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Charges reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 in 2015-16



CRIME AND JUSTICE



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Offensive Behaviour at
Football and Threatening
Communications (Scotland) Act
2012 in 2015-16**

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Executive summary

In 2015-16 there were 287 charges under section 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, reported by the police to the Crown Office and Procurator Fiscal Service (COPFS). This is an increase of 49% on the 193 charges reported in 2014-15 but is similar to the 267 charges reported in the first full year of the legislation (2012-13).

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 in circumstances where police are able to charge people for an offence. The information that is reported by the police to COPFS is influenced by the decisions the police have made about when and where to deploy their officers and wider strategies for the policing of football.

Of the 287 charges, 281 (98%) involved a male accused. Forty-six per cent of the charges involved an accused aged 20 or under, 29% noted an accused aged 21-30 and 25% were 31 or older.

The charges with an accused aged 20 or under have increased since 2014-15 (from 71 to 133 in 2015-16) as has the proportion of all charges with an accused in this age group (37% to 46%). An individual can have more than one charge in the course of a year. When looking at a charges involving an accused aged 20 or under, 39% of these charges do not have a unique accused (compared with 24% in 2014/15).

There was an increase of 50% in the number of football teams that the accused was noted to be affiliated with – from 22 in 2014-15 to 33 in 2015-16. The accused was noted to have an affiliation with Rangers in 71 charges (25% of the total) charges, Celtic in 27 (9%), Kilmarnock in 26 (9%), Hearts in 25 (9%) and St Mirren 21 (7%%). The number of charges where it was noted that the accused had an affiliation with Rangers has increased (up from 58 in 2014-15) but is a smaller proportion of the overall charges (down from 30% in 2014-15). The number of charges where it was noted that the accused had an affiliation with Celtic has increased (up from 19 charges in 2014-15) but proportionally stayed the same since 2014-15.

The Act criminalises hateful, threatening and otherwise offensive behaviour that is likely to incite public disorder in relation to football. The most common category of offence in 2015-16 was threatening behaviour (66%), followed by those categorised as 'hateful' (29%) and otherwise offensive (10%). All these categories have increased since 2014-15 in line with the overall increase in charges.

Sixty-three 'hateful' behaviour charges were religious hatred – a rise of 26% since last year in this type of offending. Catholicism and Protestantism were the sole religious groups that were targeted. Catholicism was the main target of the offensive behaviour in 55 charges - 87% of the total religious hatred charges.

The majority of charges occurred at a football stadium (50%), followed by a main street (24%) and public transport (23%). While each of these have increased since 2014-15, charges occurring on public transport now account for a higher proportion of all charges: in 2015-16 there were 66 charges (23% of total charges) that took place on public transport, compared with 10 charges (5%) in 2014-15. This increase in charges is partly due to an incident (linked to Livingston v St Mirren 17th October 2015) when there were 19 charges on public transport and an incident (linked to Kilmarnock v Partick Thistle on 28th November 2015) when there were 7 charges on public transport

There is evidence of the use of the Act at a greater number of stadiums and fixtures. There was an increase in the number of stadiums where there was at least one charge – from 21 stadiums in 2014-15 to 29 in 2015-16.

Charges were connected to 117 fixtures – a rise of 117% from 54 fixtures in 2014-15. Of these fixtures 110 were domestic, 5 were European competitions, and 2 were an international matches. Three charges could not be directly associated with any particular football fixture.

The fixtures with the highest number of charges were Hearts v Kilmarnock (20 charges) on 3rd October 2015, Livingston v St Mirren (19 charges) on 17th October 2015, and Kilmarnock v Partick Thistle (14 charges) on 28th November 2015. The charges from these three incidents accounted for 18% of the total number of charges for the year and were all related to threatening behaviour.

The local authorities where the majority of the charges took place were in Edinburgh (20%) and Glasgow (20%) which when taken together account for 40% of the total charges. This may reflect the two cities hosting some of matches that draw some of the largest crowds. The 58 charges in Edinburgh represents an increase compared to the 30 charges in 2014-15. The increase in charges for Edinburgh is partially due to one game (Hearts v Kilmarnock on the 3rd October 2015) when there were 20 charges. For Glasgow the 56 charges represents an increase compared to the 46 charges in 2014-15.

In 2015-16, the community was at least one of the victim types in 185 charges . The next most common was members of the public (at least one of the victim types in 88 charges) followed by the police (at least one of the victim types in 39 charges) and workers (at least one of the victim types in 25 charges).

Court proceedings were commenced in 214 of the 287 charges. Many cases are on-going and information about final convictions will be presented in Scottish

Government 'criminal proceedings' publications¹. Provisional findings show that of the 214 charges for which court proceedings had commenced, 86 had concluded and there were 73 convictions (85%).

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 2015-16 there were 7 'threatening communications' (section 6 of the Act) charges reported to the COPFS.

¹ See: <http://www.scotland.gov.uk/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 1st March 2012. The Act criminalises behaviour which is threatening, hateful² 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 financial year of 1st April 2015 to 31st March 2016³.

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.

² 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.

³ Although this report includes charges *reported* during 1st April 2015 to 31st March 2016, incidents may have *occurred* before this date.

2. Methods

For this research, an analyst from the Scottish Government undertook a review of case files from the COPFS case management database. This database contains the information that is submitted to 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 charges.

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.

There are a number of points that should be kept in mind when reading this report. First, this analysis does not provide a comprehensive picture of the prevalence of offensive behaviour at football in Scotland. This is because not all incidents of offensive behaviour at football come to the attention of the police, or in circumstances where the police are able to charge people for an offence. The information that is reported by the police to COPFS is influenced by the decisions the police have made about when and where to deploy their officers and the wider policing of football. The number of charges may increase in certain circumstances, such as where extra emphasis may have been given to the detection and reporting of offensive behaviour at football.

Second, this analysis is based on data that was reported to 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 where it was not viewed as directly relevant to the charge.

Third, 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. The report does not include information, for example, 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.

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 287 charges of ‘offensive behaviour at football’ that were reported to the COPFS in the 2015-16 financial year. This is an increase of 49% on the 193 charges reported in 2014-15 but similar to the 267 charges reported in the first full year of the legislation (2012-13). Table 1 below shows a breakdown of the charges reported to COPFS between 2012 and 2016.

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 2011-12 and 2015-16

	2011-12*	2012-13	2013-14	2014-15	2015-16
No. of charges	65	267	206	193	287

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

Before providing further details of these charges, it is worth highlighting that these charges do not relate to 287 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 or accused that were reported by the police to COPFS.

The 287 charges were generated from 169 separate incidents (each incident was contained in a single police report). This is shown in Table 2. There were 124 incidents that involved one accused – an increase from the 100 incidents last year but a decrease in the proportion from 85% to 73%. There were 24 incidents that involved two accused – an increase from 8 incidents last year and a proportional rise from 7% to 14%. There were 21 incidents that involved three or more accused – this is an increase from the 5 incidents last year and an increase in the proportion of incidents from 8% to 12%.

Table 2: Number of accused per incident 2015-16

No. of accused	No. of separate incidents	No. of charges
1	124	127
2	24	51
3	12	36
4	4	23
5	2	10
7	1	7
9	1	14
10	1	19
	169	287

* 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 COPFS.

The 287 charges involved 239 accused. The majority of the accused (82%) had only one charge. The number of accused that had two or more charges has risen from 14 last year to 42.

Table 3: Number of charges per accused 2015-16

No. of charges	No. of accused	% of accused	Total no. of charges
1	197	82	197
2	39	16	78
3	1	0.4	3
4	1	0.4	4
5	1	0.4	5
	239	100	287

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

Details about the accused

Age and sex of the accused

The following section compares the ages of the accused for each of the 287 charges as opposed to the age for each of the 239 accused.

Of the 287 charges, 281 (98%) involved a male accused.

Table 4 shows the age breakdown of the accused for each of the 287 charges in 2015-16. Forty-six per cent of the accused in each charge were aged 20 or under, 29% were aged 21-30, and 25% were 31 or older.

The charges with an accused aged 20 or under have increased since 2014-15 (from 71 to 133 in 2015-16) as has the proportion of all charges with an accused in this age group (37% to 46%).

An individual can have more than one charge in the course of a year. Compared to 2014-15, there are a higher proportion of incidents where the accused had multiple charges (see table 3). When looking at a charges involving an accused aged 20 or under, 39% of these charges do not have a unique accused (compared with 24% in 2014/15).

The Hearts v Kilmarnock (3rd October 2015) and Kilmarnock v Partick (28th November 2015) games both had 14 charges each where the accused for each charge were under 20 years old – these 28 charges account for 21% of the total charges related to this age group.

Table 4: Age breakdown of accused for each charge*

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

* Percentages may not add up to 100 because of rounding.

Alcohol and drug related charges

The police reports describe the accused as being under the influence of alcohol in 68 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.

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.

Table 5: Alcohol and drug-related charges

	2012-13		2013-14		2014-15		2015-16	
	No. of charges	%						
Alcohol	73	27	55	27	39	20	68	24
Drugs	4	1	4	2	6	3	9	3
Total	75	29	59	29	45	23	77	27

Football affiliation of the accused

The analysis included looking at the football affiliation⁴ of the accused for each charge; these are shown in Table 6. This information was gathered from the police reports. The affiliation of the accused was noted by the police in all but one of the 287 charges reported.

The accused were noted to be affiliated with 33 football teams – a rise of 50% since last year when 22 teams were noted. The accused had an affiliation with Rangers in 71 charges (25% of the total), Celtic in 27 (9%), Kilmarnock in 26 (9%), Hearts in 25 (9%) and St Mirren 21 (7%). The number of charges where it was noted that the accused had an affiliation with Rangers has increased numerically from 58 in 2014-15 but decreased as a proportion of the total, from 30% in 2014-15. The number of charges where it was noted that the accused had an affiliation with Celtic has increased but proportionally stayed the same since 2014-15. The number of charges where it was noted that the accused had an affiliation with Hearts has risen from 6 in 2014-15 to 25 in 2015-16 (3% of total charges in 2014-15 and 9% in 2015-16).

In 2014-15 there were no accused noted to be affiliated with Kilmarnock or St Mirren. Twenty-two of the 26 charges in 2015-16 where it was noted that the accused had an affiliation with Kilmarnock were linked to two fixtures; 14 charges were related to Hearts v Kilmarnock on 3rd October 2015 and 8 were related to Kilmarnock v Dundee Utd on 1st August 2015. Nineteen of the 21 charges in

⁴ 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.

2015-16 where it was noted that the accused had an affiliation with St Mirren were linked to Livingston v St Mirren on 17th October 2015.

Table 6: Football affiliation of accused*

Club aff.	2012-13		2013-14		2014-15		2015-16	
	Charges	%	Charges	%	Charges	%	Charges	%
Aberdeen	<5	-	11	5	30	16	8	3
Ayr Utd	6	2	0	-	8	4	<5	1
Celtic	68	25	44	22	19	10	27	9
Dundee Utd	0	-	0	-	11	6	<5	1
Greenock Morton	0	-	0	-	0	-	6	2
Hamilton	9	3	<5	-	11	6	13	5
Hearts	13	5	12	6	6	3	25	9
Hibernian	28	10	9	4	16	8	17	6
Kilmarnock	0	-	0	-	0	-	26	9
Montrose	0	-	0	-	0	-	6	2
Motherwell	<5	-	5	2	7	4	9	3
Partick Thistle	<5	-	9	4	<5	-	16	6
Rangers	85	32	59	29	58	30	71	25

	2012-13		2013-14		2014-15		2015-16	
St Mirren	0	-	0	-	0	-	21	7
Other	20	8	14	7	11	6	29	10
Total	268	100	203	100	193	100	287	100

* Those with charges <5 are included in 'other', therefore these are not included in the 'total' rows. 'Other' also includes football clubs not listed in the table (where there were fewer than five charges in 2012-13, 2013-14, 2014-15 and 2015-16).

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 or would be 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 researcher's 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, race⁵, sexual orientation or other forms of hatred. The offence was classified as threatening where the accused threatened another 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. In 2015-16 the number of charges categorised as 'hateful' was 83 – a rise from the 58 charges in 2014-15. The number of charges categorised as 'threatening behaviour' was 188 – a rise from the 118 charges in 2014-15. The number of charges categorised as 'otherwise offensive' was 29 – an increase from the 26 charges in 2014-15.

⁵ 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	
Offensive Behaviour	No. charges	%						
Hate Crime	125	47	73	36	58	30	83	29
<i>Religion</i>	106	40	60	30	50	26	63	22
<i>Race</i>	19	7	17	8	8	4	14	5
<i>Sexual orientation</i>	0	-	1	1	0	-	5	2
<i>Disability</i>	0	-	0	-	0	-	1	0.3
Threatening behaviour	119	44	99	49	118	61	188	66
Otherwise offensive	46	17	57	28	26	13	29	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. In 2015-16, of the 63 charges that included religious offences Catholicism and Protestantism were the sole religious groups targeted. Catholicism was the main target of the offensive behaviour in 55 charges - 87% of the total religious hatred charges.

Table 8: Breakdown of religions that were targeted*

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

* In 2013-14 two charges were directed specifically at both Catholicism and Protestantism therefore number of charges does not add up to 60.

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 fighting⁶.

As in 2014-15, 2013-14 and 2012-13, the most common method of abuse in 2015-16 were generally offensive (present in 63% of charges), singing (present in 25% of charges) and speech (present in 11% of charges).

⁶ An updated method of classification was used in 2013-14: 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 and 2015-16 are not directly comparable with 2012-13.

Table 9: Method of abuse used*

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

* Some charges contained reference to more than one category, therefore these numbers do not add up to total number of charges.

Location of the charges

Table 10 shows the local authority area where the charges occurred. In 2015-16 the local authority areas with the highest proportion of charges were Edinburgh and Glasgow (20% of all charges reported in each). This may reflect the two cities hosting some of matches that draw some of the largest crowds.

For Edinburgh the 58 charges represents an increase compared to the 30 charges in 2014-15. The increase in charges for Edinburgh is partially due to one game (Hearts v Kilmarnock on the 3rd October 2015) when there were 20 charges. For Glasgow the 56 charges represents an increase compared to the 46 charges in 2014-15.

Other areas of note where charges took place were West Lothian (26 charges) East Ayrshire (25 charges), and South Lanarkshire (18 charges). The increase in West Lothian from 11 charges in 2014-15 is due to one game (Livingston v St Mirren on the 17th October 2015) when there were 19 charges. The increase in East Ayrshire from 10 charges in 2014-15 is due to one game (Kilmarnock v Partick Thistle on 28th November 2015) when there were 14 charges.

In terms of the number of charges per 100,000 of the population, East Ayrshire has the highest rate of charges (20 per 100k people), followed by West Lothian (15 per 100k people) and Inverclyde (15 charges per 100k people).

Table 10: Local authority area where charges occurred*

Local authority area	2012-13			2013-14			2014-15			2015-16		
	charges	%	Per 100k pop.	charges	%	Per 100k pop.	charges	%	Per 100k pop.	Charges	%	Per 100k pop
Abderdeen City	0	-	-	7	3	3	6	3	3	11	4	5
Abderdeenshire	12	4	5	2	1	1	0	-	-	0	-	-
Angus	5	2	5	2	1	2	0	-	-	6	2	5
Clackmannanshire	0	-	-	0	-	-	0	-	-	2	0.7	4
D & Galloway	6	2	4	3	1	2	3	2	2	6	2	4
Dundee City	14	5	10	4	2	3	32	17	21	3	1	2
E. Ayrshire	0	-	-	7	3	6	10	5	8	25	9	20
E. Lothian	1	0.4	1	1	1	1	0	-	-	0	-	-
Edinburgh City	24	9	5	24	12	5	30	16	6	58	20	11
Falkirk	12	4	8	13	6	8	3	2	2	6	2	4
Fife	7	3	2	1	1	<1	23	12	-	12	4	3
Glasgow City	113	42	19	72	35	12	46	24	8	56	20	9
Highland	8	3	4	4	2	2	7	4	3	9	3	4

	2012-13			2013-14			2014-15			2015-16		
Moray	7	3	8	0	-	-	0	-	-	0	-	-
Inverclyde	0	-	-	0	-	-	0	-	-	12	4	15
N. Ayrshire	1	0.4	1	0	-	0	0	-	-	1	0.3	0.7
N. Lanarkshire	9	3	3	43	21	13	0	-	-	12	4	4
Perth & Kinross	6	2	4	1	1	1	3	2	2	4	1	3
Rensfresshire	13	5	8	5	2	3	0	-	-	5	2	3
S. Ayrshire	2	1	2	3	1	3	0	-	-	0	-	-
S. Lanarkshire	23	9	7	7	3	2	17	9	5	18	6	6
Stirling	0	-	-	0	-	-	1	1	1	6	2	7
W. Dun'shire	0	-	-	0	-	-	1	1	1	9	3	10
W. Lothian	0	-	-	2	1	1	11	6	6	26	9	15
Non-Scotland	5	2	1	2	1	-	0	1	1	0	-	-
Total	268	100	5	203	100	4	193		4	287	100	5

* Scottish Local Authority area population rate for 2014-15 is based on GROS mid-year population rates 2014, rounded to the nearest 1. Available at <http://www.nrscotland.gov.uk/files/statistics/population-estimates/midyear-2014/14mid-year-pe-cahb-publicationcorrection.pdf>.

Locus of charges

As in all previous years since the Act was introduced, the majority of the charges (50%) occurred at a football stadium. However, the 142 charges in 2015-16 is an increase from the 89 charges (46%) in 2014-15.

There was increase in the number of charges that took place on public transport. In 2015-16 there were 66 charges (23% of total charges) that took place on public transport, compared with 10 charges (5%) in 2014-15. This increase in charges is partly due to an incident (linked to Livingston v St Mirren 17th October 2015) when there were 19 charges on public transport and an incident (linked to Kilmarnock v Partick Thistle on 28th November 2015) when there were 7 charges on public transport.

Table 11: Locus of charges

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

There was an increase in the number of stadiums where there was at least one charge – from 21 stadiums in 2014-15 to 29 in 2015-16. Table 12 shows the number of charges at specific football stadiums. The football stadiums with the highest proportion of charges were Ibrox (17%), Cappielow Park (8%), New Douglas Park (7%) and Tynecastle (6%).

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	
	No. of charges	%						
Tony Macaroni Stadium (Livingston)	0	-	<5	-	11	13	7	5
Cappielow Park (Morton)	0	-	0	-	0	-	11	8
Cheaper Insurance Direct Stadium (Dumbarton FC)	0	-	0	-	0	-	9	6
Celtic Park	40	24	23	21	<5	-	<5	-
Easter Road (Hibernian)	0	-	8	7	5	6	<5	-
Excelsior (Airdrie)	0	-	12	11	0	-	<5	-
Falkirk Stadium	0	-	<5	-	<5	-	5	4
Firhill (Partick Thistle)	<5	-	12	11	<5	-	<5	-
Hampden National Stadium	14	9	<5	-	5	6	6	4
Ibrox (Rangers)	33	20	17	16	8	9	24	17

	2012-13		2013-14		2014-15		2015-16	
Link Park (Montrose)	0	-	<5	-	0	-	6	4
New Douglas Park (Hamilton)	0	-	<5	-	9	10	9	6
Pittodrie (Aberdeen)	0	-	<5	-	6		6	4
Starks Park (Raith Rovers)	<5	-	0	-	12	13	5	4
Tannadice (Dundee Utd)	10	6	9	8	0	-	<5	-
Tulloch Caledonian (Inverness)	<5	-	<5	-	<5	-	6	4
Tynecastle (Hearts)	10	6	9	8	7	8	9	6
Other	24	15	28	26	26	29	29	20

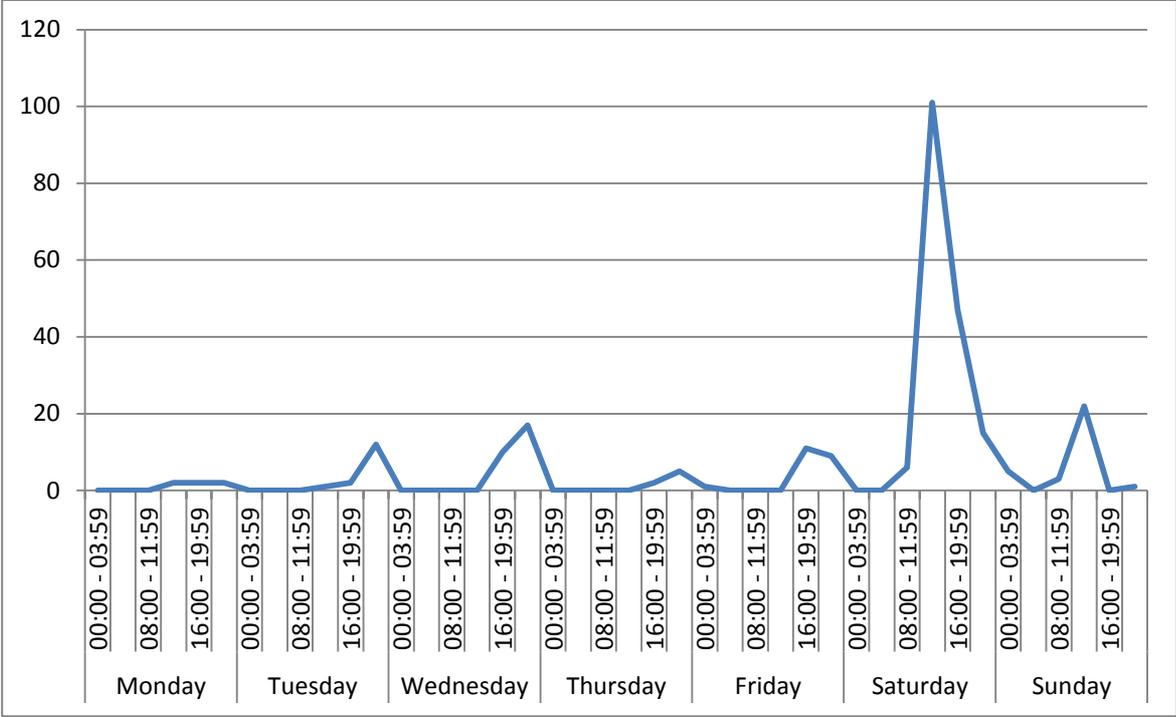
* Those football stadiums with charges <5 are included in 'other', therefore are not included in the total rows as well. 'Other' also indicates stadiums not listed in the table (where there were fewer than five charges).

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 particular peaks in mid/late afternoon during Saturday and Sunday. As in previous years since the Act was introduced, the majority of charges occurred on the weekend. This is 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 117 fixtures – a rise of 117% from 54 fixtures in 2014-15. Of these fixtures 110 were domestic , 5 were European competitions, and 2 were international matches. Three charges were not directly associated with any particular football fixture.

The fixtures with the highest number of charges were Hearts v Kilmarnock (20 charges) on 3rd October 2015, Livingston v St Mirren (19 charges) on 17th October 2015, and Kilmarnock v Partick Thistle (14 charges) on 28th November 2015. The charges from these three incidents accounted for 18% of the total number of charges for the year and were all related to threatening behaviour

The number of police charges issued at any given fixture may not represent the amount 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. of charges	%
18.07.15	Dunfermline v Hibernian	6	2
22.09.15	Greenock Morton v Motherwell	6	2
09.01.16	Hearts v Aberdeen	5	2
03.10.15	Hearts v Kilmarnock	20	7
16.01.16	Hearts v Motherwell	6	2
01.08.15	Kilmarnock v Dundee Utd	8	3
28.11.15	Kilmarnock v Partick Thistle	14	5
15.04.15	Livingston v Rangers	6	2
17.10.15	Livingston v St Mirren	19	7
02.01.16	Montrose v Arbroath	6	2
08.08.15	Stirling Albion v Clyde	5	2
	Other*	185	64

* Other refers to fixtures with fewer than five charges.

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 researcher made an assessment of who the main victims were, based on the police description of the incident. 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 shows the different victim groups. In 2015-16, the community was at least one of the victim types in 185 charges. The next most common was members of the public (at least one of the victim types in 88 charges) followed by the police (at least one of the victim types in 39 charges) and workers (at least one of the victim types in 25 charges). 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.

Table 14: Victims of the offensive behaviour*

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

Details of criminal proceedings

Court proceedings were commenced in 214 of the 287 charges that were reported to COPFS in 2015-16. For details of charges that were concluded outside of court please see the COPFS publication 'Hate Crime in Scotland 2015-16', 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 of the 214 charges for which court proceedings had commenced, 86 had concluded and there were 73 convictions (85%).

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 2015-16 will be presented in the next Scottish Government 'Criminal Proceedings in Scotland' publications⁷. 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.

The main court disposals for convictions are shown in Table 14. A monetary penalty was the most common disposal (63% of total disposals), similar to 2014-15.

Table 15: Main court disposals

Disposal	2012-13		2013-14		2014-15		2015-16	
	No. of charges	%	No. of charges	%	No. charges	%	No. of charges	%
Community penalty	11	18	5	12	5	13	16	22
Custody	2	3	2	5	1	3	3	4
Football Banning Order*	5	8	7	16	4	11	6	8
Monetary penalty	38	61	27	63	23	61	46	63
Other [‡]	6	10	2	5	5	13	2	3
Total	62	100	43	100	38	100	73	100

* Note: FBOs are given for other offences, therefore this table does not capture all of the FBOs in 2015-16.

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.

⁷ See: <http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/PubCriminalProceedings>

Therefore the classification presented here represents the researcher's understanding of the nature of the offence from the notes available in COPFS.

In 2015-16 there were 7 section 6 charges reported to COPFS. In 2014-15 there were 4, in 2013-14 there were 11, and in 2012-13 there were 19.

One of the 7 charges in 2015-16 was related to football which is the same number as in 2014-15. There were 6 charges related to football in 2013-14 and 8 in 2012-13.

Five of the charges in 2015-16 were related to one incident.

Social media was the medium used to send a threatening communication in 2 of the section 6 charges in 2015-16.

Of the 7 charges, court proceedings have commenced in 3 of the 7 charges. One is on-going, 1 was no conviction and 1 was given a community sentence.



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