

## Hate Crime in Scotland 2014-15

### Introduction

This publication provides details of hate crime reported to the Procurator Fiscal in Scotland in 2014-15, and earlier years. It also provides details of charges reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. The relevant legislative provisions are provided in Annex 1.

### Main points

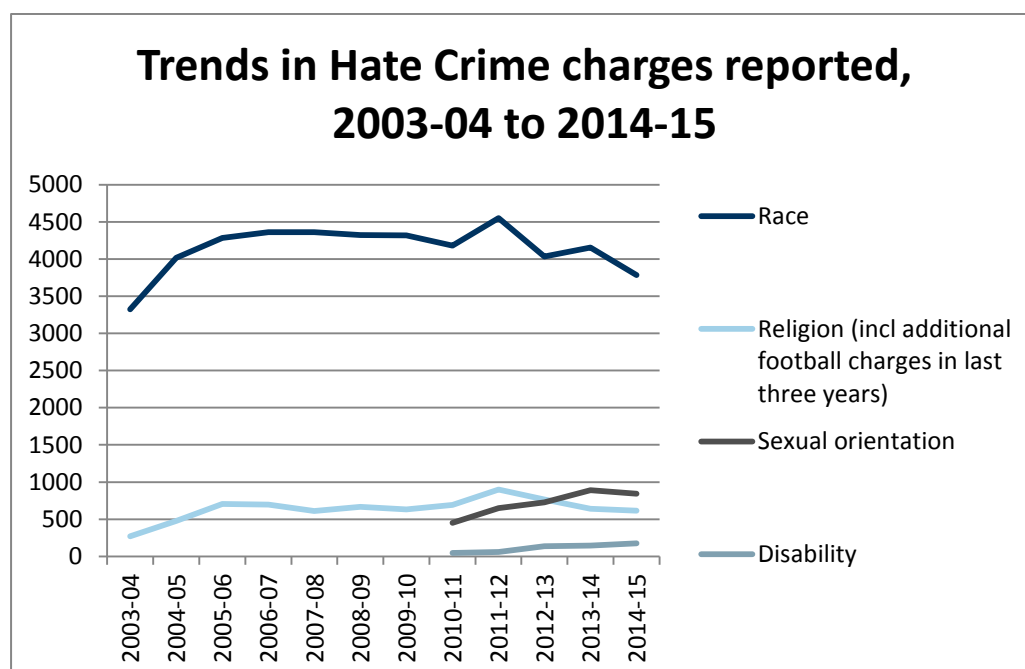
The number of charges reported in all hate crime categories, with the exception of disability, fell in 2014-15 compared to the previous year.

Racial crime remains the most commonly reported hate crime, with 3,785 charges reported in 2014-15, but this is the lowest number reported since 2003-04.

Sexual orientation aggravated crime is the second most common type of hate crime. The number of charges reported decreased by 5% in 2014-15 to 841. This is the first annual fall in charges reported since the legislation introducing this aggravation came into force in 2010.

The number of religiously aggravated charges reported, at 569, is at its lowest level since 2004-05. Including charges that are now reported under the Offensive Behaviour at football legislation, religious related charges are at their lowest level since 2007-08.

Charges reported in 2014-15 under Section 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 were, at 193, 6% lower than in 2013-14 and 28% lower than in 2012-13.



## **Background**

The information in this publication is obtained from the Crown Office and Procurator Fiscal Service (COPFS) operational database. The database manages and processes reports submitted to Procurators Fiscal by the police and other reporting agencies throughout Scotland. Since this is a live database, the figures in this publication may differ slightly from those published in earlier years due to changes made during investigation and prosecution of a case.

The legislation for the newer categories of hate crime (disability, sexual orientation and transgender identity) came into force on 24 March 2010. Therefore the information in this publication covers 2010-11 to 2014-15 only. For the more established categories of hate crime (racial and religious) the publication covers the seven year period 2008-09 to 2014-15, plus some additional information on longer term trends since 2003-04.

The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 came into force on 1 March 2012. The information in this publication thus covers 2011-12 to 2014-15, but the 2011-12 figures only relate to the single month of March 2012.

In many cases, charges under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 do not include an aggravation, because the charge itself covers the relevant behaviour. However in certain subsections of the Act, the charge does not include the behaviour against specific individuals or groups covered by the hate crime categories and in these instances the charge may be reported with an aggravation.

The figures quoted in this publication relate to the number of charges reported rather than the number of individuals charged or the number of incidents that gave rise to such charges. Where a charge has more than one hate crime aggravation, it is included in the overall figures for each type of hate crime into which it falls. If a charge under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 contains a hate crime aggravation it is also included in the overall figures for each type of hate crime into which it falls.

The tables provide information on the initial decision taken by Procurators Fiscal on how a charge will proceed. This includes the decision to take court proceedings or to use alternatives to prosecution including fiscal fines and other direct measures. Further information on what is included in each decision category, including a breakdown of the reasons for taking no action, is given in Annex 1.

### **Race crime (Tables 1a, 1b)**

In total 3,785 charges relating to race crime were reported in 2014-15, a decrease of 9% compared to 2013-14. This is the lowest annual figure since 2003-04 when 3,322 charges were reported.

The proportion of charges that specifically relate to racially aggravated harassment and behaviour has fallen over recent years, from 64% in 2008-09 to 52% in 2014-15. There has been a corresponding increase in the proportion of charges relating to other offences with a racial aggravation. In order to prove a charge of racially aggravated harassment and behaviour two sources of evidence are required whereas evidence from a single source is sufficient to prove a racial aggravation which is attached to another substantive charge libelled.

Court proceedings were commenced in respect of 85% of charges in 2014-15. In total, 92% of charges reported in 2014-15 led to court proceedings (including those not separately prosecuted<sup>1</sup>, but which may have been incorporated into other charges for the same accused which were prosecuted).

No action was taken in respect of 4% of charges.

### **Religious crime (Tables 2a, 2b)**

There were 569 charges with a religious aggravation reported in 2014-15, 4% fewer than in 2013-14. This is the lowest number of charges reported since 2004-05, shortly after the legislation introducing religious aggravations was introduced, when 479 charges were reported.

However, the figures for 2012-13, 2013-14 and 2014-15 cannot be directly compared with the figures for earlier years, because some charges that would previously have been reported with a religious aggravation may now be reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. Research by the Scottish Government suggests that there were 75 additional charges under this legislation in 2012-13 which related to religiously aggravated behaviour, 48 additional charges in 2013-14 and 48 additional charges in 2014-15. Including charges under both pieces of legislation therefore implies a total of 764 religiously aggravated charges in 2012-13, 639 in 2013-14 and 617 in 2014-15. The 2014-15 total is 3% lower than the 2013-14 total, and is the lowest since 2007-08.

In 2014-15, court proceedings were commenced in respect of 86% of charges with a religious aggravation. In total, 92% of charges reported in 2014-15 led to court proceedings (including those not separately prosecuted, but which may have been incorporated into other charges for the same accused).

No action was taken in respect of 5% of charges.

### **Disability (Tables 3a, 3b)**

In 2014-15, 177 charges were reported with an aggravation of prejudice relating to disability, 20% more than in 2013-14. There is a broad consensus however that this type of crime continues to be under reported

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<sup>1</sup> See note 7 of the Annex for the definition of charges not separately prosecuted.

compared to other forms of hate crime. Both Police Scotland and COPFS are engaged in a variety of activities aimed at increasing the level of awareness, especially amongst disability communities, that hate crime is unacceptable and should not be tolerated.

Court proceedings were commenced in respect of 82% of charges reported in 2014-15. In total 86% of charges led to court proceedings, including those not separately prosecuted, but which may have been incorporated into other charges for the same accused.

No action was taken in respect of 6% of charges reported in 2014-15. The most common reason for taking no action was the lack of sufficient admissible evidence for the substantial charge even though there was sufficient evidence for the disability aggravation associated with the charge. If there are no proceedings on the substantial charge, there can be no proceedings on an aggravation associated with the charge.

At the time this report was compiled, 12 charges (7%) were awaiting the outcome of further enquiries before a final decision on proceedings was taken.

#### **Sexual orientation (Table 4a, 4b)**

In 2014-15, 841 charges were reported with an aggravation of prejudice relating to sexual orientation, 5% fewer than in 2013-14. This is the first annual fall in charges reported since the legislation introducing this aggravation came into force in 2010.

Court proceedings were commenced in respect of 89% of charges (or 94% including those not separately prosecuted, but which may have been incorporated into other charges for the same accused).

No action was taken in respect of 3% of charges.

#### **Transgender identity (Table 5a, 5b)**

In 2014-15, 21 charges were reported with an aggravation of prejudice relating to transgender identity. This is similar to numbers in earlier years.

Court proceedings were commenced in respect of 19 of the 21 charges (including one not separately prosecuted, but which may have been incorporated into other charges for the same accused).

#### **Offensive Behaviour at Football – Section 1 (Table 6a, 6b)**

In 2014-15, 193 charges were reported under Section 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. This is a 6% decrease from 2013-14. The highest number of charges under this legislation (267) was reported in 2012-13, the first full year of implementation.

In 2014-15, court proceedings were commenced in respect of 87% of charges. In total, 90% of charges led to court proceedings (including those not separately prosecuted, but which may have been incorporated into other charges for the same accused).

No action was taken in respect of 2% of charges.

At the time this report was compiled, 13 charges (7%) were awaiting the outcome of further enquiries before a final decision on proceedings was taken.

### **Threatening Communications – Section 6 (Table 7a, 7b)**

In 2014-15, 5 charges were reported under Section 6 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. This compares with 11 charges in 2013-14 and 19 in 2012-13, the first full year of implementation.

In 2014-15, court proceedings were commenced in respect of 4 of the 5 charges. No action was taken in respect of the remaining charge.

<b>Table 1a: Race crime Charges reported, 2008-09 to 2014-15 (numbers)</b>							
Year	08-09	09-10	10-11	11-12	12-13	13-14	14-15
<b>Total number of charges of race crimes</b>	<b>4322</b>	<b>4317</b>	<b>4179</b>	<b>4550</b>	<b>4034</b>	<b>4157</b>	<b>3785</b>
Of which							
Charges related to racially aggravated harassment and behaviour	2773	2654	2574	2795	2376	2301	1963
Charges related to another offence with a racial aggravation	1549	1663	1605	1755	1658	1856	1822
<b>Decision on how charge will proceed</b>							
Court proceedings	3456	3530	3500	3721	3345	3628	3229
Not separately prosecuted	385	337	366	362	355	272	239
Direct measures	56	68	45	62	45	42	34
Referred to Children's Reporter	212	137	48	92	76	58	63
No action	213	245	220	313	211	151	144
Awaiting decision	-	-	-	-	2	6	76

<b>Table 1b: Race crime Charges reported, 2008-09 to 2014-15 (percentages)</b>							
<b>Year</b>	<b>08-09</b>	<b>09-10</b>	<b>10-11</b>	<b>11-12</b>	<b>12-13</b>	<b>13-14</b>	<b>14-15</b>
<b>Total number of charges of race crimes</b>	<b>4322</b>	<b>4317</b>	<b>4179</b>	<b>4550</b>	<b>4034</b>	<b>4157</b>	<b>3785</b>
<b>Of which</b>							
Charges related to racially aggravated harassment and behaviour	64%	61%	62%	61%	59%	55%	52%
Charges related to another offence with a racial aggravation	36%	39%	38%	39%	41%	45%	48%
<b>Decision on how charge will proceed</b>							
Court proceedings	80%	82%	84%	82%	83%	87%	85%
Not separately prosecuted	9%	8%	9%	8%	9%	7%	6%
Direct measures	1%	2%	1%	1%	1%	1%	1%
Referred to Children's Reporter	5%	3%	1%	2%	2%	1%	2%
No action	5%	6%	5%	7%	5%	4%	4%
Awaiting decision	0%	0%	0%	0%	0%	0%	2%

<b>Table 2a: Religiously aggravated crime Charges reported, 2008-09 to 2014-15 (numbers)</b>							
Year	08-09	09-10	10-11	11-12	12-13	13-14	14-15
<b>Total number of charges of an offence aggravated by religious prejudice</b>	<b>668</b>	<b>633</b>	<b>694</b>	<b>897</b>	<b>689</b>	<b>591</b>	<b>569</b>
Decision on how charge will proceed							
Court proceedings	578	551	594	782	564	525	490
Not separately prosecuted	46	47	60	65	81	38	31
Direct measures	17	5	14	11	7	4	6
Referred to Children's Reporter	3	12	3	5	13	1	5
No action	24	18	23	34	24	19	28
Awaiting decision	-					4	9

<b>Table 2b: Religiously aggravated crime Charges reported, 2008-09 to 2014-15 (percentages)</b>							
Year	08-09	09-10	10-11	11-12	12-13	13-14	14-15
<b>Total number of charges of an offence aggravated by religious prejudice</b>	<b>668</b>	<b>633</b>	<b>694</b>	<b>897</b>	<b>689</b>	<b>591</b>	<b>569</b>
Decision on how charge will proceed							
Court proceedings	87%	87%	86%	87%	82%	89%	86%
Not separately prosecuted	7%	7%	9%	7%	12%	6%	5%
Direct measures	3%	1%	2%	1%	1%	1%	1%
Referred to Children's Reporter	0%	2%	0%	1%	2%	0%	1%
No action	4%	3%	3%	4%	3%	3%	5%
Awaiting decision	0%	0%	0%	0%	0%	1%	2%



<b>Table 3a: Disability aggravated crime Charges reported, 2010-11 to 2014-15 (numbers)</b>					
Year	10-11	11-12	12-13	13-14	14-15
<b>Total number of charges of an offence aggravated by prejudice related to disability</b>	<b>48</b>	<b>60</b>	<b>137</b>	<b>147</b>	<b>177</b>
Decision on how charge will proceed					
Court proceedings	35	36	94	127	146
Not separately prosecuted	2	7	10	5	6
Direct measures	3	3	2	2	1
Referred to Children's Reporter	-	2	6	-	1
No action	8	11	25	13	11
Awaiting decision	-	1	-	-	12

<b>Table 3b: Disability aggravated crime Charges reported, 2010-11 to 2014-15 (percentages)</b>					
Year	10-11	11-12	12-13	13-14	14-15
<b>Total number of charges of an offence aggravated by prejudice related to disability</b>	<b>48</b>	<b>60</b>	<b>137</b>	<b>147</b>	<b>177</b>
Decision on how charge will proceed					
Court proceedings	73%	60%	69%	86%	82%
Not separately prosecuted	4%	12%	7%	3%	3%
Direct measures	6%	5%	1%	1%	1%
Referred to Children's Reporter	0%	3%	4%	0%	1%
No action	17%	18%	18%	9%	6%
Awaiting decision	0%	2%	0%	0%	7%

<b>Table 4a: Sexual orientation aggravated crime Charges reported, 2010-11 to 2014-15 (numbers)</b>					
Year	10-11	11-12	12-13	13-14	14-15
<b>Total number of charges of an offence aggravated by prejudice related to sexual orientation</b>	<b>452</b>	<b>650</b>	<b>729</b>	<b>889</b>	<b>841</b>
Decision on how charge will proceed					
Court proceedings	357	536	564	781	748
Not separately prosecuted	37	44	63	66	42
Direct measures	15	21	36	9	6
Referred to Children's Reporter	7	11	18	10	11
No action	36	38	48	23	28
Awaiting decision	-	-	-	-	6

<b>Table 4b: Sexual orientation aggravated crime Charges reported, 2010-11 to 2014-15 (percentages)</b>					
Year	10-11	11-12	12-13	13-14	14-15
<b>Total number of charges of an offence aggravated by prejudice related to sexual orientation</b>	<b>452</b>	<b>650</b>	<b>729</b>	<b>889</b>	<b>841</b>
Decision on how charge will proceed					
Court proceedings	79%	82%	77%	88%	89%
Not separately prosecuted	8%	7%	9%	7%	5%
Direct measures	3%	3%	5%	1%	1%
Referred to Children's Reporter	2%	2%	2%	1%	1%
No action	8%	6%	7%	3%	3%
Awaiting decision	0%	0%	0%	0%	1%

<b>Table 5a: Transgender identity aggravated crime Charges reported, 2010-11 to 2014-15 (numbers)</b>					
Year	10-11	11-12	12-13	13-14	14-15
<b>Total number of charges of an offence aggravated by prejudice related to transgender identity</b>	<b>14</b>	<b>16</b>	<b>14</b>	<b>25</b>	<b>21</b>
Decision on how charge will proceed					
Court proceedings	14	12	11	22	18
Not separately prosecuted		1	1		1
Direct measures	-	-	-	-	-
Referred to Children's Reporter	-	2	1	1	-
No action	-	1	1	2	1
Awaiting decision	-	-	-	-	1

<b>Table 5b: Transgender identity aggravated crime Charges reported, 2010-11 to 2014-15 (percentages)</b>					
Year	10-11	11-12	12-13	13-14	14-15
<b>Total number of charges of an offence aggravated by prejudice related to transgender identity</b>	<b>14</b>	<b>16</b>	<b>14</b>	<b>25</b>	<b>21</b>
Decision on how charge will proceed					
Court proceedings	100%	75%	79%	88%	86%
Not separately prosecuted	0%	6%	7%	0%	5%
Direct measures	0%	0%	0%	0%	0%
Referred to Children's Reporter	0%	13%	7%	4%	0%
No action	0%	6%	7%	8%	5%
Awaiting decision	0%	0%	0%	0%	5%

<b>Table 6a: Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 - Section 1 (Football)</b>				
<b>Charges reported, 2011-12 to 2014-15 (numbers)</b>				
Year	11-12 <sup>2</sup>	12-13	13-14	14-15
<b>Total number of charges under Section 1 (Football)</b>	<b>65</b>	<b>267</b>	<b>206</b>	<b>193</b>
Decision on how charge will proceed				
Court proceedings	57	221	165	168
Not separately prosecuted	7	7	5	6
Direct measures	1	11	7	-
Referred to Children's Reporter	-	5	13	2
No action	-	23	14	4
Awaiting decision	-	-	2	13

<b>Table 6b: Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 - Section 1 (Football)</b>				
<b>Charges reported, 2011-12 to 2014-15 (percentages)</b>				
Year	11-12 <sup>2</sup>	12-13	13-14	14-15
<b>Total number of charges under Section 1 (Football)</b>	<b>65</b>	<b>267</b>	<b>206</b>	<b>193</b>
Decision on how charge will proceed				
Court proceedings	88%	83%	80%	87%
Not separately prosecuted	11%	3%	2%	3%
Direct measures	2%	4%	3%	0%
Referred to Children's Reporter	0%	2%	6%	1%
No action	0%	9%	7%	2%
Awaiting decision	0%	0%	1%	7%

<sup>2</sup> This legislation came into force on 1 March 2012, so 2011-12 figures relate to March 2012 only.

<b>Table 7a: Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 - Section 6 (Threatening communications)</b>				
<b>Charges reported, 2011-12 to 2014-15 (numbers)</b>				
Year	11-12 <sup>3</sup>	12-13	13-14	14-15
<b>Total number of charges under Section 6 (Threatening communications)</b>	<b>5</b>	<b>19</b>	<b>11</b>	<b>5</b>
Decision on how charge will proceed				
Court proceedings	5	10	6	4
Not separately prosecuted	-	5	2	-
Direct measures	-	1	1	-
Referred to Children's Reporter	-	2	-	-
No action	-	1	2	1
Awaiting decision	-	-	-	-

<b>Table 7b: Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 - Section 6 (Threatening communications)</b>				
<b>Charges reported, 2011-12 to 2014-15 (percentages)</b>				
Year	11-12 <sup>3</sup>	12-13	13-14	14-15
<b>Total number of charges under Section 6 (Threatening communications)</b>	<b>5</b>	<b>19</b>	<b>11</b>	<b>5</b>
Decision on how charge will proceed				
Court proceedings	100%	53%	55%	80%
Not separately prosecuted	0%	26%	18%	0%
Direct measures	0%	5%	9%	0%
Referred to Children's Reporter	0%	11%	0%	0%
No action	0%	5%	18%	20%
Awaiting decision	0%	0%	0%	0%

<sup>3</sup> This legislation came into force on 1 March 2012, so 2011-12 figures relate to March 2012 only.

## Annex 1

### Legislation

1. Race crime is defined as any charge of racially aggravated harassment and behaviour in terms of Section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 or Section 18, 19 or 23(1)a of the Public Order Act 1980 or any racial aggravation in terms of Section 96 of the Crime and Disorder Act 1998. In order to prove a charge of racially aggravated harassment and behaviour two sources of evidence are required whereas evidence from a single source is sufficient to prove a racial aggravation which is attached to another substantive charge libelled
2. Religiously aggravated offences are defined as charges that include an aggravation of religiously motivated behaviour in terms of Section 74 of the Criminal Justice (Scotland) Act 2003.
3. Disability aggravated offences are defined as charges that include an aggravation of prejudice relating to disability in terms of Section 1 of the Offences (Aggravated by Prejudice) (Scotland) Act 2009.
4. Sexual orientation aggravated offences are defined as charges that include an aggravation of prejudice relating to sexual orientation in terms of Section 2 of the Offences (Aggravated by Prejudice) (Scotland) Act 2009.
5. Transgender identity aggravated offences are defined as charges that include an aggravation of prejudice relating to transgender identity in terms of Section 2 of the Offences (Aggravated by Prejudice) (Scotland) Act 2009.
6. The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 came into force on 1 March 2012. Charges under Section 1 cover offensive behaviour at football, and those under Section 6 cover threatening communications.

### Definitions

7. Not separately prosecuted include charges which were not separately prosecuted, but where other charges for the accused within the same case were prosecuted. In some cases the charges which were prosecuted may have included details from the charges which were not prosecuted.
8. Direct measures include fiscal fines, warning letters and referral to diversion from prosecution schemes.
9. No action includes charges where a decision has been taken not to proceed. This will include charges where there is insufficient

evidence to proceed or where further action would be disproportionate. Tables 8 and 9 below give a breakdown of the reasons for no action in 2014-15.

10. Cases awaiting decision include those where no decision has been taken yet, and also those which have been reviewed and have been marked for “further enquiries” i.e. where more information is required before a final decision can be taken on whether to proceed.

<b>Table 8: Breakdown of reason for no action, 2014-15</b>					
	<b>Category</b>				
	Racial	Religious	Disability	Sexual orientation	Trans-gender
<b>Total number of charges – no action</b>	<b>144</b>	<b>28</b>	<b>11</b>	<b>28</b>	<b>1</b>
Not a crime	10	1	1	3	-
Insufficient admissible evidence	102	25	5	18	1
Further action disproportionate	5	0	1	2	-
Mitigating circumstances	7	1	-	1	-
Other	20	1	4	4	-

<b>Table 9: Breakdown of reason for no action, 2014-15</b>		
	<b>Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012</b>	
	Section 1 (Football)	Section 6 (Threatening communications)
<b>Total number of charges – no action</b>	<b>4</b>	<b>1</b>
Not a crime	-	-
Insufficient admissible evidence	1	-
Further action disproportionate	1	-
Mitigating circumstances	-	1
Other	2	-

## Convictions

11. The figures in this publication relate to initial decisions taken by the Procurator Fiscal. Many of the charges reported in the most recent year, 2014-15, will not yet have reached a conclusion, so information on the final number convicted is not yet available.
12. Figures on convictions for years up to 2013-14 are published by the Scottish Government  
<http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/PubCriminalProceedings>  
Conviction information on the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 is available in Annex E of the latest Criminal Proceedings publication. Conviction information on aggravations is available, as an additional dataset, based on charges convicted. The figures for race crime cover convictions with racial aggravations only and do not include racial charges. (See note 1 above for the definition of race crime). Information on convictions for 2014-15 will be published later in 2015.

## Related research - religious aggravations and offensive behaviour at football

13. The Scottish Government has published research which provides details of the circumstances of charges with religious aggravations reported in 2014-15. This includes information on the religion targeted, the location where the offence was committed, and the age and gender of the accused. Similar research has also been published relating to charges reported in 2010-11, 2011-12 and 2012-13 and 2013-14.
14. The Scottish Government has also published research which provides details of the circumstances of charges under Section 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. This includes information on the location where the offence was committed including the football stadium if appropriate, the nature of the offensive behaviour, the age and gender of the accused and their team affiliation. Similar research has also been published relating to charges reported in 2012-13 and 2013-14.
15. The Scottish Government has also published the statutory evaluations of sections 1 and 6 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, which examine the implementation and impact of the legislation.

## Data sources and data quality

16. The information in this publication is taken from the COPFS operational database used to manage the processing of reports submitted to Procurators Fiscal by the police and other reporting



agencies throughout Scotland. Since this is a live database, the figures given here may not exactly match those previously published. For instance, if the Procurator Fiscal amends a charge, the database only holds details of the amended charge.

17. Spot checks of charges with a disability aggravation revealed that in some cases the aggravations had not been recorded correctly. Errors identified have been corrected where possible.

18. The total number of charges relating to Section 6 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, and to the hate crime category of transgender identity is small. The percentages derived from these figures should therefore be treated with caution, because they are based on small numbers.

19. Percentages may not add up to 100% due to rounding.

## **AN OFFICIAL STATISTICS PUBLICATION FOR SCOTLAND**

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