

Halt hate crime

A guide to recognising and
reporting homophobic and
transphobic hate crime

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Introduction

Hate crime is any incident committed against a person or property that is motivated by malice or ill-will towards people because of their sexual orientation, transgender identity, disability, race, or religion.

Hate crimes and incidents can include (but are not limited to):

- physical assault
- obscene calls or gestures
- intimidating or threatening behaviour
- graffiti
- vandalism
- spitting
- hate mail
- abusive name calling

Hate crime **also covers** any situation of malice or ill-will **against a group as a whole** without the need for an individual victim. For example, homophobic vandalism of a bar frequently used



by lesbian, gay, bisexual or transgender people would be classed as a hate crime, even though no individual has directly been attacked.

When an incident is identified as **hate crime**, the law treats it as an **'aggravated offence'**. This means that a judge will take the motivation behind the crime into consideration when deciding on the type or length of sentence given.

This sends a signal that **hate crime is to be taken seriously**, and also allows proper monitoring of how many hate crimes take place in Scotland.

In most cases, if the main motivation of the crime was prejudice, **sentencing will be more severe.**

‘There is **no excuse** for any form of **hate crime**; it is simply not acceptable and it **will not be tolerated.**’

Kenny Macaskill MSP,
Cabinet Secretary for Justice, 2010

A homophobic hate crime is any criminal offence which is motivated by prejudice or ill-will based on a person's sexual orientation, or perceived sexual orientation.

A transphobic hate crime is any criminal offence which is motivated by prejudice or hatred based on a person's transgender identity, or perceived transgender identity. All different kinds of gender variance are included – for example, transsexualism, cross-dressing, intersex, or any other gender identity which is not standard male or female gender identity.

The police don't decide immediately if the incident you reported is a crime. They record your report as a homophobic or transphobic **hate incident**. But, if there is evidence that a crime was committed and the motivation was prejudice, your report will then be logged as a hate crime.

You don't need to be lesbian, gay or bisexual to be the victim of a homophobic hate crime. You don't need to identify as a transgender person to be the victim of a transphobic hate crime. What matters is the motivation of the perpetrator, not your actual sexual orientation or gender identity.

Also, sometimes a hate crime might be motivated by more than one type of prejudice, in which case the police will record and investigate all the relevant hate motivations. For example, graffiti targeting someone's HIV status and also their sexual orientation could be both a disability hate crime and a homophobic hate crime. A hate crime might be both homophobic and transphobic, particularly if the attacker is ignorant of the difference between sexual orientation and gender identity.

Why should you report a hate crime?

Every time you report a hate incident, that report gives the police a clearer picture of homophobic and transphobic hate crime, both in your community and across Scotland.

Telling someone about what happened means you're standing up for your rights and challenging people who think Scottish lesbian, gay, bisexual or transgender (LGBT) people should be in the closet or afraid.

When you report the incident, the person you report it to will be able to put you in touch with support services, if you want or need them.

Every report that's made plays an important part in raising awareness and changing attitudes for the better.

It's possible your report could lead to an arrest and conviction.

- Two-thirds of Scottish LGBT people have experienced verbal abuse.
- A third of Scottish LGBT people have experienced physical abuse.
- The majority did not report these crimes to the police.

You might feel that someone heckling you in the street isn't worth reporting – that the incident is too trivial to be worth the trouble. You might feel that a few minutes of abuse isn't worth the time it takes to report an incident.

But if you report the incident, your action could make all the difference. As well as nipping something more serious in the bud, you're helping the police do their job and identify and deal with trouble makers. Police put their resources where the problems are. If they don't know you're having a problem, how are they supposed to help solve it?

Statistics are powerful. They get things changed. If you do find yourself on the receiving end of a homophobic or transphobic incident, report it: make it count.

Mythbusting facts

‘I can’t call the police and tell them someone called me names!’

If you’re walking down the street, or in some other public place such as a railway station, and someone shouts homophobic or transphobic abuse at you, so that you feel upset or threatened, this is a hate incident or a hate crime. The police will take it seriously.

‘I’m used to that kind of thing – it happens all the time, and the police don’t do anything about it’

The police can take note of what happened and where it happened. If multiple incidents are being reported from the same place, there are ways they can respond to police that area and try to prevent more abuse or escalation into violence. Don’t let the haters get away with it.

‘There’s no point telling the police – no one else saw it happen’

Your statement to the police alone is enough; the incident does not need to have been witnessed by anyone else. The new law says that any evidence given does not need to be corroborated, meaning that the police can use any evidence you give to convict a hate crime perpetrator.

‘The police are homophobic/transphobic. They won’t care’

All the police forces in Scotland take homophobic or transphobic behaviour on the part of individual police officers very seriously. No employee of the police should treat any member of the public disrespectfully or unsympathetically. If you feel that a police officer has done so in response to your complaint, or failed to take seriously a homophobic or transphobic hate crime, please report this: each police force has a complaints procedure detailed on its own page in this guide. The Scottish Government has produced a guide *Complaints About The Police*, available from their website or from the regional police websites: ISBN 978 0 7559 5403 2

‘If I report a crime, I’ll have to go to court – I don’t want to do that’

You probably won’t have to testify in court: most people who report a crime never do. But if you do have to be a witness in court, the Victim Information and Advice service and the Witness Service are there to help you.



Victim support

If you are affected by a crime, Victim Support Scotland is there to help you.

They're there for you, whether the incident happened to you or to someone you care about; whether you are a victim or a witness; whether you are injured, hurt, distressed, angry, or anxious.

www.victimsupportsco.org.uk

Victim Supportline: 0845 30 30 900

Victim Support is a charity that operates separately from the police. You can contact Victim Support for help without going to the police. They also provide a remote reporting service if you decide to report the crime.

‘**Random attacks** aren't really targeted, whereas someone **singling you out** for being different and **hating you** for it is a lot more unsettling. I don't really understand the motivation for either, but I know that my recent **assault** where it was obviously transphobic **shook me up a lot** more than any previous, random attacks I've experienced.’ –

Anon quote from Scottish Transgender Alliance survey, 2009

How do you report to the police?

If you're in real danger, phone 999.

Otherwise you can call a non-emergency police number or a third party reporting service. These vary depending on where you live – details for your area are in the back of this booklet.

Think about putting a number in your phone now, just in case.

You can also step into a police station and report an incident to the officer on duty (you can ask for a private space if you like).

And don't be fobbed off: if you think the person isn't taking it seriously enough, ask to see someone else. Just say 'I want to report a homophobic or transphobic incident' and make sure that bit gets written down.

You can also ask to speak to the LGBT Liaison Officer or the Community Safety Officer if you like – most Scottish police forces have one.

What if you don't want to talk to the police?

There are groups who can talk to the police for you – this is called remote reporting. The incident will still be reported, and the police will be able to record it and check trends – without your name even being mentioned.

Your local area should have an independent and anonymous third party reporting service who can tell you what you should do. Or do it for you, if you prefer, in complete confidence.

To find out what's available in your area, check the contact pages at the back of this booklet.

Wherever you are, you can call Crimestoppers: 0800 555 111; www.crimestoppers-uk.org

However you report an incident, it is important to mention why you think the crime was motivated by homophobia or transphobia – was homophobic or transphobic abuse shouted at you? Were you holding hands with a same-sex partner? Was it outside an LGBT venue? Had they been homophobic or transphobic to you before?

What happens next: police

The police **should** take you seriously.

Not only do the police want to help but it's part of their job to do what they can to stamp out hate crime.

Yes, there was a time when LGBT people were reluctant to call in the police. But that was then, this is now. And if you feel like you're not getting the respect you deserve, you can do something about it.

But most police are as anxious as you to get on top of homophobic and transphobic abuse and violence – it is their job, after all. They'll be grateful for your help.

If you report the incident directly to the police, they are required to respect your privacy. If you think you might be identified by the person who committed the offence you are reporting, you should let the police know.

You have a right for your gender identity to be respected, and if you have changed your legal name, that your former name is not made public knowledge at any point unless directly relevant to the case.

You have a right to have someone with you for support. You can ask for a break at any time if you find the experience upsetting.

The police will tell you how to keep informed on how the case is progressing.

If you are unhappy or upset about how the police have behaved towards you, you can report this: complaint contact details for each force are in the back of this booklet.

‘Everyone has a fundamental human right to a basic level of dignity and privacy. It is unlawful to make negative comments about anyone’s actual or perceived sexual orientation or transgender status.’

The ACPOS Diversity Booklet – A Practical Guide, published by the Association of Chief Police Officers in Scotland (ACPOS)

What happens next: criminal justice system

If the police think there is enough information to take a case to court, they will report the case to the Procurator Fiscal. Once a case has gone to the Fiscal it is no longer the responsibility of the police: all they can tell you is that they have sent it to the Fiscal and ask you to contact the Fiscal's office for further information.

The Procurator Fiscal will decide whether to prosecute the person accused of the crime. If you want to get in touch with your local Fiscal, call: 0131 226 2626 to get their details or look them up on www.copfs.gov.uk.

If the crime was committed by someone under 18, the case may have been referred to the Scottish Children's Reporter (SCRA) and may be dealt with at a Children's Hearing. Victims and witnesses do not attend a Children's Hearing, as confidential information about the child's family will be discussed. You can find out more at www.scra.gov.uk

If you are needed to give evidence in court as a witness for the prosecution, you will be sent a letter from the Procurator Fiscal. If you are unable to attend court, you must inform the Fiscal immediately.

If you have a concern about your personal privacy, you should inform the Fiscal as early as possible. Court hearings are held in public, but the Fiscal can ask the judge or sheriff who hears the case for special measures to protect your privacy.

If someone is charged with the crime and you are worried about them being released on bail, you should tell the police officer you are dealing with, the Procurator Fiscal, or your solicitor about any concerns as soon as possible.

What happens next: support for you

You should receive information from the Victim Information and Advice service, based at the Fiscal's office, who will keep you informed about what is happening about prosecuting the case.

Victim Information and Advice (VIA) can be contacted via your local Fiscal's office, or on their national number: 0844 561 3701.

If you need practical and emotional support before, during or after attending court as a witness, ask Victim Information and Advice about the Witness Service.

The Witness Service exists to help people through the judicial process. The service is provided by Victim Support Scotland.

If you want to speak to someone before you come to court you can find your local witness service at www.victimsupportsco.org.uk or call the Victim Supportline: 0845 30 30 900

If the offender was under 16, you can contact Victims of Youth Crime (VOYCE): contact@victimsupportvoyce.org.uk or phone: 01382 305 735.



British Transport Police (Scotland)

The British Transport Police provide a service to rail operators, their staff and passengers across the UK. They work with station operators to implement the Secure Stations Scheme. They also police Glasgow Subway.

Telephone: 0800 40 50 40
www.btp.police.uk

Scotland Area Headquarters
90 Cowcaddens Road
Glasgow
G4 0LU

Currently no remote reporting system has been set up by British Transport Police. However, you can use one of the remote reporting services provided by the local police force to report an incident.

If you have a complaint, make it online or in writing:
www.btp.police.uk/about_us/complaints.aspx

Central Scotland Police

Central Scotland Police area covers the local authority areas of Falkirk, Stirling and Clackmannanshire Councils.

Telephone: 01786 45 60 00
Textphone: 01786 445533
www.centralscotland.police.uk

Central Scotland Police
Randolphfield
Stirling
FK8 2HD

You can contact the Interventions Unit or ask to speak with the Diversity Officer.

Remote Reporting helpline: 01786 469483. Supported by FLAGS and Strathclyde Lesbian and Gay Switchboard.

If you have a complaint, email:
complaints@centralscotland.police.uk

Dumfries and Galloway Constabulary

Dumfries and Galloway Constabulary area covers the local authority area of Dumfries and Galloway.

Telephone: 0845 600 5701

Textphone: 01387 250 701

Email: fcc@dg.pnn.police.uk

www.dumfriesandgalloway.police.uk

Police Headquarters

Cornwall Mount

Dumfries

DG1 1PZ

Currently there is no remote reporting system set up in Dumfries and Galloway.

If you have a complaint, contact the force's Complaints and Professional Standards Unit on direct dial:

01387 242205 or email: CPSU@dg.pnn.police.uk or call the Confidential Reporting Line on: 0800 085 5553.

Fife Constabulary

Fife Constabulary area covers the local authority area of Fife.

Telephone: 0845 600 5702

Email: contact@fife.pnn.police.uk

www.fife.police.uk

Fife Constabulary Headquarters

Detroit Road

Glenrothes

KY6 2RJ

Remote reporting: You can use an online self-referral form for all hate crime from the Fife Police website, Community Safety section, Race and Hate Related Crime. You can also call the Hate Crime Helpline (24 hour): 0800 3891425

You can also contact one of the Constabulary's partner agencies such as Fife Positive Support: 01383 313320

If you have a complaint, you can download a complaints form from the Fife Constabulary website (Information Centre section, Freedom of Information, Information Classes, Who we are and what we do, Contact details, Make a complaint) and email to: professional.standards@fife.pnn.police.uk.

Grampian Police

Grampian Police area covers the local authority areas of Aberdeen, Aberdeenshire and Moray.

Telephone: 0845 600 5700

Text Message Service: 07739 934444

Email: servicecentre@grampian.pnn.police.uk

www.grampian.police.uk

Grampian Police
Force Headquarters
Queen Street
Aberdeen
AB10 1ZA

Remote reporting: You can contact Terrence Higgins Trust Scotland (THT) by email: aberdeen@tht.org.uk or phone: 0845 241 2151. You can also contact The Hub at Aberdeen University: 01224 272 000; the Grampian Racial Equality Council: 01224 576 798; Multi Ethnic Aberdeen: 01224 645268; Pillar Aberdeen: 01224 621 299; or Wellmans Health Studio: 01224 211 411.

If you have a complaint, you can fill in a complaints form online at the Grampian Police website:

www.grampian.police.uk/feedback/complaint.php

Lothian and Borders Police

Lothian and Borders Police covers the local authority areas of the City of Edinburgh, East Lothian, Scottish Borders, Midlothian and West Lothian.

Telephone: 0131 311 3131

Textphone: 0131 311 3944

Email: enquiries@lbp.pnn.police.uk

www.lbp.police.uk

Lothian and Borders Police
Force Headquarters
Fettes Avenue
Edinburgh
EH4 1RB

You can ask to speak with the LGBT Safer Communities Officer, or the local district LGBT Liaison Officer.

Remote reporting partner organisations are listed by the Take Control Remote Reporting Scheme. The LGBT Centre for Health and Wellbeing hosts a monthly police surgery at 9 Howe Street, Edinburgh. You can contact them directly on: admin@lgbthealth.org.uk or call: 0131 523 1100. You can contact LGBT Youth Scotland at: info@lgbtyouth.org.uk or call: 0131 555 3940.

www.lbp.police.uk/takecontrol

If you have a complaint, you can fill in a form online at: **www.lbp.police.uk/online_services/complaints** or email: complaints.conduct@lbp.pnn.police.uk.

Northern Constabulary

Northern Constabulary covers the Highland, Orkney, Shetland and the Western Isles local authority areas.

Telephone: 08456 033388

Textphone: 01463 723 325

Email: mail@northern.pnn.police.uk

www.northern.police.uk

Police Headquarters

Old Perth Road

Inverness

IV2 3SY

Remote reporting: Hate incidents in the Highland area that don't require an urgent response can be reported online to the Hate Free Highland website, and police will receive these reports during normal office hours. Hate incidents need not constitute a criminal offence: you can report any incident which is perceived by the victim, or any other person, as being motivated by prejudice or hate. www.hatefreehighland.org

Other partner sites for remote reporting are listed on the next page.

If you have a complaint, email:
[psc@northern.pnn.police.uk](mailto:pscu@northern.pnn.police.uk).



Remote Reporting in the Highlands and Islands

The Highlands and Islands is an area of about 10,000 square miles. Northern Constabulary makes extensive use of remote reporting. Listed here are some of the organisations that provide a remote monitoring service in the Highlands and Islands.

Caithness Citizens Advice Bureau,

7a Brabster Street, Thurso, Caithness KW14 7AP
Telephone: 01847 894243
bureau@cnesscab.cabnet.org.uk

East Sutherland Citizens Advice Bureau,

Station Road, Golspie, Sutherland KW10 6SN
Telephone: 01408 633000
advice@esvas.org.uk

Inverness Citizens Advice Bureau,

Raigmore Hospital, Inverness IV2 3UJ
Telephone: 01463 237664
enquiries@invernesscab.casonline.org.uk

Terrence Higgins Trust Inverness,

34 Waterloo Place, Inverness IV1 1NB
Telephone: 01463 711 585
info.highland@tht.org.uk

Lochaber Citizens Advice Bureau,

Dudley Road, Fort William PH33 6JB
Telephone: 01397 705311

Nairn Citizens Advice Bureau,

6 High Street, Nairn IV12 4BJ
Telephone: 01667 456677
bureau@NairnCAB.casonline.org.uk

Skye and Lochalsh Citizens Advice Bureau,

The Green, Portree, Isle of Skye IV51 9BT
Telephone: 01478 612032
info@SkyeCAB.casonline.org.uk

Strathclyde Police

Strathclyde Police covers the local authority areas of Argyll and Bute, East Ayrshire, East Dunbartonshire, East Renfrewshire, City of Glasgow, Inverclyde, North Ayrshire, North Lanarkshire, Renfrewshire, South Ayrshire, South Lanarkshire and West Dunbartonshire.

Telephone: 0141 532 2000

Textphone: 0141 207 5758

Email: contactus@strathclyde.pnn.police.uk

www.strathclyde.police.uk

Strathclyde Police Headquarters

173 Pitt Street

Glasgow

G2 4JS

You can ask to speak with the LGBT Liaison Officer of the Community Safety Department (Diversity Unit):

0141 532 2002.

Remote reporting partner organisations and an online form are listed on the Strathclyde Police website, Stay Safe section, Reporting Hate Crime:

www.strathclyde.police.uk/hatecrimeform

You can also contact LGBT Youth Scotland at:

info@lgbtyouth.org.uk or call: 0141 548 8121.

If you have a complaint, you can email:

contactus@strathclyde.police.uk, or use an online form at the Strathclyde Police website (About Us section, Units, Professional Standards Department, Complaints Process), or download and email a remote reporting form to:

ProfessionalStandardsDepartment@strathclyde.pnn.police.uk.

Tayside Police

Tayside Police covers the local authority areas of Angus, Dundee and Perth & Kinross.

Telephone: 0300 111 2222

Textphone: 01382 204 500

Email: mail@tayside.pnn.police.uk

www.tayside.police.uk

PO Box 59

West Bell Street

Dundee

DD1 9JU

Remote reporting: You can contact Tayside Police with a form downloaded from their website:

www.tayside.police.uk/contact_remotereporting.php

and email to:

hatecrime@tayside.pnn.police.uk.

Or you can contact one of their partner agencies listed

on the web page. You can also contact LGBT Youth

Scotland at: info@lgbtyouth.org.uk or text:

07781 481 788. Or you can use the online form at:

www.tayside.police.uk/contact_hatecrime.php

If you have a complaint, you can email the Professional Standards Department at:

professionalstandards@tayside.pnn.police.uk or phone them on: 01382 596654.

Equality and Human Rights Commission

The Equality and Human Rights Commission works to eliminate discrimination, reduce inequality, protect human rights and build good relations, to help create a fairer Britain. Providing advice and guidance, as well as working to implement an effective legislative framework, is key to this goal.

The Commission has a confidential helpline which can give you detailed advice on discrimination issues and human rights. If you feel you have encountered discrimination because of your sexual orientation or transgender status or want to know more about your rights under the equalities legislation, contact the Scotland Helpline:

Telephone: 0845 604 5510

Textphone: 0845 604 5520

Email: Scotlandhelpline@equalityhumanrights.com

www.equalityhumanrights.com

Equality and Human Rights Commission Helpline
Scotland

Freepost RSAB-YJEJ-EXUJ,

PO Box 26961,

Glasgow,

G2 9DU

Useful contacts

The Law Society of Scotland

26 Drumsheugh Gardens
Edinburgh EH3 7YR

Telephone: 0131 226 7411

Textphone: 0131 476 8359

www.lawscot.org.uk

Association of Chief Police Officers in Scotland (ACPOS)

General Secretary, ACPOS Secretariat
26 Holland St
Glasgow G2 4NH

Telephone: 0141 435 1230

Email: secretariat@acpos.pnn.police.uk

www.acpos.police.uk

Victim Support Scotland

15/23 Hardwell Close
Edinburgh EH8 9RX

Telephone: 0845 603 9213

Email: info@victimssupportsco.org.uk

www.victimssupportsco.org.uk

Crimestoppers

0800 555 111

www.crimestoppers-uk.org

Victims of Crime in Scotland

Victims of Crime Branch

2WR, St Andrews House

Edinburgh, EH1 3DG

www.victimsofcrimeinscotland.org.uk

Police Complaints Commissioner for Scotland

Hamilton House

Hamilton Business Park

Caird Park

Hamilton ML3 0QA

Telephone: 0808 178 5577

Email: enquiries@pcc-scotland.org

www.pcc-scotland.org

Domestic abuse

If you are the victim of domestic abuse,
contact Broken Rainbow:

0300 999 5428/08452 60 44 60

(Monday 2–8pm, Wednesday 10-1pm, Thursday 2-8pm)

Broken Rainbow

J414, Tower Bridge Business Complex

100 Clements Rd

London SE16 4DG

Email: mail@broken-rainbow.org.uk

www.broken-rainbow.org.uk

**If you are in immediate danger,
always call 999.**

This booklet was produced by the Equality and Human Rights Commission in partnership with the Equality Network and Stonewall Scotland.

Equality Network: www.equality-network.org
Stonewall Scotland: www.stonewall.org.uk/scotland
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