



Home Office

Home Office Statistical Bulletin

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

Great Britain 2009/10

28 October 2010

18/10

Related Publications

1. 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>.
2. An earlier version bulletin covering the period 11 September 2001 to 31 March 2008 covering only terrorism arrests and their outcomes is available online at the following address:
 - o <http://www.homeoffice.gov.uk/rds/pdfs09/hosb0409.pdf>

The previous annual version of this bulletin covering arrests, outcomes and stops & searches made between 1 April 2008 and 31 March 2009 under current terrorist legislation is available online at the following address:

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

Two further quarterly editions of the publication have been made available providing updates to 30 September & 31 December 2009:

- o <http://www.homeoffice.gov.uk/rds/pdfs10/hosb0410.pdf>
- o <http://www.homeoffice.gov.uk/rds/pdfs10/hosb1010.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. The latest report can be found here:
 - o <http://www.homeoffice.gov.uk/rds/pdfs10/hosb0610.pdf>
 - o <http://www.justice.gov.uk/publications/docs/race-and-cjs-stats-notice.pdf>

Requests for further information

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

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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 terrorism arrests and their outcome (Home Office Statistical Bulletin 4/09). A further statistical bulletin (18/09) incorporated terrorism stop and search data under Section 43 and Section 44 Terrorism Act 2000, to give an overarching compendium of terrorism statistics under current legislation and was released in November 2009.
2. This report continues to bring together this statistical information for the period up to 31 March 2010 with the addition of data covering for the first time:
 - Appeals and their outcomes following terrorism trials;
 - Examinations under Schedule 7 of the Terrorism Act 2000;
 - Use of police cordons under s33 of the Terrorism Act 2000.
3. This report pulls together a wide range of statistical material from police and other agencies in Great Britain (i.e. England and 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:
 - http://www.nio.gov.uk/2009_northern_ireland_statistics_on_the_operation_of_the_terrorism_act_2000_annual_statistics_2008.pdf
4. 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.
5. 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. Since 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

- In 2009/10 there were 173 terrorism arrests compared with 190 in 2008/9 and an annual average of 216 since 1 April 2002. In total there have been 1,834 terrorism arrests since 11 September 2001.
- Thirty per cent of terrorism arrests in 2009/10 resulted in a charge, compared with 28 per cent of those aged 18 and over arrested for all indictable offences and prosecuted in 2008/9. This is down on 2008/9 rates of 38 per cent arrest to charge for terrorism arrests. Just under half of those arrested for suspected terrorism offences were released without charge and the remaining 24 per cent were dealt with under alternative action with 18 suspects transferred to UK Border Agency custody and 10 bailed to return. Since 11 September 2001 of those arrested under suspicion of terrorism 35 per cent were charged, 55 per cent released and 10 per cent had alternative action as a result.
- Forty-eight per cent of charges resulting from terrorism arrests in 2009/10 were terrorism related as compared with 65 per cent since 11 September 2001. The main offences for which suspects were charged under terrorism legislation since 2001 were possession of an article for terrorist purposes and fundraising. For terrorism related offences under non-terrorism legislation the main offences charged were under the Criminal Law Act 1977 and the Explosive Substances Act 1883.
- In 2009/10, 32 per cent of those arrested under Section 41 of the Terrorism Act 2000 were held in pre-charge detention for under one day and 83 per cent for fewer than 7 days, after which they were charged, released or further alternative action was taken. During this period no individuals were held for longer than 14 days and since the extension of the pre-charge detention period in 2006; 11 suspects have been held for over 14 days and six for the full period of 28 days.
- Just over a third of individuals charged for terrorism related offences in 2009/10 have currently been convicted of an offence although this rate will increase after the completion of the trials of 14 other defendants. Since 11 September 2001, 59 per cent of those charged for Terrorism Act and terrorism related offences have been convicted.
- For trials completed during 2009/10, 57 per cent of defendants tried under terrorism legislation were convicted and 72 per cent of those charged with non-terrorism legislation offences. Eighty three per cent of sentences of imprisonment for terrorism legislation were under 10 years and 67 per cent under non-terrorism legislation. There were five life sentences handed down during this period.
- At 31 March 2010, 126 persons were in prison for terrorist-related offences in Great Britain of which 24 were classified as domestic extremists/separatists. The majority (76%) of persons imprisoned were UK nationals. The one Scottish prisoner in custody as at 31 March 2009 was discharged during 2009/10. There were also five persons in prison in England & Wales for historic cases from before the Terrorism Act 2000 came into force.

Persons arrested (Table 1.1)

The relatively small numbers of annual terrorism arrests mean that proportionally large fluctuations in arrests can result from particular police operations.

1. In 2009/10, there were 173 terrorism arrests, of which 78 were arrested under Section 41 of the Terrorism Act 2000 and 95 under other legislation. This was down on the level of average annual number of terrorism arrests (216) since 1 April 2002 (the first full financial year for which data are available).
2. Since 11 September 2001, when the current data collection was set up by the ACPO Counter Terrorism Coordination Centre (ACTCC), there have been 1,834 terrorism arrests. These data exclude:
 - 38 arrests made between the introduction of the Terrorism Act 2000 on 19 February 2001 and 11 September 2001 when the current data collection began, because only limited data are available;
 - 119 stops made at Scottish ports since 11 September 2001 under Schedule 7 of the Terrorism Act 2000, principally relating to individuals failing to provide proper identification. It is likely that those routine stops led to no (or a very limited number of) arrests.
3. Since 11 September 2001 there were 1,486 arrests under the powers in Section 41 of the Terrorism Act 2000 and 348 under other legislation (e.g. the Police and Criminal Evidence Act 1984). The proportion of arrests made under other non-terrorism legislation has risen consistently in recent years, for 2009/10 it accounted for 55 per cent of all terrorism arrests compared with 19 per cent for all terrorism arrests since 11 September 2001. The annual data confirm an emerging increase in non-terrorism related charges seen in quarterly updates (see Figure 1).

Persons charged (Table 1.2)

4. All charge data reported here refer to charge at the point of indictment and is the charge that the Crown Prosecution Service assigns.
5. Of the 173 terrorism arrests made in 2009/10, 52 (30%) resulted in a charge, 41 (24%) had alternative action taken and 80 (46%) were released without charge. Since 11 September 2001, 35 per cent were charged, 10 per cent had alternative action taken and 55 per cent were released without charge. The higher proportion of alternative action for the latest period includes 18 transfers to UK Border Agency custody and 10 individuals bailed to return.
6. Forty-eight per cent of all charges were considered terrorism related in 2009/10, of which 12 were under terrorism legislation and 13 under other legislation. For all charges since 11 September 2001, 62 per cent were considered terrorism related, of which 261 (65%) were under terrorism legislation.
7. A comparison was carried out between terrorism related offences and all criminal offences for which a suspect can be arrested and charged (see Notes).

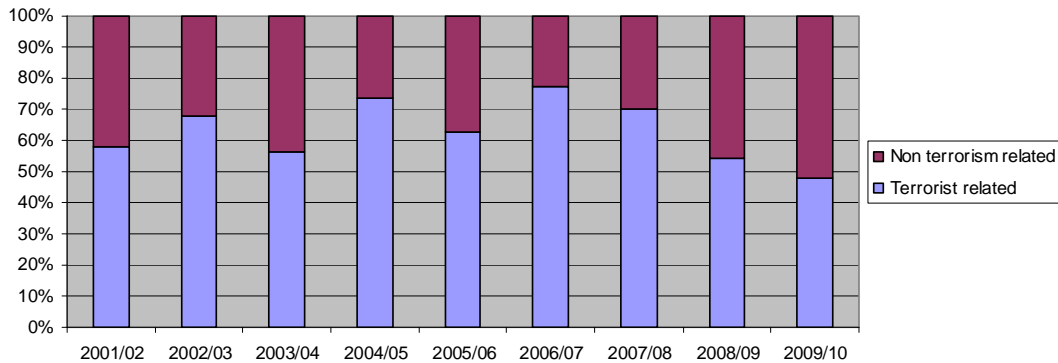
The basis for the method used was as follows:

- No comparable data exist for Great Britain so the comparison was restricted to England and Wales. Additionally the number of offences in Scotland would be too small to conduct a meaningful comparison.
- The number of persons proceeded against was used as a proxy for offences charged because no statistics are collected centrally in England and Wales on persons charged for criminal offences.

- To provide a more accurate comparison only those aged 18 and over were considered.

This comparison showed 28 per cent of those aged 18 and over arrested for indictable offences were prosecuted in 2008/9, compared with 30 per cent of terrorism arrests resulting in a charge.

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



Offences charged (Tables 1.3 a, b and c)

8. In line with the normal procedures for criminal justice statistics each suspect has been classified in terms of a single principal offence, i.e. the most serious offence. This means that where an individual has received several charges they are recorded only against the principal offence charged. Therefore, it is not possible to show a total number of individuals charged against specific offences since some have been charged with more than one offence.

For the 261 terrorism legislation charges since 11 September 2001 the main offences have been:

- Possession of an article for terrorist purposes (29% of such charges);
- Fundraising (14%);
- Membership of a proscribed organisation (12%);
- Provision of information relating to a terrorist investigation (8%);
- Preparation for terrorist acts (9%);
- Other offences under terrorist legislation (28%).

9. For those 143 suspects charged under non-terrorism legislation but where the offence was considered terrorist related the main charges were:

- Conspiracy to murder (25%);
- Offences under the Explosive Substances Act 1883 (17%);
- Murder (1%);
- Other offences under criminal legislation (57%).

10. Terrorism arrests made since 11 September 2001 have resulted in a total of 228 charges which have been identified by the ACPO Counter Terrorism Coordination Centre to be non-terrorist related. Such charges covered a wide range of offences, with the main offences under:

- Forgery & Counterfeiting Act 1981 (16%);
- Theft Acts 1968 and 1978 (11%);
- Firearms Act 1968 (8%);
- Identity Cards Act 2006 (7%);
- Other offences under criminal legislation (58%).

Gender, age and ethnicity for arrests and charges (Tables 1.4, 1.5 and 1.6)

11. Males make up 94 per cent of those arrested for terrorism related offences since 1 April 2005. This is similarly reflected in terrorism related charges, with males making up 95 per cent of the total.
12. For terrorism arrests since 1 April 2005, 45 per cent of suspects were aged over 30 years and 10 per cent aged less than 21 years. These levels are largely mirrored for those charged with terrorist related offences. Just over a quarter (26%) of arrestees aged 21-24 were subsequently charged, this compares to 22 per cent of all arrestees.
13. Since April 2005, 41 per cent of all terrorism arrestees were of Asian ethnic appearance, of which 22 per cent were subsequently charged with a terrorism related offence. For those arrested who were of Black ethnic appearance, 36 per cent were charged, this was 24 per cent for those who were of White ethnic appearance and 11 per cent for those classified as Other.

Time from arrest to charge/release (Table 1.7)

14. Under Section 41 of the Terrorism Act 2000, introduced on 19 February 2001, suspects can be arrested without a warrant. After 48 hours in pre-charge detention, an officer of at least the rank of Superintendent may make an application to a Judge for a warrant of further detention. The period of detention has varied considerably. From the commencement of the legislation 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 from seven days to 14 days. From 25 July 2006, the maximum period was extended to 28 days. Extended detention is not available for those arrested under other legislation.
15. Most arrestees continue to spend a short time in custody, with no one held beyond 14 days pre-charge detention in 2009/10 or 2008/09 and only one in 2007/8 (charged after 19 days). Forty-four per cent of those released without charge in 2009/10 were released within one day. For those subsequently charged in 2009/10, 94 per cent were charged within seven days. In line with Table 1.2 a high proportion of those arrested were subject to alternative action, 24 per cent compared to nine per cent for the previous year.
16. Since 25 July 2006, when the maximum period of pre-charge detention was extended to 28 days, six individuals have been held for 27 – 28 days (in 2006/7), of which three were charged and three were released without charge. Of those charged two have been successfully convicted and the remaining individual was not proceeded against.

Outcome of charges (Tables A; 1.8 a and b; 1.9 a and b; 1.10 a, b and c)

17. Two approaches have been adopted to present statistics on court outcomes:

- Consideration of the outcome of each charge on a person basis. Therefore even though the defendant may be proceeded against in several different trials, only one court outcome (the principal) will be shown. An offender will therefore be shown as having one conviction even though they were convicted of several offences or were not convicted of all the offences for which they were tried for.
- Consideration of the outcome of trials dealt with by the Crown Prosecution Service and completed in 2009/10. This information relates to the principal conviction and includes data on sentence length.

Person basis

18. Due to the complex nature of terrorism investigations trials may take place several years after the arrest/charge took place. Those tried in 2009/10 can relate to arrests made in 2007/8 or earlier.
19. In 2009/10 42 per cent of offenders charged under terrorism legislation had been proceeded against in court, three of whom has been convicted. For the 13 charged in 2009/10 under non-terrorism legislation six had been convicted.
20. Since 11 September 2001, 404 suspects have been charged for terrorism related offences, of which 332 were prosecuted. Of these 117 were convicted under terrorism legislation and a further 120 were convicted of non-terrorism legislation offences but considered terrorism related. In total 59 per cent of persons charged for terrorism related offences have been convicted since 11 September 2001, however this rate is likely to increase when the trials of 14 suspects are completed.
21. In 2002/3 41 per cent of those charged under terrorism legislation were not prosecuted, but this fell to an average of 14 per cent for charges from 2006/07 to 2008/09 with no cases not prosecuted in 2009/10. For non-terrorism legislation only three persons charged have not been proceeded against since 11 September 2001 with 93 per cent of those charged subsequently prosecuted (compared to 76% of terrorism legislation).
22. Currently 77 per cent of persons charged under non-terrorism legislation have been convicted since 11 September 2001, this compares to 49 per cent for suspects charged under terrorism legislation.
23. A charge may follow the breach of a civil control order under Section 5 of the Prevention of Terrorism Act 2005. In many cases these charges are not proceeded with due to the control order being quashed by the civil courts due to reasons unconnected to the breach prosecution.
24. The principal offence for convictions since 11 September 2001 under terrorism legislation were:
- 15 per cent for possession of an article for terrorist purposes;
 - 15 per cent for membership of proscribed organisations;
 - 15 per cent for preparation for terrorist acts;
 - 14 per cent for collection of information useful for a terrorism act.

Table A Outcome for persons charged with terrorism related offences ⁽¹⁾

	Year of arrest									
	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	Total
Charged	22	63	50	34	45	75	51	39	25	404
Prosecuted	19	47	39	28	42	67	42	34	14	332
Convicted	12	34	21	23	35	50	29	24	9	237
Awaiting Prosecution	0	0	0	0	0	0	3	0	11	14
% currently convicted	55	54	42	68	78	67	57	62	36	59

(1) Since 11 September 2001

25. The principal offences for convictions since 11 September 2001 which were considered terrorism related but under non-terrorism legislation were:

- 31 per cent under the Criminal Law Act 1977, including;
 - Conspiracy to murder;
 - Conspiracy to destroy or damage property with intent to endanger life;
 - Conspiracy to receive components that may be used for terrorism purposes.
- 20 per cent for causing or conspiring to cause an explosion;
- 13 per cent under the Forgery and Counterfeiting Act 1981.

26. For those terrorism arrests that subsequently resulted in a non-terrorism related charge, 189 persons have been convicted since 11 September 2001. The main offences were under the Forgery & Counterfeiting Act 1981 and the Theft Act 1968 and 1978.

Defendant trials

27. Information collected by the Crown Prosecution Service shows that 65 per cent of defendants whose trials were completed during 2009/10 were convicted. For offences under terrorism legislation 57 per cent of those tried were convicted, this was 72 per cent under non-terrorism legislation. The conviction rates for specific offences include:

- 100 per cent for collection of information and possession of articles useful for a terrorist act
- 50 per cent for preparation for terrorist acts
- 75 per cent for offences under the Explosive substances Act
- 83 per cent for conspiracy to murder

Sentencing (Tables 1.11 a and b, and 1.12)

28. Sentencing information is only available for the more recent terrorist trials based upon data collected by the Crown Prosecution Service Counter Terrorism Division for 2008/9 (see Notes).

29. In 2009/10, there were 12 offenders sentenced under terrorism legislation and 18 under non-terrorism legislation which were handled by the Crown Prosecution Service Counter Terrorism Division. Eighty three per cent of sentences of imprisonment for terrorism legislation were under 10 years, with 67 per cent under non-terrorism legislation attracting similar penalties. The more serious nature of many offences dealt with under non-terrorism legislation saw five life sentences handed down. Thirty nine percent of those sentenced under non-terrorism legislation pleaded guilty, this was 42 per cent under terrorism legislation.

30. In sentencing offenders to indeterminate sentences judges must specify minimum sentences. For the five life sentences shown, one had a minimum set between 10-19 years, with another one set as 20-29 year minimum, two more set at 30-39 years minimum, with the remaining offender sentenced to over 40 years.

Appeals (Table 1.13)

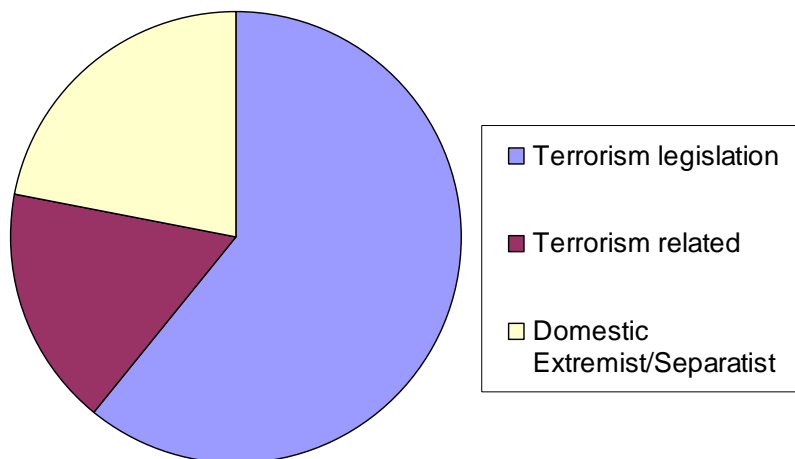
31. In total there have been 51 appeals against terrorism convictions heard by the courts from 2007/08 to 2009/10. In total, 24 appeals resulted in the varying of sentence, of which 4 had their sentence increased. A further seven appeals resulted in a quashed conviction (14%).

Prison population (Table 1.14)

32. At 31 March 2010, there were 126 terrorist/extremist prisoners in Great Britain, all of whom were held in England and Wales. In total 102 of these were terrorism related (including five prisoners convicted before the introduction of the Terrorism Act 2000). Excluding these five historic cases, 67 of the 97 terrorism prisoners were either remanded or convicted under terrorism legislation, 20 were terrorism related offences not under terrorism legislation and a further 10 were deportations and extraditions. Twenty-four were classified as domestic extremists/separatists, four of whom were on remand.

33. Forty nine of the 102 prisoners in Great Britain remanded or convicted for terrorism related offences were of Asian ethnic origin. Additionally 20 were of Black ethnic origin. Ethnicity recorded here is based upon self-declaration by prisoners.

Figure 3 Proportion of terrorist/extremist prison population



Prisoners discharged (Table 1.15)

34. Twenty-one terrorist prisoners were discharged in England and Wales during the period from 1 April 2009 to 31 March 2010. No prisoners were discharged following the completion of life sentences; nine were discharged after completing sentences of over four years. A further two prisoners were deported with none extradited. One prisoner was released from Scottish prisons during this period.

Nationality of prisoners (Table 1.16)

35. Seventy-six per cent of terrorist/extremist prisoners in Great Britain were recorded as UK nationals, with 13 per cent of African nationality, four per cent of European nationality, four per cent of Middle Eastern nationality and two per cent of Asian nationality. Nationality was spread over 19 countries with the highest after the UK being Somalia and Ethiopia, accounting for only four prisoners each.

Religion of prisoners (Table 1.17)

36. Almost all (87%) terrorist related prisoners classified themselves as Muslim. For the 24 domestic extremists/separatists, four classified themselves as Buddhist, and 12 gave no religion or described themselves as agnostic.

Table 1.1 Terrorism arrests under s41 of the Terrorism Act or under other legislation ^{(1) (2)}

Legislation	Year of arrest									Total
	2001/2	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	
Section 41 Terrorism Act 2000	95	236	178	156	273	191	156	123	78	1,486
%	87%	86%	93%	93%	96%	90%	68%	65%	45%	81%
Other legislation ⁽³⁾	14	38	13	12	12	22	75	67	95	348
%	13%	14%	7%	7%	4%	10%	32%	35%	55%	19%
Total	109	274	191	168	285	213	231	190	173	1,834

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

(1) From 11 September 2001. There were an additional 38 arrests following a terrorist investigation from 19 February 2001 to 10 September 2001

(2) Excludes 119 port stops carried out in Scotland over this period

(3) Mainly s1 Police and Criminal Evidence Act 1984

Table 1.2 Outcome of terrorism arrests ^{(1) (2)}

	Year of arrest									Total
	2001/2	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	
Arrests	109	274	191	168	285	213	231	190	173	1834
Charged	38	94	90	47	78	102	76	73	52	650
:Terrorism legislation ⁽³⁾	15	37	33	14	30	54	39	27	12	261
Failure to comply with duty at a Port & Border Controls (Schedule 7)	0	1	1	1	6	5	3	1	0	18
:Other terrorism-related criminal offences ⁽⁴⁾	7	26	17	20	15	21	12	12	13	143
:Other non-terrorism-related criminal offences ⁽⁵⁾	16	30	39	12	27	22	22	33	27	228
Released without being charged	58	140	81	110	192	104	136	99	80	1000
Alternative action:	13	40	20	11	15	7	19	18	41	184
Cautioned	0	3	3	4	1	0	2	4	4	21
Transferred to immigration authorities	13	34	10	5	11	5	11	7	18	114
Transferred to PSNI ⁽⁶⁾	0	0	2	1	1	1	0	0	0	5
Dealt with under mental health legislation	0	2	5	1	2	1	5	1	0	17
Other ⁽⁷⁾	0	1	0	0	0	0	1	6	19	27

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

(1) From 11 September 2001

(2) Excludes 199 port stops carried out in Scotland over this period.

(3) Includes Terrorism Act 2000, Terrorism Act 2006, Anti-Terrorism Crime and Security Act 2001, Prevention of Terrorism Act 2005.

(4) Based upon assessment by the ACTCC.

(5) Based upon assessment by the ACTCC.

(6) Police Service of Northern Ireland

(7) 'Other' includes those bailed pending charge for example.

Table 1.3(a) Principal offence ⁽¹⁾ for which terrorism suspects charged ^{(2) (3)} under terrorism legislation ^{(4) (5)}

	Year of arrest									Total
	2001/2	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	
Terrorism Act 2000										
Membership of a proscribed organisation (s.11, 12 & 13)	6	2	8	3	3	7	2	0	0	31
Fundraising (s.15-19)	6	8	1	7	4	2	6	1	1	36
Provision of information relating to a terrorist investigation (s.38b & 39)	0	0	5	0	8	5	2	2	0	22
Wilfully obstruct a constable (s.47(1)(c))	0	0	0	0	1	0	0	0	0	1
Weapons training (s.54 & 56)	1	0	0	0	1	1	1	0	0	4
Possession of an article for terrorist purposes (s.57)	2	24	16	1	7	14	7	4	0	75
Collection of information useful for a terrorism act (s.58)	0	2	0	2	2	5	4	2	3	20
Inciting terrorism acts overseas (s.59)	0	0	1	0	3	1	5	0	0	10
Total	15	36	31	13	29	35	27	9	4	199
Prevention of Terrorism Act 2005										
Total				0	0	5	4	5	2	16
Terrorism Act 2006										
Encouragement of terrorism (s.1 & 2)					0	1	3	3	0	7
Preparation for terrorist acts (s.5)					0	7	2	8	6	23
Training for terrorism (s.6 & 8)					0	5	0	0	0	5
Total					0	13	5	11	6	35
Anti-terrorism, Crime and Security Act 2001										
Total	0	1	2	1	1	1	3	2	0	11
TOTAL	15	37	33	14	30	54	39	27	12	261

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

(1) The offence shown is the principal offence for the charges made following an arrest. When a suspect is charged with several offences the principal offence is the most serious one based upon the maximum penalty for each offence. Where a suspect is charged both under terrorism legislation and for a non-terrorist offence the principal offence may therefore not be the charge made under terrorism legislation.

(2) Charge data are recorded by the year of arrest.

(3) Charged here relates to the substantive charged at indictment recorded by the Crown Prosecution Service.

(4) Excludes 119 port stops carried out in Scotland over this period and offences under Schedule 7 Terrorism Act 2000.

(5) From 11 September 2001.

Table 1.3(b) Principal offence ⁽¹⁾ for which terrorism suspects charged ⁽²⁾ ⁽³⁾ under non-terrorism legislation and the offence is considered terrorism related ⁽⁴⁾⁽⁵⁾

	Year of arrest									Total
	2001/2	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	
Common Law										
Murder	0	1	1	0	0	0	0	0	0	2
Conspiracy to defraud clearing banks	0	2	3	0	0	0	0	0	0	5
Total	0	3	4	0	0	0	0	0	0	7
Criminal Law Act 1977										
Conspiracy to murder (s.1(1))	1	8	0	8	5	13	0	1	0	36
Conspiracy to destroy or damage property with intent to endanger life (s.1(1))	0	0	0	0	0	0	0	3	0	3
Conspiracy to receive components that may be used for terrorism purposes (s.1(1))	0	0	0	0	0	0	0	3	0	3
Conspiracy to commit armed robbery (s.1(1))	0	0	6	0	0	0	0	0	0	6
Conspiracy to provide money and property to be used for acts of terrorism (s.1(1))	0	0	0	3	0	0	0	0	0	3
Placing or dispatching articles to cause a bomb hoax (s.51(1))	0	3	0	0	0	0	1	0	0	4
Other ⁽⁶⁾	0	2	0	4	2	0	5	0	0	13
Total	1	13	6	15	7	13	6	7	0	68
Criminal Law Act 1967										
Assisting offenders by impeding their prosecution (s.4(1))	0	0	0	0	1	0	0	0	0	1
Explosive Substances Act 1883										
Acting with intent to cause, or conspiring to cause, explosions likely to endanger life (s.3)	4	2	6	2	1	3	2	0	4	24
Other offences										
Firearms Act 1968	1	0	1	1	0	1	2	0	1	7
Forgery and Counterfeiting Act 1981	0	2	0	0	0	0	0	0	0	2
Theft Act 1968 & 1978	0	4	0	1	0	0	0	0	0	5
Other ⁽⁶⁾	1	2	0	1	6	4	2	5	8	29
Total	2	8	1	3	6	5	4	5	9	43
TOTAL	7	26	17	20	15	21	12	12	13	143

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

(1) The offence shown is the principal offence for the charges made following an arrest. When a suspect is charged with several offences the principal offence is the most serious one based upon the maximum penalty for each offence. Where a suspect is charged both under terrorism legislation and for a non-terrorist offence the principal offence may therefore not be the charge made under terrorism legislation.

(2) Charge data are recorded by the year of arrest.

(3) Charge here relates to the substantive charge at indictment recorded by the Crown Prosecution Service.

(4) Based upon assessment by the ACTCC.

(5) From 11 September 2001.

(6) When the number of offences charged per Act is fewer than three, charges have for most offences been grouped under 'Other' rather than listed separately.

Table 1.3(c) Principal offence ⁽¹⁾ for which suspects charged ⁽²⁾ ⁽³⁾ and the offence considered as not terrorism related ⁽⁴⁾⁽⁵⁾

	Year of arrest									Total
	2001/2	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	
	Common Law									
Pervert the course of justice	0	0	0	0	0	4	0	2	5	11
Other (6)	0	0	2	0	0	0	0	6	0	8
Total	0	0	2	0	0	4	0	8	5	19
	Criminal Law Act 1977									
Conspiracy to purchase ammunition (s.1(1))	0	0	0	0	0	4	0	0	0	4
Conspiracy to defraud (s.1(1))	1	3	0	0	0	0	0	0	3	7
Placing or dispatching articles to cause a bomb hoax (s.51(1))	0	0	2	1	3	0	0	0	2	8
Other (6)	2	2	1	0	1	0	1	2	0	9
Total	3	5	3	1	4	4	1	2	5	28
	Criminal Justice Act 1988									
Money laundering (s.93)	0	4	0	1	0	1	0	0	0	6
	Identity Cards Act 2006									
With intent knowingly obtain another's ID document (s.25(1)(2) & (6))					0	4	3	3	5	15
	Other offences									
Firearms Act 1968	0	2	6	1	1	0	2	6	1	19
Explosive Substances Act 1883	0	1	0	0	0	0	0	1	1	3
Forgery and Counterfeiting Act 1981	8	10	11	2	4	1	1	0	0	37
Misuse of Drugs Act 1971	1	0	3	1	2	1	2	1	2	13
Road Traffic Act 1988	1	1	2	0	2	1	0	2	0	9
Theft Act 1968 & 1978	3	2	5	3	5	1	2	3	2	26
Proceeds of Crime Act 2002	0	0	1	0	1	0	1	5	0	8
Criminal Damage Act 1971 & Malicious Damage Act 1861	0	2	0	0	1	1	0	0	1	5
Other (6)	0	3	6	3	7	4	10	2	5	40
Total	13	21	34	10	23	9	18	20	12	160
TOTAL	16	30	39	12	27	22	22	33	27	228

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

(1) The offence shown is the principal offence for the charges made following an arrest. When a suspect is charged with several offences the principal offence is the most serious one based upon the maximum penalty for each offence. Where a suspect is charged both under terrorism legislation and for a non-terrorist offence the principal offence may therefore not be the charge made under terrorism legislation.

(2) Charge data are recorded by year of arrest.

(3) Charge here relates to the substantive charge at indictment recorded by the Crown Prosecution Service.

(4) Based upon assessment by the ACTCC.

(5) From 11 September 2001.

(6) When the number of offences charged per Act is fewer than three, charges have for most offences been grouped under 'Other' rather than listed separately.

Table 1.4 Gender of suspects arrested for terrorism and of those charged where the offence is considered terrorism related ⁽¹⁾, 2005/6 – 2009/10 ⁽²⁾

	Male	Female	Total
Arrested	1,025	67	1,092
%	94%	6%	100%
Charged	224	11	235
%	95%	5%	100%
% of arrests resulting in a charge	22%	16%	22%

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

(1) This includes all charges under terrorism legislation and all charges under non-terrorism legislation but considered by the ACTCC to be terrorism related.

(2) Data for earlier years have been excluded due to data quality concerns.

Table 1.5 Age group of suspects arrested for terrorism and of those charged where the offence is considered terrorism related, 2005/6 – 2009/10

	Under 18	18-20	21-24	25-29	30+	Not known	Total
Arrested	31	80	187	300	494	0	1,092
%	3%	7%	17%	27%	45%	0%	
Charged	5	20	48	71	91	0	235
%	2%	9%	20%	30%	39%	0%	
% of arrests resulting in a charge	16%	25%	26%	24%	18%	..	22%

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

(1) This includes all charges under terrorism legislation and all charges under non-terrorism legislation but considered by the ACTCC to be terrorism related.

(2) Data for earlier years has been excluded due to data quality concerns.

Table 1.6 Ethnic appearance ⁽¹⁾ of suspects arrested for terrorism and of those charged where the offence is considered terrorism related ⁽²⁾, 2005/6 – 2009/10 ⁽³⁾

	White	Black	Asian	Other	Not Known	Total
Arrested	222	141	449	272	8	1,092
%	20%	13%	41%	25%	1%	
Charged	53	51	101	30	0	235
%	23%	22%	43%	13%	0%	
% of arrests resulting in a charge	24%	36%	22%	11%	0%	22%

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

(1) See Notes.

(2) This includes all charges under terrorism legislation and all charges under non-terrorism legislation but considered by the ACTCC to be terrorism related.

(3) Data for earlier years has been excluded due to data quality concerns.

Table 1.7 Time in days from arrest under s41 of the Terrorism Act 2000 ^(1, 2, 3, 4) to charge, ⁽⁵⁾ release without charge or other action taken

Time in custody	2001/2 ⁽⁶⁾				2002/3				2003/4				2004/5				2005/6				2006/7				2007/8				2008/9				2009/10			
	Charged	Released	Other	Total	Charged	Released	Other	Total	Charged	Released	Other	Total	Charged	Released	Other	Total	Charged	Released	Other	Total	Charged	Released	Other	Total	Charged	Released	Other	Total	Charged	Released	Other	Total				
Under 1	4	23	2	29	15	44	15	74	26	35	8	69	11	69	6	86	22	124	10	156	34	41	2	77	9	72	15	96	7	44	4	55	4	18	3	25
1-2 days	3	14	2	19	13	53	15	81	22	19	3	44	7	15	0	22	11	40	1	52	6	16	0	22	2	11	5	18	2	3	1	6	2	8	2	12
2-3 days	0	0	1	1	6	7	2	15	4	2	0	6	2	4	0	6	3	4	0	7	0	0	0	0	0	1	0	1	0	2	0	2	1	0	0	1
3-4 days	9	9	1	19	19	3	5	27	5	5	4	14	4	4	1	9	1	4	0	5	0	3	2	5	3	1	0	4	0	1	1	2	0	3	3	6
4-5 days	9	3	2	14	2	0	1	3	4	3	2	9	3	3	2	8	5	12	0	17	1	3	1	5	3	1	0	4	1	4	0	5	1	2	1	4
5-6 days	1	0	0	1	7	3	4	14	4	8	1	13	1	0	1	2	5	0	0	5	2	0	0	2	9	3	0	12	4	5	0	9	1	2	0	3
6-7 days	8	4	0	12	20	0	2	22	11	3	1	15	5	1	0	6	9	2	0	11	6	9	0	15	4	6	0	10	5	9	3	17	8	6	0	14
7-8 days									1	0	0	1	0	2	0	2	0	0	5	5	1	2	0	3	2	0	0	2	3	2	1	6	1	0	0	1
8-9 days									0	0	0	0	0	0	1	1	2	0	0	2	7	3	0	10	0	0	0	0	1	0	0	1	0	0	0	0
9-10 days									5	2	0	7	0	4	0	4	3	0	0	3	4	1	1	6	0	0	0	0	3	0	1	4	0	0	0	0
10-11 days									0	0	0	0	0	1	0	1	2	2	0	4	2	1	0	3	1	0	0	1	0	0	0	0	0	0	0	0
11-12 days									0	0	0	0	0	0	0	0	0	0	0	0	17	2	0	19	2	1	0	3	1	3	0	4	0	0	0	0
12-13 days									0	0	0	0	0	0	0	0	1	0	0	1	2	0	0	2	2	0	0	2	5	1	0	6	0	1	3	4
13-14 days									0	0	0	0	9	0	0	9	4	1	0	5	7	5	0	12	1	1	0	2	6	0	0	6	0	1	7	8
14-15 days																	1	0	0	1	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	0	0	0	0
16-17 days																	0	0	0	0	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	0	0	0	0
18-19 days																	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
19-20 days																	3	0	0	3	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	0	0	0	0
21-22 days																	0	0	0	0	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	0	0	0	0
23-24 days																	0	0	0	0	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	0	0	0	0
25-26 days																	0	0	0	0	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	0	0	0	0
27-28 days																	3	3	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	34	53	8	95	82	110	44	236	82	77	19	178	42	103	11	156	68	189	16	273	96	89	6	191	39	97	20	156	38	74	11	123	18	41	19	78

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

(1) Excludes those arrest under other legislation (i.e. not under s41 Terrorism Act 2000). Although an investigation is considered terrorism related the 28-day maximum pre-charge detention period does not apply in

(2) The maximum period of pre-charge detention for an arrest under s41 Terrorism Act 2000 was extended to 14 days with effect from 20 January 2004.

(3) The maximum period of pre-charge detention for an arrest under s41 Terrorism Act 2000 was extended to 28 days with effect from 25 July 2006.

(4) Includes Schedule 7 offences.

(5) Includes alternative action as listed in Table 1.2

(6) From 11 September 2001

Table 1.8(a) Outcome for those charged ^{(1) (2)} and prosecuted ⁽³⁾ under terrorism legislation

	Year of arrest									Total
	2001/2	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	
Charged	15	37	33	14	30	54	39	27	12	261
Prosecuted	12	22	22	8	27	47	33	23	5	199
Convicted	6	12	12	4	20	32	22	16	3	127
TACT	6	8	5	2	17	30	21	13	3	105
Non-TACT	0	4	7	2	3	2	1	3	0	22
Found not guilty	4	10	10	4	7	15	11	6	1	68
Other ⁽⁵⁾	2	0	0	0	0	0	0	1	1	4
Not Proceeded against	3	15	11	6	3	7	6	4	0	55
Awaiting prosecution	0	0	0	0	0	0	0	0	7	7

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

(1) Due to differences in the time of recording, charge and latter prosecution data will never match up perfectly case to case

(2) Charge here relates to the substantive charge at indictment recorded by the Crown Prosecution Service.

(3) Prosecution leads here to a single principal conviction, e.g. the most serious offence.

(4) From 11 September 2001

(5) Includes hung juries and those who have absconded.

Table 1.8(b) Outcome for those charged ^{(1) (2)} and prosecuted ⁽³⁾ under non-terrorism legislation but where considered terrorism related ⁽⁴⁾

	Year of arrest									Total
	2001/2	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	
Charged	7	26	17	20	15	21	12	12	13	143
Prosecuted	7	25	17	20	15	20	9	11	9	133
Convicted	6	22	9	19	15	18	7	8	6	110
TACT	0	1	1	1	3	1	2	2	1	12
Non-TACT	6	21	8	18	12	17	5	6	5	98
Found not guilty	1	3	8	1	0	2	2	2	0	19
Other	0	0	0	0	0	0	0	1	3	4
Not Proceeded against	0	1	0	0	0	1	0	1	0	3
Awaiting prosecution	0	0	0	0	0	0	3	0	4	7

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

(1) Due to differences in the time of recording, charge and latter prosecution data will never match up perfectly case to case

(2) Charge here relates to the substantive charge at indictment recorded by the Crown Prosecution Service.

(3) Prosecution leads here to a single principal conviction, e.g. the most serious offence.

(4) Based upon assessment by the ACPO Counter Terrorism Coordination Centre.

(5) From 11 September 2001

(6) Includes hung juries and those who have absconded.

Table 1.9(a) Number of persons tried⁽¹⁾ by the Crown Prosecution Service for offences under terrorism legislation, 2009/10

Offence	Number of persons tried	Acquittals	Convicted	Other ⁽²⁾	% of those tried convicted
Terrorism Act 2000					
Fundraising (Sec 15-19)	2	2	0	0	0%
Failure to disclose information (Sec. 38B)	2	2	0	0	0%
Possession of articles intended for terrorist purposes (Sec. 57)	1	0	1	0	100%
Collection or possession of information for terrorists (Sec 58 TACT 2000)	6	0	6	0	100%
Terrorism Act 2006					
Encouragement of terrorism (sec. 2)	1	0	1	0	100%
Preparation for terrorist acts (sec. 5)	6	3	3	0	50%
Prevention of Terrorism Act 2005					
	2	0	0	2	0%
Anti-Terrorism, Crime and Security Act 2001					
	1	0	1	0	0%
Total	21	7	12	2	57%

Source: Crown Prosecution Service Counter Terrorism Division

(1) Trials relating to principal conviction only.

(2) Hung jury or no evidence offered

Table 1.9(b) Number of persons tried⁽¹⁾ by the Crown Prosecution Service for offences under non-terrorism legislation but where considered terrorism related, 2009/10

<u>Offence</u>	<u>Number of persons tried</u>	<u>Acquitted</u>	<u>Convicted</u>	<u>Other⁽²⁾</u>	<u>% of those tried convicted</u>
Criminal Law Act 1977					
Conspiracy to murder	6	1	5	0	83%
Conspiracy to cause criminal damage	3	0	3	0	100%
Conspiracy to attend terrorist training S1(1)	2	0	2	0	100%
Conspiracy to receive property to be used for the purposes of terrorism	4	3	1	0	25%
Other	2	0	0	2	0%
Explosive Substances Act 1883					
Other offences					
Firearms Act 1968	1	0	1	0	100%
Identity Cards Act 2006	1	0	1	0	100%
Criminal Damage Act 1971	2	0	2	0	100%
Total	25	5	18	2	72%

Source: Crown Prosecution Service Counter Terrorism Division

(1) Trials related to principal conviction only.

(2) Hung jury or no evidence offered

Table 1.10(a) Principal offences ⁽¹⁾⁽²⁾ for which suspects convicted ⁽³⁾ under terrorism legislation ⁽⁴⁾

Offence	Year of arrest									Total
	2001/2	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	
Terrorism Act 2000										
Membership of a proscribed organisation (s.11, 12 & 13)	4	3	0	1	3	4	1	1	0	17
Fundraising (s.15-19)	2	0	0	0	4	1	3	0	0	10
Provision of information relating to a terrorist investigation (s.38b & 39)	0	0	2	0	5	1	1	1	0	10
Wilfully obstruct a constable (s.47(1)(c))	0	0	0	0	1	0	0	0	0	1
Weapons training (s.54 & 56)	0	0	0	0	1	1	1	0	0	3
Possession of an article for terrorist purposes (s.57)	0	5	2	1	1	5	2	1	0	17
Collection of information useful for a terrorism act (s.58)	0	1	0	1	2	5	2	3	2	16
Inciting terrorism acts overseas (s.59)	0	0	0	0	2	1	1	0	1	5
Total	6	9	4	3	19	18	11	6	3	79
Prevention of Terrorism Act 2005										
Total				0	0	1	2	1	1	5
Terrorism Act 2006										
Encouragement of terrorism (s.1 & 2)						1	1	1	0	3
Preparation for terrorist acts (s.5)						5	6	6	0	17
Training for terrorism (s.6 & 8)						5	0	0	0	5
Total						11	7	7	0	25
Anti-terrorism, Crime and Security Act 2001										
Total	0	0	2	0	1	1	3	1	0	8
TOTAL	6	9	6	3	20	31	23	15	4	117

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

(1) The offence shown is the principal offence for which the offender is convicted and given the highest penalty. When the suspect has more than one offence with an identical penalty it is based upon the maximum penalty available for that offence.

(2) Excludes convictions under Schedule 7 of the Terrorism Act 2000.

(3) Conviction as the principal offence (i.e. most serious offence) per individual offender.

(4) From 11 September 2001.

Table 1.10(b) Principal offences ^{(1) (2)} for which suspects convicted ⁽³⁾ under non-terrorism legislation and where considered as terrorism related ⁽⁴⁾

Offence	Year of arrest									Total
	2001/2	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	
	Common Law									
Murder	0	1	1	0	0	0	0	0	0	2
Conspiracy to defraud clearing banks	0	2	2	0	0	0	0	0	0	4
Conspiracy to commit armed robbery (Scotland)	0	1	0	0	1	0	0	0	0	2
Total	0	4	3	0	1	0	0	0	0	8
	Criminal Law Act 1977									
Conspiracy to murder (s.1(1))	0	1	0	2	4	9	1	0	0	17
Conspiracy to make, distribute and use forged documents (sec.1 (1))	0	0	0	4	0	0	0	0	0	4
Conspiracy to cause an explosion likely to endanger life (sec.1(1))	0	0	0	0	0	0	0	0	0	0
Conspiracy to destroy or damage property with intent to endanger life (s.1(1))	0	0	0	0	0	0	0	3	0	3
Placing or dispatching articles to cause a bomb hoax (s.51(1))	0	3	0	0	0	0	0	0	0	3
Other (6)	0	1	1	1	0	4	2	1	0	10
Total	0	5	1	7	4	13	3	4	0	37
	Criminal Law Act 1967									
Assisting offenders by impeding their prosecution (s.4(1))	0	0	0	0	4	0	0	0	0	4
	Explosive Substances Act 1883									
Doing act with intent to cause, or conspiring to cause, explosions likely to endanger life (s.3)	4	2	4	9	1	0	0	1	3	24
	Other offences									
Firearms Act 1968	1	0	3	1	0	3	2	0	0	10
Forgery and Counterfeiting Act 1981	0	12	3	1	0	0	0	0	0	16
Theft Act 1968 & 1978	0	2	1	2	0	0	0	0	0	5
Other (6)	1	0	0	0	5	3	1	4	2	16
Total	2	14	7	4	5	6	3	4	2	47
TOTAL	6	25	15	20	15	19	6	9	5	120

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

(1) The offence shown is the principal offence for which the offender is convicted and given the highest penalty. When the suspect has more than one offence with an identical penalty it is based upon the maximum penalty available for that offence.

(2) Conspiracy to commit offences is punishable as, and should be classified as, the substantive offences except where a separate classification is provided.

(3) Conviction as the principal offence (i.e. most serious offence) per individual offender.

(4) Based upon assessment by the ACTCC

(5) From 11 September 2001.

(6) When the number of offences charged per Act is fewer than three, charges have for most offences been grouped under 'Other' rather than listed separately.

Table 1.10(c) Principal offences ^{(1) (2)} for which suspects convicted under non-terrorism legislation ⁽³⁾ and where considered as not terrorism related ⁽⁴⁾

Offence	Year of arrest									Total
	2001/2	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	
	Common Law									
Conspiracy to defraud clearing banks	0	3	1	0	0	0	0	4	0	8
Pervert the course of justice	0	1	1	0	0	1	0	2	4	9
Total	0	4	2	0	0	1	0	6	4	17
	Criminal Law Act 1977									
Placing or dispatching articles to cause a bomb hoax (s.51(1))	0	2	2	0	3	0	0	2	2	11
Other (6)	2	0	0	0	0	2	0	1	3	8
Total	2	2	2	0	3	2	0	3	5	19
	Criminal Justice Act 1967									
Assisting offender by impeding their prosecution (s.4(1))	0	0	0	0	2	1	0	0	0	3
	Identity Cards Act 2006									
With intent knowingly obtain anothers ID document (s.25(1)(2) & (6))					0	5	3	4	6	18
	Other offences									
Firearms Act 1968	0	2	6	0	1	0	0	3	0	12
Forgery and Counterfeiting Act 1981	3	9	9	2	4	1	0	0	0	28
Misuse of Drugs Act 1971	1	0	2	1	0	0	2	2	2	10
Road Traffic Act 1988	1	1	2	0	2	0	0	1	0	7
Theft Act 1968 & 1978	5	2	5	2	4	1	1	2	1	23
Proceeds of Crime Act 2002	0	0	0	0	1	0	2	3	0	6
Fraud Act 2006					0	0	2	1	0	3
Other (6)	1	10	4	6	5	5	5	3	4	43
Total	11	24	28	11	17	7	12	15	7	132
TOTAL	13	30	32	11	22	16	15	28	22	189

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

(1) The offence shown is the principal offence for which the offender is convicted and given the highest penalty. When the suspect has more than one offence with an identical penalty it is based upon the maximum penalty available for that offence.

(2) Charge data are recorded by year of arrest.

(3) Charge here relates to the substantive charge at indictment recorded by the Crown Prosecution Service.

(4) Based upon assessment by the ACTCC.

(5) From 11 September 2001.

(6) When the number of offences charged per Act is fewer than three, charges have for most offences been grouped under 'Other' rather than listed separately.

Table 1.11(a) Sentencing for terrorism trials where offender convicted ⁽¹⁾ under terrorism legislation, 2009/10

Plea	Determinate Sentence						Indeterminate Sentence		Non-custodial	Total
	Under 1 year	1 year and under 4 years	4 years and under 10 years	10 years and under 20 years	20 years and under 30 years	30 years and over	IPP ⁽²⁾	Life		
	<i>Terrorism Act 2000</i>									
Guilty	0	2	0	0	0	0	0	0	1	3
Not guilty	0	3	1	0	0	0	0	0	0	4
	<i>Terrorism Act 2006</i>									
Guilty	0	1	0	0	0	0	0	0	0	1
Not guilty	0	1	1	1	0	0	0	0	0	3
	Anti-Terrorism, Crime and Security Act 2001									
Guilty	0	1	0	0	0	0	0	0	0	1
Not guilty	0	0	0	0	0	0	0	0	0	0
	All offences									
Guilty	0	4	0	0	0	0	0	0	1	5
Not guilty	0	4	2	1	0	0	0	0	0	7
	0	8	2	1	0	0	0	0	1	12

Source: Crown Prosecution Service Counter-Terrorism Division

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

(2) Indeterminate sentence for Public Protection.

Table 1.11(b) Sentencing for terrorism trials where offender convicted ⁽¹⁾ under non-terrorism legislation, 2009/10

Plea	Determinate Sentence					Indeterminate Sentence		Non-custodial	Total
	Under 1 year	1 year and under 4 years	4 years and under 10 years	10 years and under 20 years	20 years and under 30 years	30 years and over	IPP ⁽²⁾		
<i>Criminal Law Act 1977</i>									
Guilty	0	0	2	0	0	0	0	0	2
Not guilty	0	1	3	0	0	0	0	5	9
<i>Explosive Substances Act 1883</i>									
Guilty	0	1	1	0	0	0	0	0	2
Not guilty	0	0	0	0	0	0	1	0	1
<i>Other offences</i>									
Guilty	0	3	0	0	0	0	0	0	3
Not guilty	0	1	0	0	0	0	0	0	1
All offences									
Guilty	0	4	3	0	0	0	0	0	7
Not guilty	0	2	3	0	0	0	1	5	11
	0	6	6	0	0	0	1	5	18

Source: Crown Prosecution Service Counter-Terrorism Division

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

(2) Indeterminate sentence for Public Protection.

Table 1.12 Minimum terms for those in terrorism trials given an indeterminate life sentence 2009/10⁽¹⁾

Offence classification	Minimum term					Total
	Under 10 years	10 to 19 years	20 to 29 years	30 to 39 years	40 years and over	
Terrorism legislation	0	0	0	0	0	0
Non-terrorism legislation	0	1	1	2	1	5
All offences	0	1	1	2	1	5

Source: Crown Prosecution Service Counter-Terrorism Division

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

Table 1.13 Appeals and outcomes for terrorism convictions against court conviction or sentences, 2007/08 - 2009/10⁽¹⁾

Outcome of appeal	Number	Percentage (%)
Sentence varied: ⁽²⁾	24	47
<i>of which:</i>		
Sentence reduced	20	39
Sentence increased	4	8
Conviction Quashed	7	14
Appeal not accepted ⁽³⁾	20	39
Total	51	100

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

2. Includes both appeals made by defendants to reduce their sentence, and appeals by the state to increase a sentence

3. Includes 19 appeals dismissed and 1 appeal abandoned.

Table 1.14 Number of terrorist/extremist prisoners in Great Britain ⁽¹⁾ by self-defined ethnicity ⁽²⁾ at 31 March 2010

	White	Mixed	Asian or Asian British	Black or Black British	Chinese or Other	Total
Terrorism legislation or terrorism related	18	7	48	20	4	97
Remanded terrorism legislation	2	0	3	1	0	6
Remanded terrorism related	1	0	0	0	0	1
Convicted terrorism legislation	15	2	29	13	2	61
Convicted terrorism related	0	1	13	5	0	19
Deportation cases	0	3	1	1	0	5
Extradition cases	0	1	2	0	2	5
Domestic extremist/Separatist ⁽²⁾	24	0	0	0	0	24
Remanded	4	0	0	0	0	4
Convicted	20	0	0	0	0	20
Historic cases ⁽³⁾	4	0	1	0	0	5
Convicted terrorism related	4	0	1	0	0	5
Total	46	7	49	20	4	126

Source: National Offender Management Service and Scottish Prison Service

(1) See Notes.

(2) See Notes.

(3) See Notes.

Table 1.15 Terrorism legislation or terrorism related prisoners, including historical terrorist cases ⁽¹⁾, discharged from prison in Great Britain following detention, 2009/10

Outcome	Not convicted	Determinate sentence				Indeterminate sentences	
		Less than or equal to 6 months	Greater than 6 months to less than 12 months	12 months to less than 4 years	4 years or more (excluding indeterminate sentences)	IPP (2)	Life
Discharged	0	0	0	12	9	0	0
Repatriated	0	0	0	0	0	0	0
Deported or UKBA bail ⁽³⁾	0	0	0	1	1	0	0
Extradited/cross border transfer ⁽⁴⁾	0	0	0	0	0	0	0
Hospital transfer ⁽⁵⁾	0	0	0	1	0	0	0
No further action ⁽⁶⁾	0	0	1	0	0	0	0
Total	0	0	1	14	10	0	0

Source: National Offender Management Service and Scottish Prison Service

(1) These include cases which predate the introduction of the Terrorist Acts (2000 & 2006). They were imprisoned pre-2001 following a terrorist investigation, acts of terrorism, or for membership of a proscribed organisation. They include convicted terrorists from the c1970s to 1990s for a range of offences. They include members of groups such as the Palestinian Liberation Organisation (PLO), Democratic Revolutionary Movement for the Liberation of Arabistan (DRMLA) and domestic bombers.

(2) Indeterminate sentence for public protection.

(3) Immigration detainees - those individuals held under UKBA (United Kingdom Border Agency) powers awaiting deportation or administrative removal to their country of origin. Detainees are often held in Immigration Removal Centres (IRCs) but may be held in prison following agreement with HMPS. UKBA bail is those individuals released from detention in NOMS or UKBA custodial sites on license issued by UKBA.

(4) Extradition cases - those individuals held under Home Office powers awaiting extradition to another country or jurisdiction.

(5) Hospital transfers - those individuals transferred from prison to a secure hospital under the Mental Health Act for treatment. Individuals may be transferred back to prison, discharged on completion of their custodial sentence, or continue to be held under Mental Health Act powers following completion of their sentence, whilst remaining eligible for release on the authority of a Mental Health Review Tribunal.

(6) 'No further action' includes acquittals, found not guilty and discharged on appeal or case withdrawn.

Table 1.16 Self-declared nationalities of terrorist/extremist prisoners in Great Britain at 31 March 2010

Terrorist legislation or terrorist related		Domestic extremist /Separatist ⁽¹⁾		Historic terrorist cases ⁽²⁾	
United Kingdom	70	United Kingdom	22	United Kingdom	4
Africa	16	Europe	2	Middle East	1
Ethiopia	4	Irish Republic	1	Jordan	1
Somalia	4	Lithuania	1		
Algeria	2				
Morocco	2				
Egypt	1				
Ghana	1				
South Africa	1				
Uganda	1				
Middle East	4				
Kuwait	2				
Jordan	1				
Syria	1				
Asia	3				
Pakistan	2				
Bangladesh	1				
Europe	3				
Albania	1				
Italy	1				
Spain	1				
Unrecorded	1				
Total	97	Total	24	Total	5

Source: National Offender Management Service and Scottish Prison Service

(1) See Notes.

(2) See Notes.

Table 1.17 Self-declared religions ⁽¹⁾ of terrorist/extremist prisoners in Great Britain at 31 March 2010

Terrorist legislation or terrorist related		Domestic extremist /Separatist ⁽¹⁾		Historic terrorist cases ⁽²⁾	
Church of England	4	Agnostic	1	Greek/Russian Orthodox	1
Church of Scotland	1	Buddhist	4	Muslim/Moslem	1
Muslim/Moslem	84	Church of England	2	No religion	2
No religion	4	No religion	11	Pagan	1
Pagan	1	Not recorded	1		
Protestant	1	Other Christian religion	1		
Roman Catholic	2	Pagan	2		
		Roman Catholic	2		
Grand Total	97	Grand Total	24	Grand Total	5

Source: National Offender Management Service and Scottish Prison

(1) Self-declared on entry to prison although prisoners may change their religion whilst in custody.

(2) See Notes.

(3) See Notes.

NOTES - Terrorism arrests

Legislation

1. Under s32 of the Terrorism Act 2000 a terrorist investigation covers an investigation of:
 - (a) the commission, preparation or instigation of acts of terrorism,
 - (b) an act which appears to have been done for the purposes of terrorism,
 - (c) the resources of a proscribed organisation,
 - (d) the possibility of making an order under s3(3) covering proscribed organisations, or;
 - (e) the commission, preparation or instigation of an offence under this Act.

2. In Part I of the Terrorism Act 2000:
 - (1) 'Terrorism' means the use or threat of action where:
 - (a) the action falls within subsection (2),
 - (b) the use or threat is designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public, and;
 - (c) The use or threat is made for the purpose of advancing a political, religious or ideological cause.

 - (2) Action falls within this subsection if it:
 - (a) involves serious violence against a person,
 - (b) involves serious damage to property,
 - (c) endangers a person's life, other than that of the person committing the action,
 - (d) creates a serious risk to the health or safety of the public or a section of the public, or;
 - (e) Is designed seriously to interfere with or seriously to disrupt an electronic system.

It further states:

 - (3) The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1) (b) is satisfied.

Sources of data

3. The ACPO Counter Terrorism Coordination Centre (ACTCC) collects data covering all terrorism arrests in Great Britain (i.e. excluding Northern Ireland) and 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 is known, no further breakdown is possible. Information for Northern Ireland is published separately in the annual Northern Ireland Statistical Bulletin. The latest of which was published in August 2009 and covers 2008.

4. The ACTCC reviews all cases on its database to identify those that are currently identified as being terrorism or non-terrorism related. This decision is based upon the further information available centrally on these cases.

5. Comparisons 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 data held by the Crown Prosecution covers the outcome of all trials including

sentences and appeals to be covered. The Crown Prosecution Service also maintains links with the Fiscal Office to cover Scottish cases.

6. HM Prison 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 is also held on those subject to extradition orders or held by immigration powers. Information for Scotland has been provided separately by the Scottish Prison Service.
7. Ethnicity, as reported in this bulletin reports data gathered via:
 - (a) Arresting officer's observation:
Based upon the police officer's visual perception of the suspect's' ethnic appearance, categorised in this report into four groups (White, Black, Asian or Other).
 - (b) Prisoner's self-identified ethnicity:
Since March 2003 all prisoners received into penal establishments, including transfers, have been asked to self-classify their own ethnicity using the 2001 Census categories.

Description of procedures used in dealing with terrorism suspects.¹

Arrest

8. Arrests are made following operational intelligence and officer discretion as to an individuals supposed involvement in a crime; they are the initial stages of entrance into the criminal justice system. An arrest is not a direct indication of proven guilt or complicity in criminal activity. The police arrest suspects on a completely different threshold to that of later charge or prosecution, at the initial stage of the arrest a 'reasonable suspicion,' as perceived by the officer, of involvement in terrorist activity is needed to warrant a terrorist arrest. The arrest process must be seen as distinctly separate from latter charging, prosecution and sentencing. An arrest will result in the individual being: released without charge, cautioned, charged or facing other alternative action where necessary, e.g. transfers to UK Border Agency (UKBA).
9. The police's principal role is that of investigator and the meaningful accumulation of evidence upon which a charge may be established. The arrest allows police officers to continue investigations and gather admissible evidence expeditiously to ensure the continuation of a case.
10. Pre-charge detention assists the police in the active investigation and accumulation of evidence pertaining to potential terrorism offences. The Terrorism Act 2006 extended pre-charge detention up to 28 days (though periods of more than two days must be approved by a judicial authority and given a warrant for further detention (WFD)). This 28 day limit is subject to annual Parliamentary renewal and is used only when necessary.
11. Section 41 of the Terrorism Act 2000, gives the police the power to arrest a person without a warrant whom they reasonably suspect to be a terrorist. This is similar to the powers of arrest contained in wider criminal legislation. However those suspected of terrorism related offences are not always arrested under Section 41 of the Terrorism Act 2000. A terrorist link is not always initially evident and following further investigation this can become apparent.
12. Police have to make a decision to arrest based on the circumstances presented to them at a particular time, the need to conduct an effective investigation, and above

¹ There are some additional differences in criminal procedures for Scotland not covered here.

all, to protect public safety. It is this public safety concern that means all eventualities have to be considered by the police when dealing with potential terrorist offenders.

Charge

13. Under the power of the Prosecution of Offenders Act 1985 the decision to charge an individual with an offence and what that offence will be is taken by the Crown Prosecution Service (CPS) and, in some circumstances where this involves terrorist related offences this requires the direct approval of the Director of Public Prosecutions and in some cases the Attorney General. This will be done in liaison with the Senior Investigating Officer; the communication between the police and the CPS establishes whether to prosecute. The Crown Prosecutors provide advice to the police throughout the investigation and later prosecution process, including evidential requirements and assistance in pre-charge measures.
14. An individual is charged with a specific offence or offences once there is sufficient evidence to do so. The threshold of evidential sufficiency must be passed to ensure that a case worth pursuing can be built establishing the appropriate charge(s), the evidence required to support these and the likely plea of the defendant. Prosecutors are proactive in identifying evidential strengths and deficiencies seeking to establish whether to continue with a case or not, a decision that is under constant review. Where appropriate those cases that cannot be taken forward are brought to an early conclusion and no charge is given.
15. Not all offences which suspected terrorists may be charged or convicted are contained within terrorism legislation. After consultation with the CPS, the individual may be charged under the most appropriate legislation in relation to the alleged crime. Therefore, many individuals, who are suspected of terrorist-related offences, are charged/convicted under other criminal law, for example those found guilty in relation to the attempted bombings in London on 21 July 2005, were charged and convicted of Conspiracy to Murder under the Criminal Law Act 1977.
16. It is not unusual in any criminal proceedings for the CPS to amend charges or add further charges up to and during the actual trial. As the offence could change depending upon the evidence gathered this bulletin reports on the charge as at the point of indictment. This will present a clearer understanding of the charges brought against suspect, and provide a more accurate picture of the offence types for which suspects are being prosecuted.

Prosecution

17. The decision to prosecute is taken by the CPS as the principal public prosecuting authority in England and Wales; the Crown Office and Procurator Fiscal Service (COPFS) is responsible for the prosecution of crime in Scotland. The decision to prosecute must be a fair, independent and objective assessment, ensuring the proper application of the law by acting in the interests of Justice.
18. Following the initial charge and the continued accumulation of evidence, the CPS must decide on the next steps taken, whether to proceed and for which offences the suspect is to be prosecuted. The decision to prosecute can depend upon the possible fulfilment of two tests and will establish the procedure to take forward, for example whether to bail the suspect or keep them in custody. The Full Code Test is completed as soon as is reasonably practicable and considers evidential as well as public interest stages to decide whether there is enough evidence to provide a 'realistic prospect of conviction' against each defendant on each charge. However, there are some instances at the early stages of some cases where the evidence to carry out the Full Code Test is not yet available and it would be inappropriate to

release the suspect on bail due to public safety concerns, particularly evident with terrorist related suspects. At these early stages the Threshold Test is undertaken to decide whether there is a reasonable suspicion that the suspect committed an offence. Here the CPS must consider the evidence as it stands, the likelihood and impact of further evidence being gathered, when this is likely to be acquired and how this evidence will affect the charges brought against the suspect.

19. Where necessary the original charges are amended, added to or dropped altogether by the CPS at any point leading up to the trial, and even after it has begun. Therefore an individual listed under a particular offence at charge may be later listed under a different offence at the time of conviction. The charges presented in this section are taken as that at the time of conviction, which may differ from the initial charge at indictment. This seeks to provide a more accurate picture of the eventual offences for which suspects are proceeded against and reflect the suspects flow through the criminal justice system more clearly. Suspects are prosecuted according to the evidence accrued which successfully meets the criteria of likelihood of success in the criminal justice system; the CPS will not seek to prosecute where evidence is insufficient.

Conviction

20. Following the CPS decision to prosecute and their allocation of suitable charge offences at conviction the majority of terrorism related cases will be proceeded against at the Crown Court due to the relative severity of the offence(s). The process to get to trials can be extremely lengthy. Due to the high risk, public interest of the case extremely detailed scrutiny of evidence is required by investigators and the CPS, this can take time. Often the date of conviction can come years after the initial arrest was made. By tracking the history of arrestees the bulletin seeks to simplify the issues of yearly carry over in the criminal justice system and present evolving totals of those brought to justice by year of arrest.
21. The charges at conviction should reflect the seriousness of the offence, allow the court adequate powers to sentence and be such to allow the case to be presented in a clear and simple way at court. The convictions detailed in the bulletin primarily refer to the principal offence at conviction only when referring to individuals (8 (a) & (b), and 10 (a), (b) & (c)). Data collected by the Crown Prosecution Service is also included which looks specifically at 2008/9 and the outcomes of trials completed in that year.
22. Convictions are carried out either by plea or via trial by jury, where the suspect is either found guilty or not guilty. Following trial the suspect can either be proven guilty, acquitted or the jury can be hung, leading to a possible retrial during which time the suspect can be bailed or held on remand.

Sentencing and Detention

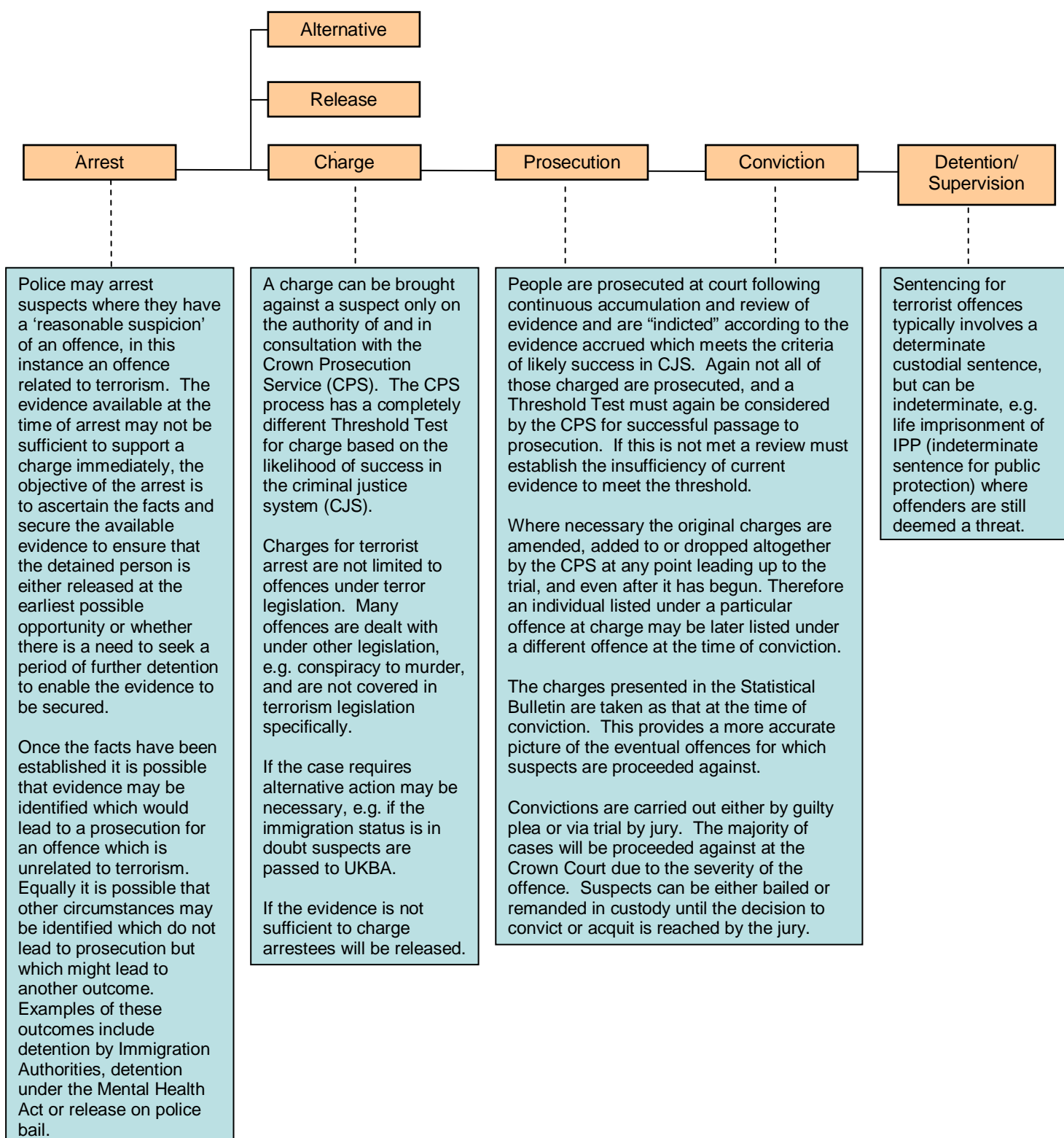
23. Sentencing data for all criminal offences is collected by the Ministry of Justice in completion of court proceedings at Magistrates' Courts or at the Crown Court depending upon the legislation under which they were convicted. As such based on the court data alone it is not possible to identify those who have been convicted under non-terrorism legislation where the offence is considered terrorism related. Initiatives set in place between the CPS Counter-Terrorism Division and the ACTCC have seen improvements in the collection of court statistics relating to terrorist trials. Due to the severity of terrorist offences typically the vast majority of offenders are given custodial sentences. Other methods used to deal with offenders include deportation, extradition, and hospital transfers.

24. The length of the sentence depends on the severity of the offence committed and the legislation used to charge the offender, e.g. typically offences under non-terrorism legislation give longer sentences as they include very serious offences such as conspiracy to murder and conspiracy to cause explosions. These more serious offences are more likely to carry an indeterminate sentence, e.g. life imprisonment or IPP (Imprisonment for Public Protection). Indeterminate sentences can mean indefinite detention in prison, life on license or possibly being detained under Mental Health Legislation for public protection.
25. Building upon the previous bulletin a new table focuses in on how long those sentenced to life will serve as a minimum term. This is not an inevitable conclusion and the offender is constantly under review to ensure that the minimum sentence handed down is still appropriate. The seriousness with which the decision to release a terrorist offender is taken cannot be understated, and the threat they would pose on the release to public safety is of paramount concern. As with all processes in the criminal justice system sentencing can change and does not exist in isolation. The right to appeal sentences can see reductions in the time served and potential retrials.

Prisons

26. Groups of terrorists/extremists included in prison statistics but not covered elsewhere in this bulletin are:
- (a) *Domestic extremists:*
Domestic extremists 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 are 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, members or associates of far right groups and domestic bombers.
 - (b) *Historical terrorist cases:*
These individuals' court cases predate 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 remain in prison custody on 31 March 2008. They include members of groups such as the Palestinian Liberation Organisation (PLO), Democratic Revolutionary Movement for the Liberation of Arabistan (DRMLA), 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.
27. Data on nationality and religion for the whole England and Wales prison population were published in Offender Management Caseload Statistics 2009 in July 2010. The nationality of prisoners is shown in table 7.14; the religion of prisoners is shown in tables 7.25-7.30: <http://www.justice.gov.uk/prisonandprobation.htm>

Figure 4 Summary of criminal justice process from arrest to detention



Chapter 2

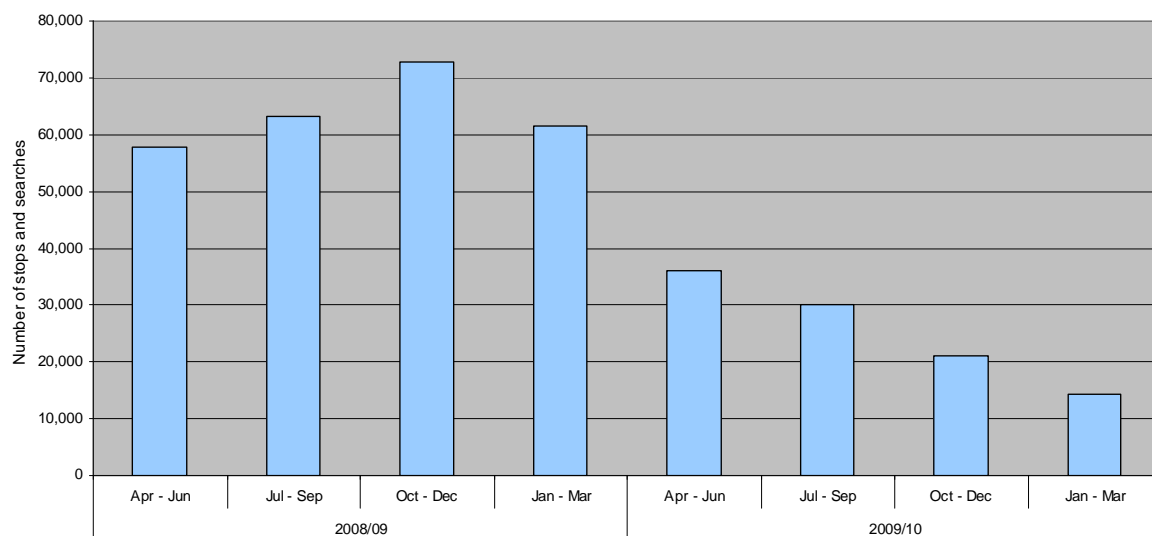
Statistics on stops and searches and other powers under the Terrorism Act 2000

MAIN POINTS

Data for 2009/10 presented in this chapter 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', scheduled to be published in April 2011:

- In 2009/10 there were 101,248 stops and searches made under Section 44 Terrorism Act in Great Britain, 60 per cent lower than in 2008/9.
- Compared with the same quarter of 2008/9 the number of searches carried out in Jan - March 2009/10 fell by 77 per cent, down from 61,719 to 14,214.
- A further 1,224 stops and searches were carried out by the Metropolitan Police Service in 2009/10 under the powers in Section 43 of the Terrorism Act, a fall of 24 per cent on 2008/09.
- Compared with the same quarter of 2008/09 the number of searches under Section 43 carried out in Jan-March 2009/10 fell by 48 per cent with the total down from 473 to 247.
- In total, 85,557 examinations were carried out in 2009/10 at ports in Great Britain under Schedule 7 of the Terrorism Act 2000, 2,687 lasted over one hour.
- Forty-three police cordons were set up in 2009/10 under s33 of the Terrorism Act 2000.

Figure 5 Stops and searches made under s44 (1) and (2) of the Terrorism Act 2000, Great Britain



Stops and searches under s44 Terrorism Act 2000 (Table 2.1, & 2.2)

1. Section 44 of the Terrorism Act 2000 provides officers with the power to stop and search people and vehicles for the purpose of searching for articles of a kind which could be used in connection with terrorism. The power may be exercised whether or not the officer has grounds for suspecting the presence of articles of that kind. A total of 101,248 persons were stopped by the police in 2009/10 in Great Britain under these powers. The majority of these (79%) were in the Metropolitan Police area or made by the British Transport Police (17%).
2. Of those stopped and searched under Section 44 in 2009/10 the majority defined themselves as White (59%). A further 17 per cent defined themselves as being Asian or Asian British, 10 per cent Black or Black British and four per cent self-classified as being Chinese or other.
3. A total of 506 arrests resulted from stops and searches, which were made under the powers of Section 44 in 2009/10. This represents 0.5 per cent of Section 44 stops and searches, and compares with 10 per cent of stops and searches made under section 1 of the Police and Criminal Evidence Act 1984 resulting in an arrest in 2008/09. No arrests under Section 44 were identified as being terrorism related.

Stops and searches under s43 Terrorism Act 2000 (Table 2.3)

4. The Terrorism Act also gives powers to individual officers to stop and search a suspect whom they reasonably suspect are involved in terrorism activity. Information collected from the Metropolitan Police Service shows that in 2009/10, 1,224 persons were stopped and searched under these powers. This represents a 24 per cent decrease on 2008/9 total of 1,601.
5. Of those stopped and searched under Section 43 the majority were White (53%). A further 24 per cent defined themselves as being Asian or Asian British, 10 per cent Black or Black British, four per cent as being Chinese or other and three per cent being mixed. The remaining six per cent were not stated.
6. In 2009/10, two per cent of all Section 43 stops and searches resulted in an arrest – a total of 26. Those self-defining as Black or Black British showed an arrest rate of 5 per cent, this compares to four per cent for Asian or Asian British and one per cent for White. No arrests were identified as being terrorism related.

Stops and examinations under Schedule 7 Terrorism Act 2000 (Table 2.4)

7. Under Schedule 7 individual examining officers can stop and examine a person at a port area who is present for the purpose of entering or leaving the country. A total of 85,557 persons were stopped at ports in 2009/10 in Great Britain under this power. 82,870 were held for under an hour and a further 2,687 for over an hour. A very low percentage of 220 million passengers travelling through UK ports were stopped with only 0.03 per cent of those travelling being examined.

Police use of cordons under s33 Terrorism Act 2000 (Table 2.5)

8. A cordon designation is made only if the person making it considers it expedient for the purposes of a terrorist investigation. During the year 2009/10 there were 43 cordons set up under Section 33 of the Terrorism Act 2000 in Great Britain. The majority (79%) were carried out by the Metropolitan Police Service.

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

Police force area	Year of stop and search								Totals		Percentage change
	2008/09				2009/10				2008/09	2009/10	
	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar			
Cumbria	42	20	62	59	58	7	0	0	183	65	-64%
Essex	681	468	496	536	301	33	0	55	2,181	389	-82%
Greater Manchester	0	823	249	92	49	32	25	45	1,164	151	-87%
Hampshire ⁽²⁾	633	416	441	95	49	0	4	0	1,585	53	-97%
London, City Of	468	607	834	676	319	426	313	328	2,585	1,386	-46%
Metropolitan	39,049	43,736	54,631	47,670	27,246	22,831	17,202	13,030	185,086	80,309	-57%
North Yorkshire	56	39	34	38	36	45	40	33	167	154	-8%
South Wales	662	539	222	271	187	0	0	0	1,694	187	-89%
Surrey	613	287	53	49	0	0	0	0	1,002	0	-100%
Sussex ⁽³⁾	184	320	429	274	423	309	303	225	1,207	1,260	4%
Other forces ⁽⁴⁾⁽⁵⁾ :	55	48	9	32	59	67	35	16	144	177	23%
England & Wales	42,443	47,303	57,460	49,792	28,727	23,750	17,922	13,732	196,998	84,131	-57%
BTP⁽⁶⁾	15,256	15,983	15,378	11,905	7,312	6,293	2,973	480	58,522	17,058	-71%
Scotland⁽⁷⁾	30	56	52	22	24	26	7	2	160	59	-63%
Great Britain	57,729	63,342	72,890	61,719	36,063	30,069	20,902	14,214	255,680	101,248	-60%

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

(1) Does not include 'Vehicle only' searches

(2) The 4 searches conducted in Oct-Dec were carried out under the authorisation of the British Transport Police.

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

(4) Forces have been ranked by their s44 use, and the top ten forces during the initial reporting period have been detailed individually with all remaining England and Wales forces grouped into 'Other forces'. Discontinuance of s44 authorisations has meant some forces are not included here as they report zero values.

(5) Includes figures for Merseyside police force for 2008/09 revised since previous bulletins

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

(7) 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 2.2 Stops and searches made under s44 (1) and (2) of the Terrorism Act 2000 by self-defined ethnicity, 2009/10

s44 (1) and (2) by self-defined ethnicity (2)									
Area	Year	Quarter	White	Mixed	Black or Black British	Asian or British	Chinese or Other	Not stated	Total
England & Wales	2009/10	Apr- Jun	17,372	628	3,169	4,741	1,171	1,646	28,727
		Jul - Sep	14,615	524	2,688	3,621	1,165	1,137	23,750
		Oct - Dec	10,629	358	1,811	3,525	745	854	17,922
		Jan - Mar	7,931	341	1,436	2,728	552	744	13,732
		Total	50,547	1,851	9,104	14,615	3,633	4,381	84,131
BTP (4)	2009/10	Apr- Jun	4,300	199	404	1,032	294	1,083	7,312
		Jul - Sep	3,347	156	364	864	283	1,279	6,293
		Oct - Dec	1,530	68	115	436	128	696	2,973
		Jan - Mar	241	9	17	102	17	94	480
		Total	9,418	432	900	2,434	722	3,152	17,058
Scotland (5)	2009/10	Apr- Jun	17	0	1	6	0	0	24
		Jul - Sep	24	0	0	0	2	0	26
		Oct - Dec	7	0	0	0	0	0	7
		Jan - Mar	2	0	0	0	0	0	2
		Total	50	0	1	6	2	0	59
Great Britain	2009/10	Apr- Jun	21,689	827	5,146	4,207	1,465	2,729	36,063
		Jul - Sep	17,986	680	3,985	3,552	1,450	2,416	30,069
		Oct - Dec	12,166	426	3,640	2,247	873	1,550	20,902
		Jan - Mar	8,174	350	2,745	1,538	569	838	14,214
		Total	60,015	2,283	10,005	17,055	4,357	7,533	101,248

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

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

(2) Ethnic appearance here refers to self-defined ethnicity as volunteered by those being stopped.

(3) Figures for 2008/09 for England and Wales have been revised since previous bulletins.

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

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

Table 2.3 Stops and searches made by the Metropolitan Police Service under s43 of the Terrorism Act 2000 by self-defined ethnicity, 2008/09 and 2009/10

Self defined ethnicity	2008/09				2009/10				Totals	
	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar	2008/9	2009/10
White	60	141	380	241	196	210	139	109	822	654
Mixed	3	3	11	7	11	9	7	6	24	33
Black or Black British	13	47	109	53	45	33	16	29	222	123
Asian or Asian British	25	62	126	110	64	80	69	79	323	292
Chinese or Other	5	14	23	28	4	14	15	10	70	43
Not stated	20	17	69	34	22	28	15	14	140	79
Total	126	284	718	473	342	374	261	247	1601	1224

Source: Metropolitan Police Service, PIB criminal Justice & Operations

Table 2.4 Examinations made under Schedule 7 of the Terrorism Act 2000

Area	2009/10		Total Schedule 7 examinations ⁽²⁾
	Total under the hour examinations	Total over the hour examinations ⁽¹⁾	
Great Britain	82,870	2,687	85,557

Source: Officer of the ACPD(TAM) National Coordinators Office PROTECT & Prepare

(1) Includes number of individuals detained as a part of the examination

(2) Does not include examinations of unaccompanied freight

Table 2.5 Use of police cordons under s33 of the Terrorism Act 2000

Force/Area	2009/10
	Number of cordons under s33 of the Terrorism Act 2000
London, City of	8
Merseyside	1
Metropolitan Police Service	34
England & Wales	43
British Transport Police	0
Scotland	0
Great Britain	43

Source: ACPO Counter Terrorism Coordination Centre

NOTES - Stops and searches

Legislation

1. Section 44 (1) and (2) Terrorism Act 2000

- (1) An authorisation under this subsection authorises any constable in uniform to stop a vehicle in an area or at a place specified in the authorisation and to search—
 - (a) the vehicle;
 - (b) the driver of the vehicle;
 - (c) a passenger in the vehicle;
 - (d) anything in or on the vehicle or carried by the driver or a passenger.
- (2) An authorisation under this subsection authorises any constable in uniform to stop a pedestrian in an area or at a place specified in the authorisation and to search—
 - (a) the pedestrian;
 - (b) anything carried by him.
- (3) An authorisation under subsection (1) or (2) may be given only if the person giving it considers it expedient for the prevention of acts of terrorism.
- (4) An authorisation may be given—
 - (a) where the specified area or place is the whole or part of a police area outside Northern Ireland other than one mentioned in paragraph (b) or (c), by a police officer for the area who is of at least the rank of assistant chief constable;
 - (b) where the specified area or place is the whole or part of the metropolitan police district, by a police officer for the district who is of at least the rank of commander of the metropolitan police;
 - (c) where the specified area or place is the whole or part of the City of London, by a police officer for the City who is of at least the rank of commander in the City of London police force;
 - (d) where the specified area or place is the whole or part of Northern Ireland, by a member of the Royal Ulster Constabulary who is of at least the rank of assistant chief constable.
- (5) If an authorisation is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

2. Section 43 Terrorism Act 2000

- (1) A constable may stop and search a person whom he reasonably suspects to be a terrorist to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.
- (2) A constable may search a person arrested under section 41 to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.
- (3) A search of a person under this section must be carried out by someone of the same sex.
- (4) A constable may seize and retain anything which he discovers in the course of a search of a person under subsection (1) or (2) and which he reasonably suspects may constitute evidence that the person is a terrorist.
- (5) A person who has the powers of a constable in one Part of the United Kingdom may exercise a power under this section in any Part of the United Kingdom.

3. Schedule 7 Terrorism Act 2000

- (1) An examining officer may question a person to whom this paragraph applies for the purpose of determining whether he is or has been concerned in the commission, preparation or instigation of acts of terrorism.
- (2) This paragraph applies to a person if—
 - (a) he is at a port or in the border area, and
 - (b) the examining officer believes that the person's presence at the port or in the area is connected with his entering or leaving Great Britain or Northern Ireland
- (3) An examining officer may exercise his powers under this paragraph whether or not he has grounds for suspecting that a person falls within section 40(1)(b).
- (4) A person who is questioned under paragraph 2 or 3 must—
 - (a) give the examining officer any information in his possession which the officer requests;
 - (b) give the examining officer on request either a valid passport which includes a photograph or another document which establishes his identity;
 - (c) declare whether he has with him documents of a kind specified by the examining officer;
 - (d) give the examining officer on request any document which he has with him and which is of a kind specified by the officer.
- (5) (a) For the purposes of exercising a power under paragraph 2 or 3 an examining officer may—
 - stop a person or vehicle;
 - detain a person.
 - (b) For the purpose of detaining a person under this paragraph, an examining officer may authorise the person's removal from a ship, aircraft or vehicle.
 - (c) Where a person is detained under this paragraph the provisions of Part I of Schedule 8 (treatment) shall apply.
 - (d) A person detained under this paragraph shall (unless detained under any other power) be released no later than the end of the period of nine hours beginning with the time when his examination begins.

4. Section 33 Terrorism Act 2000

- (1) An area is a cordoned area for the purposes of this Act if it is designated under this section.
- (2) A designation may be made only if the person making it considers it expedient for the purposes of a terrorist investigation.
- (3) If a designation is made orally, the person making it shall confirm it in writing as soon as is reasonably practicable.
- (4) The person making a designation shall arrange for the demarcation of the cordoned area, so far as is reasonably practicable—
 - (a) by means of tape marked with the word "police", or
 - (b) in such other manner as a constable considers appropriate.

Source of data

5. Information on stops and searches under s44 has been provided by police forces to the Home Office under the Annual Data Requirement. The information presented here has not been fully validated and therefore must be considered as provisional. Final figures will be published by the Home Office as National Statistics
6. Information from the British Transport Police, Scottish Police forces and on s43 powers in the Metropolitan Police Service have been supplied for this specific report.
7. Persons stopped and searched are asked to self-classify their own ethnicity using the 2001 Census categories.
8. Data on Schedule 7 examinations for Great Britain has been provided by the Office of the National Coordinator PROTECT & PREPARE.
9. Data on police use of cordons under s33 is collected as part of the Annual Data Requirement by all police forces in England and Wales. This data is compiled centrally by the ACPO Counter Terrorism Coordination Centre and the Office of Security and Counter Terrorism within the Home Office. Information from the British Transport Police and Scottish Police forces has been supplied for this specific report.

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