

Hate Crime in Scotland 2018-19

Main points

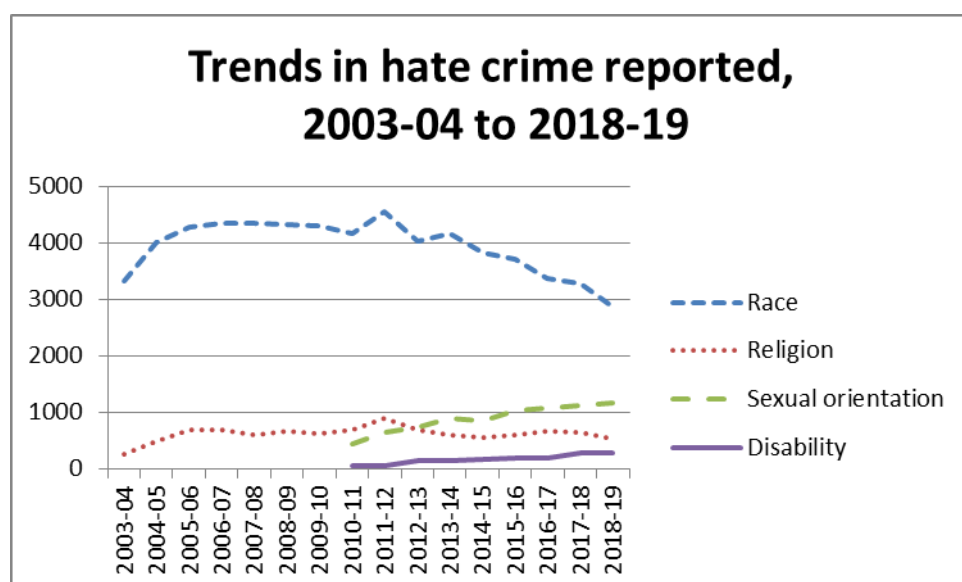
Racial crime remains the most commonly reported hate crime, but the number of charges reported has decreased by 37% since a peak in 2011-12. There were 2,880 charges reported in 2018-19, 12% fewer than in 2017-18 and the lowest annual total since consistent figures became available in 2003-04.

Sexual orientation aggravated crime is the second most commonly type of hate crime. The number of charges reported increased by 5% in 2018-19 to 1,176. With the exception of 2014-15, there have been year on year increases in charges reported since the legislation introducing this aggravation came into force in 2010.

There were 529 religiously aggravated charges reported in 2018-19, a fall of 18% compared to 2017-18 and the lowest number since 2004-05, shortly after the relevant legislation was introduced.

The number of disability aggravated charges remained almost unchanged, up 1% to 289 in 2018-19. With the exception of 2016-17, there have been year on year increases in charges reported since the legislation introducing this aggravation came into force in 2010.

There were 40 charges reported in 2018-19 with an aggravation of transgender identity, compared to 52 in 2017-18.



Introduction

This publication provides details of hate crime reported to the Procurator Fiscal in Scotland in 2018-19, and earlier years. The relevant legislative provisions are provided in Annex 1.

Background

The information in this publication is obtained from the Crown Office and Procurator Fiscal Service (COPFS) operational database. The database manages and processes reports submitted to Procurators Fiscal by the police and other reporting agencies throughout Scotland. Since this is a live database, the figures in this publication may differ slightly from those published in earlier years due to changes made during investigation and prosecution of a case.

The information in this publication covers 2010-11 to 2018-19. The legislation for the newer categories of hate crime (disability, sexual orientation and transgender identity) came into force on 24 March 2010. For the other categories of hate crime (racial and religious) the publication includes some additional information on longer term trends since 2003-04.

The figures quoted in this publication relate to the number of charges reported rather than the number of individuals charged or the number of incidents that gave rise to such charges. Where a charge has more than one hate crime aggravation, it is included in the overall figures for each type of hate crime into which it falls. If a charge under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 contains a hate crime aggravation it is also included in the overall figures for each type of hate crime into which it falls.

The tables provide information on the initial decision taken by Procurators Fiscal on how a charge will proceed. This includes the decision to take court proceedings or to use alternatives to prosecution including fiscal fines and other direct measures. Further information on what is included in each decision category, including a breakdown of the reasons for taking no action, is given in Annex 1.

Previously, this publication included information on charges reported under The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. This Act was repealed on 20 April 2018. A full time series of the charges reported annually under this Act is available in last year's publication ([Hate Crime in Scotland 2017-18](#)). More details on the effect of the repeal on the figures in this publication are provided in the Annex.

Race crime (Tables 1a, 1b)

In total 2,880 charges relating to race crime were reported in 2018-19, a decrease of 12% compared to 2017-18. This is 37% lower than the peak in such charges in 2011-12, when 4,547 charges were reported. It is also the lowest annual figure since consistent figures became available in 2003-04, and the first time the figure has fallen below 3,000.

The proportion of charges that specifically relate to racially aggravated harassment and behaviour has fallen steadily over recent years, from 62% in 2010-11 to 42% in 2018-19. The proportion only fell marginally between 2017-18 and 2018-19. There has been a corresponding increase in the proportion of charges relating to other offences (for instance, threatening or abusive behaviour, or assault) with a racial aggravation. In order to prove a charge of racially aggravated harassment and behaviour two sources of evidence are required for the racially aggravated aspect of the crime whereas evidence from a single source is sufficient to prove a racial aggravation which is attached to another substantive charge labelled.

Court proceedings were commenced in respect of 81% of charges in 2018-19. In total, 89% of charges reported in 2018-19 led to court proceedings (including those not separately prosecuted¹, but which may have been incorporated into other charges for the same accused which were prosecuted).

No action was taken in respect of 4% of charges.

Religious crime (Tables 2a, 2b)

There were 529 charges with a religious aggravation reported in 2018-19, which is 18% fewer than in 2017-18. This is the lowest number of such charges reported since 2004-05, shortly after the relevant legislation was introduced, when 479 were reported.

In the period 2012-13 to 2017-18 some charges that would otherwise have been reported with a religious aggravation will have been reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. Direct comparisons of the number of charges reported with a religious aggravation between 2012-13 and 2017-18 inclusive, and other years are therefore potentially unreliable. Research by the Scottish Government provided an estimate of how many additional religious charges there were in each year between 2012-13 and 2016-17, but no estimate is available for 2017-18 due to the repeal of the Act.

In 2018-19, court proceedings were commenced in respect of 86% of charges with a religious aggravation. In total, 93% of charges reported in 2018-19 led to court proceedings (including those not separately prosecuted, but which may have been incorporated into other charges for the same accused).

No action was taken in respect of 2% of charges.

Disability (Table 3)

In 2018-19, 289 charges were reported with an aggravation of prejudice relating to disability, three more than in 2017-18 when 286 charges were reported (an increase of 1%). This is the highest number of charges reported since the legislation creating this aggravation came into force in 2010. The number of charges reported has

¹ See note 7 of the Annex for the definition of charges not separately prosecuted.

increased year on year since the legislation was introduced, with the exception of a small fall in 2016-17.

There is a broad consensus however that this type of crime continues to be under reported compared to other forms of hate crime. Both Police Scotland and COPFS have worked collaboratively with other justice partners and the Scottish Government on a variety of activities aimed at increasing the level of awareness of disability hate crime. This has focussed on working with organisations that support people with disabilities, and on encouraging those targeted to report incidents to the police or use Third Party reporting agencies.

Court proceedings were commenced in respect of 84% of charges reported in 2018-19. In total 89% of charges led to court proceedings, including those not separately prosecuted, but which may have been incorporated into other charges for the same accused.

No action was taken in respect of 4% of charges reported in 2018-19.

Sexual orientation (Table 4)

In 2018-19, 1,176 charges were reported with an aggravation of prejudice relating to sexual orientation, 5% more than in 2017-18. The number of charges reported has increased consistently year on year since the legislation was introduced, with the exception of a fall in 2014-15.

Court proceedings were commenced in respect of 82% of charges (or 91% including those not separately prosecuted, but which may have been incorporated into other charges for the same accused).

No action was taken in respect of 2% of charges.

Transgender identity (Table 5)

In 2018-19, 40 charges were reported with an aggravation of prejudice relating to transgender identity, 12 fewer than in 2017-18. The number of charges reported each year has been on a generally upwards trend since 2012-13 until the decrease in 2018-19. However, the total number of charges remains small and is thus likely to be subject to fluctuation from year to year.

Court proceedings were commenced in respect of 29 of the 40 charges.

Table 1a: Race crime Charges reported, 2010-11 to 2018-19 (numbers)									
Year	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19
Total number of charges of race crimes	4178	4547	4034	4160	3820	3721	3367	3280	2880
Of which									
Charges related to racially aggravated harassment and behaviour	2574	2792	2376	2300	1969	1757	1462	1373	1205
Charges related to another offence with a racial aggravation	1604	1755	1658	1860	1851	1964	1905	1907	1675
Decision on how charge will proceed									
Court proceedings	3500	3728	3347	3632	3297	3216	2825	2753	2325
Not separately prosecuted	357	350	348	267	269	257	256	270	226
Direct measures	54	64	50	49	33	51	98	91	133
Referred to Children's Reporter	47	92	76	59	61	51	45	53	53
No action	220	313	213	153	160	146	143	113	105
Awaiting decision	0	0	0	0	0	0	0	0	38

Table 1b: Race crime Charges reported, 2010-11 to 2018-19 (percentages)									
Year	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19
Total number of charges of race crimes	4178	4547	4034	4160	3820	3721	3367	3280	2880
Of which									
Charges related to racially aggravated harassment and behaviour	62%	61%	59%	55%	52%	47%	43%	42%	42%
Charges related to another offence with a racial aggravation	38%	39%	41%	45%	48%	53%	57%	58%	58%
Decision on how charge will proceed									
Court proceedings	84%	82%	83%	87%	86%	86%	84%	84%	81%
Not separately prosecuted	9%	8%	9%	6%	7%	7%	8%	8%	8%
Direct measures	1%	1%	1%	1%	1%	1%	3%	3%	5%
Referred to Children's Reporter	1%	2%	2%	1%	2%	1%	1%	2%	2%
No action	5%	7%	5%	4%	4%	4%	4%	3%	4%
Awaiting decision	0%	0%	0%	0%	0%	0%	0%	0%	1%

Table 2a: Religiously aggravated crime²									
Charges reported, 2010-11 to 2018-19 (numbers)									
Year	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19
Total number of charges of an offence aggravated by religious prejudice	694	896	689	591	567	591	678	649	529
Additional religious charges reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.			75	48	48	50	46	Not Avail.	
Estimated total religious charges	694	896	764	639	615	641	724	Not Avail.	529
Decision on how charge will proceed									
Court proceedings	594	782	564	526	490	540	582	554	453
Not separately prosecuted	60	63	78	38	34	28	55	45	41
Direct measures	*	12	10	*	5	*	*	*	19
Referred to Children's Reporter	*	5	13	*	5	*	*	*	0
No action	23	34	24	21	33	15	14	21	11
Awaiting decision	0	0	0	0	0	0	0	5	5

² Some figures have been suppressed, with an asterisk, to avoid potentially releasing information relating to identifiable people. See the Annex, paragraph 28 for more details.

Table 2b: Religiously aggravated crime Charges reported, 2010-11 to 2018-19 (percentages)									
Year	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19
Total number of charges of an offence aggravated by religious prejudice	694	896	689	591	567	591	678	649	529
Decision on how charge will proceed									
Court proceedings	86%	87%	82%	89%	86%	91%	86%	85%	86%
Not separately prosecuted	9%	7%	11%	6%	6%	5%	8%	7%	8%
Direct measures	*	1%	1%	*	1%	*	*	*	4%
Referred to Children's Reporter	*	1%	2%	*	1%	*	*	*	0%
No action	3%	4%	3%	4%	6%	3%	2%	3%	2%
Awaiting decision	0%	0%	0%	0%	0%	0%	0%	1%	1%

Table 3: Disability aggravated crime Charges reported, 2010-11 to 2018-19									
Year	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19
Total number of charges of an offence aggravated by prejudice related to disability	48	60	137	147	176	199	188	286	289
Decision on how charge will proceed (numbers)									
Court proceedings	35	36	94	127	151	173	146	233	243
Not separately prosecuted	*	7	7	*	*	13	21	15	14
Direct measures	*	*	5	*	*	8	13	15	*
Referred to Children's Reporter	0	*	6	0	*	*	*	*	*
No action	8	12	25	13	16	*	*	19	11
Awaiting decision	0	0	0	0	0	0	0	*	12
Decision on how charge will proceed (percentages)									
Court proceedings	73%	60%	69%	86%	86%	87%	78%	81%	84%
Not separately prosecuted	*	12%	5%	*	*	7%	11%	5%	5%
Direct measures	*	*	4%	*	*	4%	7%	5%	*
Referred to Children's Reporter	0%	*	4%	0%	*	*	*	*	*
No action	17%	20%	18%	9%	9%	*	*	7%	4%
Awaiting decision	0%	0%	0%	0%	0%	0%	0%	*	4%

Table 4: Sexual orientation aggravated crime Charges reported, 2010-11 to 2018-19									
Year	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19
Total number of charges of an offence aggravated by prejudice related to sexual orientation	452	650	729	887	848	1027	1081	1117	1176
Decision on how charge will proceed (numbers)									
Court proceedings	357	535	564	780	757	890	899	960	967
Not separately prosecuted	37	42	63	66	43	55	94	79	103
Direct measures	15	24	36	9	8	19	40	36	48
Referred to Children's Reporter	7	11	18	9	10	22	21	15	15
No action	36	38	48	23	30	41	27	27	27
Awaiting decision	0	0	0	0	0	0	0	0	16
Decision on how charge will proceed (percentages)									
Court proceedings	79%	82%	77%	88%	89%	87%	83%	86%	82%
Not separately prosecuted	8%	6%	9%	7%	5%	5%	9%	7%	9%
Direct measures	3%	4%	5%	1%	1%	2%	4%	3%	4%
Referred to Children's Reporter	2%	2%	2%	1%	1%	2%	2%	1%	1%
No action	8%	6%	7%	3%	4%	4%	2%	2%	2%
Awaiting decision	0%	0%	0%	0%	0%	0%	0%	0%	1%

Table 5: Transgender identity aggravated crime Charges reported, 2010-11 to 2018-19									
Year	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19
Total number of charges of an offence aggravated by prejudice related to transgender identity	14	16	14	25	21	30	42	52	40
Decision on how charge will proceed (numbers)									
Court proceedings	14	12	11	22	18	20	31	34	29
Not separately prosecuted	0	*	*	*	*	*	*	6	*
Direct measures	0	*	*	*	*	*	0	6	*
Referred to Children's Reporter	0	*	*	*	*	0	6	*	*
No action	0	*	*	*	*	*	*	*	*
Awaiting decision	0	*	*	*	*	0	0	0	*
Decision on how charge will proceed (percentages)									
Court proceedings	100%	75%	79%	88%	86%	67%	74%	65%	73%
Not separately prosecuted	0%	*	*	*	*	*	*	12%	*
Direct measures	0%	*	*	*	*	*	0%	12%	*
Referred to Children's Reporter	0%	*	*	*	*	0%	14%	*	*
No action	0%	*	*	*	*	*	*	*	*
Awaiting decision	0%	*	*	*	*	0%	0%	0%	*

Annex 1

Legislation

1. Race crime is defined as any charge of racially aggravated harassment and behaviour in terms of Section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 or Section 18, 19 or 23(1)a of the Public Order Act 1986 or any racial aggravation in terms of Section 96 of the Crime and Disorder Act 1998. In order to prove a charge of racially aggravated harassment and behaviour two sources of evidence establishing the racial element are required whereas evidence from a single source is sufficient to prove a racial aggravation which is attached to another substantive charge.
2. Religiously aggravated offences are defined as charges that include an aggravation of religiously motivated behaviour in terms of Section 74 of the Criminal Justice (Scotland) Act 2003.
3. Disability aggravated offences are defined as charges that include an aggravation of prejudice relating to disability in terms of Section 1 of the Offences (Aggravation by Prejudice) (Scotland) Act 2009.
4. Sexual orientation aggravated offences are defined as charges that include an aggravation of prejudice relating to sexual orientation in terms of Section 2 of the Offences (Aggravation by Prejudice) (Scotland) Act 2009.
5. Transgender identity aggravated offences are defined as charges that include an aggravation of prejudice relating to transgender identity in terms of Section 2 of the Offences (Aggravation by Prejudice) (Scotland) Act 2009.

Definitions

6. Not separately prosecuted include charges which were not prosecuted, but where other charges for the same accused within the same case were prosecuted. In some cases the charges which were prosecuted may have included details from the charges which were not prosecuted.
7. Direct measures include fiscal fines, fiscal compensation orders, fiscal work orders, warning letters and referral to diversion from prosecution schemes. The direct measures figures include a small number of charges which were not actioned, but where the accused was given a direct measure in respect of other charges within the same case. In some cases the charges which were given a direct measure may have included details from the charges which were not actioned.
8. No action includes charges where a decision has been taken not to proceed. This will include charges where there is insufficient evidence to proceed or where further action would be disproportionate. Table 6 below gives a breakdown of the reasons for no action in 2018-19.

9. Cases awaiting decision include those where no decision has been taken yet, and also those which have been reviewed and have been marked for “further enquiries” i.e. where more information is required before a final decision can be taken on whether to proceed.

Table 6: Breakdown of reason for no action, 2018-19					
	Category				
	Racial	Religious	Disability	Sexual orientation	Transgender
Total number of charges – no action	105	11	11	27	*
Not a crime	7	0	0	*	0
Insufficient admissible evidence	47	*	5	12	*
Further action disproportionate	12	0	*	*	0
Mitigating circumstances	7	0	0	*	0
Other	32	*	*	8	*

Total hate crime

10. Where a charge has more than one hate crime aggravation, it is included in this publication in each type of hate crime into which it falls. It is therefore not possible to add up the charges for each category of hate crime to obtain the total number of hate crime charges reported. Table 7 below provides this information, with charges which relate to more than one category of hate crime counted only once.

Table 7: Total hate crime charges reported	
Year	
2010-11	5,332
2011-12	6,053
2012-13	5,408
2013-14	5,658
2014-15	5,208
2015-16	5,334
2016-17	5,037
2017-18	5,060
2018-19	4,616

Convictions

11. The figures in this publication relate to initial decisions taken by the Procurator Fiscal. Many of the charges reported in the most recent year, 2018-19, will not yet have reached a conclusion, so information on the final number convicted is not yet available.

12. Figures on convictions for years up to 2017-18 are published by the Scottish Government <http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/PubCriminalProceedings> . Please note that there are differences in the way the Criminal Proceedings statistics measure activity in comparison to the figures in this report. In particular, this publication is based on charges reported, while the Criminal Proceedings figures are based on persons prosecuted or convicted, by main charge. One person can be reported with one or more charges against them. Additionally this publication is based on the year the charge was reported to COPFS. The Criminal Proceedings figures are based on the year of disposal. These differences are described in Annex C of the Criminal Proceedings publication.
13. Conviction information on aggravations is available in Tables 12 and 13 of the latest Criminal Proceedings publication. Please note that figures for race crime cover convictions with racial aggravations only and do not include racial charges. (See paragraph 1 above for the definition of race crime).
14. The date of publication for convictions for 2018-19 will be made known when finalised on the Forthcoming Publications page of the Scottish Government website <https://www2.gov.scot/Topics/Statistics/ForthcomingPubs>

The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012

15. The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 came into force on 1 March 2012 and was repealed on 20 April 2018. Previous editions of this publication provided figures on the number of charges reported under the Act. A full time series of the charges reported annually under this Act is available in last year's publication ([Hate Crime in Scotland 2017-18](#)). There are no charges recorded on the COPFS database reported under the Act after 2017-18. If a charge reported in an earlier year under the Act contained a hate crime aggravation it will still be included in the overall figures for each type of hate crime into which it falls.
16. At the time of the repeal, COPFS conducted a review of all ongoing charges under the Act and a number which were ongoing at that time were amended to an alternative charge.
17. In many cases, charges under the Act did not include an aggravation, because the charge itself covered the relevant behaviour. However in certain subsections of the Act, the charge did not include the behaviour against specific individuals or groups covered by the hate crime categories and in these instances the charge may have been reported with an aggravation. Where a charge that would previously have been reported and prosecuted under the Act has been amended to an alternative charge, that alternative charge may now include a statutory aggravation.
18. The repeal of the Act means that there is a discontinuity in the time series of figures given in this publication between 2016-17 and 2017-18. Figures for all

categories of hate crime may be higher in 2017-18 and subsequent years than they otherwise would have been due to charges that would previously have been reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 being reported as an alternative charge with an aggravation.

19. Conviction information on the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 is available in Annex E of the Criminal Proceedings in Scotland 2017-18 publication.
<http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/PubCriminalProceedings>

Related Scottish Government publications

20. The Scottish Government published a report in February 2019 [Hate crime - availability of information recorded by the police in Scotland](#). This provided an update on work by Scottish Government statisticians and Police Scotland to review the availability of information on hate crime recorded by the police in Scotland. It included information on hate crimes recorded by the police by crime, by associated hate aggravation(s), and by local authority area. This publication covers all 5 statutory hate crime aggravations, including information on crimes aggravated by more than one aggravator.
21. The Scottish Government previously published research which provides details of the circumstances of charges with religious aggravations. This includes information on the religion targeted, the location where the offence was committed, and the age and gender of the accused. Research has been published relating to charges reported in each year from 2010-11 to 2017-18.
22. The Scottish Government also previously published research which provides details of the circumstances of charges reported in each year from 2012-13 to 2016-17 under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. This includes information on the location where the offence was committed including the football stadium if appropriate, the nature of the offensive behaviour, the age and gender of the accused and their team affiliation. Due to the repeal of the Act, no similar research was published relating to charges reported in 2017-18.

Related reviews

23. On 31 May 2018, the Right Honourable Lord Bracadale published an Independent Review Report on Hate Crime Legislation in Scotland.
<http://www.gov.scot/Publications/2018/05/2988> . The Scottish Government held a public consultation on Scottish hate crime legislation from 14 November 2018 to 24 February 2019. During that time they also held 11 public consultation events across Scotland. The responses are currently being independently analysed with the aim of publishing a consultation analysis report in the summer. The consultation responses will be considered in the development of future hate crime legislation.

Data sources and data quality

24. The information in this publication is taken from the COPFS operational database used to manage the processing of reports submitted to Procurators Fiscal by the police and other reporting agencies throughout Scotland. Since this is a live database, the figures given here may not exactly match those previously published. For instance, if the Procurator Fiscal amends a charge, the database only holds details of the amended charge.
25. Checks of charges with a disability aggravation revealed that in some cases the aggravations had not been recorded correctly. Errors identified have been corrected where possible.
26. The total number of charges relating to the hate crime category of transgender identity is small. The percentages derived from these figures should therefore be treated with caution, because they are based on small numbers.
27. Percentages may not add up to 100% due to rounding.
28. Some figures have been suppressed to ensure compliance with the Data Protection Act 2018, to avoid potentially releasing information about identifiable people. COPFS does not normally disclose statistical information for data entries of fewer than 5 to ensure it meets its obligations under the Act. Where the number of charges is fewer than 5, these figures have been replaced with an asterisk. In some cases, figures greater than or equal to 5 have also been replaced with an asterisk to ensure suppressed figures cannot be derived by deduction. This applies to all data published by COPFS where Data Protection considerations apply.

AN OFFICIAL STATISTICS PUBLICATION FOR SCOTLAND

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