

OFFICIAL: NONE



# Hate Crime and how to report it



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Lets stamp out Hate Crime together

## What is Hate Crime?

Police Scotland defines Hate Crime as “any crime which is perceived by the victim or any other person as being motivated (wholly or partly) by malice and ill-will towards a social group”.

There are currently five social groups, actual or presumed, covered in terms of Scottish legislation. You do not have to be from the social group to be the target of hate abuse.

- **Race** – Describes the physical characteristics of a person. Ethnicity describes the cultural identity of a person.
- **Religion** – A set of beliefs that is held by a group of people which includes any religious / belief group even those of no religion.
- **Sexual orientation** – A person’s identity based on emotional and/or physical and/or romantic attraction to individuals of a different sex, the same sex or more than one sex.
- **Transgender identity** – An umbrella terms for those whose gender identity or expression differs from their gender at birth and conflicts with the ‘norms’ of society.
- **Disability** - A physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on your ability to do normal daily activities. There are many hidden disabilities such as diabetes, auto-immune conditions, respiratory conditions, learning difficulties like dyslexia, and mental illness, which are covered. Conditions such as HIV, cancer and multiple sclerosis are also covered. This list is not exhaustive.

If you believe that you have been a victim or have witnessed a hate crime, tell the police by using one of the methods as described below. There is no tolerance to Hate Crime and Police will record and investigate any complaint they receive.

**Any crime can be a Hate Crime.**

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

If you experience or witness a Hate Crime, 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 reported to the police.

You can make a report by the following methods:

- 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/>)

## 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/>

**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
- It could stop the perpetrator from offending again
- All reports help build a picture of Hate Crime in your community. 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

For further information on Hate Crime visit [www.hatecrimescotland.org](http://www.hatecrimescotland.org)

## 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. If it doesn't meet the criteria of a crime, Police will record it as a hate incident.

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.



The Ayrshire Equality Partnership is a multi-agency partnership aiming to support the promotion of equality and diversity including encouragement of good relations across all protected characteristic groups in Ayrshire. The group has been working together to provide opportunities for professionals and local people to develop their knowledge and skills and to encourage greater interaction among communities. Membership includes representation from Ayrshire College, Ayrshire Valuation Joint Board, Community Justice Authority, East Ayrshire Council, East Ayrshire Health and Social Care Partnership, NHS Ayrshire & Arran, North Ayrshire Council, North Ayrshire Health and Social Care Partnership, Police Scotland, Scottish Fire and Rescue Service, South Ayrshire Council, South Ayrshire Health and Social Care Partnership and the University of the West of Scotland.