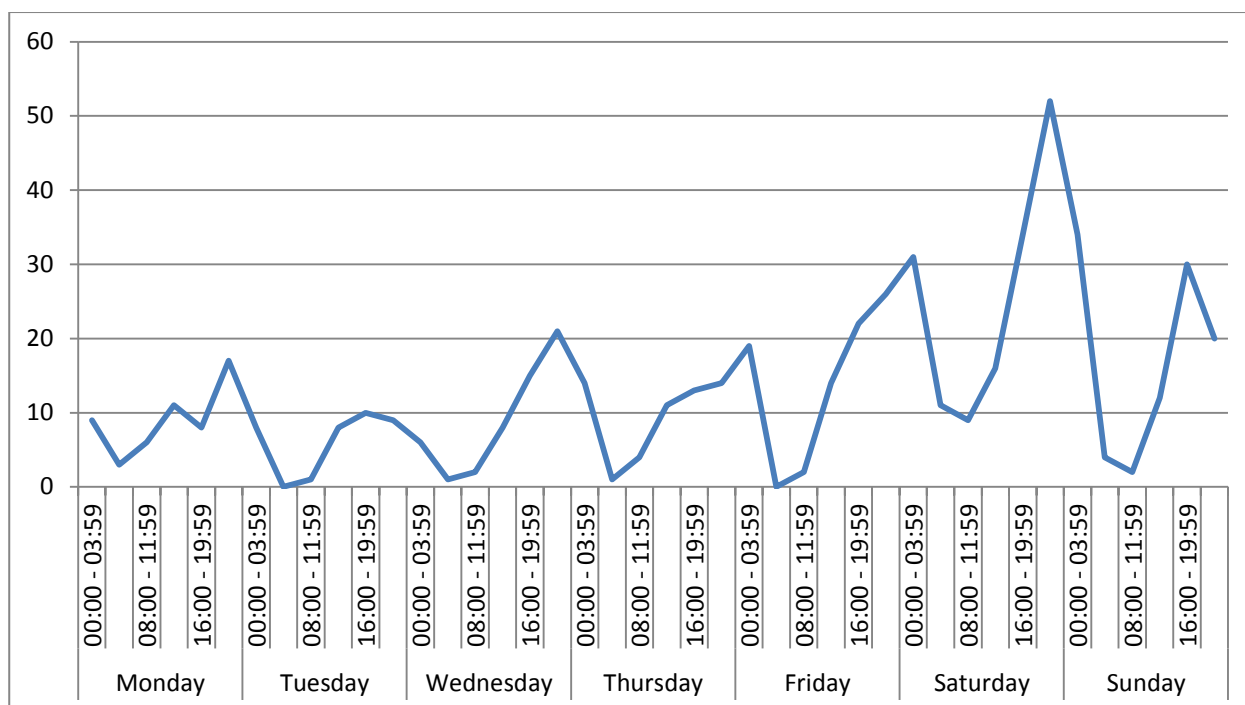
Locus	2012-13		2013-14		2014-15		2015-16	
	No. of charges	%	No. of charges	%	No. of charges	%	No. of charges	%
Police car/station	159	23	113	19	109	19	107	18
Main Street	153	22	177	30	117	21	138	24
Residential area	126	18	85	15	58	10	68	12
Domestic dwelling	70	10	99	17	83	15	69	12
Football stadium	27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

* Charges do not always add up to the total number reported because an incident may fall into more than one locus type, for example a public transport station outside a football stadium.

Timing of the charges

Chart 1 outlines the peak days of the week and times of the day that incidents took place. There were typically spikes in religiously aggravated offending on weekday evenings and larger spikes at weekends, particularly on Fridays and Saturdays between 20:00 and 00:00.

Chart 1: Time and day of incidents



Football, marches and parades

The analysis included looking at the number of religious aggravation charges that were related in some way to football or marches/parades. This included, for example, if the incident took place at a football match or screening, or at a march or parade, or if the police noted the relevance of a football association within the description of the incident⁹. Again, this finding is based on the information recorded in the police reports and may under-report the links to football and marches/parades if the police did not note this.

Table 6: Charges linked to football and marches/parades

	2012-13		2013-14		2014-15		2015-16	
	No. of charges	%	No. of charges	%	No. of charges	%	No. charges	%
Football	109	16	96	16	64	11	50	9
Marches/parades	85	12	34	6	31	5	15	3

⁹ The 'association with football' also took into consideration language that referred to a particular football team or relevance to football songs or regalia/symbols.

Table 6 shows that there has been a steady reduction in the number of charges that were linked to football. There were 109 charges linked to football in 2012-13, 96 in 2013-14, 64 in 2014-15 and 50 in 2015-16.

Within the football-related charges under section 74, 15 occurred at a football stadium. The other football-related charges took place in settings such as main streets, public transport, residential areas, social media, police car/station, and pub/club.

The OBFTC criminalises offensive behaviour related to football, including offensive singing or chanting where it is likely to incite public disorder. Some of the charges that might, before this time, have been dealt with under section 74 of the Criminal Justice (Scotland) Act 2003, may from this date have been dealt with under the new legislation.

Under this legislation there were an extra 50 religious charges that were related to football in 2015-16. In total, there were 100 football-related charges reported to COPFS that contained religious prejudice, when both section 74 (religious aggravation charges) and the relevant parts of the offensive behaviour at football legislation are considered.

Also, as shown in Table 6, there was a decrease in the proportion of charges relating to marches and parades; from 85 charges (12% of total) in 2012-13, 34 charges (6%) in 2013-14, 31 charges (5%) in 2014-15, to 15 charges (3%) in 2015-16.

Religious beliefs/affiliations that were targeted

Information about the nature of the religiously offensive conduct was taken from the police report of the incident. There is no separate section within police reports that states which religious belief, in the reporting police officer's view, was targeted. An assessment was made by the researcher about the religion that appeared to be targeted, based on the police description of the incident and the details about what was said or done by the accused. The religious beliefs or affiliations of the accused or the victims of the incident are not formally recorded by the police as they are not relevant to the definition of the crime in the law. This report does not present definitive information about the religious beliefs or affiliations of the people targeted by the offensive conduct.

Table 7 below shows there was decrease of 9% in the number of charges where conduct was derogatory towards Roman Catholicism; from 328 charges in 2014-15 (58% of the total) to 299 charges in 2015-16 (51%).

There was a slight decrease in the number of charges with conduct derogatory towards Protestantism; from 145 in 2014-15 (25% of the total) to 141 in 2015-16 (24%).

The number of charges where conduct was derogatory against Islam nearly doubled (up 89%) from 71 charges (12% of the total) in 2014-15 to 134 charges (23%) in 2015-16. Unlike a previous year (2012-13) where there was an increase in charges targeting Islam that was related to a specific event, the rise this year is not attributable to a single event or pattern, and appears to reflect a general rise in the reporting of these types of charges.

Charges for conduct derogatory towards Judaism decreased from 25 charges (4% of the total) in 2014-15 to 18 charges in 2015-16 (3%).

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

Religion targeted	2012-13		2013-14		2014-15		2015-16	
	No. of charges	%	No. charges	%	No. of charges	%	No. of charges	%
Roman Catholicism	388	57	367	63	328	58	299	51
Protestantism	199	29	169	29	145	25	141	24
Islam	80	12	48	8	71	12	134	23
Judaism	27	4	9	2	25	4	18	3
Christianity (general)	5	1	4	1	6	1	0	0
Unknown	4	1	5	1	9	2	0	0
Other	3	0.4	2	0.3	1	0.2	0	0

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

Details of the victims

Victims

Information about the people targeted by the religious aggravation is not separately recorded in the police report and for the purpose of this analysis the researchers made an assessment of the victims, based on the police description of the incident. The victim was defined as the main target for the religiously offensive part of the charge. This may have been a member of the public, police officer or other worker, or it may have been a member of the community (for example, if someone was singing a religiously offensive song that was not directed at anyone in particular). Each charge may have included multiple victim 'types'.

As shown in Table 8, the police were the victim of religiously aggravated offending in 236 charges (41% of the total), which is similar to the 233 (41%) in 2014-15. These charges often relate to incidents where the police arrested the accused for a separate charge (which may not have involved religious prejudice) and were then abused in religiously offensive terms afterwards. The general community (e.g. people who happened to be in the vicinity, but were not directly targeted by the accused) were the victim in 111 charges (19% of total) 2015-16 - a decrease from 205 charges (36%) in 2014-15.

Members of the public were the victims in 148 charges (26% of total) in 2015-16 – a decrease from 169 (30%) in 2014-15.

There was an increase in the number of charges where workers were the victims; from 85 in 2014-15 to 99. The ‘workers’ category includes hospital staff, security staff, shop workers, taxi drivers, takeaway servers, and religious officials¹⁰.

Table 8: Victims of religious aggravation*

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

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

Main charges

Table 9 shows a breakdown of the main charges to which aggravations were added. It shows a trend of decreasing numbers of religious aggravations for common law charge of ‘breach of the peace’ since 2012-13. Charges under the ‘threatening and abusive behaviour’ (under section 38 of the Criminal Justice and Licensing (Scotland) Act 2010) have increased in 2015-16 after a decrease in 2014-15. Charges classed as ‘assault’ have increased steadily from 26 charges in 2012-13 (4%) to 50 charges in 2015-16 (9%).

¹⁰ One religious official was the victim of a religiously aggravated incident in 2014-15.

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

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

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

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

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

Table 10 shows a breakdown of the main charges by religion. There was a broadly similar proportional spread in the charges for breach of the peace and threatening or abusive behaviour given for offences against Roman Catholicism and Protestantism. The number of these charge types where Roman Catholicism and Protestantism were targeted is generally similar to previous years' charges.

Where Islam was targeted there was a smaller proportion of charges that were threatening or abusive behaviour and a higher proportion of racially aggravated charges. The number of these charge types where Islam was targeted is similar to previous years' charges. The proportion of charges targeting Islam that were assaults has increased in the past two years; 16% of charges in 2015-16 and 17% of charges in 2014-15 that targeted Islam were assaults, compared to 4% in 2013-14 and 3% in 2012-13.

Table 10: Breakdown of main charges in 2015-16*

Main charge	Catholicism		Protestantism		Islam		Judasm	
	No. of charges	%	No. of charges	%	No. of charges	%	No. of charges	%
Breach of the peace	9	3	11	8	4	3	0	0
Threatening or abusive behaviour	238	80	110	78	76	57	15	83
Assault	20	7	6	4	22	16	2	11
Offensive behaviour at football	12	4	1	1	0	0	0	0
Offensive communications	13	4	6	4	5	4	0	0
Act in a racially aggravated manner	3	1	1	1	14	10	0	0
Other	4	1	6	4	13	10	1	6
Total	299	100	141	100	134	100	18	100

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

Court proceedings

As explained in this report, court proceedings were commenced for 90% of charges with a religious aggravation in 2015-16 (525 out of 581 total charges). For details of charges that were concluded outside of court please see COPFS

'Hate Crime in Scotland in 2015-16'¹¹, which provides more details on the action taken for these charges.

Both the 'Hate Crime in Scotland 2015-16' report and this report are based on the same data source i.e. the COPFS case management database and provides information on convictions for concluded charges. Please note that the convictions information is provisional and subject to change as some charges are yet to be dealt with in the system. Latest figures, at the time of publication, show that court proceedings had been concluded for 295 of these main charges. Of these concluded charges 251 resulted in a conviction (85%).

Final statistics on convictions for 2015-16 will be presented in the next Scottish Government 'Criminal Proceedings in Scotland' publication¹². Please note that 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 in a single court case. As there can be more than one charge associated with a case the charge level information in this publication is higher. There will also be timing differences since the figures in this report are based on the year of the report to COPFS, while the Criminal Proceedings figures are based on year of disposal from the courts

As shown in Table 11, the most common disposal recorded was a monetary penalty for 94 charges (37%) – this is an increase from 77 charges but the same proportion (37%) as in 2014-15. A community penalty¹³ was given for 79 charges (31%), an increase from 60 charges (29%) in 2014-15. Custody was the disposal for 58 charges (23%) – this is an increase from 47 charges but the same proportion in 2014-15. Other¹⁴ disposals were recorded for the remaining 20 charges (8%).

¹¹ <http://www.crownoffice.gov.uk/publications/publications>

¹² See: <http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/PubCriminalProceedings>

¹³ Community penalty" included a community service order and community payback order.

¹⁴ 'Other' disposals in 2015-16 include admonishments, absolute discharge and one case of insanity.

Table 11: Recorded disposals*

Disposal	2012-13		2013-14		2014-15		2015-16	
	No. of charges	%	No. of charges	%	No. of charges	%	No. of charges	%
Monetary penalty	104	40	93	39	77	37	94	37
Community penalty	61	23	72	30	60	29	79	31
Custody	60	23	57	24	47	23	58	23
Other	37	14	16	7	22	11	20	8
Total	262	100	238	100	206	100	251	100

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



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This document is also available from our website at www.gov.scot.

ISBN: 978-1-78652-302-0

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

Produced for
the Scottish Government
by APS Group Scotland
PPDAS73304 (06/16)

Published by
the Scottish Government,
June 2016



Social Research series
ISSN 2045 6964
ISBN 978-1-78544-302-0
Web and Print Publication
www.gov.scot/socialresearch

PPDAS73304 (06/16)