Developing Information on Hate Crime Recorded by the Police in Scotland

CRIME AND JUSTICE

social research

Developing Information on Hate Crime Recorded by the Police in Scotland

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Purpose of report

This progress report provides 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.

Across Scotland, hate crimes are recorded by the police on a system known as the Interim Vulnerable Persons Database (IVPD). The IVPD is an incident-based database which was introduced in 2013, and became a national system in 2014. Police Scotland use the IVPD to record information about individuals who are, or are perceived to be, experiencing some form of adversity and/or situational vulnerability which may impact on their current or future wellbeing.

The IVPD's primary function is to support the day-to-day operational procedures of Police Scotland. However, as it is the only system in Scotland that holds information on all hate-related activity faced by the police - a review was commenced in 2016 to investigate what associated analysis could be produced on the scale and nature of police recorded hate crime in Scotland.

Interim findings and summary information on hate crime

At this stage, our investigations suggest that the IVPD does adequately reflect the total volume of hate crime that comes to the attention of Police Scotland. Therefore it can be used to produce summary information that will provide a good indication of the scale of police recorded hate crime in Scotland. This report includes that information for each of the five hate crime characteristics (race, religion, sexual orientation, disability and transgender identity).

The police recorded 6,736 hate crimes in 2017-18. Two-thirds (67%) of those crimes included a race aggravator, 16% a sexual orientation aggravator, 7% a religion aggravator, 4% a disability aggravator and 1% a transgender identity aggravator. The remaining 5% had multiple hate aggravators.
The most frequently recorded hate crimes in 2017-18 were threatening or abusive behaviour (45% of all hate crimes recorded), racially aggravated conduct (23%), common assault (13%) and offences relating to the 2003 Communications Act (5%).

Since 2014-15, the number of hate crimes recorded by the police in Scotland has fluctuated between 6,600 and 7,000 (to the nearest 100).

Further information on the recording of hate crime

Several of the existing sources of data on hate crime in Scotland focus on those cases which have been reported to the Crown Office and Procurator Fiscal Service (COPFS). As the IVPD can be used to produce summary information on the total volume of hate crime dealt with by the police (including those crimes that were not reported to COPFS) it has widened the available evidence base on hate crime in Scotland.

Beyond the indicative analysis presented in this report, the IVPD includes further information on the nature of each hate crime the police deal with (for example the characteristics of the people involved). This also extends to incidents that may have been hate-related, but did not constitute a criminal offence.

Police Scotland have been reviewing the process used by officers to enter this information into the database. This is with the aim of ensuring that should more detailed analysis on the nature of hate crime be regularly drawn from the IVPD, users can be assured of its quality.

As part of this work Police Scotland have created a training programme for staff across the organisation to become Hate Crime Champions (HCCs). This is being done to heighten awareness of hate crime and help address the impact it has on Scotland's communities. HCCs will also ensure that the correct recording methods are used within the IVPD, increasing the value of the associated information for stakeholders.

With the provision of more detailed analysis on the characteristics of police recorded hate crime, the contribution of the IVPD could be even higher in future. Scottish Government statisticians will continue to engage with Police Scotland as they take this work forward, and will inform users through the SCOTSTAT network[1] of any new developments regarding the availability of hate crime information.

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[1] Network for users and providers of Scottish Official Statistics (https://www2.gov.scot/Topics/Statistics/scotstat)

Introduction

This progress report provides 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.

Across Scotland, hate crimes are recorded by the police on a system known as the Interim Vulnerable Persons Database (IVPD). The IVPD is an incident-based database which was introduced in 2013, and became a national system in 2014. Police Scotland use the IVPD to record information about individuals who are, or are perceived to be, experiencing some form of adversity and/or situational vulnerability which may impact on their current or future wellbeing.

The IVPD's primary function is to support the day-to-day operational procedures of Police Scotland. However, as it is the only system in Scotland that holds information on all hate-related activity faced by the police - a review was commenced in 2016 to investigate what associated analysis could be produced on the scale and nature of police recorded hate crime in Scotland.

The report is split into the following four sections:

1. An outline of legislation used to record hate crime and existing data sources.

2. A description of the Interim Vulnerable Persons Database (IVPD) and the findings of a joint exercise between Scottish Government statisticians and Police Scotland to investigate the suitability of using the IVPD to produce summary information on hate crime recorded by the police.

3. Summary information on hate crime recorded by the police in the IVPD, for each of the four years from 2014-15 to 2017-18;
   o In relation to race, religion, sexual orientation, disability and transgender identity.

4. Further information on the recording of hate crime.

Definitions

This report draws on information recorded by Police Scotland and adopts the categorisations and definitions used by them when they record such information.

<u>Hate crime</u>

For the purpose of this report, a **hate crime** is any crime which is perceived by the victim or any other person, to be motivated (wholly or partly) by malice and ill-will towards a social group.

The perception of the victim (or any other person) is relevant when considering the recording and subsequent investigation of hate crime by the police. Whereas for the purposes of prosecution the perception of the victim is not part of the statutory test as to whether or not a hate crime has been committed, the perception of the victim can contribute to establishing the motivation or demonstration of malice and ill-will by the accused.

In Scotland, the law recognises hate crimes as crimes motivated by prejudice based on the following characteristics:

- Race,
- Religion,
- Sexual orientation,
- Disability,
- Transgender identity.

A person does not need to be a member of a social group to be the victim of a hate crime. The law states that the identity of the victim is irrelevant as to whether something is a hate crime or not; the motivation of the perpetrator is the key factor in defining a hate crime.

It should be noted that a single report of hate crime can result in more than one hate crime being recorded and can include crimes which are not hate-related.

Furthermore, not all hate-related incidents which come to the attention of the police will necessarily constitute a criminal offence (though the vast majority do). Where an incident does not include the recording of a hate crime, a similar definition to that outlined above (i.e. the perception of the victim or any other person to a perpetrator's malice and ill-will towards a social group) is relevant as to whether or not it is defined as hate-related within the IVPD.

<u>Further information on recording hate-related incidents</u>

For police recording purposes, the perception of the victim or any other person is relevant when considering whether an incident is hate-related or in recognising the malice element of a crime. The perception of the victim should always be explored, however they do not have to justify or provide evidence of their belief and police officers or staff members will not directly challenge this perception.

In terms of reporting hate crimes to the Crown Office and Procurator Fiscal Service (COPFS), Lord Advocate guidelines state that the victim's belief alone that an offence was aggravated by prejudice does not justify the charging of a statutory aggravation. If there is evidence to support that opinion, whether from one or more sources (including the victim), that should be reflected in the draft charge presented to the Procurator Fiscal, by including the relevant aggravation. This evidence will most frequently come from words spoken by the accused, but the important point is that there is evidence in addition to the victim's belief.

A hate crime is reportable to COPFS when the charge in aggravated form is assessed as having sufficient evidence of malice and ill-will to be put before the court. In the absence of words spoken, any report submitted should detail course of conduct by the accused that would evidence the crime was motivated by malice and ill-will.

1. Legislation used to record hate crime and existing data sources

Legislation

Several pieces of legislation are currently used to record hate crime in Scotland.

Racially aggravated offences are defined as any offence of racially aggravated harassment and behaviour in terms of Section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995[2], any offence concerning the stirring up of racial hatred at Sections 18, 19 or 23(1)a of the Public Order Act 1986[3] or any offence that includes a racial aggravation in terms of Section 96 of the Crime and Disorder Act 1998[4].

In order to prove the specific charge of racially aggravated harassment or behaviour, two sources of evidence are required - whereas evidence from a single source is sufficient to prove a racial aggravation when it is attached to the libelling of another substantive charge (such as threatening or abusive behaviour, or an assault).

Religiously aggravated offences are defined as offences that include an aggravation of religiously motivated behaviour in terms of Section 74 of the Criminal Justice (Scotland) Act 2003[5].

Sexual orientation aggravated offences are defined as offences that include an aggravation of prejudice relating to sexual orientation in terms of Section 2 of the Offences (Aggravation by Prejudice) (Scotland) Act 2009[6].

Disability aggravated offences are defined as offences that include an aggravation of prejudice relating to disability in terms of Section 1 of the Offences (Aggravation by Prejudice) (Scotland) Act 2009[7].

Transgender identity aggravated offences are defined as offences that include an aggravation of prejudice relating to transgender identity in terms of Section 2 of the Offences (Aggravation by Prejudice) (Scotland) Act 2009[6].

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[2] https://www.legislation.gov.uk/ukpga/1995/39/section/50A

[3] https://www.legislation.gov.uk/ukpga/1986/64/contents

[4] https://www.legislation.gov.uk/ukpga/1998/37/section/96

[5] https://www.legislation.gov.uk/asp/2003/7/section/74

[6] https://www.legislation.gov.uk/asp/2009/8/section/2

[7] https://www.legislation.gov.uk/asp/2009/8/section/1

Independent review of hate crime legislation

In January 2017, Lord Bracadale was appointed by the then Minister for Community Safety and Legal Affairs to undertake an independent review of hate crime legislation in Scotland in response to recommendations made by the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion[8].

Lord Bracadale considered whether existing hate crime law represented the most effective approach for the justice system to deal with criminal conduct motivated by hatred, malice, ill-will or prejudice.

On 31 May 2018, Lord Bracadale published his review[9] and Scottish Ministers accepted his recommendation to consolidate hate crime legislation into one new hate crime statute. The report and recommendations were used as the basis for consulting on the detail of what should be included in a new hate crime bill and a fourteen week public consultation was launched on 14 November 2018[10].

Existing data sources

There are several established sources of information on hate crime in Scotland. These include:

- The Crown Office and Procurator Fiscal Service (COPFS) annual Official Statistics on Hate Crime in Scotland[11]. These figures relate to charges aggravated by race, religion, sexual orientation, disability or transgender identity, reported to COPFS, and include information on how those charges were proceeded.

- Scottish Government research on Religiously Aggravated Offending in Scotland[12]. This is based on analysis of charges reported to the COPFS under Section 74 of the Criminal Justice (Scotland) Act 2003[5], which were aggravated by religious prejudice.

- The Scottish Government's annual National Statistics on Criminal Proceedings in Scotland[13]. This includes convictions with an aggravator recorded against the main charge. Two of the aggravators for which data is published relate to racially aggravated and religiously aggravated crimes (broken down by crime type and gender of the perpetrator).

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[8] https://www.gov.scot/Resource/0050/00506074.pdf

[9] https://www.gov.scot/Publications/2018/05/2988

[10] https://consult.gov.scot/hate-crime/consultation-on-scottish-hate-crime-legislation/

[11] http://www.copfs.gov.uk/publications/equality-and-diversity

[12] http://www.gov.scot/Publications/2018/06/2695

[13] http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/PubCriminalProceedings

- The Scottish Government's annual National Statistics on Recorded Crime in Scotland[14]. This includes offences of racially aggravated harassment and racially aggravated conduct, under Section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995[2], recorded by the police. This does not include cases where racism was considered an aggravator to any other types of crime (such as an assault, vandalism, etc.) as it is not possible to distinguish these cases within the recorded crime data.

- The Scottish Government's National Statistics from the Scottish Crime and Justice Survey (SCJS)[15]. Respondents are asked whether they thought any particular (perceived or actual) characteristic they hold may have motivated the offender in any incidents of crime or harassment. Characteristics include gender / gender identity or perception of this, ethnic origin / race or perception of this, religion or perception of this, sectarianism, disability / condition or perception of this, sexual orientation or perception of this.

- The Scottish Government's National Statistics from the Scottish Household Survey[16]. Respondents are asked if they have experienced any kind of discrimination or harassment, in the last three years, whilst in Scotland. Discrimination was defined in the survey as: occasions when you felt you were treated unfairly or with less respect than other people because of your age, gender, ethnic group, religion, disability, sexual orientation or for sectarian or other reasons. Harassment was defined in the survey as: occasions when you have felt intimidated, threatened or disturbed because of your age, gender, ethnic group, religion, disability, sexual orientation or for sectarian or other reasons.

The publications described above are based on a varied range of data sources. These sources count and classify activity in different ways, and refer to different stages of the justice system. As such, we would not automatically expect them to match up and would urge caution when making comparisons.

The data sourced from the IVPD, which is presented in section 3 of this report, covers hate crimes which have been reported to the police. As such, they provide a broader measure of hate-related activity than several of the sources noted above. For example hate crime charges and criminal proceedings only refer to cases which have been reported to COPFS. In contrast, data from the IVPD is not as broad as that from a national survey (such as the SCJS), as not all hate crimes will be reported to the police.

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[14] http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/PubRecordedCrime

[15] https://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/crime-and-justice-survey

[16] https://www.gov.scot/Topics/Statistics/16002

2. Investigating the suitability of the Interim Vulnerable Persons Database (IVPD) as a source of reliable information on hate crime recorded by the police

Background

When the Scottish Government last published Official Statistics on Racist Incidents Recorded by the Police in Scotland[17], we outlined for users our plan to investigate the availability of information on a wider range of hate-related activity – which covered other groups beyond race.

This section includes (i) a description of the process used by police officers to record information on incidents with a hate element, and (ii) the findings of an exercise undertaken jointly by Scottish Government statisticians and Police Scotland to determine whether the IVPD can provide reliable information on hate crime that comes to the attention of the police.

2.1 Process used by police officers to record information on hate crime

When a member of the public contacts the police to report an incident (or if a police officer is witness to an incident) the information is logged on Police Scotland's System for Tasking and Operational Resource Management (STORM) - this is Police Scotland's national command and control system[18]. Once raised, an assessment of the incident is made and it is given an initial classification – which could change as investigations proceed. One of these classifications indicates whether there is a hate element to the incident.

STORM is largely used for resource allocation purposes. Depending on the information supplied and the outcome of additional enquiries, the incident may result in the creation of one or more crime reports on the relevant crime management system (CMS). It should be noted that several different crime management systems are used by the different divisions of Police Scotland to record and manage crime.

The STORM and crime management systems operate independently, although all crime reports must have the related STORM incident number recorded for cross referral.

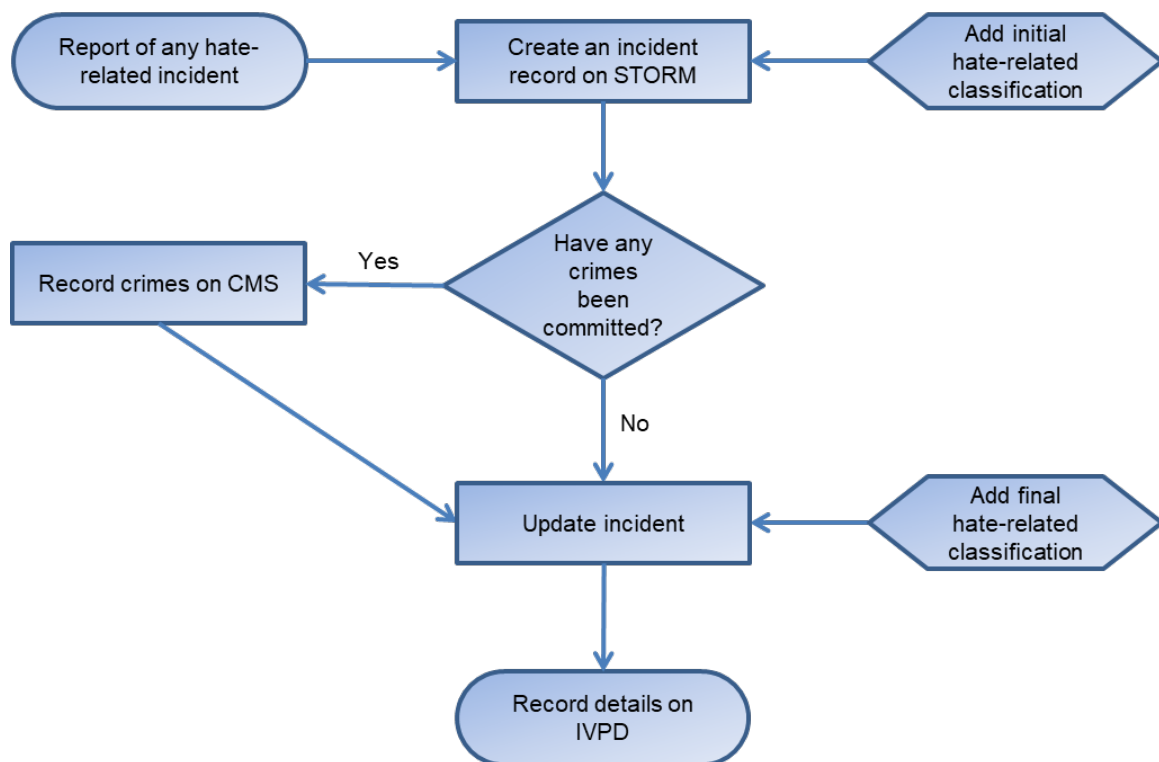---

[17] http://www.gov.scot/Publications/2015/11/7911

[18] STORM has been used across Scotland since February 2018. However, throughout the report STORM is used to describe the incident recording system being used by a division at that time.

When the incident is complete, it is again classified on STORM, and assigned up to six disposal codes – including whether it has a hate element and (or) whether a crime report has been raised.

Should any incident be assessed to have a hate element, a record should be added to Police Scotland's Interim Vulnerable Persons Database (IVPD). The purpose of the IVPD is to ensure that any concerns for the victim, or any other person (subjects of concern), are assessed and the appropriate action taken. The IVPD is Police Scotland's national database for recording all hate-related information, allowing them to enhance understanding of the extent of hate-related activity across the country. It enables identification of repeat victims and offenders and allows for a holistic assessment of wellbeing concerns and needs which influence multi-agency investigations, interventions and support. It should be noted that the IVPD operates independently of all other systems.

Figure 1 shows how a hate-related incident may be processed by Police Scotland. This is an iterative process as each of the systems (STORM, CMS and IVPD) should be updated as any investigation progresses.

Figure 1: Process for recording hate-related incidents

2.2 Using the IVPD to produce information on hate crime

Previously, statistics on racist incidents recorded by the police in Scotland were produced using a labour intensive manual collection process which collected data from police systems across Scotland. This was not a

sustainable model for producing wider data on hate-related activity recorded by the police, therefore an alternative process was sought.

Whilst information on hate-related incidents is held on the STORM and CMS systems, it cannot be extracted without a manual review of every record to capture details for key variables (such as victim and perpetrator characteristics). There is the facility to record the STORM number on the IVPD, for cross referral, however this is not mandatory or searchable.

Like the STORM and CMS systems, the IVPD is also designed primarily for operational and administrative purposes, rather than statistical ones. However, the design of the IVPD offers more potential for the extraction of regular high level information that could provide a good indication of the scale of hate crime recorded by the police in Scotland.

2.3 Joint exercise to measure data capture within the IVPD

Before any analysis of hate crime data within the IVPD could be carried out, Scottish Government statisticians and Police Scotland wanted to ensure that the recording process, as described above, was functioning effectively. To investigate this, both parties jointly undertook an exercise to measure the proportion of valid hate-related incidents in STORM which were also recorded in the IVPD. If the activity flagged as hate-related in STORM had also been recorded in the IVPD by the investigating officer (or other related party), then this would confirm that the IVPD has been set up in way that adequately captures the total extent of hate-related incidents recorded by the police.

Stage 1 - Data cleaning and auto-matching

When the police create a new incident record within STORM, a STORM reference number is automatically generated. If a new record is subsequently created in the IVPD, there is a field to manually input the corresponding STORM reference number, allowing the incident to be cross referenced between the two systems.

The first stage of this exercise was to match the reference number of all hate-related incidents recorded in STORM to the matching STORM reference numbers within the IVPD (i.e. to confirm via automatic data matching that hate-related incidents in STORM had also been recorded and marked as hate-related in the IVPD)

A challenge with the existing set up in the IVPD is that the field used to record the STORM reference number is a free text field, which can increase the potential for input errors to occur (for example if part of the reference number is missing, mistyped or in the wrong format). Before carrying out the matching exercise, the data from the STORM reference field of the IVPD was cleaned.

The incident numbers from STORM followed a consistent format (within each division) so the references noted in the IVPD were checked through, making

sure they followed the appropriate STORM reference format where possible, to maximise the chance of a match being found.

An auto-match was then carried out to identify which hate-related STORM records for the reporting years of 2014-15, 2015-16 and 2016-17 had a corresponding record in the IVPD.

During this preliminary stage it was observed that there was a very low match rate for incidents that were opened in STORM as hate-related but did not include a final or disposal code indicating that the incident had a hate element. Given this very low rate it was assumed that these incidents in STORM were not hate-related, and therefore the investigating officer would not be required to enter a hate-related record in the IVPD.

In order to check this assumption, a sample of 50 STORM incidents which were initially marked as hate-related but not disposed of in this way, were reviewed - to assess whether they were hate-related. The incident notes for those 50 records confirmed that almost all of them were not hate-related (with only one incident containing a hate element, and as such should have been added to the IVPD).

This confirmed that the vast majority of incidents which were flagged as hate-related when initially recorded but not when closed or disposed of are not hate-related in their nature - and can be excluded from the matching exercise.

The matching exercise found that, across the three years of 2014-15 to 2016-17, 71% of hate-related STORM incidents had a corresponding IVPD record. Given the free-text nature of the field used in the IVPD to capture the STORM reference number, it was possible that a further number of hate-related STORM incidents were also recorded in the IVPD, but had failed to match during stage 1 as a result of discrepancies in how the STORM reference number had been entered in the IVPD. In order to get an estimate of the match rate closer to the true value, a second sample-based check was carried out where individual records were looked up.

Stage 2 - Manual sample check

The second stage of the matching exercise involved taking a sample of STORM incidents that were closed as hate-related, but had no initial match with a record in the IVPD during Stage 1. A manual exercise was undertaken to see if those incidents were in the IVPD after all, but had failed to match due to an issue in how the STORM reference number had been entered in the IVPD. This stage of the process was carried out by analysts from Police Scotland.

A sample of 300 incidents were drawn from unmatched hate-related STORM incidents from the third and fourth quarter of 2016-17 (which covered the latest data available at the time of this exercise). The North East and Highland and Islands divisions of Police Scotland could not be included in the sample

as the information required from STORM was not available from a central location at the time of analysis (those two divisions comprised 11% of those incidents closed in STORM as hate-related but not found within the IVPD as part of the first matching exercise in the sample time period).

Using information about each incident, Police Scotland analysts attempted to locate them within the IVPD. They used information obtained from the incident such as the description of events, date, time, location and details about those involved to perform searches within the IVPD.

Of the 300 incidents sampled, 176 were identified through this manual checking approach as having a corresponding IVPD record. Although the remaining incidents could not be located within the IVPD, this does not necessarily mean all of them are not there. There could be a discrepancy in the details recorded on either the STORM incident or the IVPD record, meaning some incidents could not be easily located.

Bringing together Stage 1 and Stage 2

It is important to note that some caution should be exercised when interpreting the results of the above review. This is because the checks carried out at Stages 1 and 2 are not guaranteed to identify a corresponding IVPD incident (where there is one) for every STORM incident selected in the sample. There remains the possibility that some of the remaining STORM records (that didn't match with an IVPD record) could be in the IVPD, but weren't specifically identifiable. Furthermore, this exercise will not identify any cases where details of a hate-related incident have been entered into the IVPD without a corresponding hate-related STORM incident being raised.

When the results from stage 1 and 2 are brought together, they suggest that at least 88% of hate-related incidents recorded by the police, for the second half of 2016-17, were also recorded in the IVPD. This figure combines the match rate from the automatic data linkage of hate-related incidents within STORM and the IVPD (using STORM reference numbers) with the additional matches found using the manual checks outlined in stage 2. For the reasons noted above, this is likely to be a somewhat conservative estimate.

Summary of investigation

Both Scottish Government statisticians and Police Scotland consider that the match rate between the two systems is sufficient, at this stage, to allow summary information to be drawn from the IVPD that provides a good indication of the total volume of hate crime recorded by Police Scotland. This is because the match rate of at least 88% is felt to be relatively high, given the process of entering information into STORM and the IVPD is likely to contain some degree of administrative or input error (given the thousands of officers using these systems on a day-to-day basis). As such it can be used to provide summary information on hate crimes that come to the attention of the police

for each of the five hate strands (race, religion, sexual orientation, disability and transgender identity). This information is presented in section 3 of the report.

Whilst these checks provided a good level of assurance, it should be noted the second stage used a sample of records from a relatively short time period (six months). As such there may be merit in running a similar check at some point in the future, as the IVPD continues to develop. The format of STORM reference numbers is now consistent across Police Scotland which may allow the format of the STORM reference field within the IVPD to be fixed, to ensure only a correctly formatted reference can be entered. This change would ensure a higher level of consistency between the systems, and allow a future matching exercise to be carried out in a more efficient manner.

Beyond the summary information, included in section 3, the IVPD also includes more detailed information on the nature and circumstances of each hate crime that comes to the attention of the police (for example the characteristics of the people involved). This also extends to incidents that may have been hate-related but did not constitute a criminal offence. The development of this additional information on the nature of police recorded hate crime is considered further in section 4.

3. Summary information on hate crime recorded by Police Scotland in the Interim Vulnerable Persons Database (IVPD)

Background

As outlined in section 2, our investigations suggest that the IVPD does adequately reflect the total volume of hate crime that comes to the attention of Police Scotland. Therefore it can be used to produce summary information that will provide a good indication of the scale of police recorded hate crime in Scotland. This report includes that information for each of the five hate crime characteristics (race, religion, sexual orientation, disability and transgender identity), and covers 2014-15 to 2017-18.

This will not cover all hate crime in Scotland, as not all crimes are reported to the police.

3.1 Extracting information from the IVPD

In order to carry out analysis of hate crimes recorded by the police, these first had to be identified within the IVPD, and the related information extracted. Those crimes which included a hate aggravator were identified and included in the below analysis.

The IVPD is a live operational database, therefore the information extracted is subject to change. Data was extracted following the conclusion of the 2017-18 reporting year and as such investigations will still be ongoing in relation to some of the more recent crimes, with data from previous years more likely to be in a near finalised state after investigations have been completed.

Crimes have been presented in this report against the year in which they were recorded by the police. This is the same approach as the National Statistics on recorded crime, which also presents crimes by the date they were recorded. Not all crimes are reported to, and therefore recorded by, the police immediately following their occurrence. As such each year's figures could include a proportion of crimes which occurred in earlier years.

Notes on tables

- '*' indicates a value of less than 5, 0.5% or 0.5 per 10,000 population (or based on a figure less than 5) but greater than zero
- '-' indicates a value of zero
- All figures for percentages and rates are rounded to the nearest whole number
- Totals may not sum to 100% due to rounding

3.2.1 Hate crimes recorded by the police

Overview

There are a range of factors that could influence the number of hate crimes recorded by the police. Whilst changes in the number of crimes recorded could reflect a change in the number of crimes experienced by the population of Scotland, other factors are also likely to have an impact.

Trends can be affected by public reporting practices; attitudes to certain behaviour may change over time and reporting rates may vary by the type of crime.

Under-reporting of hate crime is recognised as a key factor. The Scottish Crime and Justice Survey (SCJS) 2016-17[19] estimated that 37% of all crimes (as defined by the SCJS) were reported to the police.

Actions being taken by both the Scottish Government and Police Scotland to address the under-reporting of hate crime are discussed further in Section 4.

Recording Procedures

Contraventions of Scottish criminal law are generally divided for statistical purposes into crimes or offences. For the purposes of this report the term 'hate crime' includes both crimes and offences.

'Crime' is generally used for the more serious criminal acts; the less serious termed 'offences', although the term 'offence' may also be used in relation to serious breaches of criminal law. The distinction is made only for working purposes and the 'seriousness' of the offence is generally related to the maximum sentence that can be imposed. More information can be found in the Annex, along with definitions of the most frequently committed hate crimes.

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[19] https://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/crime-and-justice-survey/publications/2016-17publication

The IVPD itself is not Police Scotland's crime recording system, although if as part of a hate-related incident criminality is identified then the appropriate crimes should also be recorded in the IVPD.

Further information on the recording of crime can be found in the guidance provided to officers in the Scottish Crime Recording Standard: Crime Recording and Counting Rules[20].

As noted in the introduction, for the purpose of this report, a hate crime is any crime which is perceived by the victim or any other person, to be motivated (wholly or partly) by malice and ill-will towards a social group.

Not all crimes will necessarily have a victim. One example may be where racist graffiti not directed at any individual (i.e. a hate crime of vandalism with a race aggravator) is discovered and reported. A hate concern would be raised on the IVPD with the witness (i.e. the person reporting) being identified as the subject of concern.

Number of hate crimes

The police recorded 6,736 hate crimes in the IVPD in 2017-18. Since 2014-15, the number of hate crimes recorded in the IVPD has fluctuated between 6,600 and 7,000 crimes (Table 1).

Geographic location of hate crimes

In 2017-18, the number of hate crimes recorded by Police Scotland per 10,000 population was highest in the Glasgow City and City of Edinburgh local authority areas (at 30 and 26 crimes per 10,000 population respectively) (Table 1). The Shetland Islands and Na h-Eileanan Siar had the lowest rates.

Whilst the Glasgow City and City of Edinburgh local authority areas collectively accounted for 21% of Scotland's population in 2017, they accounted for nearly half (48%) of all hate crimes recorded by Police Scotland in 2017-18. This could, at least in part, relate to the relatively higher level of ethnic diversity present within these two areas (the majority of associated hate crimes included a race aggravation - see Table 2). The 2011 Scottish Census reported that the City of Edinburgh and Glasgow City local authority areas have the highest proportion of their population comprised of ethnic groups other than 'White British', 18% and 17% respectively, compared to the Scottish average of 8%. Other factors that may lead to the relatively higher number of recorded crimes within these two local authorities include the presence of a large night-time economy, and a large daily influx of visitors, workers and tourists. They are also more frequently used as the location for large scale events and the holding of demonstrations.

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[20] http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/PubRecordedCrime/SCRB/SCRSmanual

Table 1: Hate crimes recorded by the police, by local authority, 2014-15 to 2017-18

Local Authority	2014-15		2015-16		2016-17		2017-18	
	Number	Rate per 10,000 pop.	Number	Rate per 10,000 pop.	Number	Rate per 10,000 pop.	Number	Rate per 10,000 pop.
Scotland	**7,029**	*13*	**6,786**	*13*	**6,577**	*12*	**6,736**	*12*
Aberdeen City	315	*14*	302	*13*	259	*11*	258	*11*
Aberdeenshire	82	*3*	55	*2*	83	*3*	108	*4*
Angus	73	*6*	71	*6*	56	*5*	88	*8*
Argyll and Bute	49	*6*	37	*4*	55	*6*	50	*6*
City of Edinburgh	1,422	*29*	1,320	*26*	1,324	*26*	1,343	*26*
Clackmannanshire	63	*12*	82	*16*	73	*14*	62	*12*
Dumfries and Galloway	121	*8*	97	*6*	69	*5*	98	*7*
Dundee City	171	*12*	192	*13*	142	*10*	169	*11*
East Ayrshire	110	*9*	98	*8*	84	*7*	106	*9*
East Dunbartonshire	63	*6*	61	*6*	67	*6*	65	*6*
East Lothian	73	*7*	48	*5*	61	*6*	78	*7*
East Renfrewshire	79	*9*	51	*5*	88	*9*	62	*7*
Na h-Eileanan Siar	5	*2*	8	*3*	7	*3*	*	*
Falkirk	219	*14*	198	*13*	199	*12*	203	*13*
Fife	392	*11*	436	*12*	379	*10*	398	*11*
Glasgow City	1,857	*31*	1,747	*29*	1,865	*30*	1,867	*30*
Highland	134	*6*	128	*5*	76	*3*	105	*4*
Inverclyde	64	*8*	67	*8*	79	*10*	69	*9*
Midlothian	93	*11*	86	*10*	96	*11*	79	*9*
Moray	31	*3*	25	*3*	41	*4*	50	*5*
North Ayrshire	140	*10*	139	*10*	115	*8*	109	*8*
North Lanarkshire	306	*9*	333	*10*	281	*8*	293	*9*
Orkney Islands	5	*2*	9	*4*	*	*	*	*
Perth and Kinross	101	*7*	92	*6*	78	*5*	72	*5*
Renfrewshire	192	*11*	233	*13*	187	*11*	178	*10*
Scottish Borders	65	*6*	77	*7*	56	*5*	40	*3*
Shetland Islands	10	*4*	8	*3*	*	*	*	*
South Ayrshire	82	*7*	89	*8*	68	*6*	84	*7*
South Lanarkshire	264	*8*	263	*8*	242	*8*	269	*8*
Stirling	116	*13*	140	*15*	125	*13*	118	*13*
West Dunbartonshire	73	*8*	100	*11*	81	*9*	58	*6*
West Lothian	259	*15*	194	*11*	233	*13*	248	*14*

Hate crimes by aggravator

In 2017-18, two-thirds (67%) of hate crimes included a racial aggravator, 16% included a sexual orientation aggravator, 7% a religious aggravator, 4% a disability aggravator and 1% a transgender identity aggravator (Table 2). The remaining 5% of crimes and offences included more than one aggravator, with the most common combination being race and religion (2% of hate crimes in 2017-18).

These proportions remained relatively consistent between 2014-15 and 2017-18.

Table 2: Hate crimes recorded by the police, by aggravator, 2014-15 to 2017-18

Aggravator	2014-15		2015-16		2016-17		2017-18	
	Number	%	Number	%	Number	%	Number	%
Total	**7,029**	*100*	**6,786**	*100*	**6,577**	*100*	**6,736**	*100*
Race	4,967	*71*	4,666	*69*	4,435	*67*	4,491	*67*
Religion	520	*7*	521	*8*	504	*8*	504	*7*
Sexual Orientation	1,010	*14*	1,020	*15*	1,025	*16*	1,085	*16*
Disability	244	*3*	239	*4*	235	*4*	274	*4*
Transgender Identity	48	*1*	45	*1*	61	*1*	59	*1*
Multiple Aggravators - of which	240	*3*	295	*4*	317	*5*	323	*5*
Race & Religion	134	*2*	153	*2*	154	*2*	160	*2*
Other (including. Race or Religion)	94	*1*	126	*2*	134	*2*	138	*2*
Other (excluding. Race or Religion)	12	***	16	***	29	***	25	***

Hate crimes by type of crime

In 2017-18, nearly half (45%) of hate crimes recorded were 'Threatening or abusive behaviour' under Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 (Table 3) (see the Annex for definitions of selected crimes).

This was followed by 'Racially aggravated conduct' which represented nearly a quarter (23%) of hate crimes recorded. 'Racially aggravated conduct' covers some offences under Section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 where the perpetrator acts in a racially aggravated manner and this causes, or is intended to cause, a person alarm or distress. 'Racially aggravated conduct' is recorded where the behaviour is corroborated by one or more witnesses, otherwise an offence such as threatening or abusive behaviour with a racist aggravator would be recorded.

A further 13% of hate crimes recorded in the IVPD in 2017-18 were 'Common assault' (see the Annex for more on the definition of 'Common assault').

The number of 'Threatening or abusive behaviour' offences recorded in the IVPD has increased from 2,432 in 2014-15 and 3,031 in 2017-18. There were increases in the number of 'Threatening or abusive behaviour' offences in relation to each of the five hate strands over this time period. The number of 'Racially aggravated conduct' offences recorded in the IVPD has fallen from 2,196 in 2014-15 to 1,561 in 2017-18.

Table 3: Hate crimes recorded by the police, by type of crime, 2014-15 to 2017-18

Type of crime	2014-15		2015-16		2016-17		2017-18	
	Number	%	Number	%	Number	%	Number	%
Total	**7,029**	*100*	**6,786**	*100*	**6,577**	*100*	**6,736**	*100*
Crimes of violence and sexual crimes	**153**	*2*	**92**	*1*	**106**	*2*	**143**	*2*
Crimes of dishonesty	**34**	*	**31**	*	**41**	*1*	**41**	*1*
Vandalism, fire-raising etc. - of which	**290**	*4*	**259**	*4*	**247**	*4*	**250**	*4*
Vandalism etc.	286	4	253	4	240	4	243	4
Fire-raising	*	*	6	*	7	*	7	*
Other crimes	**43**	*1*	**35**	*1*	**38**	*1*	**55**	*1*
Offences - of which	**6,316**	*90*	**6,161**	*91*	**6,144**	*93*	**6,215**	*92*
Common assault	822	12	714	11	828	13	886	13
Threatening or abusive behaviour	2,432	35	2,772	41	2,939	45	3,031	45
Breach of the peace etc.	190	3	138	2	103	2	107	2
Racially aggravated harassment	249	4	187	3	178	3	216	3
Racially aggravated conduct	2,196	31	1,904	28	1,668	25	1,561	23
Communications Act 2003 offences	377	5	406	6	375	6	364	5
Other offences	50	1	40	1	53	1	50	1
Unknown crimes	**193**	*3*	**208**	*3*	*	*	**32**	*

Type of hate crime by hate aggravator

For the purposes of this analysis we have included any crime which includes the aggravator in question, including occasions where there may have been multiple aggravators. Therefore, crimes with multiple aggravators will be included in the figures for each of the aggravators associated with it. For example, if a crime was aggravated by race and sexual orientation, it will be included in the total number of race crimes below, and sexual orientation crimes. This means the total number of crimes for each aggravator in Table 4 below will not match the totals in Tables 2 and 3.

Looking across the different aggravators and the types of crime which have been recorded in 2017-18, a relatively consistent pattern is apparent, with the most common hate crime being 'Threatening or abusive behaviour' (Table 4).

As might be expected, a far higher proportion of crimes recorded with a racial aggravator were 'Racially aggravated conduct'. This is because it is a standalone offence relating to racially aggravated behaviour, whereas there are no standalone offences relating to the other strands. There was a correspondingly lower proportion of 'Threatening or abusive behaviour' offences recorded in the IVPD for crimes with a racial aggravator. This would be expected as the offence of 'Racially aggravated conduct' is similar to the offence of 'Threatening or abusive behaviour'[21].

There were a slightly higher proportion of 'Vandalism etc.' crimes recorded in the IVPD for hate crimes with a religious aggravator than for the other strands. There are some other small differences in the proportions across other categories, however due to the smaller number of crimes recorded with a disability and transgender identity aggravator, the proportions are more likely to fluctuate year to year. Further definitions can be found in the Annex.

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[21] The difference being that corroboration of the racially aggravated nature of the victim's behaviour is required to record the standalone offences of 'Racially aggravated conduct' and 'Racially aggravated harassment'.

Table 4: Hate crimes recorded by the police, by aggravator and type of crime, 2017-18

Type of crime	Race		Religion		Sexual Orientation		Disability		Transgender Identity	
	Number	%	Number	%	Number	%	Number	%	Number	%
Total	**4,765**	*100*	**711**	*100*	**1,224**	*100*	**308**	*100*	**82**	*100*
Crimes of violence and sexual crimes	**64**	*1*	**16**	*2*	**48**	*4*	**22**	*7*	*	*
Crimes of dishonesty	**25**	*1*	**5**	*1*	*	*	**9**	*3*	-	-
Vandalism, fire-raising etc. - of which	**162**	*3*	**58**	*8*	**35**	*3*	*	*	*	*
Vandalism etc.	157	*3*	55	*8*	34	*3*	*	*	*	*
Fire-raising	5	*	*	*	*	*	-	-	-	-
Other crimes	**40**	*1*	**8**	*1*	**9**	*1*	*	*	*	*
Offences - of which	**4,452**	*94*	**621**	*87*	**1,123**	*92*	**271**	*88*	**75**	*92*
Common assault	665	*14*	58	*8*	136	*11*	43	*14*	14	*17*
Threatening or abusive behaviour	1,705	*36*	402	*57*	860	*70*	177	*58*	50	*61*
Breach of the peace etc.	49	*1*	32	*5*	20	*2*	10	*3*	-	-
Racially aggravated harassment	216	*5*	6	*1*	*	*	-	-	-	-
Racially aggravated conduct	1,561	*33*	56	*8*	25	*2*	*	*	-	-
Communications Act 2003 offences	227	*5*	59	*8*	62	*5*	38	*12*	9	*11*
Other offences	29	*1*	8	*1*	17	*1*	*	*	*	*
Unknown crimes	**22**	*	*	*	**6**	*	*	*	-	-

Note: A hate crime may be included in several columns. This is because a hate crime can include multiple aggravators. This means the totals may not match those in Tables 2 and 3.

4. Further information on the recording of hate crime

Several of the existing sources of data on hate crime in Scotland focus on those cases which have been reported to the Crown Office and Procurator Fiscal Service (COPFS). As the IVPD can be used to produce summary information on the total volume of hate crime dealt with by the police (including those crimes that were not reported to COPFS) it has widened the available evidence base on hate crime in Scotland.

Beyond the indicative analysis presented in this report, the IVPD includes further information on the nature of each hate crime the police deal with. For example, this includes the specific ethnic group, religion etc. that the perpetrator showed malice and ill-will towards, and some demographic information on both those being targeted and the perpetrators (such as age and gender). This also extends to incidents that may have been hate-related, but did not constitute a criminal offence.

The IVPD's primary role is to support the day-to-day operational procedures of Police Scotland. As such, the current functionality of the database can place a limit on some of the types of analysis that could be carried out (for example information on those targeted during a hate crime cannot at present be separated from those reporting it, where these are different individuals).

Furthermore, prior to any dissemination of a wider range of data collected within the IVPD, Police Scotland have been reviewing the process used by officers to enter this information into the database. This is with the aim of ensuring that should more detailed analysis on the nature of hate crime be regularly drawn from the IVPD, users can be assured of its quality.

As part of this work Police Scotland have created a training programme for staff across the organisation to become Hate Crime Champions (HCCs). This is being done to heighten awareness of hate crime and help address the impact it has on Scotland's communities. HCCs will also ensure that the correct recording methods are used within the IVPD, increasing the value of the associated information for stakeholders.

As noted in Section 3, there is also a recognised issue concerning the under-reporting of hate crime. To help tackle this, the Scottish Government published its Tackling Prejudice and Building Connected Communities Action Plan in June 2017[22] to tackle hate crime and build community cohesion. An Action Group chaired by the Cabinet Secretary for Communities and Local Government has been established to take this work forward and includes

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[22] https://www.gov.scot/Publications/2017/06/1336

representation from Police Scotland, COPFS, equalities organisations, the Convention of Scottish Local Authorities (COSLA) and Education Scotland.

Police Scotland are taking forward other steps to raise public awareness and encourage reporting. This includes:

- Reviewing their online reporting form to make it easier for communities to report hate crime online and reviewing the effectiveness of Third Party Reporting Centres.

- Carrying out an annual hate crime campaign to highlight what hate crime looks like across communities in Scotland and to heighten awareness of how such behaviour has a negative impact on people's lives, and

- Holding an annual hate crime conference to allow partners involved in eradicating hate crime to come together to share best practice and discuss how to work collectively on this issue, while heightening public awareness of what hate crime looks like in a modern society.

With the provision of more detailed analysis on the characteristics of police recorded hate crime (in tandem with the actions described above to encourage the reporting of hate crime), the contribution of the IVPD could be even higher in future. Scottish Government statisticians will continue to engage with Police Scotland as they take this work forward, and will inform users through the SCOTSTAT network[23] of any new developments regarding the availability of hate crime information.

If you have any feedback on the content of this report please contact us at JusticeAnalysts@gov.scot.

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[23] Network for users and providers of Scottish Official Statistics (https://www2.gov.scot/Topics/Statistics/scotstat)

Annex - Recording crimes & offences

Contraventions of Scottish criminal law are generally divided for statistical purposes into crimes or offences. 'Crime' is generally used for the more serious criminal acts; the less serious termed 'offences', although the term 'offence' may also be used in relation to serious breaches of criminal law. The distinction is made only for working purposes and the 'seriousness' of the offence is generally related to the maximum sentence that can be imposed.

The detailed classification of crimes used by the Scottish Government to collect criminal statistics contains around 500 crime codes. These are grouped in the bulletin as shown in the table below:

Crimes	Includes
Crimes of violence and sexual crimes	Murder, attempted murder, serious assault, culpable homicide, robbery, threats and extortion. Rape & attempted rape, sexual assault, crimes associated with prostitution, other sexual crimes.
Crimes of dishonesty	Housebreaking, theft of motor vehicle, shoplifting, fraud, other crimes of dishonesty
Vandalism, fire-raising etc.	Fire-raising, vandalism, other malicious and reckless conduct
Other crimes	Crimes against public justice, handling offensive weapons, drugs crimes, crimes against public justice
Offences	**Includes**
All Offences	Common assault, breach of the peace, threatening or abusive behaviour, stalking, offensive behaviour at football, threatening communications, racially aggravated harassment, racially aggravated conduct, anti-social behaviour offences, Communications Act 2003 offences, motor vehicle offences

Crime definitions

Assault - In Scotland, assault is a common law offence. In order to distinguish between serious and common assaults, Police Scotland use a common definition for serious assault as outlined in the Scottish Crime Recording Standard[24]:

'An assault or attack in which the victim/reporter sustains injury resulting in detention in hospital as an inpatient, for the treatment of that injury, or any of the following injuries whether or not detained in hospital:

- Fractures (the breaking or cracking of a bone. Note - nose is cartilage not bone, so a 'broken nose' should not be classified unless it meets one of the other criteria)

- Internal injuries

- Severe concussion

- Lacerations requiring sutures which may lead to impairment or disfigurement

- Any other injury which may lead to impairment or disfigurement.'

Threatening or abusive behaviour - Section 38, Criminal Justice and Licensing (Scotland) Act 2010 - a person commits an offence if,

a) they behave in a threatening or abusive manner,

b) the behaviour would be likely to cause a reasonable person to suffer fear or alarm, and

c) intends by the behaviour to cause fear or alarm or is reckless as to whether the behaviour would cause fear or alarm.

This applies to,

a) behaviour of any kind including, in particular, things said or otherwise communicated as well as things done, and

b) behaviour consisting of -

    i.   a single act, or

    ii.   a course of conduct.

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[24] http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/PubRecordedCrime/SCRB/SCRSmanual

Standalone racially aggravated offences - the offender asserts towards the person affected, malice and ill-will based on that person's membership (or presumed membership) of a racial group; or the course of conduct or action is motivated (wholly or partly) by malice and ill-will towards members of a racial group based on their membership of that group:

- **Racially aggravated harassment** - a racially aggravated course of conduct, amounting to harassment.

- **Racially aggravated conduct** - to act in a manner, including speech, which is racially aggravated and which causes, or is intended to cause, a person alarm or distress.

Communications Act 2003 offences - Section 127(1) (Non-Sexual) - a person is guilty of an offence if they:

a) send by means of a public electronic communications network a message or other matter that is grossly offensive or of an indecent, obscene or menacing character, or

b) causes any such message or matter to be sent.

How to access background or source data

The data collected for this social research publication:
☐ are available in more detail through statistics.gov.scot

☐ are available via an alternative route

☒ may be made available on request, subject to consideration of legal and ethical factors. Please contact JusticeAnalysts@gov.scot for further information.

☐ cannot be made available by Scottish Government for further analysis as Scottish Government is not the data controller.

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