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Riaghaltas na h-Alba

Charges reported under the
Offensive Behaviour at Football
and Threatening Communications
(Scotland) Act 2012 in 2013-14

Crime and Justice



social
research

**Charges reported under the Offensive
Behaviour at Football and Threatening
Communications (Scotland) Act 2012 in
2013-14**

**Kathryn Skivington and Janine Mckenna
Justice Analytical Services
The Scottish Government**

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EXECUTIVE SUMMARY

- In 2013-14 there were 203 charges of offensive behaviour at regulated football matches reported by the police to the Crown Office and Procurator Fiscal Service (COPFS). This is a reduction of 24% on the 267 charges reported in 2012-13¹.
- In the 2013-14 period, the accused were mostly males. Of the 203 charges, 196 (97%) involved a male accused.
- The age profile of the accused was slightly younger in 2013-14 than in 2012-13. The mean age of the accused in 2013-14 was 23, compared with 27 in 2012-13 and 87% of the accused were aged 30 or below, compared with 74% in this age group in 2012-13.
- The accused had affiliation with Rangers in 59 (29%) charges and with Celtic in 44 (22%) charges, which were the two most common affiliations. The number of charges against those with the most common affiliations has decreased from last year, though the proportions are broadly similar (2012-13: Rangers 85 (32%), Celtic 68 (25%)). Motherwell was the third most common affiliation in 19 of the charges (9%).
- The Act criminalises hateful, threatening and otherwise offensive behaviour that is likely to incite public disorder in relation to football. The nature of the offence was threatening (including engaging in fighting or challenging others to fight) in 49% of charges (and increased from 44% in 2012-13); hateful in 36% of charges (a decrease from 47% in 2012-13), and 'other' (reference to support of terrorist organisations) in 28% of charges (and increased from 17% in 2012-13). Some charges contained reference to more than one category.
- Of the 73 charges relating to hateful behaviour, 82% were related to religious hatred, 23% to racial hatred, and less than 1% (a single charge) related to sexual orientation. Some of the charges contained reference to more than one category. The proportion of hateful behaviour charges that referenced religion was slightly lower than 2012-13 (when it was 85%), while the proportion of hateful behaviour charges that referred to race was an increase from 15% in 2012-13.
- Four religions were the focus of the 60 charges that referenced religion: Roman Catholicism, Protestantism, Judaism and Islam, with some charges containing reference to more than one category. Forty-six charges (77%) included behaviour that was derogatory towards Roman Catholicism, this has decreased from 88 charges in 2012-13. Eleven charges (18%) included behaviour derogatory towards Protestantism, reduced from 16 charges in 2012-13. Three charges (5%)

¹ The total number of charges is taken from the most up-to date information recorded on the COPFS case management system. This is a live system and numbers may vary from those previously published because of changes made during the course of investigation and prosecution of a case. The research conducted last year was based on the latest information available at the time, and reported 268 charges in 2012-13. The comparisons in the remainder of this report are based on the total number of charges that were analysed and included in the past reports by the Scottish Government at the time the research was carried out.

included behaviour derogatory towards Judaism (two charges in 2012-13), and two charges (3%) had behaviour derogatory towards Islam (no charges in 2012-13).

- A substantial proportion of the charges (35%) took place in Glasgow, which may reflect the city's hosting of matches that draw some of the largest crowds. However, the number and proportion of charges that took place in Glasgow was down from 2012-13 (when 42% occurred in that local authority area).
- Fewer charges occurred in football stadiums in 2013-14 than 2012-13. There were 109 charges in stadiums in 2013-14 (54% of the total), compared with 165 in 2012-13 (62% of the total). Of the 109, 21% were at Celtic Park and 16% at Ibrox. This is similar to 2012-13 when 24% of charges were at Celtic Park and 20% of charges were at Ibrox. Fewer charges took place at both stadiums in 2013-14 than in 2012-13.
- There was a rise in the number of charges taking place outside of football stadiums. Thirty-four percent (70 charges) took place on a main street i.e. in a town or city centre, compared to only 22% (60 charges) in 2012-13.
- Charges were connected to 61 football fixtures. Three fixtures accounted for 23% of the total charges (Airdrieonians v Rangers on 23 August 2013; Falkirk v Raith Rovers on 7 December 2013; and Motherwell v Celtic on 6 December 2013).
- Of the 203 charges reported in 2013-14, 24% took place on Fridays. In 2012-13 there were no charges reported on Fridays. This may reflect the scheduling of more matches on Friday evenings.
- In 58% of the charges the general community were the target of the abuse, specific members of the public were targeted in 36% of charges, the police in 12% of charges, and other workers in 7%. The number of charges for each victim type was lower than in 2012-13 but the proportion directed at the general community was higher (58% in 2013-14 compared to 46% in 2012-13).
- From the 203 charges reported to COPFS, court proceedings have commenced in 160. Many cases are on-going and information about final convictions will be presented in Scottish Government 'criminal proceedings' publications². Provisional data however shows that of the 66 that have been concluded, there were 43 convictions (65%) which is similar to the proportion of convictions from concluded charges that was reported in the 2012-13 report. The most common penalty was a fine (63% of convictions). There were two custodial sentences; the same number as in 2012-13.
- 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 2013-14 there were nine communication charges reported to COPFS. Six of these charges were football related. One of the

² See: <http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/PubCriminalProceedings>

charges made reference to religion, one included a racial element, and three referenced support of a terrorist group.

1 INTRODUCTION

- 1.1 The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 came into force on 1 March 2012. The Act criminalises behaviour which is threatening, hateful³, or otherwise offensive at a regulated football match where it is likely to lead to public disorder. This includes offensive singing or chanting. It also criminalises the communication of threats of serious violence and threats intended to incite religious hatred, not limited to those that are football-related.
- 1.2 This report focuses on charges reported under section 1 of the Act (offensive behaviour at regulated football matches) and provides an analysis of charges reported to the Crown Office and Procurator Fiscal Service (COPFS) in the whole financial year of 1 April 2013 to 31 March 2014⁴. Additionally, the report provides some information on charges reported under section 6 of the Act (threatening communications).
- 1.3 This report provides information about the locations, dates of charges, the nature of the offensive behaviour, the age and gender of the accused, and the nature of the victims.

³ 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.

⁴ Although this report includes charges *reported* during 1 April 2013 to 31 March 2014, incidents may have *occurred* before this date.

2 METHODS

- 2.1 For this research, analysts from the Scottish Government undertook a review of case files from the Crown Office and Procurator Fiscal Service (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 charge.
- 2.2 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 Offensive Behaviour at Football and Threatening Communications Act.
- 2.3 There are a number of points that should be kept in mind when reading this report. First, 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, for example where it was not viewed as directly relevant to the charge.
- 2.4 Second, this report does not present information about the real or actual personal, social, or cultural identities or 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.
- 2.5 Finally, the analysis of charges includes cases which are still underway and the findings may therefore be incomplete.

3 FINDINGS

- 3.1 All of the information reported here refers to charges of offensive behaviour at football or threatening communications that were reported to the Crown Office and Procurator Fiscal (COPFS) in the 2013-14 financial year.
- 3.2 Before providing further details of these charges, it is worth highlighting that these charges do not relate to 203 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 that were reported by the police to COPFS.
- 3.3 The 203 charges were generated from 122 separate incidents (each incident was contained in a single police report). This is shown in Table 1. The majority of incidents (80%) involved charges being issued to one accused, although 10% of incidents involved charges being issued to two accused, and the remaining 10% of incidents involved between three and 16 separate accused. Additionally, some of the accused were charged for more than one breach of the law within a single incident.

Table 1: Number of accused per incident

Number of accused	Number of incidents	Number of charges *
1	98	107
2	12	26
3	5	16
4	3	12
5	1	5
7	1	11
10	1	10
16	1	16
	122	203

* Note: 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.

- 3.4 As well as some of the accused being charged for more than one breach of the law in a single incident report, three of the accused were charged for more than one breach of the law in separate incidents reported to COPFS. The 203 charges involved 184 accused. The majority of the accused (91%) had only one charge; the remaining 9% had two or three charges. This is shown in Table 2.

Table 2: Number of charges per accused

Number of charges per accused	Number of accused	% of accused	Total number of charges
1	167	91	167
2	15	8	30
3	2	1	6
Total	184	100	203

*Note: This table shows the number of charges for each accused, whereas table 1 shows the information by incident.

Details about the accused

Sex and age of the accused

- 3.5 Of the 184 accused, there were 178 males and six females. In terms of charges, the accused was female in seven and male in the remaining 196 (97% of charges).
- 3.6 Table 3 shows the age breakdown of the accused for each of the 203 offensive behaviour charges in 2013-14. The majority of the accused were aged 16-30 (80%). The age profile of the accused for the 203 charges was slightly younger in 2013-14 than in 2012-13. In 2013-14, the mean age of the accused was 23, compared with a mean age of 27 in 2012-13 and 87% of the accused were aged 30 or below, compared with 74% in this age group in 2012-13. It is possible that part of the reason for the younger age was related to one incident where numerous teenagers were charged with offensive behaviour at football (Motherwell versus Celtic on 6th December 2013).

Table 3: Age breakdown of accused

Age group	2012-13		2013-14	
	Number of charges	%	Number of charges	%
Under 16	7	3	15	7
16-20	89	33	80	39
21-30	101	38	83	41
31-40	37	14	7	3
41-50	25	9	13	6
51-60	7	3	4	2
Over 60	2	1	1	1
Total	268	100	203	100

Alcohol and drug-related charges

- 3.7 The police reports described the accused as being under the influence of alcohol in 55 of the charges, shown in Table 4. 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.

- 3.8 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 likely that this underestimates the number of cases where the accused was under the influence of drugs.

Table 4: Alcohol and drug-related charges

	2012-13		2013-14	
	Number of charges	% of total charges	Number of charges	% of total charges
Alcohol	73	27	55	27
Drugs	4	1	4	2
Total	75	29	59	29

Football affiliations of the accused

- 3.9 The analysis included looking at the football affiliations of the accused; these are shown in Table 5. This information was gathered from the police reports. The affiliation of the accused was noted in 193 (95%) of the 203 charges reported. The affiliation may have been apparent from the accused having a match ticket, or from their team clothing, but it should be kept in mind that the football affiliation of the accused was based on the information the police noted at the time. The accused had affiliation with Rangers in 59 (29%) charges, with Celtic in 44 (22%) charges, and with Motherwell in 19 (9%) of the charges. Although the two main affiliations, as in 2012-13, were Rangers and Celtic, these have both decreased in real numbers (there were 24 fewer charges in 2013-14 than in 2012-13 where the accused was a Celtic fan, and 26 fewer where the accused was a Rangers fan). There was also a decrease in the proportion of charges against Rangers and Celtic fans since 2012-13 (the accused was a Celtic fan in 25% of charges in 2012-13 and in 22% in 2013-14; the accused was a Rangers fan in 32% of charges in 2012-13 and in 29% in 2013-14).

Table 5: Football affiliation of the accused

Football affiliation	2012-13		2013-14	
	Number of charges*	%	Number of charges*	%
Aberdeen	<5	-	11	5
Ayr United	6	2	0	-
Celtic	68	25	44	22
Dundee	12	5	5	2
Falkirk	17	6	<5	-
Hamilton	9	3	<5	-
Hearts	13	5	12	6
Hibernian	28	10	9	4
Motherwell	<5	-	19	9
Partick Thistle	<5	-	5	2
Raith Rovers	<5	-	9	4
Rangers	85	32	59	29
St Mirren	<5	-	6	3
Other	20	8	14	7
Unknown	10	4	10	5
Total	268	100	203	100

Note: 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 both 2012-13 and 2013-14).

Details about the offence

Nature of the offence

- 3.10 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 to incite public disorder.
- 3.11 It was not possible to determine from the COPFS database whether the charges were under section 1(2)(a), (b), (c), (d), or, (e). Therefore the classification presented in Table 6 represents the researchers' understanding of the nature of the offence from the notes available in police reports. Offensive behaviour was classified as hate crime if there was specific reference to religion, race⁵, or sexual orientation. The offence was classified as threatening where the accused threatened another person/people; it involved the accused 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 includes behaviour that shows support of terrorist organisations or glorifies or celebrates events involving the loss of life or serious injury.
- 3.12 Table 6 provides information about the nature of the offence. In 2013-14, the behaviour was considered 'hateful' in 73 (36%) of the 203 charges. The most

⁵ For the purpose of this analysis, hateful references to colour, race, nationality (including citizenship), and ethnic or national origins were included as racial hatred.

common form of hateful behaviour was religious hatred (30% of the total charges). Almost half (49%) of the 203 charges included some form of 'threatening' behaviour. Over a quarter (28%) of the 203 charges included behaviour supporting terrorist groups or celebrating loss of life.

- 3.13 Compared to 2012-13, a lower proportion of charges in 2013-14 were categorised as 'hateful' behaviour. This change was associated with a lower proportion of religious hatred; the proportion of charges that were categorised as racial hatred remained more constant over the two years. A higher proportion of charges included forms of threatening and otherwise offensive behaviour in 2013-14 than in 2012-13.

Table 6: Nature of offence*

Details of offensive behaviour	2012-13		2013-14	
	Number of charges	% of total number of charges (268)	Number of charges	% of total number of charges (203)
Hate crime, type:		125	47	
<i>Religion</i>	106		40	60
<i>Race</i>	19		7	17
<i>Sexual orientation</i>	0		0	1
Making threats/challenging others to fights		119	44	99
Support of terrorist groups or celebrating loss of life		46	17	57

*Note: 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 mentioned in paragraph 3.11, the classification in this table is not necessarily matched up with the a-e classifications of section 1 of the Act.

- 3.14 Table 7 shows the different religious groups that were targeted in each of the religious hatred charges. In 2013-14, of the 60 charges that included religious offences there were four religious groups that were the subject of the charges. In the majority of cases, Catholicism was the main target of the offensive behaviour (77% of religious hatred charges related to Catholicism).

Table 7: Breakdown of religions that were targeted

Religion	2012-13		2013-14	
	Number of charges	% of 106 charges	Number of charges	% of 60 charges
Catholicism	88	83	46	77
Protestantism	16	15	11	18
Judaism	2	2	3	5
Islam	-	-	2	3

* Two charges were directed specifically at both Catholicism and Protestantism, therefore total does not add up to 60.

Method of abuse

- 3.15 Table 8 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 challenging others to a fight or physically engaging in fighting⁶.
- 3.16 As in 2012-13, the most common methods of abuse in 2013-14 were generally offensive (present in 39% of charges), speech (present in 35% of charges), and singing (present in 37% of charges).

Table 8: Method of abuse used*

Method	2012-13		2013-14	
	Number of charges	% of total charges (268)	Number of charges	% of total charges (203)
Banner/flag	9	3	2	1
Gesture	48	18	6	3
Speech	137	51	72	35
Singing	112	42	75	37
Generally offensive	82	31	79	39

*Note: Some charges contained reference to more than one category.

Location of charges

- 3.17 Table 9 shows the local authority area where the charges occurred. Over a third (35%) of the charges occurred in Glasgow. This is likely to reflect that Glasgow is home to the three largest football stadiums in Scotland. Other areas of note are North Lanarkshire, where 21% of charges took place, and Edinburgh, where 12% of charges took place. The increase in charges in North Lanarkshire between 2012-13 and 2013-14 was largely because of two fixtures where there were numerous charges (Motherwell versus Celtic on 6 December 2013, when there were 24 charges; and Airdrieonians versus Rangers on 28 August 2013, when there were 13 charges).
- 3.18 In terms of the number of charges per 100,000 of the population, North Lanarkshire had the highest rate of charges (13 per 100,000), followed by Glasgow (12 per 100,000), and Falkirk (8 charges per 100,000 people). In some areas it may be that charges at one particular fixture made the rates higher than in the previous year; this is explored in the following sections.
- 3.19 Two of the charges related to offensive behaviour at a regulated football match outside Scotland. Section 1 of the Act applies to incidents taking place around regulated football matches outside of Scotland.

⁶ An updated method of classification was used this year: gesturing people to fight was categorised as 'generally offensive' rather than 'gesture' as it is more closely aligned with other charges that were classified as generally offensive. Therefore the generally offensive and gesture categories are not directly comparable for the two years.

Table 9: Local authority area where charges occurred⁷

Local authority area	2012-13			2013-14		
	Number of charges	%	Charges per 100,000 pop.	Number of charges	%	Charges per 100,000 pop.
Aberdeen city	0	-	-	7	3	3
Aberdeenshire	12	4	5	2	1	1
Angus	5	2	5	2	1	2
Dumfries & Galloway	6	2	4	3	1	2
Dundee city	14	5	10	4	2	3
East Ayrshire	0	-	-	7	3	6
East Lothian	1	0.4	1	1	1	1
Edinburgh city	24	9	5	24	12	5
Falkirk	12	4	8	13	6	8
Fife	7	3	2	1	1	<1
Glasgow city	113	42	19	72	35	12
Highland	8	3	4	4	2	2
Moray	7	3	8	0	-	-
North Ayrshire	1	0.4	1	0	-	-
North Lanarkshire	9	3	3	43	21	13
Perth & Kinross	6	2	4	1	1	1
Renfrewshire	13	5	8	5	2	3
South Ayrshire	2	1	2	3	1	3
South Lanarkshire	23	9	7	7	3	2
West Lothian	0	-	-	2	1	1
Outside Scotland	5	2	-	2	1	-
Total	268	100	5	203	100	4

Locus of charges

3.20 As in 2012-13, the majority of the charges (54%) in 2013-14 took place at a football stadium. However, the number and proportion of charges at football stadiums decreased from 165 (62%) in 2012-13 to 109 (54%) in 2013-14. A lower proportion (4%) took place on public transport in 2013-14 than in 2012-13 (9%), but a higher number and proportion (34%) took place on the main street in 2013-14 than in 2012-13 (22%).

⁷ Scottish Local Authority area population rate is based on GROS mid-year population rates 2012, rounded to the nearest 1. Available at <http://www.gro-scotland.gov.uk/files2/stats/population-estimates/mid2012/mid-2011-2012-pop-est.pdf>

Table 10: Locus of charges

Locus of offence	2012-13		2013-14	
	Number of charges	%	Number of charges	%
Football stadium	165	62	109	54
Main street	60	22	70	34
Public transport	24	9	9	4
Residential area	8	3	6	3
Pub or club	8	3	8	4
Police station	-	-	1	1
Other	3	1	-	-
Total	268	100	203	100

- 3.21 Table 11 shows the number of charges at football stadiums. Celtic Park, the stadium with the largest capacity in Scotland, also had the largest proportion of charges (21%). This was a slightly lower proportion than 2012-13 and a lower number (23 compared to 40 in 2012-13). Over 10% of charges took place at Ibrox (16%), Excelsior (11%), and Firhill (11%).
- 3.22 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. Additionally, of the 12 charges at Firhill in 2013-14, seven were during a Rangers versus Celtic under-17 game rather than in a game that involved the home team (Partick Thistle).

Table 11: Charges from incidents at football stadiums

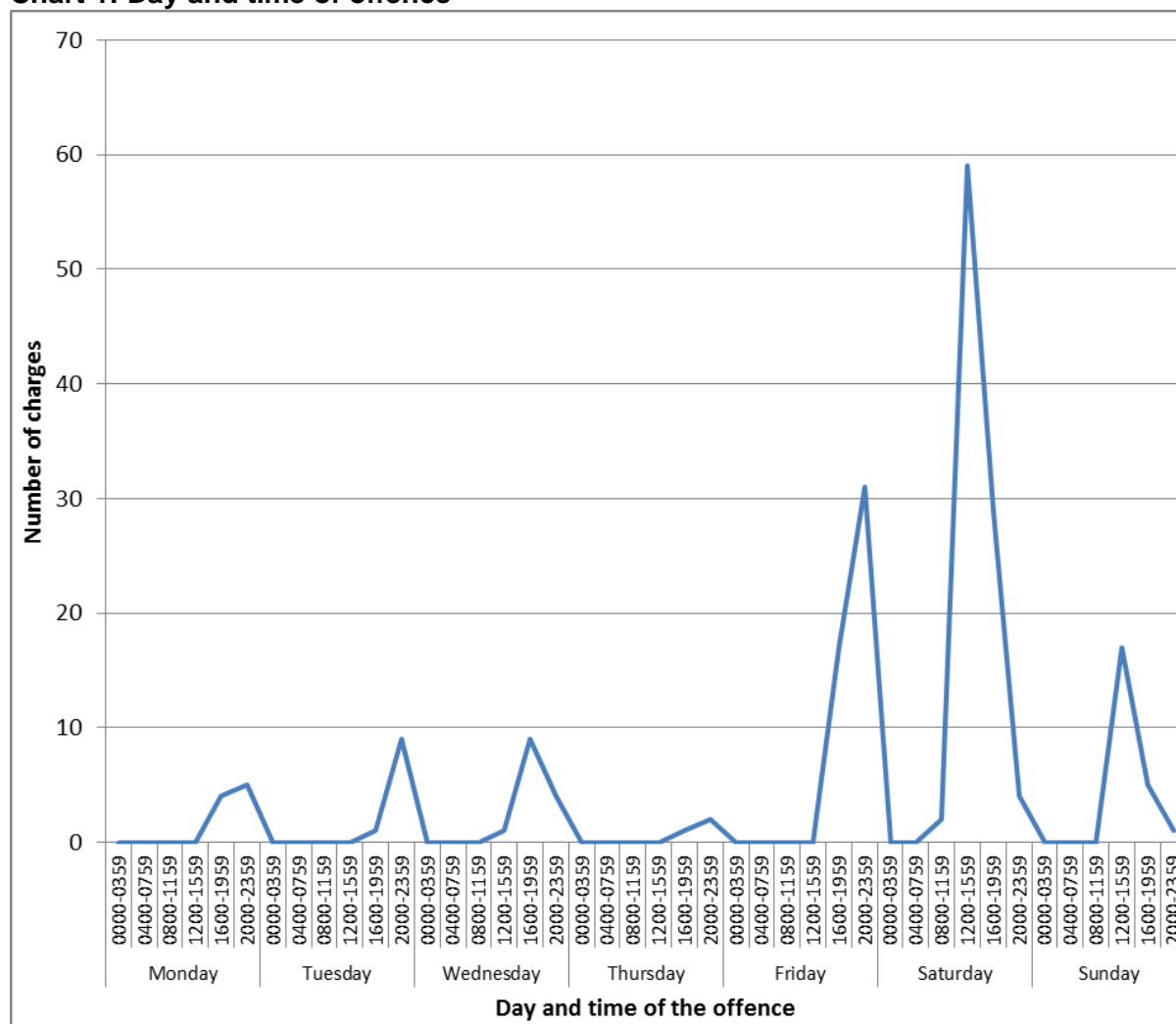
Football stadium	2012-13		2013-14	
	Number of charges*	%	Number of charges*	%
Balmoor	6	4	<5	-
Broadwood	6	4	<5	-
Caledonian	6	4	<5	-
Celtic Park	40	24	23	21
Easter Road	<5	-	8	7
Excelsior	<5	-	12	11
Firhill	<5	-	12	11
Glebe Park	5	3	<5	-
Hampden Park	14	9	<5	-
Ibrox	33	20	17	16
McDiarmid Park	6	4	<5	-
Shielfield Park	5	3	<5	-
Tannadice Park	10	6	<5	-
Tynecastle	10	6	9	8
Other	24	15	28	26
Total	165	100	109	100

* Those with charges <5 are included in 'other', therefore are not included in the total rows as well. 'Other' also includes stadiums not listed in the table (where there were fewer than five charges in both 2012-13 and 2013-14).

Timing of charges

3.23 Chart 1 illustrates the peak days of the week and times of day of that the offences took place. Charges peaked every evening, but peaked more so and began earlier on Fridays, Saturdays, and Sundays. As with 2012-13, the majority of the charges took place on the weekend. However, in 2012-13 no offences took place on a Friday, compared to 48 (24%) of 2013-14 charges. This may be related to a change in television coverage, or increase in the number of Friday matches, but is also boosted by the fact that half of the Friday charges took place during a single game (Motherwell versus Celtic on 6th December 2013). Two other Friday games (Airdrieonians versus Rangers on 23rd August 2013 and Rangers versus Dunfermline on 7th February 2014) involved a large number of charges (13 and seven respectively).

Chart 1: Day and time of offence



Football fixtures

3.24 Table 12 shows the breakdown of the football fixtures where there were charges. Within the period of this analysis there were charges connected to 61 fixtures⁸, of these 58 were domestic fixtures, two were European competitions, and one was an international match.

3.25 The fixture with the highest number of charges was Motherwell versus Celtic on 6th December 2013, where there were 24 charges, making up 12% of the total number of charges for the year. These charges related to aggressive behaviour.

3.26 Unlike the 2012-13 report (which contained charges reported from the 2011-12 football season), there were no charges related to Scottish Premier League fixtures between Rangers and Celtic as these two teams are no

⁸ The period of analysis is 01/04/13 to 31/03/14. Some offences took place prior to this period and are included because they were reported within the period of analysis (and were therefore not captured in the 2012-13 report).

longer in the same division. However, there were seven charges related to an under-17s game between these two clubs. This under-17s Rangers versus Celtic match took place at Firhill.

- 3.27 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 influenced by the decisions the police have made about when and where to deploy their officers and their enforcement strategies.

Table 12: Football fixtures associated with charges

Date	Fixture	Number of charges	%
23/08/2013	Airdrieonians v Rangers	13	6
22/10/2013	Celtic v Ajax	6	3
31/07/2013	Celtic v Ross County	6	3
07/12/2013	Falkirk v Raith Rovers	10	5
23/11/2013	Hamilton Ac v Dundee	6	3
06/12/2013	Motherwell v Celtic	24	12
29/04/2013	Rangers v Celtic (Glasgow Cup under 17s game)	7	3
07/02/2014	Rangers v Dunfermline	7	3
	Other*	124	61
	Total	203	100

* Other refers to fixtures with fewer than five charges.

Details about the victims

- 3.28 Information about the people targeted by offensive behaviour is not separately recorded in the police report. For the purpose of this report the researchers made an assessment of who the main victims were, based on the police description of the incident. Victims were identified as the main target for the offensive behaviour. 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'.
- 3.29 In 2013-14, the community was at least one of the victim types in the majority (58%) of charges; this is an increase from 2012-13 (46%). Specific members of the public were targeted in 73 (36%) charges. There was a slight decrease in the proportion of charges that targeted the police and other workers in 2013-14 compared to 2012-13.

Table 13: Victims of the offensive behaviour*

Victim	2012-13		2013-14	
	Number of charges	% of total 268 charges	Number of charges	% of total 203 charges
Community	123	46	118	58
Member of public	103	38	73	36
Police	35	13	24	12
Worker	29	11	14	7
Unidentified	2	1	0	0

*Note: The number of charges do not add up to the total number because some charges related to behaviour that targeted more than victim type.

Details of criminal proceedings

- 3.30 The COPFS publish an annual report on hate crime in Scotland. This provides more details on the outcomes of these charges and can be found at <http://www.copfs.gov.uk/publications/equality-and-diversity>.
- 3.31 Court proceedings were commenced in 160 (79%) of the 203 charges. The COPFS Hate Crime in Scotland in 2013-14 publication also provides details of charges that were concluded outside of court.
- 3.32 Many cases are on-going and information about final convictions will be presented in Scottish Government 'criminal proceedings' publications⁹. The COPFS case management database provides information about convictions for concluded charges. This is provisional information and subject to change as charges are dealt with in the system. It shows that of the 160 charges for which court proceedings had commenced, 66 (41%) had concluded. There were 43 convictions from the 66 concluded charges (65%), similar to the proportion of convictions from concluded charges reported in the in the 2012-13 report.
- 3.33 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.
- 3.34 The main court disposals for convictions in 2013-14 are shown in Table 14. The most common disposal recorded was a monetary penalty, which was given in 27 (63%) of concluded court charges. This is around the same proportion as 2012-13. Seven of the accused were given a football banning order (16%, up from 8% the previous year) though this only represents the occasions when these orders were the main disposal for the charge—they can also be awarded in conjunction with other disposals. There were two custodial sentences, the same number as in 2012-13.

⁹ See: <http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/PubCriminalProceedings>

Table 14: Main court disposals

Disposal	2012-13		2013-14	
	Number of charges	%	Number of charges	%
Community penalty ¹⁰	11	18	5	12
Custody	2	3	2	5
Football banning order	5	8	7	16
Monetary penalty	38	61	27	63
Other	6	10	2	5
Total	62	100	43	100

Note: FBOs are given for other offences, therefore this table does not capture all of the FBOs in 2013-14.

Section 6 of the Act: Threatening Communications

- 3.35 The Act also introduced measures to address threats of serious harm and threats that incite hatred on religious grounds, not confined to football settings.
- 3.36 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. Therefore the classification presented here represents the researchers' understanding of the nature of the offence from the notes available in COPFS.
- 3.37 In 2012-13 there were 19 threatening communications charges reported to the Crown Office and Procurator Fiscal Service (COPFS)¹¹. In 2013-14 there were nine.
- 3.38 Six of the nine charges in 2013-14 were football related; compared to eight in 2012-13. One of the threatening communication charges included reference to religion. One of the threatening communication charges included a racial element, and three referenced support of a terrorist group¹².
- 3.39 There was a specific victim of the offence in seven of the nine charges; six of these victims were workers and one was a member of the public. All of these threatening communications were likely to cause fear or alarm, and included threats of serious harm.
- 3.40 The accused in the charges were from different local authority areas; there was no obvious concentration of charges in one area.
- 3.41 Social media (Twitter and Facebook) was the method of abuse for seven of the offences. The other two methods of abuse were a letter and a banner.

¹⁰ 'Community Penalty' includes a community service order and community payback order.

¹¹ The total number of charges is taken from the most up-to date information recorded on the COPFS case management system. This is a live system and the number of totals may vary from those previously published due to changes made during the course of investigation and prosecution of a case. The research conducted last year was based on the latest information available at the time, and reported 20 in 2012-13.

¹² Two of the charges that were classified for the purposes of this report as being support of terrorist groups or celebrating loss of life were also charged under section 74 with a religious aggravation.

3.42 Of the nine charges, court proceedings have commenced in six. Two have been given a monetary penalty, two are on-going, and two were not separately prosecuted but may have been incorporated into other charges for the same accused.

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