



Home Office

Home Office Statistical Bulletin

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www.homeoffice.gov.uk/rds

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

Quarterly update to December 2009

Great Britain

October - December 2009

10/10

10th June 2010

Related Publications

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

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

Statistics covering the previous quarter, up to 30 September 2009 is available online at the following address:

- <http://www.homeoffice.gov.uk/rds/pdfs10/hosb0410.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:

- <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.

- <http://rds.homeoffice.gov.uk/rds/pdfs10/hosb0610.pdf>

- <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 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 May 2009 a Statistical Bulletin covering arrests and outcomes data under current terrorism legislation for the period 11 September 2001 to 31 March 2008 (Home Office Statistical Bulletin 04/09). A further report included for the first time statistics covering powers under terrorism legislation including arrests, outcomes and stops and searches up to 31 March 2009 (Home Office Statistical Bulletin 18/09). The current report provides a quarterly update of this data for the period up to 31 December 2009. The report also includes provisional data on the use of s43 & s44 powers in the third 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.

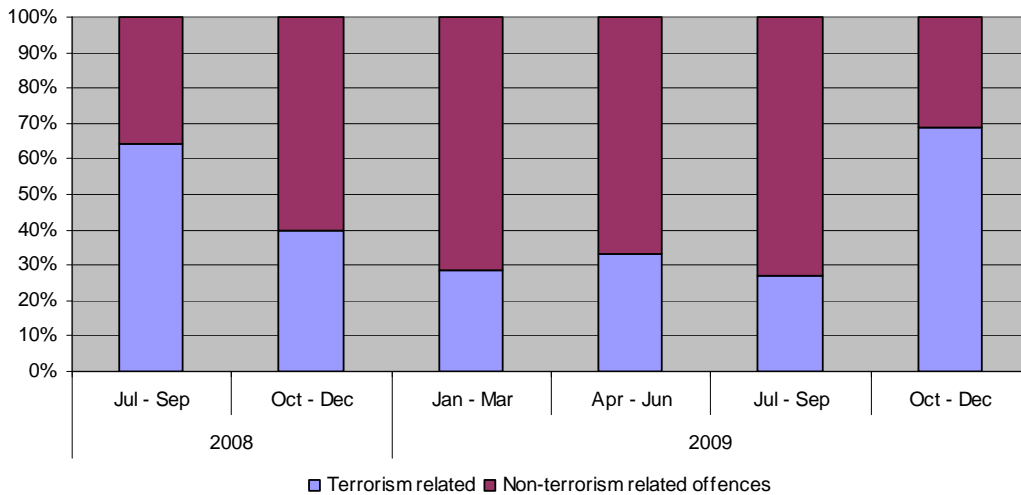
Chapter 1

Statistics on terrorism arrests and outcomes

MAIN POINTS

- There were 207 terrorism arrests in the year ending 31 December 2009 compared with 174 in the previous year. Thirty-one persons were arrested in the second quarter of 2009/10 and 54 in the third. In total there have been 1,817 terrorism arrests since 11 September 2001.
- Twenty-seven per cent of terrorism arrests in the year ending 31 December 2009 resulted in a charge, compared with 28% of those aged 18 and over arrested for indictable offences and prosecuted in 2008/9. This arrest rate was down on annual rates seen for the previous year of 41%.
- Forty-one per cent of charges resulting from terrorism arrests made for the year ending 31 December 2009 were terrorism related as compared with 64% since 11 September 2001 (including charges under Schedule 7 Terrorism Act 2000). For the latest quarter October – December 2009, 69% of charges were for terrorism related offences.
- No suspects arrested in the year ending 31 December 2009 were held in pre-charge detention for more than 14 days, with 43% of those dealt with within 48 hours.

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



- Eight persons have currently been convicted for terrorism related offences of the 23 persons charged in the year ending 31 December 2009. A total of 235 persons have been convicted of terrorism related offences since 11 September 2001 with a further 22 persons currently awaiting prosecution.
- Twenty-eight defendant trials for terrorism related offences were completed during the year ending 31 December 2009, 93% (26) of defendants were convicted.

- For the 26 offenders convicted during the twelve months ending 31 December 2009, 17 persons (65%) received determinate prison sentences and 8 persons received indeterminate sentences, including 6 life sentences. Just over half pleaded guilty.
- At 31 December 2009, 131 persons were in prison for terrorist/extremist or related offences, or charges, in Great Britain of which 21 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		Since 11 September 2001
	Jul- Sep	Oct- Dec	Jan- Mar	Apr- Jun	Jul- Sep	Oct- Dec	31 Dec 2008	31 Dec 2009	
s41 Terrorism Act 2000	24	27	38	29	13	26	103	106	1,477
% of all arrests	60	54	72	42	42	48	59	51	81
Other legislation ⁽¹⁾	16	23	15	40	18	28	71	101	340
% of all arrests	40	46	28	58	58	52	41	49	19
Total	40	50	53	69	31	54	174	207	1,817

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		Since 11 September 2001
	Jul- Sep	Oct- Dec	Jan- Mar	Apr- Jun	Jul- Sep	Oct- Dec	31 Dec 2008	31 Dec 2009	
Arrests	40	50	53	69	31	54	174	207	1,817
Charged:	14	25	14	15	11	16	71	56	633
Terrorism legislation ⁽²⁾	4	8	3	2	2	5	29	12	266
Other terrorism related criminal offences ⁽³⁾	5	2	1	3	1	6	13	11	136
Other non-terrorism related criminal offences ⁽⁴⁾	5	15	10	10	8	5	29	33	231
Released without charge	20	23	33	30	16	16	90	95	993
Alternative action ⁽⁵⁾	6	2	6	24	4	22	13	56	191

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 or other action taken⁽³⁾

Detention period	Year of Arrest				Total											
	2009		2008		31 Dec 2009		Since 11 September 2001									
	Jul – Sep	Oct – Dec	Charged	Released	Other	Total	Charged	Released	Other	Total						
Under 1 day	2	4	0	6	6	43	6	43	6	55	4	28	4	478	51	665
1 – 2 days	1	2	0	3	3	4	3	4	0	7	2	8	2	183	21	272
2 – 3 days	0	0	0	0	0	1	0	1	0	1	1	1	0	20	3	41
3 – 4 days	0	1	0	1	0	2	0	2	1	3	0	3	0	42	15	93
4 – 5 days	0	0	0	0	1	4	1	4	0	5	1	2	1	30	8	69
5 – 6 days	0	0	0	0	4	1	0	5	0	5	1	6	0	34	6	61
6 – 7 days	1	0	0	1	5	6	0	11	0	11	7	8	2	74	5	117
7 – 8 days	0	0	0	0	1	0	0	1	0	1	2	1	0	7	5	17
8 – 9 days	0	0	0	0	0	0	0	0	0	0	1	2	0	10	1	16
9 – 10 days	0	0	0	0	3	0	0	3	0	3	1	0	1	16	2	25
10 – 11 days	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	8
11 – 12 days	0	0	0	0	0	2	0	2	0	2	1	1	0	20	6	26
12 – 13 days	0	0	0	0	5	0	0	5	0	5	0	2	0	10	2	15
13 – 14 days	0	0	0	0	5	0	0	5	0	5	1	1	7	27	7	41
14 – 15 days	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
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	1	0	1
19 – 20 days	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3
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	3	3	6
Total	4	7	0	11	33	63	7	103	22	63	21	106	501	846	130	1,477

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
	Jul- Sep	Oct- Dec	Jan- Mar	Apr- Jun	Jul- Sep	Oct- Dec	31 Dec 2008	31 Dec 2009	
Charged	9	10	4	5	3	11	41	23	402
Prosecuted	5	8	2	3	2	4	31	11	324
Convicted	5	8	2	2	1	3	21	8	235
Terrorism legislation	2	6	1	0	1	0	12	2	122
Non-terrorism legislation	3	2	1	2	0	3	9	6	113
Found not guilty	0	0	0	0	1	0	9	1	87
Other	0	0	0	1	0	1	1	2	6
Not proceeded against	0	1	1	0	0	0	5	1	56
Awaiting prosecution	4	1	1	2	1	7	5	11	22

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	
	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	31 Dec 2008	31 Dec 2009
Trials	9	12	7	6	8	7	65	28
Acquittals	3	4	0	1	1	0	13	2
Convictions	6	8	7	5	7	7	52	26
% of those tried convicted	67	67	100	83	88	100	80	93

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	
	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	31 Dec 2008	31 Dec 2009
Determinate sentences:								
Under 1 year	0	1	0	0	0	0	1	0
1 year and under 4 years	2	1	5	3	0	2	16	10
4 years and under 10 years	2	2	0	2	1	3	19	6
10 years and under 20 years	2	2	0	0	0	1	12	1
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	2	1	0	4	1	3	6
IPP	0	0	0	0	2	0	1	2
Non-custodial	0	0	1	0	0	0	0	1
Plea:								
Guilty	1	2	7	2	2	3	21	14
Not guilty	5	6	0	3	5	4	31	12
Total	6	8	7	5	7	7	52	26

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 in Great Britain

	31 March 2008	31 March 2009	30 September 2009	31 December 2009 ⁽¹⁾
Terrorism legislation or terrorism related	117	113	111	105
Domestic Extremist/Separatist ⁽²⁾	17	22	17	21
Historic cases ⁽³⁾	8	8	5	5
Grand total	142	143	133	131

Source: National Offender Management Service and Scottish Prison Service

(1) Includes 1 prisoner in Scottish prisons.

(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 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 Counter-Terrorism Division (CPS CTD) enables quality assurance of the court/sentencing data held on the terrorism database. In addition information held by the CPS CTD covers the outcome of all defendant trials, including sentences.
3. The National Offender Management Service maintains a list of known terrorists/extremists held in prisons in England and Wales (e.g. those on remand or convicted). 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. Fully verified data will be published by the Home Office in the next annual statistical report 'Police Powers and Procedures.'

- A total of 148,798 stops and searches were made in Great Britain under s44 of the Terrorism Act 2000 in the year ending 31 December 2009, a 40% fall on the previous year.
- The Metropolitan Police Service and the British Transport Police accounted for 96% of all s44 uses in Great Britain in the year ending 31 December 2009. 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 previous twelve months and those Black or Black British at 10%.
- A total of 1,450 persons were stopped and searched by the Metropolitan Police Service in the year ending 31 December 2009 under s43 of the Terrorism Act 2000. Some 22% of persons stopped and searched classified themselves as Asian or Asian British and 10% Black or Black British.
- For the year ending 31 December 2009 there were 688 arrests resulted from s44 stops and searches in Great Britain, an arrest rate of 0.5%. A further 28 arrests were made by the Metropolitan Police following stops and searches under s43 Terrorism Act 2000. Recent data now being collected suggests that very few arrests result for terrorist related offences.

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

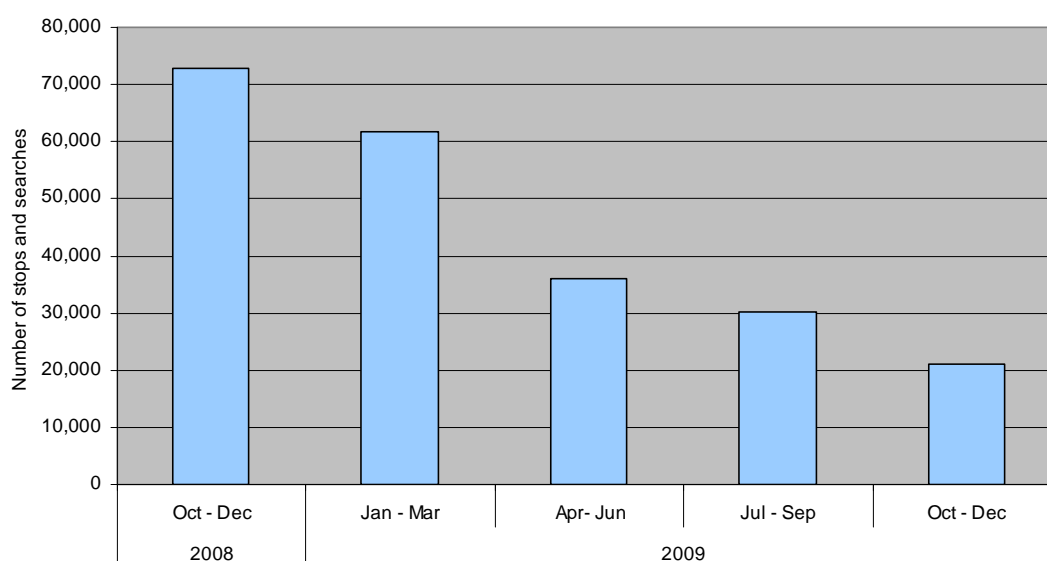


Table 2.1 Stops and Searches made under s44 (1) and (2) of the Terrorism Act 2000 ⁽¹⁾

	Year of stop and search												Total		
	2008						2009						Year ending		Percentage change (%)
	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	2008	31 Dec 2009	
Cumbria	20	62	59	58	7	0	0	0	0	0	0	162	124	-23	
Essex ⁽²⁾	468	496	536	301	33	0	0	0	0	0	0	2,276	870	-62	
Greater Manchester	823	249	92	46	32	23	23	23	23	23	23	1,072	193	-82	
Hampshire ⁽³⁾	416	441	95	49	0	0	0	0	0	0	0	1,925	144	-92	
London, City of	607	834	676	319	426	313	313	313	313	313	313	2,322	1,734	-25	
Metropolitan	43,736	54,631	47,670	27,246	22,831	17,202	17,202	17,202	17,202	17,202	17,202	173,997	114,949	-34	
North Yorkshire	39	34	38	36	45	40	40	40	40	40	40	166	159	-4	
South Wales	539	222	271	187	0	0	0	0	0	0	0	1,628	458	-72	
Surrey	287	53	49	0	0	0	0	0	0	0	0	1,243	49	-96	
Sussex ⁽⁴⁾	320	429	274	423	309	303	303	303	303	303	303	1,948	1,309	-33	
Other forces ⁽⁵⁾	62	15	46	75	81	45	45	45	45	45	45	275	247	-10	
England and Wales	47,317	57,466	49,806	28,740	23,764	17,926	17,926	17,926	17,926	17,926	17,926	187,014	120,236	-36	
BTP ⁽⁶⁾	15,983	15,378	11,905	7,312	6,293	2,973	2,973	2,973	2,973	2,973	2,973	62,802	28,483	-55	
Scotland ⁽⁷⁾	56	52	22	24	26	7	7	7	7	7	7	145	79	-46	
Great Britain	63,356	72,896	61,733	36,076	30,083	20,906	20,906	20,906	20,906	20,906	20,906	249,961	148,798	-40	

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

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

(2) Due to data quality concerns 3 cases have been excluded for the latest quarter.

(3) Due to data quality concerns 4 cases have been excluded for the latest quarter.

(4) Sussex police currently are unable to separate vehicle searches from passenger searches; as a consequence data here refers only to searches of pedestrians.

(5) Forces have been ranked in there s44 use, and the top ten forces have been detailed individually with all remaining England and Wales forces grouped into 'Other forces'. Discontinuance of s44 authorisation has meant some forces are not included here as they report zero values.

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

(7) 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 ⁽¹⁾

		s44 (1) and (2) by self-defined ethnicity						Total ⁽¹⁾
		White	Mixed	Black or Black British	Asian or Asian British	Chinese or other	Not stated	
England & Wales	Jul – Sep 2008	27,640	1,112	5,686	7,292	2,102	3,485	47,317
	Oct - Dec 2008	34,675	1,300	6,397	9,100	2,572	3,422	57,466
	Jan - Mar 2009	30,260	1,134	5,227	8,029	2,244	2,912	49,806
	Apr - Jun 2009	17,376	628	3,169	4,749	1,171	1,647	28,740
	Jul - Sep 2009	14,628	524	2,688	3,622	1,165	1,137	23,764
	Oct – Dec 2009	10,630	358	1,811	3,526	746	855	17,926
BTP ⁽²⁾	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
	Oct – Dec 2009	1,530	68	115	436	128	696	2,973
Scotland ⁽³⁾	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	2	0	26
	Oct – Dec 2009	7	0	0	0	0	0	7
Great Britain	Jul – Sep 2008	38,339	1,538	6,417	9,085	2,702	5,275	63,356
	Oct - Dec 2008	44,740	1,643	7,048	11,102	3,120	5,243	72,896
	Jan - Mar 2009	38,081	1,440	5,734	9,601	2,734	4,143	61,733
	Apr - Jun 2009	21,693	827	3,574	5,787	1,465	2,730	36,076
	Jul - Sep 2009	17,999	680	3,052	4,486	1,450	2,416	30,083
	Oct – Dec 2009	12,167	426	1,926	3,962	874	1,551	20,906

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 ⁽¹⁾

	Year of stop and search						Total ⁽¹⁾	
	2008		2009				Year ending	
	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	31 Dec 2008	31 Dec 2009
White	141	380	241	196	210	139	648	786
Mixed	3	11	7	11	9	7	18	34
Black or Black British	47	109	53	45	33	16	184	147
Asian or Asian British	62	126	110	64	80	69	229	323
Chinese or other	14	23	28	4	14	15	46	61
Not stated	17	69	34	22	28	15	122	99
Total ⁽¹⁾	284	718	473	342	374	261	1,247	1,450

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 2001 Census categories.
3. In March 2010 ACTCC introduced a new system of verifying the accuracy of data indicating the number of arrests under s44/s43 which were terrorism related.
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>