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Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes and stops & searches

Quarterly update to September 2009

Great Britain

04/10

25th February 2010

Related Publications

1. The first publication in the current series of bulletins covering 11 September 2001 to 31 March 2009 under current terrorist legislation is available online at the following address:

- o <http://www.homeoffice.gov.uk/rds/pdfs09/hosb1809.pdf> .

An earlier bulletin covering the period up to 31 March 2008 but restricted to terrorism arrests and their outcomes is available online at the following address:

- o <http://www.homeoffice.gov.uk/rds/pdfs09/hosb0409.pdf>.

2. Statistics covering persons held under the previous terrorist legislation, the Prevention of Terrorism Act 1984 & 1989, were routinely published by the Home Office until 2001. The final bulletin (Home Office Statistical Bulletin, 16/01) covered the period up to February 2001 and preceded the introduction of the Terrorism Act 2000, it can be found here:

- o <http://www.homeoffice.gov.uk/rds/pdfs/hosb1601.pdf>.

3. Information on stops and searches under the Terrorism Act 2000 in England and Wales are published annually in the Home Office Statistical Bulletin 'Police Powers and Procedures, England and Wales' and the Ministry of Justice report 'Statistics on Race and the Criminal Justice System, England and Wales'. Final validated information on all stops and searches will be published in these reports which will also include breakdowns by police force area.

- o <http://www.homeoffice.gov.uk/rds/pdfs09/hosb0709.pdf>

- o <http://www.justice.gov.uk/publications/docs/stats-race-criminal-justice-system-07-08-revised.pdf>

Requests for further information

4. Enquires about the figures in this report should be made by writing to:

Office of Security and Counter-Terrorism,
Home Office,
2 Marsham Street,
London,
SW1P 4DF.

Press enquiries should be made to:

Press Office,
Home Office,
2 Marsham Street,
London,
SW1P 4DF.

This Statistical Bulletin has been produced by statisticians working in the Home Office Statistics Unit. Although this output is not currently given National Statistics accreditation, the protocols for such statistics have been mirrored as closely as possible.

The governance arrangements in the Home Office for statistics were strengthened on 1 April 2008 to place the statistical teams under the direct management of a Chief Statistician who reports to the National Statistician with respect to all professional statistical matters.

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Introduction

1. The Home Office published for the first time in November 2009 a Statistical Bulletin covering police powers under current terrorism legislation including arrests, outcomes and stops & searches (Home Office Statistical Bulletin 18/09). This report provides a quarterly update of this data for the period up to 30 September 2009. The current report also includes provisional data on the use of s43 & 44 powers in the second quarter 2009/10.
2. This report brings together a wide range of statistical material from police and other agencies in Great Britain (i.e. England & Wales and Scotland). Although similar statistical data is collected in Northern Ireland this is published separately (the latest report 'Northern Ireland Statistics on the Operation of the Terrorism Act 2000: Annual Statistics 2008' was published in October 2009). It can be found at the following address:
 - o http://www.nio.gov.uk/2009_northern_ireland_statistics_on_the_operation_of_the_terrorism_act_2000_annual_statistics_2008.pdf
3. Searches made using powers under the Terrorism Act 2000 are carried out to prevent acts of terrorism and do not assume that a criminal offence has been committed. Only a small proportion of those stopped and searched will be arrested.
4. The final validated statistics on stops and searches are designated 'National Statistics' implying they are to be granted accreditation by the UK Statistics Authority. These will be published by both the Home Office and the Ministry of Justice. There is no indication of lower standards for the data on terrorism arrests and outcomes with National Statistics protocols followed closely to ensure best practice. However since the terrorism arrest data series is only under-development no such accreditation has currently been sought.

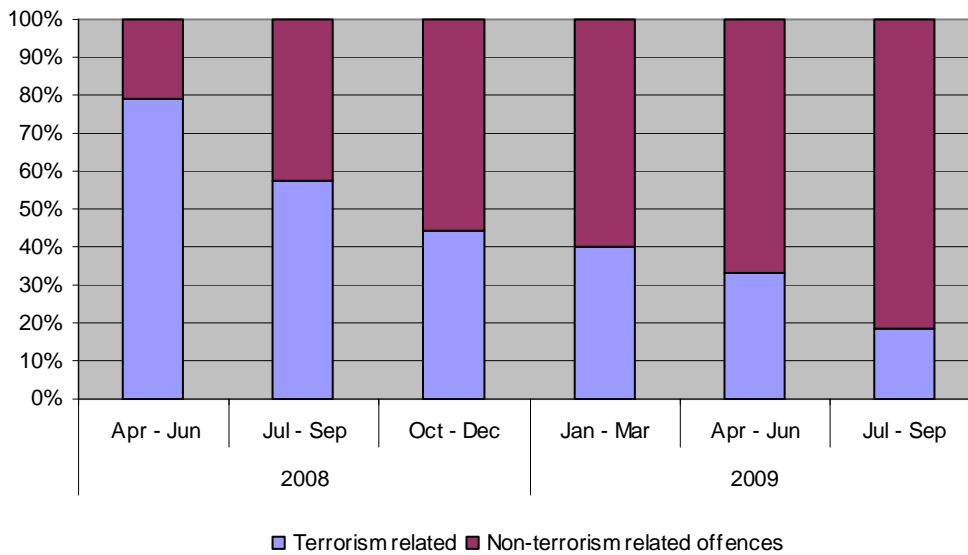
Chapter 1

Statistics on terrorism arrests and outcomes

MAIN POINTS

- There were 201 terrorism arrests in the year ending 30 September 2009 compared with 178 in the previous year. Sixty-nine persons were arrested in the first quarter of 2009/10 and 29 in the second quarter. In total there have been 1,759 terrorism arrests since 11 September 2001.
- Thirty-three per cent of terrorism arrests in the year ending 30 September 2009 resulted in a charge, compared with 29% of those aged 18 and over arrested for indictable offences and prosecuted in 2007/8. This was similar to the annual rate for the year ending 30 September 2008 (36%).
- Thirty-six per cent of charges resulting from terrorism arrests made in the year ending 30 September 2009 were terrorism related as compared with 67% in the previous year. Eleven persons were charged in the second quarter of 2009/10 of which 2 were terrorism related.
- No suspects arrested in the year ending 30 September 2009 were held in pre-charge detention for more than 14 days, with 70% of those held dealt with within 48 hours.

Figure 1 Offence classification at charge as a proportion of total charges



- Eleven persons have currently been convicted for terrorism related offences of the 24 persons charged in the year ending 30 September 2009 and 18 of the 42 persons charged in the previous year. A total of 230 persons have been convicted of terrorism related offences since 11 September 2001 with a further 24 persons awaiting prosecution.
- For 29 suspects trials for terrorism related offences were completed during the year ending 30 September 2009, 86% of defendants were convicted.
- For the 25 offenders convicted during the twelve months ending 30 September 2009 15 persons (60%) received determinate prison sentences and 9 persons received indeterminate sentences. Just under half pleaded guilty.

- At 30 September 2009, 132 persons were in prison for terrorist/extremist or related offences or charges in Great Britain, of which 19 were classified as domestic extremists/separatists.

Table 1.1 Terrorism arrests under s41 of the Terrorism Act 2000 or under other legislation

	Year of arrest						Total		
	2008			2009			Year ending		
	Apr- Jun	Jul- Sep	Oct- Dec	Jan- Mar	Apr- Jun	Jul - Sep	30 Sep 2008	30 Sep 2009	Percentage change (%)
s41 Terrorism Act 2000	34	24	27	38	29	11	111	105	- 5
% of all arrests	71	60	54	72	42	38	62	52	..
Other legislation ⁽¹⁾	14	16	23	15	40	18	67	96	43
% of all arrests	29	40	46	28	58	62	38	48	...
Total	48	40	50	53	69	29	178	201	13

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

(1) Mainly s1 Police and Criminal Evidence Act 1984.

Table 1.2 Outcome of terrorism arrests ⁽¹⁾

	Year of arrest						Total		
	2008			2009			Year ending		
	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	30 Sep 2008	30 Sep 2009	Percentage change (%)
Arrests	48	40	50	53	69	29	178	201	13
Charged:	19	14	25	15	15	11	64	66	3
Terrorism legislation ⁽²⁾	11	4	8	5	2	2	30	17	- 43
Other terrorism related criminal offences ⁽³⁾	4	4	3	1	3	0	12	7	- 42
Other non-terrorism related criminal offences ⁽⁴⁾	4	6	14	9	10	9	22	42	91
Released without charge	28	19	23	32	30	11	97	96	- 1
Alternative action ⁽⁵⁾	1	7	2	6	24	7	17	39	129

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

- (1) Excludes 119 port stops carried out in Scotland over this period.
- (2) Includes Terrorism Act 2000, Anti-Terrorism Crime and Security Act 2001, Prevention of Terrorism Act 2005, and Terrorism Act 2006.
- (3) Based upon assessment by the ACTCC.
- (4) Based upon assessment by the ACTCC.
- (5) Includes cautions for non-terrorism offences, transfers to immigration authorities, transfers to the PSNI, summonses and those dealt with under mental health legislation.

Table 1.3 Time in days from arrest under s41 of the Terrorism Act 2000^(1, 2) to charge, release without charge or other action taken⁽³⁾

Detention period	Year of Arrest								Total							
	2009				30 Sep 2008				30 Sep 2009							
	Apr – Jun		Jul – Sep		Charged		Released		Charged		Released		Charged		Released	
	Charged	Released	Other	Total	Charged	Released	Other	Total	Charged	Released	Other	Total	Charged	Released	Other	Total
Under 1 day	1	4	2	7	2	4	0	6	8	47	8	63	6	34	3	43
1 – 2 days	0	2	2	4	1	2	0	3	2	6	1	9	2	5	2	9
2 – 3 days	0	0	0	0	0	0	0	0	0	1	0	1	0	1	0	1
3 – 4 days	0	0	0	0	0	1	0	1	1	0	1	2	0	3	0	3
4 – 5 days	1	1	0	2	0	0	0	0	2	3	0	5	2	2	0	4
5 – 6 days	0	1	0	1	0	0	0	0	3	2	0	5	1	5	0	6
6 – 7 days	0	2	0	2	1	0	0	1	4	6	0	10	4	7	2	13
7 – 8 days	0	0	0	0	0	0	0	0	0	0	0	0	3	1	0	4
8 – 9 days	0	0	0	0	0	0	0	0	0	0	0	0	1	2	0	3
9 – 10 days	1	0	0	1	0	0	0	0	3	0	0	3	1	0	1	2
10 – 11 days	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
11 – 12 days	0	0	3	3	0	0	0	0	0	2	0	2	1	1	3	5
12 – 13 days	0	1	7	8	0	0	0	0	6	0	0	6	1	1	7	9
13 – 14 days	0	1	0	1	0	0	0	0	5	0	0	5	1	1	0	2
14 – 15 days	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15 – 16 days	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
16 – 17 days	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17 – 18 days	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
18 – 19 days	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
19 – 20 days	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20 – 21 days	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21 – 22 days	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
22 – 23 days	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
23 – 24 days	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
24 – 25 days	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
25 – 26 days	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
26 – 27 days	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
27 – 28 days	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	3	12	14	29	4	7	0	11	34	67	10	111	23	64	18	105

Source: ACPO Counter-Terrorism Coordination Centre (ACTCC)

- (1) Excludes those arrested under other legislation (i.e. not under s41 Terrorism Act 2000). Although an investigation is considered terrorist related the 28-day maximum pre-charged detention period does not apply in such cases.
- (2) Includes Schedule 7 offences
- (3) Includes alternative action as listed in Table 1.2

Table 1.4 Outcome for those charged ⁽¹⁾ and prosecuted ⁽²⁾ under all legislation but where considered terrorism related ⁽³⁾

	Year of arrest						Total		
	2008			2009			Year ending		Since 11 September 2001
	Apr- Jun	Jul- Sep	Oct- Dec	Jan- Mar	Apr- Jun	Jul - Sep	30 Sep 2008	30 Sep 2009	
Charged	15	8	11	6	5	2	42	24	383
Prosecuted	9	4	8	2	2	0	28	12	310
Convicted	4	4	8	2	1	0	18	11	230
Terrorism legislation	3	3	6	1	0	0	10	7	121
Non-terrorism legislation	1	1	2	1	1	0	8	4	109
Found not guilty	4	0	0	0	0	0	10	0	74
Other	1	0	0	0	1	0	0	1	6
Not proceeded against	1	0	1	1	0	0	3	2	49
Awaiting prosecution	5	4	2	3	3	2	11	10	24

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

- (1) Charge here relates to the substantive charge at indictment recorded by the Crown Prosecution Service.
(2) Prosecution leads here to a single principal conviction, e.g. the most serious offence.
(3) Based upon assessment by the ACTCC.

Table 1.5 Defendant trials ⁽¹⁾ dealt with by the Crown Prosecution Service for offences under all legislation but where considered terrorism related

	Year trial completed						Total	
	2008			2009			Year ending	
	Apr- Jun	Jul- Sep	Oct- Dec	Jan- Mar	Apr- Jun	Jul- Sep	30 Sep 2008	30 Sep 2009
Trials	19	8	8	7	6	8	67	29
Acquittals	4	2	2	0	1	1	14	4
Convictions	15	6	6	7	5	7	53	25
% of those tried convicted	79	75	75	100	83	88	79	86

Source: Crown Prosecution Service Counter-Terrorism Division (CPS CTD)

(1) Trials relating to principal conviction.

Table 1.6 Sentencing for trials where offender convicted ⁽¹⁾ under all legislation but where considered terrorism related

	Year trial completed						Total	
	2008			2009			Year ending	
	Apr - Jun	Jul - Sep	Oct- Dec	Jan- Mar	Apr- Jun	Jul- Sep	30 Sep 2008	30 Sep 2009
Determinate sentences:								
Under 1 year	0	0	1	0	0	0	0	1
1 year and under 4 years	5	2	0	5	3	0	16	8
4 years and under 10 years	6	2	1	0	2	1	20	4
10 years and under 20 years	4	2	2	0	0	0	14	2
20 years and under 30 years	0	0	0	0	0	0	0	0
30 years and over	0	0	0	0	0	0	0	0
Indeterminate sentence:								
Life	0	0	2	1	0	4	2	7
IPP	0	0	0	0	0	2	1	2
Non-custodial	0	0	0	1	0	0	0	1
Plea:								
Guilty	5	1	1	7	2	2	27	12
Not guilty	10	5	5	0	3	5	26	13
Total	15	6	6	7	5	7	53	25

Source: Crown Prosecution Service Counter-Terrorism Division (CPS CTD)

(1) Refers to those cases dealt with by the Crown Prosecution Service Counter-Terrorism Division only.

Table 1.7 Overall terrorist/extremist prisoners

	31 March 2008	31 March 2009	30 September 2009
Grand total ⁽¹⁾	142	143	132
Terrorism legislation or terrorism related	117	113	110
Domestic Extremist/Separatist ⁽²⁾	17	22	19
Historic cases ⁽³⁾	8	8	3

Source: National Offender Management Service and Scottish Prison Service

(1) Includes 1 prisoner in Scottish prisons at 30 September 2009.

(2) See Notes.

(3) See Notes.

NOTES - Terrorism arrests

1. The ACPO Counter Terrorism Coordination Centre (ACTCC) maintains a database covering all terrorism arrests in Great Britain (i.e. excluding Northern Ireland) and their subsequent outcomes. This information relates to data collected from 11 September 2001, although the total number of arrests between February 2001 and 11 September 2001 is known, no further breakdown is possible. The ACTCC reviews all cases on its database to identify those that are currently identified as being terrorist related. This decision is based upon the information available centrally on these cases.
2. Comparison with the data held by the Crown Prosecution Service enables quality assurance of the court/sentencing data held on the terrorism arrests database. In addition information held by the Crown Prosecution Service covers the outcome of all trials including sentences.
3. The National Offender Management Service maintains a list of known terrorists/extremists held in prisons in England and Wales (on remand or as convicted prisoners). This list also includes those who entered prison before 11 September 2001, and are therefore excluded from the police database. Information for Scotland has been provided separately by the Scottish Prison Service.
4. Detailed notes on the definitions and methodology used in the bulletin were included in the Home Office Statistical Bulletin 18/09:
<http://www.homeoffice.gov.uk/rds/pdfs09/hosb1809.pdf>.

Chapter 2 Statistics on stops and searches under the Terrorism Act 2000

MAIN POINTS

This data should be considered as provisional and fully verified data will be published by the Home Office in the annual statistical report 'Police Powers and Procedures.'

- A total of 200,444 stops and searches were made in Great Britain under s44 of the Terrorism Act 2000 in the year ending 30 September 2009, a 12% fall on the previous year. Since the quarter ending 31 December 2008 the numbers of searches have declined by 60%, consistently falling from 73,034 to 61,954 in the final quarter of 2008/9, to 36,060 in the first quarter of 2009/10 and 29,396 in the second quarter.
- The Metropolitan Police Service and the British Transport Police accounted for 97% of all s44 stops and searches in Great Britain during the latest quarter. The proportion of those stopped and searched under these powers who classified themselves as Asian or Asian British has remained roughly at 15% in each quarter over the last twelve months and those Black or Black British at 10%.
- A total of 1,896 persons were stopped and searched by the Metropolitan Police Service in the year ending 30 September 2009 under s43 of the Terrorism Act 2000. The use of these powers rose from 284 in the second quarter of 2008/9 to 718 in the third quarter of 2008/9 before falling to 364 in the second quarter of 2009/10. Some 20% of persons stopped and searched classified themselves as Asian or Asian British and 13% Black or Black British.
- For the year ending 30 September 2009 there were 965 arrests resulted from s44 stops and searches in Great Britain, an arrest rate of 0.5%. A further 4 arrests were made by the Metropolitan Police under s43 Terrorism Act 2000.

Figure 2 Stops and searches made under s44 (1) and (2) of the Terrorism Act 2000, Great Britain

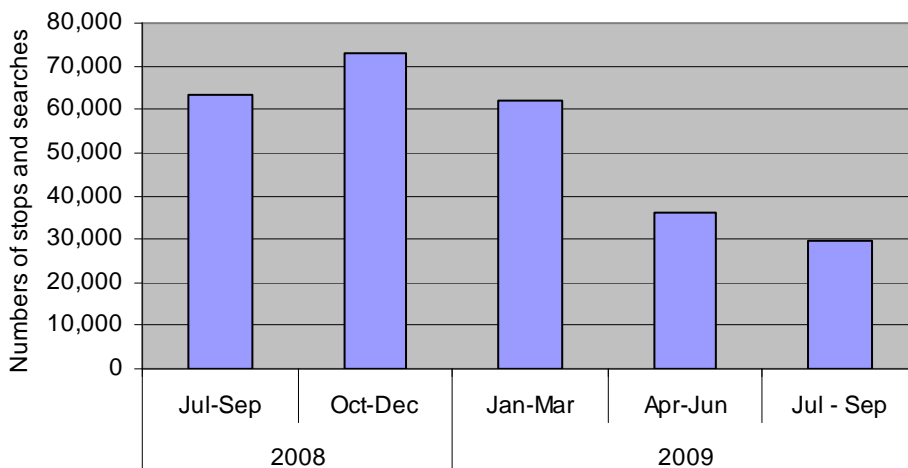


Table 2.1 Stops and Searches made under s44 (1) and (2) of the Terrorism Act 2000

	Year of stop and search						Total ⁽¹⁾		
	2008			2009			Year ending		
	Apr- Jun	Jul- Sep	Oct- Dec	Jan- Mar	Apr- Jun	Jul- Sep	30 Sep 2008	30 Sep 2009	Percentage change (%)
Cumbria	42	20	62	59	58	7	134	186	39
Essex	776	260	602	748	301	33	2,440	1,684	- 31
Greater Manchester	0	823	249	92	46	32	832	419	- 50
Hampshire	633	416	441	95	49	0	1,959	585	- 70
London, City of	468	607	834	676	319	426	2,004	2,255	13
Metropolitan	39,049	43,736	54,631	47,670	27,190	22,136	148,163	151,627	2
North Yorkshire	56	39	34	38	36	45	246	153	- 38
South Wales	662	539	222	271	190	0	2,582	683	- 74
Surrey	613	287	53	49	32	8	2,229	142	- 94
Sussex ⁽²⁾	184	320	429	274	423	309	1,124	1,435	28
Other forces ⁽³⁾	96	105	47	55	80	81	442	263	- 40
England and Wales	42,579	47,152	57,604	50,027	28,724	23,077	162,155	159,432	- 2
BTP ⁽⁴⁾	15,256	15,983	15,378	11,905	7,312	6,293	65,183	40,888	- 37
Scotland ⁽⁵⁾	30	56	52	22	24	26	93	124	33
Great Britain	57,865	63,191	73,034	61,954	36,060	29,396	227,431	200,444	- 12

Source: Home Office, British Transport Police, and Scottish Police Forces.

- (1) Does not include 'Vehicle Only' searches.
- (2) Sussex police currently are unable to separate vehicle searches from passenger searches; as a consequence data here refers only to searches of pedestrians.
- (3) Forces have been ordered in their s44 use, and the top ten forces have been detailed individually with all remaining England and Wales forces grouped into 'Other forces'.
- (4) British Transport Police figures include both England & Wales, and Scotland.
- (5) Figures provided refer only searches and detail a limited number of actual uses. Further data is available for the small numbers of individuals stopped.

Table 2.2 Stops and searches under s44 (1) and (2) of the Terrorism Act 2000 by self-defined ethnicity

		s44 (1) and (2) by self-defined ethnicity						
		White	Mixed	Black or Black British	Asian or Asian British	Chinese or other	Not stated	Total ⁽¹⁾
England & Wales	Apr – Jun 2008	24,931	963	4,754	6,357	1,816	3,758	42,579
	Jul - Sep 2008	27,502	1,113	5,672	7,284	2,100	3,481	47,152
	Oct - Dec 2008	34,788	1,302	6,403	9,107	2,575	3,429	57,604
	Jan - Mar 2009	30,439	1,139	5,239	8,040	2,252	2,918	50,027
	Apr - Jun 2009	17,380	635	3,154	4,744	1,170	1,641	28,724
	Jul - Sep 2009	14,227	514	2,605	3,505	1,129	1,097	23,077
BTP ⁽²⁾	Apr – Jun 2008	9,929	434	757	1,854	554	1,728	15,256
	Jul - Sep 2008	10,649	426	731	1,791	600	1,786	15,983
	Oct - Dec 2008	10,021	343	651	1,996	548	1,819	15,378
	Jan - Mar 2009	7,803	306	507	1,568	490	1,231	11,905
	Apr - Jun 2009	4,300	199	404	1,032	294	1,083	7,312
	Jul - Sep 2009	3,347	156	364	864	283	1,279	6,293
Scotland ⁽³⁾	Apr – Jun 2008	23	0	0	4	0	3	30
	Jul - Sep 2008	50	0	0	2	0	4	56
	Oct - Dec 2008	44	0	0	6	0	2	52
	Jan - Mar 2009	18	0	0	4	0	0	22
	Apr - Jun 2009	17	0	1	6	0	0	24
	Jul - Sep 2009	24	0	0	0	0	2	26
Great Britain	Apr – Jun 2008	34,883	1,397	5,511	8,215	2,370	5,489	57,865
	Jul - Sep 2008	38,201	1,539	6,403	9,077	2,700	5,271	63,191
	Oct - Dec 2008	44,853	1,645	7,054	11,109	3,123	5,250	73,034
	Jan - Mar 2009	38,260	1,445	5,746	9,612	2,742	4,149	61,954
	Apr - Jun 2009	21,697	834	3,559	5,782	1,464	2,724	36,060
	Jul - Sep 2009	17,598	670	2,969	4,369	1,412	2,378	29,396

Source: Home Office, British Transport Police, and Scottish Police Forces

(1) Does not include 'Vehicle Only' searches.

(2) British Transport Police figures include both England & Wales, and Scotland.

(3) Figures provided refer only to searches and detail a limited number of actual uses. Further data is available for the small numbers of individuals stopped.

Table 2.3 Stops and searches made by the Metropolitan Police under s43 of the Terrorism Act 2000 by self-defined ethnicity

	Year of stop and search						Total ⁽¹⁾	
	2008			2009			Year ending	
	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	30 Sep 2008	30 Sep 2009
White	60	141	380	241	195	201	306	1,017
Mixed	3	3	11	7	11	9	12	38
Black or Black British	13	47	109	53	45	32	81	239
Asian or Asian British	25	62	126	110	64	80	121	380
Chinese or other	5	14	23	28	4	14	24	69
Not stated	20	17	69	34	22	28	64	153
Total ⁽¹⁾	126	284	718	473	341	364	608	1,896

Source: Metropolitan Police Service, PIB Criminal Justice & Operations

(1) Does not include 'Vehicle Only' searches

NOTES - Stops and searches

1. Information on stops and searches under s44 has been provided by police forces (including British Transport Police). Information for Scottish Police forces and on s43 powers in the Metropolitan Police Service have been supplied for this specific report.
2. Persons stopped and searched are asked to self-classify their own ethnicity using the 2001 Census categories.
3. Detailed notes on the definitions and methodology used in the bulletin were included in the Home Office Statistical Bulletin 18/09:
<http://www.homeoffice.gov.uk/rds/pdfs09/hosb1809.pdf>.

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