

The Highland Council

Community Safety, Public Engagement and Equalities Committee – 5 December 2013

Agenda Item	10
Report No	CPE 52/13

Highland Local Police Area – Hate Incidents, Hate Crime and Gender Based Violence

Report by the Highland Local Policing Commander - Chief Superintendent Julian Innes

Summary

To provide an update to Committee Members on Hate Crime and Gender Based Violence.

1. Introduction

"There is no excuse for any form of hate crime; it is simply not acceptable and it will not be tolerated. When it does happen, victims must have the confidence to report it, confident that they will receive a good level of service from the police and other agencies".

Kenny MacAskill, Justice Secretary , 2010

1.1 A comprehensive paper on hate incidents, hate crimes and gender based violence was presented to this Committee in [December 2012](#) which provided an overview of the relevant definitions, legislation and partnership working. It was agreed that progress reports would be brought to future meetings. This paper provides an update on both hate crime and gender based incident recorded by Police Scotland as well as an update on the key priorities issues highlighted in the December 2012 paper. The paper been produced in conjunction with our Safer Highland partners.

1.2 In summary, hate crime is defined by the Scottish Government as a crime motivated by malice or ill will towards a social group. So, for example, incidents on the grounds of homophobia, racism, transgender or a person's disability may be covered. Relevant legislation includes:

- Crime and Disorder Act 1998
- Criminal Justice (Scotland) Act 2009
- Offences (Aggravation by Prejudice) (Scotland) Act 2009
- Offensive behaviour at Football and Threatening Communications (Scotland) Act 2012

In addition, public sector agencies are all covered by the duty in the Equality Act 2010, to give due regard in all their work to the need to:

- Eliminate unlawful discrimination, victimisation and harassment
- Advance equality of opportunity, and
- Promote good relations

- 1.3 Since the last report, the local Single Outcome Agreement (SOA) for Highland has been revised, and Police Scotland and local partners have published Equality Outcomes as required under the Equality Act. In both instances, tackling hate incidents and hate crimes, as well as gender-based violence are identified as priorities for equality work.

2 Hate Crimes

- 2.1 The table below indicates that there has been an increase in the number of hate incidents being reported to the Police in Highland in comparison to last year; however, the number of crimes and offences has decreased. Nationally there has been an increase in reporting (14.8%) and an increase in crimes / offences (5.2%) across Scotland. The statistics in Table 1 only include those crimes where the crime has been specifically recorded as a hate crime and does not include those incidents where the hate element is considered an aggravator to the 'primary' crime. Within Highland there were 106 hate incidents reported to the Police in 2012/13.

Table 1 - Police Scotland – Highland Hate Incident/crime Statistics as at 10/11/2013

	12/13 FYTD	13/14 FYTD	Variation
All Incidents	69	84	15 - More Incidents (+17.9%)
Crime Incidents	60	72	12 - More Crime Incidents
Non Crime Incidents	9	12	3 - More Non Crime Incidents
Total Crimes / Offences	73	55	18 - Less Crimes / Offences (-24.7%)
Detection Rate	91.8% (67)	83.6% (46)	8.2% - Decrease in Detection Rate

Due to issues surrounding legacy IT systems and the change to a national performance management system (SCOMIS) it is currently not possible for the Division, without significant staff time, to segment the different types of hate crime. Once the new I6 information system is introduced this issue should be resolved.

- 2.2 Although the number of reported hate crimes in Highland is relatively low, it is recognised that their impact their on individuals and communities can be disproportionate. Hate crime can be a cause of fear and anxiety for victims who may suffer serious emotional and, on occasions, physical harm as a result.
- 2.3 It is widely acknowledged that there is significant under-reporting of hate, or prejudice based, incidents and crimes. In Highland, this is borne out anecdotally through consultations and testimonies from local groups representing those from the Lesbian, Gay, Bisexual and Transgender (LGBT) community, minority ethnic groups, people with learning disabilities and mental health problems. Identified barriers to reporting include: lack of confidence in the police; low expectations of any positive outcomes; and lack of knowledge of how to report an incident or a crime.

- 2.4 Tackling hate incidents and crimes requires a holistic approach from partner agencies, one that encourages reporting and recording of incidents but also builds confidence of community groups in the response from agencies.
- 2.5 In Highland, partners have worked to encourage the reporting of hate incidents and crimes through a range of options. Most reports continue to be made directly to the Police, and Police Scotland has developed a new online reporting form. Additionally, there is a Highland branded campaign Hate Free Highland, which also has an online reporting option, as well as identified local third party reporting organisations. As part of a Police Scotland National initiative, the Division is sending 3 officers on a Third Party Remote reporting training course. Once trained the officers will be able to cascade training to our Third Party Reporting organisations within the divisional area.

3 Gender Based Violence

3.1 Introduction

Gender based violence takes a wide range of forms and includes domestic abuse, rape and sexual assault, harmful traditional practices (e.g. female genital mutilation and forced marriage), and commercial sexual exploitation (such as prostitution and lap dancing). The Highland Violence Against Women Partnership, part of the Safer Highland, leads on a programme of work to tackle all forms of gender based violence, on behalf of the Community Planning Partnership.

3.2 Domestic Abuse

Incidents of domestic abuse recorded by the police in Highland has grown year on year since 2009/10 from 879 incidents reported to 2,102 incidents in 2012/13. – see Table 2.ⁱ

Table 2 – Incidents of domestic abuse recorded by the police

	Incidents in Highland	Incidents in Scotland
2009/10	879	51,926
2010/11	1,451	55,698
2011/12	1,872	59,847
2012/13	2,102*	60,080

* The latest Police Scotland SCOMIS system reports 2155 incidents for Highland last year.

Table 3 - Police Scotland – Highland Domestic Incident / Crimes compared to this time last year - As at 10/11/2013

	12/13 FYTD	13/14 FYTD	Variation
All Incidents	1305	1344	39 - More Incidents
Crime Incidents	637	613	24 - Less Crime Incidents
Non Crime Incidents	668	731	63 - More Non Crime Incidents
Total Crimes / Offences	989	911	78 – Less Crimes / Offences
Domestic Detection Rate	94.1%	90.6%	3.5% - Decrease in detection rate
Initial Domestic Bail Checks		95.1	Target 95%
Domestic Bail Offences Detections	32	56	24 – More detections

- 3.3 There has been an increase in reporting of domestic abuse for both female and male victims in Highland. 17% of incidents involved a male victim in 2011/12, which is similar to the rest of Scotland. The number of repeat victims has also increased over this time period, with the majority of those affected being women. 61.9% of victims in 2011/12 had experienced at least one previous incident in the past.ⁱⁱ
- 3.4 Similar to the increase in repeat victims, there has been an increase in the number of repeat offenders. In 2011/12, there were 29 offenders who had 5 or more charges against them. The highest number of charges (linked to domestic incidents) against an offender was 12. Of the offenders who had 5+ charges against them, 27 were male and 2 were female.ⁱⁱⁱ
- 3.5 In Scotland, overall, there has been a significant increase in incidents recorded by the police. The increase appears to reflect a greater confidence in reporting incidents to the police and more robust police practices in detecting crimes related to domestic abuse rather than an increase in actual domestic abuse.
- 3.6 It must be noted that research suggests that only a minority of incidents are reported, varying between 23% and 35%.^{iv} It must also be noted that much of domestic abuse is not 'criminal' in nature. Emotional and psychological abuse conducted by a perpetrator may not constitute anything that could be classified as an offence.

3.7 Domestic Abuse Victim Bail Visits. Research and experience also indicates that directly following the release of a Domestic Abuse perpetrator from court, a period of heightened risk begins for the victim. Police Scotland have introduced an initial Domestic Abuse Victim Bail Visit strategy with the aim of:

- Informing the victim of the existence of bail and conditions attached.
- Carrying out a thorough check of the locus to confirm that the perpetrator is not present and in breach of conditions of bail.
- Check on the victim's welfare, provide practical safety advice and signpost to relevant agencies where appropriate; and
- Ensure that the victim is fully informed regarding the actions that constitute a breach of bail conditions.

The aim is to visit a victim within 24 hours of Police Scotland being notified that a perpetrator has been released on standard or special bail conditions.

3.8 Stalking & Harassment

The vast majority of stalking and harassment cases are related to domestic abuse incidents. In 2010 Section 39 of the Criminal Justice and Licensing (Scotland) Act introduced a new criminal offence of stalking. The recorded stalking figures for Highland are shown in Table 4 below.

Table 4 – Northern Constabulary Stalking Figures – As at February 2013

Stalking			
Area	2009/10	2010/11	2011/12
Badenoch & Strathspey	0	0	0
Caithness & Sutherland	0	0	8
Inverness	0	3	15
Lochaber & Skye	0	0	1
Ross & Cromarty	0	0	0
Total	0	3	24

3.9 Rape & Sexual Violence

It is thought that the broadening of the Definition of Rape under the Sex Offences (Scotland) Act 2009 has contributed to an increase in Rape investigations (i.e. this now includes male rape and other offences). The latest Police Scotland figures for 2012/13 indicate that there were 65 rapes reported in Highland and 51 rapes were detected. This compares to 39 rapes in 2011 with 29 being reported to the crown by the police.

3.10 Commercial Sexual Exploitation

Commercial Sexual Exploitation is a term that encompasses a wide range of issues, including prostitution, trafficking, lap dancing and other forms of so-called 'adult entertainment'. Data on Commercial Sexual Exploitation for Highland is very limited. Crimes relating to prostitution recorded in Highland are low, but an internet search for prostitution in all parts of Highland indicates

that it is present.

Intelligence from the police highlights that street prostitution is not currently a significant problem in the Highlands, but that it is operating in hotels and privately let properties. There is concern about a number of vulnerable female substance misusers that are involved in prostitution in the Inverness area.

3.11 Harmful Traditional Practices

Between 2009 -12 one honour crime was been reported in the Highland.

3.12 Current Challenges in tackling Gender Based Violence

Current challenges to tackling gender based violence locally include:

- the commercial sexual exploitation of women in Highland
- continuing concerns over domestic abuse within teenage relationships
- the distribution of nude and semi-nude images of young people amongst their peers

A full report on the Highland Violence Against Women work plan for 2013-16 will be presented by Fiona Palin, Head of Social Care, during this meeting.

4 Recommendations from Last Year's Report

4.1 A number of priority issues were identified in last year's report and this section illustrates some of the progress undertaken. A number of the recommendations will be incorporated into the actions to support equality outcomes on hate crime. The separate paper on the Violence Against Women Strategy will present the revised action plan.

4.2 1. To progress opportunities for further work with children and young people to raise awareness of the impact of prejudice or identity based bullying. (there is a separate report to this meeting on the approach in schools).

- *Work is being undertaken by the Education Authority to review its processes and guidance on all forms of bullying including prejudice based bullying. In the implementation of this work in 2014 there will be opportunities for Police Scotland to work with schools, children and young people.*

2. To progress a public education campaign telling the public at large that hate incidents weaken society and are bad for the whole community, not only for those who experience them.

- *The Divisions Community Advisory Group conducted a very successful Diversity Awareness Day at the Eastgate Centre, Inverness on 17 August 2013. This was promoted by partner agencies and a wide variety of equality groups attended the event.*
- *In March 2013, resulting from the findings presented to last year's Committee, the Division launched a Highland and Islands-wide anti-racism*

campaign. This was supported by the Cabinet Secretary for Justice and multi-agency partners and focused on racially motivated hate crimes in takeaway food outlets and taxis across the area.

- *Building on the work above, in August 2013, the Highland and Islands Division provided campaign materials highlighting Hate Crime, to both Ross County and Inverness Caledonian Football Clubs, for distribution at their concessionary food stands in an effort to highlight the message to fans that there is no room for racist abuse in the Highlands and Islands.*
- *In addition, a promotional advert has been taken out in the Inverness Caledonian Thistle Community Development brochure.*

3. To work towards re-educating hate crime offenders.

- *Under the Violence Against Women strategy, work has been developed through the MARAC (Multi-Agency Risk Assessment Conferences) model towards managing the behaviour of perpetrators. It is anticipated that this model could inform similar work in relation to other hate crimes.*

4. Community Consultation Survey – continue to consult with equality groups to hear about their experience and needs.

- *The Highland Council Citizen Panel continue to gather information on attitudes to diversity and feelings of safety in the community.*
- *The Divisional Community Advisory Group continues provide advice to the Division on service delivery. Partner agencies also have arrangements in place.*
- *As part of the consultation for the Local and Ward Policing plans each Area Command either arranged workshops or contacted local interested community groups, including those from the protected characteristics, to capture their views.*

5. To continue with a partnership approach to encouraging the reporting of incidents and raising awareness with the wider community.

- *See item 2 above, also*
- *At the LGBT Youth Scotland Conference 13 September, Inverness ‘Safer, Stronger, Fairer’: Police Scotland delivered a workshop on Challenging transphobia and homophobia to create safer environments for LGBT communities in Highland furthermore, Highland Council delivered workshop on developing outcomes with a focus on prejudice bullying in schools.*
- *Highland LGBT Forum and Highlands & Islands Equality Forum have delivered events across Highlands – Highland and Islands Division and in particular (PS Ewan Henderson) has contributed to many of them.*

6. To ensure that there continues to be a quick and appropriate response to people reporting hate incidents by police.

- *The Division continues to place a priority on all hate crimes reported. All undetected hate crimes are reviewed by the Division on weekly basis. As at the 25 November 2013 the detection rate for Hate Crimes was 83.6%.*

7. To encourage elected members to use their role in the community to promote good relations and to promote challenging discriminatory behaviour in the community.

- *Members are regularly updated on the Council's requirements to give due regard to the need to advance equality, promote good relations, and eliminate unlawful discrimination, harassment and victimisation*

5 Equality Outcomes and Highland Single Outcome Agreement

5.1 Since the last report to this Committee, public sector bodies have been required to publish sets of Equality Outcomes and the local SOA has been revised. Police Scotland's equality outcomes can be found in the [Diversity and Equality in Police Scotland report](#).

5.2 The first of the Councils set of 7 outcomes is that: ***People better recognise hate crimes and incidents and feel confident reporting them.*** This is supported by national police actions to:

- External marketing campaign in conjunction with partners
- Produce baseline information for statistics (increased number)
- Raise staff awareness
- Review guidance manual in consultation with COPFS
- Improve availability and quality of 3rd party reporting
- Vulnerable Persons Database to contain hate crime
- Establish relevant performance targets

The third Police Scotland equality outcome is that: ***Victims of gender-based violence are safer and are confident that the police are responsive to their needs.*** This is supported by national outcomes to:

- Raise awareness internally of related policies and processes e.g. domestic abuse, FGM, Forced marriage
- Focus on repeat domestic abuse offenders
- Establish victim satisfaction levels
- Proactively police bail conditions
- Drive increased use of third party reporting sites

5.3 In developing equalities outcomes, partners in Highland have agreed shared outcomes in relation to hate incidents and crimes and violence against women. These are addressed in the partnership delivery plan in the Single Outcome Agreement.

5.4 The third SOA for the Highlands covers the period 2013/14 to 2018/19. The section on Safer and Stronger Communities and preventing reoffending includes the long term outcome that people are, and feel, free to live their lives without harassment and discrimination, and can take part in community life and that people benefit from public services in a fairer way and are able to have their say about them.

5.5 Interim outcomes, agreed actions and targets in relation to hate crimes and violence against women include:

5.6 **SOA Intermediate Outcomes: Hate Incidents**

- The population of Highland have an increased understanding of hate incidents and of their impact on individuals and communities.
- People feel more confident in reporting hate incidents that they have experienced or witnessed.
- People who report hate incidents feel satisfied with the response received from public agencies.
- Individuals within protected groups feel safe and secure within their local community.

Proposed partner activities

- Encourage reporting, including through HateFree Highland website
- Increase number and capacity of third party reporting organisations
- Establish scrutiny panel in 2013.
- Produce DVD for staff on awareness raising on adult protection issues (NHSH lead)

Targets include:

- Increase reported hate incidents - **105 in 2010/11; 123 in 2011/12; 106* in 12/13**
- Increase number of hate crimes reported - **69 in 2010/11, 82 in 2011/12; 156* in 12/13**
- Increase No. of hate incident reports made through third parties
- New survey work to begin in late 2013
- Increase the detection rate for 'racially aggravated' crimes – **74.4% in 2010/11, 93.5% in 2011/12; 92.4% in 12/13 (Divisional Scottish Policing Performance Framework Figures)**
- Reduce the gap between disabled people and non-disabled in Highland about being worried about being a victim of crime in general. (HC Citizen's Panel) - **Gap reduced from 15% in 2012 to 11% in 2013.**
- Reduce the % of adults in Highland who feel there is sometimes good reason to be prejudiced (HC Citizen's Panel). - **33% in 2011; 30% in 2012; 26% in 2013.**

* The figures for 2012/13 are from the new Police Scotland SCOMIS System and therefore may not be a direct comparison to previous figures.

5.7 **SOA Intermediate Outcomes: Violence Against Women**

Violence Against Women is Reduced

- Perpetrators are tackled about their behaviour
- Reduced acceptance of VAW
- There are healthier gender relationships
- The long term impact of Violence Against Women (VAW) on women and children is reduced
- Women affected by VAW receive services which meet their needs
- Children and Young People affected by VAW receive services which meet their needs

Proposed partner activities

- Police Domestic Abuse Investigation Team
- Women's Aid
- Roll out of MARAC programme for higher risk victims
- Programme to address perpetrator behaviour
- Establish a Highland Crisis Centre for Victims of rape and domestic abuse
- Develop a multi-agency task force for repeat offenders of sexual assault and rape

Targets include

- Reduce repeat victimisation of domestic abuse (police, MARAC and perpetrator programme stats) base-line TBC
- Reduce repeat perpetration of domestic abuse (police, MARAC and perpetrator programme stats) base-line TBC
- Reduce repeat perpetration of rape/sexual assault base-line TBC
- Increased detections for Class 2 crime
- Scottish attitudes to VAW show reduced levels of acceptance (SG data)
- Increase in the number of women, children and young people feeling supported by the services they have used
- Additional performance indicators are expected from Police Scotland e.g. levels of domestic abuse, detections, multiagency interventions, protection and prevention orders. These will be adopted in the partnership once confirmed.

5.8 The SOA highlights the role of prevention e.g. in challenging acceptance of hate incidents, promoting diversity and fostering good relations among different groups in the community, raising awareness of the impact of hate incidents and in promoting healthier and fairer gender relationships.

6 Attitudes to hate incidents and crimes and feelings of safety among different groups in the community

6.1 The Highland Council's 2013 Public Performance and Attitudes Survey (PPAS) was carried with the Citizen's Panel in the summer of 2013 and included a set of seven questions about community safety. Questions were aligned with the former Northern Constabulary bi-annual Community Consultation Survey (last conducted in 2011) to provide some continuity in understanding public perception across Highland.

6.2 A separate question was asked about concerns of about anyone (including yourself) being subjected to a hate incident or a hate crime (based on religion or belief, race or ethnic origin, mental health, physical disability, sexual orientation, gender identity or learning disability). While this was not a concern for most respondents (62-71% - this is not a concern), an increased minority say they have concerns about being subjected to a hate incident or hate crime. In 2012, concerns ranged between 3% and 9%; this year the range was between 8% and 18%. There are other notable differences from last year in the types of hate incident or hate crime people were concerned about. Last year's top three reasons for concern related to religion/belief, race/ethnicity and mental health. This year it is race/ethnicity, mental health and learning disability as shown in Figure 1.

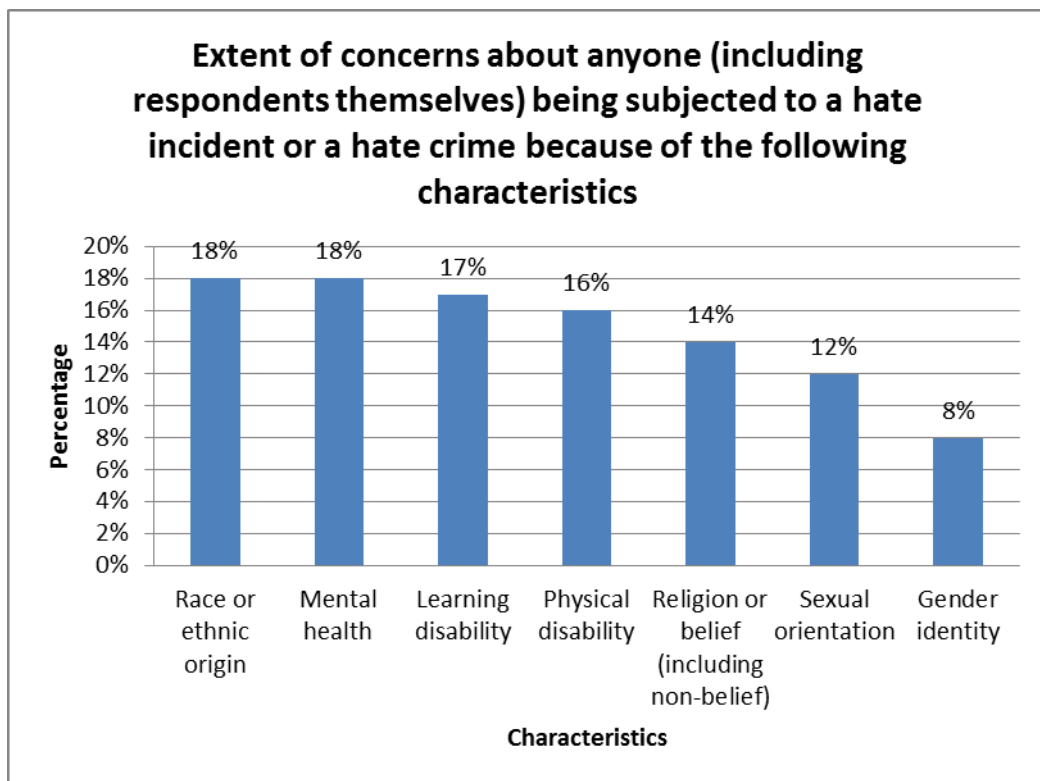


Figure 1

When asked “Were you aware that such incidents can and do impact on people in this way in Highland?” some **69% of respondents said that they were aware while 31% said that they were not aware.** There are no notable variations in responses according to the age, gender or other various categories of respondents.

6.3 In terms of feelings of safety, there is a greater level of worry about being a victim of crime in general found amongst people who are disabled. In 2013 48% of disabled people were worried (a reduction from 57% in 2012) compared with 37% of those who are not disabled (a reduction from 42% in 2012). In the same survey, in 2013 concerns about being a victim of attempted rape or other serious sexual assault were expressed by 14% of respondents.

7 Next Steps

- 7.1 The Safer Highland partnership have noted trends towards increases in the reporting of both hate incidents and incidents of domestic abuse, and we understand this reflects greater confidence in reporting and improve recording rather than necessarily increases in prevalence.
- 7.2 Much of this work benefits from a collaborative, partnership approach and partners have reaffirmed their commitment to tackle this work through the SOA and equality outcomes and the next steps will be to implement the associated actions.

Recommendation

The Committee is asked to review and discuss the progress made by the Safer Highland Partnership in relation to Hate Crime and Gender Based Violence.

Chief Superintendant Julian Innes
Highland and Island Divisional Commander
8 November 2013

ⁱ Statistical Bulletin – Domestic Abuse Recorded by the Police (2013), Scottish Government

ⁱⁱ Violence Against Women Strategic Assessment (2013)

ⁱⁱⁱ Ibid

^{iv} Walby & Allen (2004) Domestic violence, sexual assault and stalking: Findings from the British Crime Survey