



Home Office

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

## **Quarterly update to 30 June 2012**

### **Great Britain**

### **User Guide**

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# 1 Introduction

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## Statistics covered

This release, the latest in the series 'Operation of police powers under the Terrorism Act 2000: Arrests, outcomes and stops and searches', covers the use of various powers under the Terrorism Act 2000 relating to arrest and stop and search in Great Britain. The topics covered in this quarterly release are:

- Persons arrested for terrorism-related offences under section 41 of the Terrorism Act 2000 and other legislation, with outcomes up to the point of prosecution, release, or other action taken, based **on year of arrest**.
- Proceedings brought by the Crown Prosecution Service Counter Terrorism Division (CPS), for terrorism-related offences, **based on year of trial outcome**.
- The number of terrorism-related and extremist prisoners in Great Britain.
- Stop and search procedures undertaken by police.

Data for Northern Ireland are published separately on the Northern Ireland Office website: [www.nio.gov.uk](http://www.nio.gov.uk)

Information on stops and searches under the Terrorism Act 2000 in England and Wales is published in the Home Office's annual series, 'Police Powers and Procedures, England and Wales'. Final validated information on all stops and searches during 2010/11, along with breakdowns by police force area and ethnicity, is included in the latest release which is available online at:

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/police-research/police-powers-procedures-201011/>.

## Where are the latest published figures?

The dates of forthcoming releases are pre-announced and can be found via the UK National Statistics Publication Hub: <http://www.statistics.gov.uk/hub/index.html>.

Copies of this and previous Home Office statistical bulletins on the use of police powers relating to terrorism are available from the Home Office Internet site:

<http://www.homeoffice.gov.uk/science-research/research-statistics/counter-terrorism/>.

Enquiries about the figures in this report should be made by writing to:

Office for Security and Counter-Terrorism  
Home Office  
2 Marsham Street  
London  
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Press Office  
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### Home Office Responsible Statistician

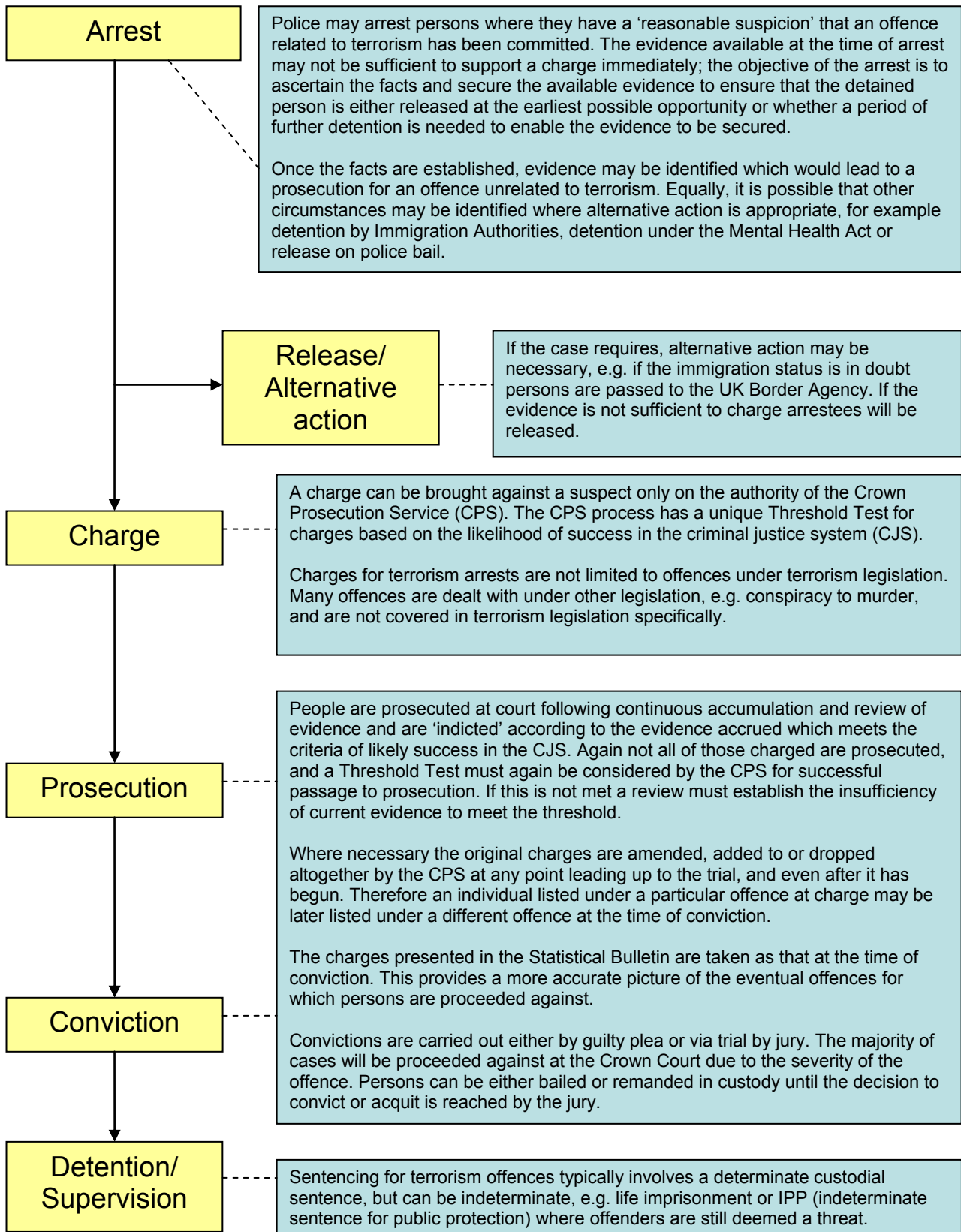
David Blunt, Chief Statistician and Head of Profession for Statistics

Contact via [crimestats@homeoffice.gsi.gov.uk](mailto:crimestats@homeoffice.gsi.gov.uk).

*The statistical releases on terrorism statistics are 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.*

## 2 Summary of criminal justice process



## 3 Legislation

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### Further information on the legislation

1. Detailed information on the **Terrorism Act 2000** (TACT) can be found on the UK legislation website at: <http://www.legislation.gov.uk/ukpga/2000/11/contents>.
2. Data on arrests and outcomes presented in this release include those made after examinations under **Schedule 7 of the Terrorism Act 2000** – This power is exercised at ports where an examining officer can question a person to find out whether they are or have been involved in the commission, preparation or instigation of acts of terrorism. Further information is available at: <http://www.legislation.gov.uk/ukpga/2000/11/schedule/7>.
3. Stops and searches under **section 43** of TACT – This power is available to police for searching persons whom they reasonably suspect are involved in terrorist activity. Detailed information can be found at: <http://www.legislation.gov.uk/ukpga/2000/11/section/43>.
4. Stops and searches under **sections 44 and 47A** of TACT – These apply to situations where police require the power to stop and search persons for involvement in terrorism-related activity where there is no suspicion of involvement. Information about the power to conduct searches under section 44 of TACT is at: <http://www.legislation.gov.uk/ukpga/2000/11/section/44>. However, as outlined below, section 44 was repealed and replaced with section 47A in 2011. The key difference between the two powers is that while the former allowed authorisations in an entire police force area without specific intelligence of an attack, its replacement allows authorisation in a particular area and only where specific intelligence of a possible attack is known. Further information about section 47A of TACT is available at: <http://www.legislation.gov.uk/uksi/2011/631/body/made>.

## 4 Data providers for this release

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- **ACPO Counter Terrorism Coordination Centre (ACTCC)** – The ACTCC collects data covering all terrorism arrests in Great Britain (i.e. excluding Northern Ireland) through to their subsequent outcome. This information relates to data collected from 11 September 2001; although the total number of arrests between February 2001 and 11 September 2001 are known, no further breakdown is possible. A data snapshot of the ACTCC's live database is provided to the Home Office, with latest information based on the principal charge, and is updated for each quarterly publication. It is not unusual for charges to be amended or added during the police investigations or criminal trials. As a result, all figures in this bulletin are subject to change in future bulletins.
- **Crown Prosecution Service (CPS)** – The CPS's Counter Terrorism Division holds information on all trials of terrorism-related defendants, including sentences and appeals. They regularly share information with the ACTCC to validate data.
- **Ministry of Justice (MoJ)** – The MoJ maintains a list of known terrorists/extremists held, on remand or as convicted prisoners, in prisons in England and Wales. The list includes those who entered prison before 11 September 2001 and who are excluded from the data collected by the ACTCC. Information is also held on those subject to extradition orders or held by immigration powers. Data on the whole England and Wales prison population are published quarterly in the MoJ statistical bulletin 'Offender Management Caseload Statistics'. The most recent update containing prison populations by nationality relates to the position as at 31 March 2011, and can be viewed at:  
<http://www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/index.htm>.
- **Scottish Prison Service** – The Scottish Prison Service provides information on known terrorists/extremists held as remand or convicted prisoners in Scotland.
- **Police forces** – Data published in this bulletin on stops and searches under sections 44 and 47A of TACT are provided to the Home Office by individual police forces as a part of formal statistical returns. Not all police forces are able to separately identify section 43 searches from their data; therefore, the data on section 43 searches published in the bulletin cover the Metropolitan Police Service only. Persons stopped and searched are asked to self-classify their own ethnicity using the 2001 census categories (see section 7 of this user guide).

# 5 Arrests and outcomes

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## Terrorism-related arrests

An arrest is considered to be 'terrorism-related' when at the time of arrest, or during the course of the subsequent investigation, an officer suspects a person of being involved with terrorism.

When there is immediate suspicion of involvement with a terrorism-related activity, the police have the option of arresting a person under **section 41 of the Terrorism Act 2000 (s41 TACT)**. These powers are similar to standard powers of arrest given by section 1 of the Police and Criminal Evidence Act (PACE); however, section 41 TACT powers allow detention of persons for an extended period before release (detailed below).

Not all persons suspected of terrorism-related offences are initially arrested under s41 TACT since a link to terrorism is not always evident at the time of arrest. As a result, both terrorism-related arrests made under s41 TACT and those made under PACE legislation are included in this bulletin.

## Arrests resulting from examinations under Schedule 7 of the Terrorism Act 2000

Under Schedule 7 of TACT individual examining officers can examine a person at a port area when they are entering or leaving, or travelling by aircraft within, Great Britain. Depending on individual circumstances, an examination may consist of basic questioning, a search of property and/or a period of detention of up to nine hours while investigations take place.

If a person fails to comply with a Schedule 7 examination (but is not found to have committed a more serious offence at the time of the examination) they may be charged under Schedule 7 for failure to comply with the examination; data on these charges are presented in Table A.05 in this release (Table 1.02 in previous bulletins). Since these charges are not serious, court outcomes for Schedule 7 charges have not been presented in previous quarterly bulletins (Table 1.04). For this release, however, the results of these charges have been presented, in order to provide a complete picture of all terrorism-related prosecutions and convictions. As a result, the total number of convictions in this release is not directly comparable with convictions figures presented in previous bulletins.

It should be noted, however, that a Schedule 7 charge may result in a conviction for a different offence, or conversely, a charge for a more serious TACT offence may occasionally result in a conviction under Schedule 7 if an examination took place at the time of charge, and all of the other charges are dropped. As a result, the total Schedule 7 convictions in Table A.07 in this release may not have resulted directly from the charges shown in Table A.05, and vice versa.

## Pre-charge detention under section 41 of the Terrorism Act 2000

Under section 41 of the Terrorism Act 2000, police officers have the power to arrest persons suspected of terrorism-related offences without a warrant. These arrest powers also allow the extended detention of persons beyond the maximum four days available under standard arrest powers.

The period of detention allowed under s41 has varied considerably. From the commencement of the legislation on 19 February 2001 to 20 January 2004, the maximum period of pre-charge detention was seven days. From 20 January 2004 to 25 July 2006 the limit was extended to 14 days. From 25 July 2006 the maximum period was extended further to 28 days but, since 25 January 2011, has reverted to a maximum of 14 days.

## Charges resulting from terrorism-related arrests

Terrorism-related arrests can result in charges for any criminal offence, not just those covered by TACT. Unless otherwise specified, all data described in this bulletin as relating to ‘terrorism-related’ refer to:

- TACT offences;
- failure to comply at border controls under Schedule 7 of TACT;
- non-TACT legislation but offences that are considered to be terrorism-related (e.g. a charge for a Firearms Act offence that was directly related to terrorist activity).

## Outcomes at court

This section includes only persons charged for terrorism-related offences as defined in the ‘charges resulting from terrorism-related offences’ section above.

In some instances, a person arrested for a terrorism-related offence may be charged for a non terrorism-related offence (for example when there is no evidence of a link to terrorism after investigation, but an offence has still been committed). These instances are not included in Table A.07 in the arrests and outcomes data tables.



## 6 Terrorist and extremist prisoners

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### Definition of prisoner types

**Terrorism legislation or terrorism-related** – This refers to individuals convicted and sentenced to custody for offences under terrorism legislation, and those sentenced to custody for terrorism-related offences under other legislation.

**Domestic extremists** – These are defined as individuals who belong to groups or causes that originate in the United Kingdom (although they may have international links) and are often associated with ‘single issue’ protestors who seek to further their cause through the committing of criminal offences. Some of these cases may not require the involvement of police counter-terrorism resources but may involve other specialist criminal justice resources. There is a wide spectrum of domestic extremist causes including extreme left- and right-wing groups, animal rights extremists and domestic (sometimes called “lone wolf”) bombers. Of those held in prison custody, the majority belong to extremist animal rights groups, or are members or associates of far-right groups.

**Historical terrorist cases** – These individuals' court cases pre-date the introduction of the Terrorism Acts. They were imprisoned pre-2001 following a terrorist investigation, acts of terrorism, or for membership of a proscribed terrorist organisation. They include convicted terrorists from the 1970s to 1990s for a range of offences and who remained in prison custody on 31 March 2008. They include members of groups such as the Palestinian Liberation Organisation (PLO) and domestic bombers. It should be noted that a number of convicted terrorists, particularly Irish Republican and Loyalist paramilitaries, have been released either through completion of sentence or under the terms of the Belfast Agreement of 1998. These cases are not included in these figures.

# 7 Stops and searches

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## Replacement of section 44 searches with section 47A

Stop and search powers under s44 TACT allow police to stop and search persons for involvement in terrorism-related activity when there is no suspicion of involvement in terrorism.

As a result of a legal challenge made by the European Court of Human Rights, and as a part of the Government's commitment to introduce safeguards against the misuse of powers under TACT, the Home Secretary conducted a review of these powers, the findings of which were announced on 11 January 2011.

One of the recommendations of the review was that stop and search powers under section 44 of TACT should be repealed and replaced with a much more targeted and proportionate power. This new power under section 47A (s47A) of the Terrorism Act 2000 came into force on 18 March 2011. Further information about this change can be viewed at: <http://www.homeoffice.gov.uk/publications/counter-terrorism/terrorism-act-remedial-order/>

To date, there have been no stops and searches conducted under this new power. Since there have been no searches under either power in the year ending 30 June 2012, no tables on s44/47A searches are provided in this release.

The most recent data on s44/47A searches can be found in chapter 2 of the Home Office Statistical Bulletin 'Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes and stop and searches Great Britain 2011/12', which can be viewed at: <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/counter-terrorism-statistics/hosb1112/>

## Ethnicity of persons searched

Ethnicity data in the stop and search briefing are based upon self-defined classifications used during the 2001 census. This system comprises 16 distinct ethnic categories (plus a 'non-stated' category). For the purposes of the bulletin, these ethnicities are grouped into six main categories:

<b>White</b> British Irish Other	<b>Mixed</b> White and Black Caribbean White and Black African White and Asian Other Mixed	<b>Asian/Asian British</b> Indian Pakistani Bangladeshi Other Asian
<b>Black or Black British</b> Caribbean African Other Black	<b>Chinese or Other</b> Chinese Other	<b>Not stated</b>