

**AYRSHIRE EQUALITY
PARTNERSHIP**

Hate Crime and how to report it



REPORT IT



Don't stay silent about
Hate Crime

Lets stamp out Hate Crime together

“The Scottish Government believes hate crime to be unacceptable in modern day Scotland, and we are committed to eradicating it from society.”

Alex Neil MSP, Cabinet Secretary for Social Justice, Communities and Pensioners' Rights

What is Hate Crime?

The Scottish Government defines Hate Crime as crime committed against a person or property that is motivated by 'malice or ill-will towards an identifiable social group'. It is likely that you have been a victim of a hate crime if you believe that you have been targeted because of your:

- **Race** - racist Hate Crime includes crime motivated by prejudice based on ethnicity, nationality, skin colour and other characteristics associated with ethnicity, for example styles of dress, headwear etc.
- **Religion** - religious Hate Crime includes crime motivated by prejudice based on religion or faith. This includes conflict between all religions: Catholics Protestants, Muslims, Sikhs, Hindus or Jews. Religious and racist Hate Crime are often intertwined and it can be difficult to work out if a perpetrators motive is based on one or the other or both. Hate Crime laws state that if there is evidence of more than one form of prejudice, they should all be recorded and investigated.
- **Sexual orientation** - Hate Crime based on sexual orientation (also known as Homophobic Hate Crime) includes crimes motivated by prejudice against lesbians, gay and bisexual people.
- **Transgender identity** - transgender identity describes people whose gender identity or expression differs from that normally associated with their birth sex. It is a broad term that can encompass everything from cross dressing to gender reassignment. Hate Crime based on transgender identity (also known as transphobic hate crime) includes crimes motivated by prejudice against someone who expresses their gender in this way.
- **Disability** - disability Hate Crime includes crimes motivated by prejudice based on physical disability, learning disability, mental health difficulty and sensory impairment such as Deafness, hearing or sight loss.

If you believe that you have targeted because of the above, please tell the police about it. They take hate crime very seriously. If you tell them that you think an incident is motivated by prejudice, the Police must record and investigate this.

Hate Crime can take a number of forms, including, but not limited to:

- physical assault
- criminal damage to property eg. graffiti, arson, vandalism
- intimidating or threatening behaviour including obscene calls or gestures
- on line abuse such as face book and twitter postings
- offensive literature such as letters, leaflets, posters

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- verbal abuse or insults including name-calling
- emotional and psychological abuse
- bullying
- murder

For further information on Hate Crime visit www.hatecrimescotland.org

What to do if you experience or witness a Hate Crime or Hate Incident

If you experience or witness a Hate Incident, whether it's a crime or not and no matter how trivial or unimportant you may think it is, your complaint will be recorded and taken seriously when you choose to report it to the police. You can make a report:

- through a [Third Party Reporting Centre](http://www.scotland.police.uk/contact-us/hate-crime-and-third-party-reporting/third-party-reporting-centres) (<http://www.scotland.police.uk/contact-us/hate-crime-and-third-party-reporting/third-party-reporting-centres>) – scroll down to find the Ayrshire centres
- by calling 101
- through the [On-Line Reporting](https://www.scotland.police.uk/secureforms/hate-crime/) facility available on the Police Scotland website (<https://www.scotland.police.uk/secureforms/hate-crime/>)

REMEMBER – ALWAYS CALL THE POLICE ON 999 IF YOU NEED IMMEDIATE HELP

Why report a Hate Crime?

There are a number of reasons why reporting Hate Crime is important.

- If you are a victim you can receive support and advice to make you safer
- It could stop the perpetrator from offending again
- All reports help build a picture of Hate Crime in your community and in Glasgow. They tell us if there's a problem in a particular neighbourhood or if a community is being targeted. Then we can tackle the problem.
- It may prevent a minor situation developing into a more serious one
- You will help to raise awareness of the issue and lead to a change in attitudes
- Your information may lead to an arrest and conviction
- You will help us to prevent hate incidents in the future

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What is Third Party Reporting?

Many people, for various reasons, are reluctant to report crime directly to the police. Victims and witnesses of hate crimes can report, without contacting the police directly, through a Third party Reporting Centre. The Third Party Reporting Centre is a safe and supportive space to discuss your complaint. If you want to report it to the police they can do this on your behalf. The police act on this as if they had received the report directly from you.

You can ask the Third Party Reporting Centre to give as much or as little personal information to the police as you want- you don't have to give your name if you don't want to. These centres have received appropriate training and can provide you with any additional support or advice required.

You can find a list of the Ayrshire Third Party Reporting Centres at <http://www.scotland.police.uk/contact-us/hate-crime-and-third-party-reporting/third-party-reporting-centres>

How do I report to the police online?

On-line Reporting lets you make a direct and confidential report to the police through their website. The report can be anonymous although this may limit the action that the police can take. To report on-line visit <https://www.scotland.police.uk/secureforms/hate-crime/>

What happens next?

The police will record the incident that you have reported and then carry out an initial investigation to determine whether the incident falls under the legal definition of a crime or breaches any statutes. If it does, it will then be recorded as a crime.

The police will then carry out a crime investigation. This will involve interviewing victims, witnesses and suspects, looking at other sources of evidence such as CCTV footage or forensic evidence. If they believe they have enough evidence to support a prosecution they submit a report to the local Procurator Fiscal. The Procurator Fiscal (PF or Fiscal) works for the Crown Office and Procurator Fiscal Service (COPFS), which is the body responsible for prosecuting crime in Scotland.

The Procurator Fiscal (PF) considers the police report and decides if there is sufficient evidence to proceed. If there is, the Procurator Fiscal will then decide what, if any, action it is appropriate to take. Actions range from prosecution in court, direct measures such as warnings, fiscal fines, compensation offers and social work diversion.

The Procurator Fiscal can also decide to take no action. When this happens, the victim can ask for an explanation of the decision. If court proceedings are appropriate, the Procurator Fiscal will decide which court these should be taken in. This decision will depend on the nature of the offence, the sentencing powers of the respective courts and whether the accused has a criminal record.

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