

# **PAPER FOR TACKLING PREJUDICE AND BUILDING CONNECTED COMMUNITIES ACTION GROUP**

## **UNDER REPORTING OF HATE CRIME**

### **Purpose**

1. This paper sets out the issues identified in regards to under-reporting in Scotland, including third party reporting, and seeks to provide a basis for discussion for the Action Group around next steps and priority areas for action.

### **Context**

2. It is recognised that hate crime is generally under reported, and that there are a number of barriers to reporting. The report of the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion<sup>1</sup>, established by the Scottish Government in 2015, highlighted that reporting a hate crime is often seen as a significant but difficult step for a victim to take and a number of potential barriers were identified by participants including a fear of retribution; that an incident has not breached the threshold needed to be considered an act of criminality; that the legal process may be costly, exhausting and counter-productive; and that they will not be taken seriously when reporting the crime.

3. Many victims who experience hatred and prejudice on a daily basis said that it would be impossible to report them all to the police. Many participants reported that victims who had been subjected to repeated incidents of prejudice or hate crime had developed coping mechanisms that did not include reporting or contact with the police and treated such behaviour as a 'normal' experience of everyday life.

4. Although the report found that both Police Scotland and COPFS take prejudice-based crime seriously, confidence in reporting incidents of hate crime to the police continues to be low. There were a number of possible reasons given for this. Some were of the view that the police are not always consistent in dealing with reports; for example, there was particular concern expressed that individual officers might take decisions about referring cases to COPFS, with these decisions not being monitored for consistency. This could also be the case with different types of hate crime which may not be as well understood as other forms. There was a concern that a lack of diversity within the workforces of criminal justice agencies may contribute to this variable understanding. In addition, perception of poor communication within the criminal justice system and with victims throughout the process presented a significant barrier to people's confidence and feeling supported.

5. In terms of broader issues, the Advisory Group also highlighted that there appears to be a lack of consistency in the approaches of individual schools and local authorities towards issues of prejudice and discrimination. While it was accepted that the Curriculum for Excellence framework offers flexibility and possibilities for engaging with specific issues of prejudice and hate crime, there was concern that the highly decentralised model of education left individual teachers, schools and local authorities

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<sup>1</sup> <http://www.gov.scot/Resource/0050/00506074.pdf>

to determine how these issues are tackled at a local level with resulting inconsistency. There were suggestions that the perception of the impact on a school's reputation and/or record could be leading to some schools being reluctant to report these issues. There were also suggestions that teachers often lacked confidence to address the range of issues at classroom level.

6. There was a broad consensus that hate crime in Scotland continues to be underreported across all characteristics but more notably with transgender hate crime which suggested a level of isolation and fear. Participants suggested that, in cases of trans people, there may be fears of being the subject of salacious media attention in the event their case is made public which dissuades many transgender victims from seeking justice. Strong support was expressed for the operation of an effective, resourced network of third party reporting centres to help people report and access support.

7. The following recommendations were made by the Advisory Group to help address under reporting and third party reporting:

- Police Scotland and its partners should review the effectiveness of the third party reporting centre network and develop action steps to improve this;
- the Scottish Government should work with Police Scotland and key partners to identify barriers to reporting, with a view to ensuring that third party reporting is widely available and publicised and that identified barriers are removed; and
- Police Scotland should monitor and report on their engagement with key communities and stakeholders across the protected characteristics at both a national and a local level.

## **Current evidence**

8. In terms of the most recent statistical picture, on 9 June 2017, COPFS published 'Hate Crime in Scotland 2016-17' which showed that:

- Racial hate crimes are most common, however, have decreased by 10% since 2015-16 (3,349).
- Sexual orientation hate crime is second most common – an increase of 5% since 2015-16 (1,075).
- Religious hate crimes follow which have seen an increase of 14% since 2015-16 (673 charges).
- Disability hate crimes have fallen for the first time since the Offences (Aggravation by Prejudice) Scotland Act 2009 came into force in 2010: 6% fewer than in 2015-16 (188 charges).
- Transgender identity hate crimes have increased by 10 charges since 2015-16. Although the numbers remain very small, this is the highest number of charges reported to date (40 charges).

9. In discussions with stakeholders over the past few years around the stats, particular concern has been expressed around underreporting of charges relating to disability and transgender identity.

10. In addition to the Advisory Group's report, Victim Support Scotland and the Equality Network have also produced reports looking at the prevalence and experiences of hate crime, types of hate crime and barriers to reporting. A summary

of the findings of the Victim Support Scotland and Equality Network's reports can be found at Annex A. In general terms, the research agrees that under reporting remains a serious issue in regards to hate crime in Scotland. The main barriers include a lack of understanding of what hate crime is, fear of the reporting process or that their complaint would not be taken seriously by/or understood properly by police and lack of awareness of how to report a hate crime. There also seems to be a suggestion that experiences of hate crime have become normalised and therefore not reported. In regards to the most common types of hate crimes not being reported there seems to be consensus that, although all hate crime in Scotland continues to be underreported across all characteristics, there are particular issues around transgender and disability hate crime reporting. There also appears to be consensus that more needs to be done to raise awareness of what hate crime is and to encourage reporting, as well as provide improved support and services for victims of hate crime.

### **Action to date**

11. On 13 June 2017 the Scottish Government published its response to the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion<sup>2</sup>. Within this response, the Scottish Government committed to working to address the underreporting of hate crime in Scotland. In October, we ran a successful awareness raising campaign 'Hate has no home in Scotland' to raise awareness and encourage reporting (a summary of the evaluation is at Annex B).

12. As part of his Independent Review of Hate Crime Legislation in Scotland Lord Bracadale is considering whether existing hate crime law represents the most effective approach for the justice system to deal with criminal conduct motivated by hatred, malice, ill will or prejudice. He will also be giving consideration to under reporting and third party reporting and we await his report to be published in Spring this year.

13. The Tackling Prejudice and Building Connected Communities Action Group will continue to progress with the delivery of the actions within the Tackling Prejudice and Building Connected Communities Action Plan. This includes considering next steps following from the recent 'Hate Has No Home in Scotland' campaign and how to break down barriers to reporting. The group will also give consideration to the recommendations made by both the Victim Support Scotland and Equality Network's reports around under reporting.

14. Police Scotland have recently reviewed the effectiveness of third party reporting centres across Scotland and are currently implementing an improvement plan which includes measuring effectiveness. This is part of a wider internal piece of work around how Police Scotland recognises and responds to hate crime. As part of this, Police Scotland contacted all existing third party reporting centres (approx. 400) to inform them of the on-going work which highlighted some challenges including lack of trained staff within the centres (often due to staff turnover). Arrangements have therefore been made for suitable officers in each local policing division to deliver training to third party reporting centres where guidance will be used to ensure

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<sup>2</sup> <http://www.gov.scot/Publications/2017/06/1336>

consistency. In addition, activity monitoring forms have been introduced and will be used when anyone reports incidents to a third party reporting centre and collected nationally on a quarterly basis. This will make it easier to monitor effectiveness and performance. Police Scotland are keen that efforts continue to ensure that the third party reporting process is promoted better in the future, with improved advertising and signposting. Police Scotland are aware that the on-going work may result in a reduction in the number of third party reporting centres however believe it is necessary to focus on quality of service, rather than quantity of centres.

### **Points for discussion**

15. The Action Group is invited to consider and discuss the following points:
- Is the general sense from communities that these barriers to reporting continue to exist? Has there been any initiative that has been particularly effective in helping to break down these barriers?
  - In terms of future awareness raising campaigns, what could potentially have the most impact (drawing from the learning from previous campaigns)?
  - As Police Scotland take forward their work to renew the third party reporting infrastructure, are there any points that it would be helpful for them to consider?
  - What additional steps can be taken by Government and the wider system to better encourage reporting?
  - What role can third sector organisations play in encouraging people to report and providing support?

**Cohesive Communities Team**

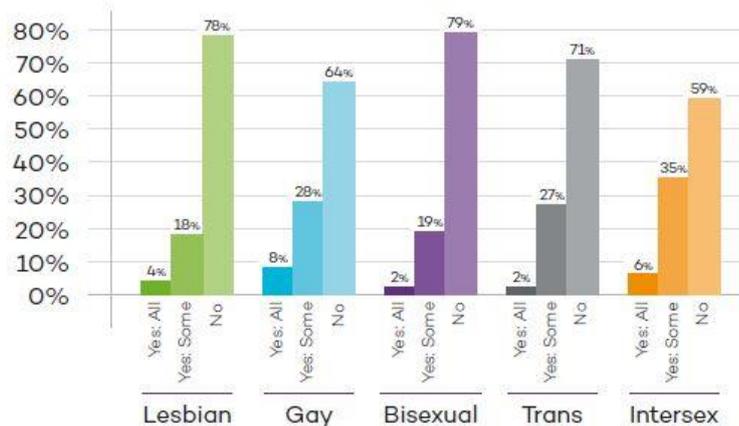
12 March 2018

## RESEARCH IN SCOTLAND – KEY FINDINGS

Equality Network Scottish LGBTI Hate Crime Report 2017<sup>3</sup> - Key Findings

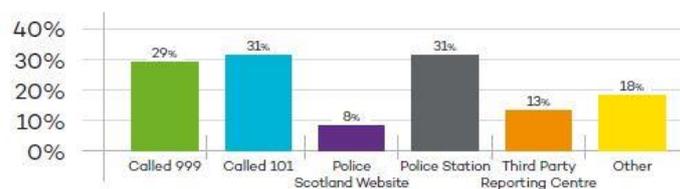
This report found that over 60% of LGBTI people have experienced hate crime multiple times and 20% have experienced it more than ten times, however the majority are not reported to the police. 71% of respondents stated they had not reported any of their experiences to the police with a further 24% reporting only some of the incidents they experienced. Only 5% of respondents reported all incidents. Bisexual respondents were least likely to report, followed by lesbian respondents and trans respondents (see figure 1). 77% of minority ethnic respondents did not report any of the hate crime incidents they experienced to the police. The most common reason for not reporting a hate crime to the police were people thinking that it was ‘not serious enough’, believing nothing would be done, hearing of previous poor reporting experiences and fear of consequences.

Figure 1: Did you report the incident(s) to the police? (Source - p40 Equality Network Scottish LGBTI Hate Crime Report 2017)



The report also found that 23% of respondents reported being not at all sure of how to report a hate crime. Most of those who reported a hate crime contacted the police directly. Only 13% used a third party reporting centre, indicating that these are not used by the LGBTI community (see figure 2).

Figure 2 – How did you report the incident(s)? (Source - p43 Equality Network Scottish LGBTI Hate Crime Report 2017)



Of those who did report a hate crime they experienced to the police, 41% were satisfied with the police response and 39% were dissatisfied. Reasons for dissatisfaction included not being taken seriously, receiving an unsympathetic response and/or lack of LGBTI awareness from police officers. Rural respondents

<sup>3</sup> [https://www.equality-network.org/wp-content/uploads/2017/10/en\\_hc17-full\\_final1alores.pdf](https://www.equality-network.org/wp-content/uploads/2017/10/en_hc17-full_final1alores.pdf)

were more likely to report satisfaction with the police response (48%) in comparison to those in urban areas (34%).

With regards to hate crime prosecutions this report found that over half the respondents (51%) were dissatisfied with the interaction they had with the Procurator Fiscal with only a quarter satisfied. Disabled respondents were more likely to be dissatisfied with the interaction they had with the Procurator Fiscal (67%). Rural respondents (79%) reported significantly higher levels of dissatisfaction than urban (46%) or suburban respondents (38%). Reasons for dissatisfaction included a lack of information or communication, as well as perceived lack of support.

There were also reports of dissatisfaction with the court process. Where a case went to court, only 25% were satisfied with the court process and 58% were dissatisfied. Reasons for dissatisfaction were similar to the above, and included a lack of information or communication, a stressful and unpleasant court experience, and lack of awareness from the sheriff of LGBTI issues.

The report also focused on witnessing hate crime and found that 81% of respondents who had witnessed a hate crime did not report it to the police. For those that did report the hate crime they witnessed, most people did so by dialling 101 (30%) or by visiting a police station (27%), or dialling 999 (23%). As with those targeted by hate crime, only a small percentage used a third party reporting centre (14%).

Finally, respondents were asked what they thought would encourage more people to report a hate crime to the police as well as for suggestions for improving support for LGBTI people who have experienced hate crime in Scotland. Suggestions included:

- Increasing public knowledge of types of hate crime and the associated laws through education and public campaigns
- More easily available information on how to report and clarity on the process
- More trained LGBTI Liaison Officers in the police

The following recommendations were made in regards to raising awareness and reporting:

- Police, LGBTI organisations and community groups should continue to encourage people to report hate incidents to the police
- Police Scotland should continue to engage with the LGBTI community around the country to encourage and support the reporting of hate incidents. Particular attention needs to be given to ensuring trans people can have confidence in reporting hate incidents
- Information campaigns should promote understanding of what a hate incident is, how to report it, why it is important to report it and what happens after you report it
- More should be done to encourage those who witness hate incidents against others to report them
- The operation of third party reporting centres should be reviewed

## Fostering a Victim Centred Approach to Hate Crime in Scotland – Victim Support Scotland<sup>4</sup> (published September 2017)- Key Findings

This report highlighted that although many hate crimes go unreported, there is a specific under reporting issue around transgender and disability hate crimes. It found that the frequency of ‘low level’ hate incidents can mean it would be impossible for a victim to report them all and that this form of victimisation can become normalised and not something the victim would choose to report. Some victims may not realise what happened to them was a crime.

The report also gave consideration to a number of possible barriers to reporting which include:

- Asylum seekers and refugees can be fearful of reporting hate crimes due to a lack of trust in authorities as a result of persecution they have experienced in their countries of origin, or they may fear deportation as a consequence of reporting a hate crime.
- LGBT victims may be apprehensive about disclosing their sexual orientation and/or gender identity to authorities.
- Transgender victims may fear becoming the subject of salacious media attention if their case is made public.
- Disability hate crimes are thought to be underreported because there is often a relationship between the victim and the offender and the fear of losing the friendship can deter the victim from reporting. The victim may also be dependent on the perpetrator for day to day support which can make them afraid of losing their limited independence if they report the perpetrator. There can also be accessibility issues for disabled people at reporting centres, such as poor wheelchair access or a lack of interpreters.

This report also found that third party reporting centres often struggle to deal properly with reports due to resourcing issues and are unevenly distributed across the country. The report also suggested a lack of awareness around third party reporting among the general public.

The following recommendation was made in relation to reporting:

- Identifying and removing barriers to reporting hate crime and to accessing professional support. This is particularly required in relation to disability and trans hate crimes.

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<sup>4</sup> <http://www.victimsupportsco.org.uk/wp-content/uploads/2017/09/VSS-Hate-Crime-Report-September-2017.pdf>

**CAMPAIGN EVALUATION SUMMARY**

On 13 October 2017 the Cabinet Secretary launched our six week 'Hate Has No Home in Scotland' public awareness campaign in partnership with Police Scotland and COPFS. The campaign aimed to raise awareness of what hate crime is and encourage both victims and witnesses to report it with a focus on public transport and social media.

In depth evaluation was carried out following the campaign activity to measure the impact. Key findings included:

- There was a slight increase in 'any' understanding of what hate crime is from 82% to 85%.
- The campaign was particularly successful for those who have been exposed to hate crime. This group were more likely to have been reached by the campaign, and also engaged and motivated by it.
- 81% said they would take action (including talking to someone or seek more information) if they witnessed hate crime but only 62% said they would report it (increase from 60%).
- There was evidence to suggest that females and 35-54 year olds were most motivated by the campaign.
- 48% of those who responded to the post wave survey said that they have taken action as a result of seeing the campaign with 24% claiming to have reported one.
- For future campaign activity it is recommended that in order to get better results we should narrow our focus as the campaign became complex with multiple objectives. It was also suggested that we look to target the campaign more specifically i.e. among young people.