

INVESTIGATION AND REPORTING OF SECTARIAN/RELIGIOUSLY AGGRAVATED CRIME: AN ANALYSIS OF THE FIRST 6 MONTHS

Introduction

Section 74 of the Criminal Justice (Scotland) Act 2003 came into force on 27 June 2003, allowing for an offence to be proved to have been aggravated by religious prejudice. The new statutory aggravation was one of the recommendations of the Cross Party Working Group on Religious Hatred.

The Working Group also recommended that “the Crown Office should establish suitable methods to record the incidence of religious motivation in offences prosecuted and the outcome in each case (including whether the accused was convicted and the sentence received).”¹

Between 27 June 2003 and 4 September 2004, 450 charges that included section 74 aggravations were submitted in reports by police to Procurators Fiscal.

As at 4 September 2004:

- Proceedings had been commenced in relation to 404 charges, of which:
 - 222 had yet to be completed;
 - 110 had resulted in pleas or findings of guilt which included the section 74 aggravation², 13 without the aggravation and 12 have details yet to be recorded),
 - 24 were found to be not guilty, and 8 not proven; and
 - 8 were not taken further.
- 14 charges were still being considered
- No proceedings had been taken in relation to 15 charges.

Detailed analysis of the first 6 months

In order to obtain some qualitative information on the operation of the new provision, the Crown Office and Procurator Fiscal Service has conducted a detailed analysis of the reports submitted during the first six months of the investigation and reporting of these offences.

In all, 108 cases reported to the Crown Office and Procurator fiscal Service by the Police, were considered.

¹ Report of the Cross Party Working Group on Religious Hatred, recommendation 3.

² 13 of the convictions did not include the aggravation and in 12 cases the details had not been recorded.

Why a six month review?

Six months was considered a suitable period to gauge the extent to which the new legislation was having an effect and to provide some kind of early qualitative analysis, albeit very basic, of this an area of crime. The sample provides some indicators that might benefit from further more detailed analysis and research.

The mechanics of the review

There were three primary areas of focus:

- To examine the extent to which religiously aggravated crime reported was associated or linked into sport and more particularly football;
- To examine whether there were identifiable “target” groups; and
- To examine any geographical features to this type of offending.

The initial set of questions were developed alongside contributions from the charity Nil by Mouth. Nil by Mouth was formed in 1999 by Cara Henderson, a school friend of Mark Scott, the Glasgow schoolboy who was brutally murdered on his way home from a football match in 1995. Nil by Mouth are of the opinion that ‘bigotry’ is not confined to the football terraces and that sectarian thinking runs deep in Scottish society. They aim not just to draw attention to this, but also to change it. They usefully commented that it is sometimes easy to bias the questions towards the expectation of the crime involving Protestants or Catholics. In that context they considered that we should look at asking about the gender and ethnicity and religion of the offender and victim. In addition, they considered that we should look at where the incident took place, be it the street, inside/outside a public house or near a religious centre. We were also asked to consider including questions that will establish if any of the incidents occurred alongside Orange or other marches.

The Questions

For the period 27 June –31 December 2003, 108 cases were considered. For each case, 11 questions were applied to assess the following:

- Motive of the Crime – did the police reports set out the perception of the victim and witnesses as the motive of the crime?
- Alcohol – did the police report reveal if the accused was under the influence of alcohol at the time of the offence?
- Original Charge – what type of charge was the aggravation added to?
- Police – were the police the target?
- Particular religious group targeted
- Football - was the incident related specifically to football or the support of a particular team?
- Accused – number of male/female accused
- Age of male accused

- Age of female accused
- Marches – number of cases connected to marches
- Geography – location of offence

This was not a detailed research project. But it has enabled us to make some early observations

Of the reports examined, we identified the following key themes:

- The majority of the incidents reported occur in the West of Scotland. 54% of the cases considered were from the Glasgow Area. The next most significant figure relates to Lanarkshire at 22%. This would clearly seem to indicate that this is predominantly a West of Scotland issue.
- Police were the often the target. In 36% of the cases, the police were the intended target of, primarily, sectarian abuse.
- Alcohol was a feature in many cases. In 49% of the cases, the police report revealed that the accused was under the influence at the time of the offence.
- There were twice as many cases in which the conduct was targeted against Roman Catholicism than against Protestantism. 1% (one case) had Islam as the target and 1% (one case) had Judaism as the target.
- 90% of the accused were male, with the vast majority being in the age bracket 21-40.
- In 14% of the cases examined it was possible to identify that the incident related specifically to football or the support of a particular team.
- 15% of cases arose in the context of Marches

A detailed breakdown of the results is appended.

Appendix

Investigation and Reporting of Sectarian/Religiously Aggravated Crime: 27 June – 31 December 2003

No of cases assessed/%

Argyll & Clyde	5	5%
Ayrshire	1	0.9%
Central	2	1.8%
Dumfries & Galloway	2	1.8%
Fife	1	0.9%
Glasgow	58	54%
Lanarkshire	24	22%
Lothian & Borders	11	10%
Grampian	2	1.8%
Tayside	2	1.8%
TOTAL	108	

Monitoring of Sectarian/Religiously Aggravated Crime: SCOTLAND

- 1) **Motive of the Crime** – did the police reports set out the perception of the victim and witnesses as to the motive of the crime?

1.1	Month	Total No. of Reports	No. of reports that set out the perceptions of victims and witnesses	%
1.2	June - Dec 2003	108	20	19%

- 2) **Alcohol** – did the police report reveal if the accused was under the influence of alcohol at the time of the offence?

1.3	Month	Total No. of Reports	No. of cases where accused was under the influence	%
1.4	June - Dec 2003	108	53	49%

- 3) **Original Charge** – What type of charge was the aggravation added to?

1.5	Month	Total No. of Reports	Breach of the Peace	%	Assault	%	Other	%
	June - Dec 2003	108	99	92%	8	7%	3	3%

- 4) **Police** – were the police the target?

1.6	Month	Total No. of Reports	No. of reports revealing police as target of verbal abuse	%
1.7	June - Dec 2003	108	39	36%

5) **Particular Religious Group Targeted:** Was a particular religious group verbally targeted?

1.8	Month	Total No. of Reports	No. of reports showing Protestantism as the target.	%	No. of reports showing Roman Catholicism as the target.	%
	June - Dec 2003	108	31	29%	68	63%

No. of reports showing Islam as the target.	%	No. of reports showing Christianity as the target.	%	No. of reports showing Judaism as the target.	%
1	1%	1	1%	1	1%

6) **Football:** - Was the incident related specifically to football or the support of a particular team?

1.9	Month	Total No. of Reports	Cases related to Support of a particular football team.	%
1.10	June - Dec 2003	108	15	14%

7) **Accused:-** Number of male and female accused.

1.11	Month	Total No. of Accused involved	No. of male Accused.	%	No. of female Accused.	%
	June - Dec 2003	116	105	90%	11	10%

8) Age – Ages of Male Accused.

1.12 Month	Total No. of Accused	16-20	%	21-30	%	31-40	%	41-50	%
June - Dec 2003	105	17	15%	43	37%	27	23%	12	10%

50-60	%	60-70	%	70 - 80	%
5	4%	-	-	1	1%

9) Age – Ages of Female Accused.

1.13 Month	Total No. of Accused	16-20	%	21-30	%	31-40	%	41-50	%
June - Dec 2003	11	3	3%	3	3%	1	1%	3	3%

51-60	%	61-70	%
-	-	1	1%

10) Marches:- Number of cases connected to Marches.

1.14 Month	Total No. of Reports	Number connected to marches	%
June - Dec 2003	108	16	15%

11) Geography:- Location of offence.

1.15 Month	Total No. of Reports	Pub	%	Private	%	Outside	%	Other	%
June - Dec 2003	108	6	6%	32	30%	32	30%	37	34%

CROWN OFFICE
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