



Home Office

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

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Great Britain

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Further information

Copies of this and other 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/>.

The figures presented in this bulletin cover Great Britain only, and are likely to change as police investigations progress and criminal trials are held. Data for Northern Ireland are published separately and the most recent published data, for 2010/11, can be viewed at: <http://www.nio.gov.uk/11-2.pdf>.

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/>.

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

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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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Conventions used in figures and tables

Table abbreviations

- '-' Indicates nil amount or, for percentage changes, that the amount is not reported because the base number is less than 50
- '..' Indicates data are not available
- '*' Indicates not applicable

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1 Terrorism arrests and outcomes

A total of 167 persons were arrested for terrorism-related offences in the year ending 31 December 2011, compared with 127 in the previous 12 months and a total of 2,114 since 11 September 2001. Thirty-two per cent of persons arrested for terrorism-related offences in the year ending 31 December 2011 were arrested under section 41 (s41) of the Terrorism Act 2000 (TACT), compared with 42 per cent in the previous year and 75 per cent since 11 September 2001 (Table 1.01).

The increase in arrests in the last year related to the policing of a demonstration in the most recent quarter (October to December 2011), where a number of arrests were made under the Police and Criminal Evidence Act 1984 (PACE) for suspected TACT offences (see Box 1.1 below). This resulted in an increased proportion of non-TACT arrests in the year ending 31 December 2011.

Box 1.1 Terrorism-related offences covered in this bulletin

Arrests

Section 41 of the Terrorism Act 2000 (TACT) gives the police the power to arrest a person whom they reasonably suspect to be involved in terrorist-related activity without a warrant. These powers are similar to standard powers of arrest given by PACE; however, s41 arrest powers allow detention of suspects for a longer period before release (see Box 1.2 for more information on pre-charge detentions). Not all persons suspected of terrorism-related offences are initially arrested under s41 of 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 of TACT and those made under PACE legislation are included in this bulletin.

Charges

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).

Of the 167 persons arrested in the year ending 31 December 2011, 28 per cent (47 persons) were charged, compared with a charging rate of 39 per cent (50 out of 127 persons) in the previous 12 months. This reduced proportion can be attributed to the large number of arrests associated with the above mentioned demonstration. Since 11 September 2001, 36 per cent (754 out of 2,114) of persons were charged after being arrested for terrorism-related offences. A comparison with persons aged 18 and over arrested for recorded crime offences in 2010/11 indicates that 45 per cent are proceeded against at court.¹

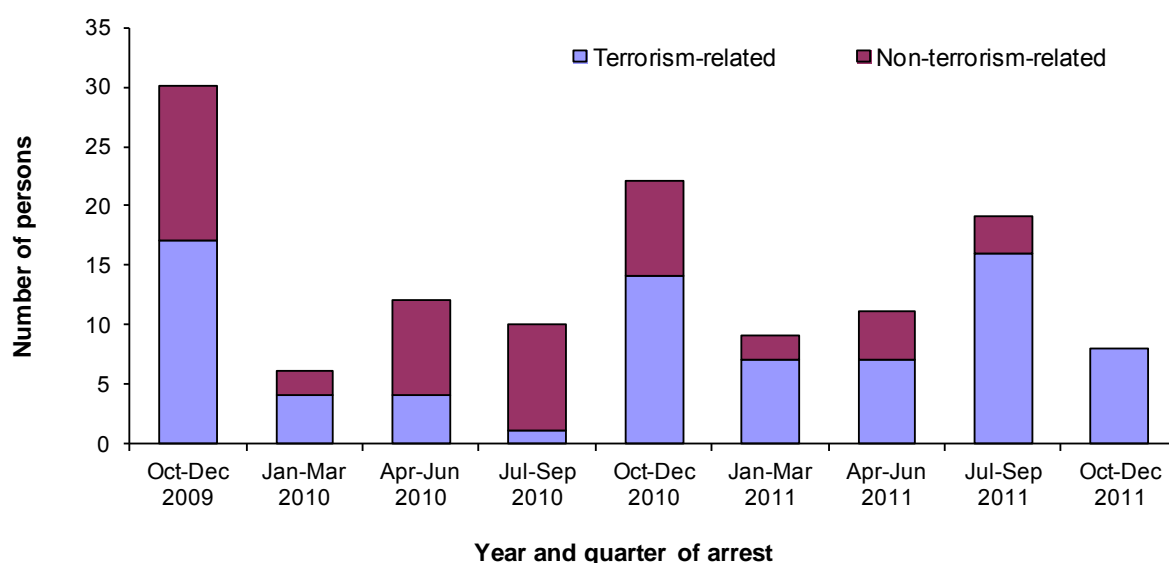
Of the 47 persons charged in the year ending 31 December 2011, 81 per cent (38 persons) were for terrorism-related offences as compared with 46 per cent in the previous 12 months and 63 per cent since 11 September 2001 (Table 1.02).

Fifty-one per cent (86 persons) of those arrested were released without charge in the year ending 31 December 2011 compared with 55 per cent (70 persons) in the previous year and 54 per cent (1,150 persons) since 11 September 2001 (Table 1.02).

Sixty-four persons were arrested for terrorism-related offences in the latest quarter (October to December 2011). Eight of these had been charged at the time of publication, each with TACT offences (Table 1.02).

¹ See paragraph 5 in the Notes section for a description of the comparison used.

Figure 1.1 Persons charged with terrorism-related offences by quarter



Box 1.2 Pre-charge detention under the Terrorism Act (TACT)

Under s41 of TACT, 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 suspects 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.

Three of the 54 persons arrested under TACT legislation in the year ending 31 December 2011 were held in pre-charge detention for more than seven days. Forty-eight per cent of those detained were dealt with within two days (Table 1.03).

Excluding the two persons charged with Schedule 7 offences, there were 36 persons charged with terrorism-related offences in the year ending 31 December 2011. Six were not proceeded against and, of those that stood trial, 13 were convicted and two acquitted. Fifteen persons were awaiting prosecution at the time of publication. Since 11 September 2001, 273 persons have been convicted of terrorism-related offences out of 454 charged, a conviction rate of 60 per cent (Table 1.04).

Data provided by the Crown Prosecution Service show that, during the year ending 31 December 2011, 13 persons stood trial for terrorism-related offences, eight of whom were convicted. Twenty-eight persons stood trial during the previous year, 18 of whom were convicted (Table 1.05).

Seven of the eight persons convicted during the year ending 31 December 2011 received custodial sentences (including one sentenced to life imprisonment); the remaining person was given a non-custodial sentence². Two of the eight persons convicted pleaded guilty, compared with 11 of the 18 persons convicted in the previous 12 months (Table 1.06).

There were 123 persons in prison in Great Britain for terrorist/extremist or related offences on 31 December 2011, of whom 17 were classified as domestic extremists/separatists (Table 1.07).

In the year ending 31 December 2011, 26 prisoners being held for terrorism-related offences were discharged from prison (Table 1.08).

² Includes sentences such as fines, conditional discharges, community service orders and hospital orders under the Mental Health Act, among others.

Table 1.01 Persons arrested for terrorism-related offences under section 41 of the Terrorism Act 2000¹ and other legislation²

Number	Date of arrest											Total year ending		Change ³		Great Britain		
	Oct-Dec				Jan-Mar				Apr-Jun			Jul-Sep		31 Dec	31 Dec	Number	%	Since 11 Sep 2001
	2009	2010	2010	2010	2010	2010	2011	2011	2011	2011	2010	2011						
Section 41 Terrorism Act	26	10	7	10	26	7	22	16	9	53	54	1	2	1,583				
<i>Percentage of total (%)⁴</i>	46	45	32	30	52	33	59	36	14	42	32			75				
Other legislation	30	12	15	23	24	14	15	29	55	74	113	39	53	531				
<i>Percentage of total (%)⁴</i>	54	55	68	70	48	67	41	64	86	58	68			25				
Total	56	22	22	33	50	21	37	45	64	127	167	40	31	2,114				

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

1. Section 41 of the Terrorism Act 2000 gives the police the power to arrest a person whom they reasonably suspect to be a terrorist without a warrant. This is similar to the powers of arrest contained in wider criminal legislation.
2. Persons suspected of terrorism-related offences are not always arrested under section 41 of the Terrorism Act 2000. A terrorist link is not always substantiated; all outcomes of these arrests are shown in Tables 1.02 and 1.04.
3. Difference between the totals for the 12 months ending 31 December 2010 and 31 December 2011.
4. Care should be taken in interpreting percentages in this table as the numbers on which they are based are relatively low.

Table 1.02 Persons arrested for terrorism-related offences by charging outcome

Number	Date of arrest										Total year ending		Change ¹		Great Britain
	Oct-Dec		Jan-Mar		Apr-Jun		Jul-Sep		Oct-Dec		31 Dec	31 Dec	Number	%	Since 11 Sep 2001
	2009	2010	2010	2010	2010	2010	2011	2011	2011	2011	2010	2011			
Arrested	56	22	22	33	50	21	37	45	64	127	167	40	31	2,114	
Charged	30	6	12	10	22	9	11	19	8	50	47	-3	-6	754	
Terrorism-related:															
Terrorism Acts (TACT) ²	5	2	2	1	9	1	3	16	8	14	28	14	-	300	
Schedule 7 (TACT) ³	1	-	-	-	3	1	1	-	-	3	2	-1	-	23	
Other legislation ⁴	11	2	2	-	2	5	3	-	-	6	8	2	-	154	
Non-terrorism-related ⁵	13	2	8	9	8	2	4	3	-	27	9	-18	-	277	
Alternative action⁶	5	3	1	2	1	1	6	11	16	7	34	27	-	210	
Released without charge	21	13	9	21	27	11	20	15	40	70	86	16	23	1,150	

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

1. Difference between the totals for the 12 months ending 31 December 2010 and 31 December 2011.
2. Includes charges under the Terrorism Act 2000, Anti-Terrorism Crime and Security Act 2001, Prevention of Terrorism Act 2005 and Terrorism Act 2006.
3. Failure to comply at border controls under Schedule 7 of the Terrorism Act 2000.
4. Includes charges under any non-TACT criminal offence, which are considered to be terrorism-related (see Box 1.1 for a detailed description of these categories).
5. Includes charges under any non-TACT criminal offence, which are considered to be non-terrorism-related.
6. Includes cautions for non-terrorism offences, transfers to immigration authorities, transfers to Police Service for Northern Ireland, summonses, those bailed awaiting charge and those dealt with under mental health legislation.

Table 1.03 Detention times of persons arrested under s41 of the Terrorism Act 2000¹, with outcomes²

Number	Great Britain																							
	Jan-Mar 2011				Apr-Jun 2011 ³				Jul-Sep 2011 ³				Oct-Dec 2011 ³				Year ending 31 Dec 2011 ³				Since 11 Sep 2001			
	Charged	Released	Other	Total	Charged	Released	Other	Total	Charged	Released	Other	Total	Charged	Released	Other	Total	Charged	Released	Other	Total	Charged	Released	Other	Total
Time in detention before outcome																								
Under 1 day	-	3	1	4	1	2	1	4	-	-	-	-	-	3	-	3	1	8	2	11	136	504	57	697
1 to less than 2 days	-	-	-	-	1	8	-	9	1	4	-	5	-	1	-	1	2	13	-	15	68	206	24	298
2 to less than 3 days	-	1	-	1	-	1	-	1	-	-	-	-	-	-	-	-	-	2	-	2	18	22	2	42
3 to less than 4 days	-	1	-	1	-	3	-	3	-	-	-	-	4	-	-	4	4	4	-	8	46	40	15	101
4 to less than 5 days	-	-	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	1	-	1	30	33	8	71
5 to less than 6 days	1	-	-	1	1	1	-	2	-	-	-	-	-	-	-	-	2	1	-	3	36	23	6	65
6 to less than 7 days	-	-	-	-	1	1	-	2	8	-	-	8	1	-	-	1	10	1	-	11	94	46	5	145
7 to less than 8 days	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7	5	5	17
8 to less than 9 days	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10	5	1	16
9 to less than 10 days	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	16	7	2	25
10 to less than 11 days	-	-	-	-	-	-	-	-	1	-	-	1	-	-	-	-	1	-	-	1	5	4	-	9
11 to less than 12 days	-	-	-	-	-	-	-	-	2	-	-	2	-	-	-	-	2	-	-	2	22	6	-	28
12 to less than 13 days	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10	2	3	15
13 to less than 14 days	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	28	8	7	43
14 to less than 15 days	-	-	-	-	*	*	*	*	*	*	*	*	*	*	*	*	-	-	-	-	1	-	-	1
15 to less than 16 days	-	-	-	-	*	*	*	*	*	*	*	*	*	*	*	*	-	-	-	-	-	-	-	-
16 to less than 17 days	-	-	-	-	*	*	*	*	*	*	*	*	*	*	*	*	-	-	-	-	-	-	-	-
17 to less than 18 days	-	-	-	-	*	*	*	*	*	*	*	*	*	*	*	*	-	-	-	-	-	-	-	-
18 to less than 19 days	-	-	-	-	*	*	*	*	*	*	*	*	*	*	*	*	-	-	-	-	1	-	-	1
19 to less than 20 days	-	-	-	-	*	*	*	*	*	*	*	*	*	*	*	*	-	-	-	-	3	-	-	3
20 to less than 21 days	-	-	-	-	*	*	*	*	*	*	*	*	*	*	*	*	-	-	-	-	-	-	-	-
21 to less than 22 days	-	-	-	-	*	*	*	*	*	*	*	*	*	*	*	*	-	-	-	-	-	-	-	-
22 to less than 23 days	-	-	-	-	*	*	*	*	*	*	*	*	*	*	*	*	-	-	-	-	-	-	-	-
23 to less than 24 days	-	-	-	-	*	*	*	*	*	*	*	*	*	*	*	*	-	-	-	-	-	-	-	-
24 to less than 25 days	-	-	-	-	*	*	*	*	*	*	*	*	*	*	*	*	-	-	-	-	-	-	-	-
25 to less than 26 days	-	-	-	-	*	*	*	*	*	*	*	*	*	*	*	*	-	-	-	-	-	-	-	-
26 to less than 27 days	-	-	-	-	*	*	*	*	*	*	*	*	*	*	*	*	-	-	-	-	-	-	-	-
27 to less than 28 days	-	-	-	-	*	*	*	*	*	*	*	*	*	*	*	*	-	-	-	-	3	3	-	6
Total	1	5	1	7	4	17	1	22	12	4	-	16	5	4	-	9	22	30	2	54	534	914	135	1,583

Source: ACPO Counter Terrorism Coordination Centre (ACTCC)

1. Excludes those arrested under other legislation. Although an investigation is considered terrorism-related the 14-day maximum pre-charge detention period does not apply in such cases.
2. The category 'other' includes cautions for non-terrorism offences, transfers to immigration authorities, transfers to Police Service for Northern Ireland, summonses, those bailed awaiting charge and those dealt with under mental health legislation.
3. The maximum period of detention under section 41 of TACT was changed from 28 days to 14 days on 25 January 2011.

Table 1.04 Persons charged¹ with terrorism-related offences by outcome²

Number	Date of arrest ⁴										Total year ending		Great Britain	
	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	31 Dec	31 Dec	Change ⁵	Since 11 Sep 2001	
	2009	2010	2010	2010	2010	2011	2011	2011	2011	2010	2011			
Persons charged and outcome														
Charged	16	4	4	1	11	6	6	16	8	20	36	16	454	
Prosecuted ³	16	3	1	1	11	4	5	4	2	16	15	-1	367	
Not proceeded against	-	-	3	-	-	1	1	-	4	3	6	3	73	
Awaiting prosecution	-	1	-	-	-	1	-	12	2	1	15	14	18	
Convicted⁶	14	1	1	1	11	4	5	2	2	14	13	-1	273	
Terrorism Act offences	5	1	-	1	9	-	2	2	-	11	4	-7	138	
Other legislation – terrorism-related	9	-	1	-	2	4	3	-	2	3	9	6	135	
Other outcomes of prosecutions	2	2	-	-	-	-	-	2	-	2	2	-	95	
Found not guilty	2	2	-	-	-	-	-	2	-	2	2	-	92	
Other ⁷	-	-	-	-	-	-	-	-	-	-	-	-	3	

Source: ACPO Counter Terrorism Coordination Centre

1. Charged here relates to the substantive charge at indictment recorded by the Crown Prosecution Service.
2. Excluding charges under Schedule 7 of the Terrorism Act 2000, and non-terrorism-related charges under non-TACT legislation (see Box 1.1 for more information).
3. Prosecution leads here to a single principal conviction, e.g. the most serious offence.
4. Figures in this table are based on year of arrest; therefore a defendant arrested in 2008 and convicted in 2010 will be included in the 2008 figure. As a result, data on trials and convictions in Table 1.04 are not directly comparable with those shown in Table 1.05 (based on date of trial outcome).
5. Difference between the totals for the 12 months ending 31 December 2010 and 31 December 2011.
6. Excludes cases when a conviction was later quashed on appeal. See Table 1.13 of the most recent annual terrorism bulletin (HOSB 15/11) available on the Home Office Science website (<http://www.homeoffice.gov.uk/science-research/research-statistics/counter-terrorism>).
7. Includes hung juries and trials not currently completed.

Table 1.05 Persons^{1,2} dealt with by the Crown Prosecution Service for terrorism-related offences³ by outcome

Number	England and Wales											Change ⁴
	Date of trial outcome									Total year ending		
	Oct-Dec 2009	Jan-Mar 2010	Apr-Jun 2010	Jul-Sep 2010	Oct-Dec 2010	Jan-Mar 2011	Apr-Jun 2011	Jul-Sep 2011	Oct-Dec 2011	31 Dec 2010	31 Dec 2011	
Acquitted	-	4	-	-	1	-	-	3	1	5	4	-1
Convicted	6	6	5	6	1	2	-	4	2	18	8	-10
Other outcome ⁵	-	4	-	-	1	-	1	-	-	5	1	-4
Total	6	14	5	6	3	2	1	7	3	28	13	-15
<i>Percentage convicted (%)</i>										<i>64</i>	<i>62</i>	

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

1. Principal offence basis.
2. Figures in this table are based on date of trial outcome; therefore a defendant arrested in 2008 and convicted in 2010 will be included in the 2011 figure. As a result, data on trials and convictions in Table 1.05 are not directly comparable with those shown in Table 1.04 (based on date of arrest).
3. Includes trials for offences under terrorism legislation and trials under non-terrorism legislation where the case is considered terrorism related.
4. Difference in numbers between the totals for the 12 months ending 31 December 2010 and 31 December 2011.
5. Includes outcomes such as: hung jury, no evidence, defendant died.

Table 1.06 Persons convicted¹ for terrorism-related offences² by sentence

Number	England and Wales											Change ³
	Date of trial outcome									Total year ending		
	Oct-Dec 2009	Jan-Mar 2010	Apr-Jun 2010	Jul-Sep 2010	Oct-Dec 2010	Jan-Mar 2011	Apr-Jun 2011	Jul-Sep 2011	Oct-Dec 2011	31 Dec 2010	31 Dec 2011	
Non-custodial sentence	-	-	-	-	1	-	-	-	1	1	1	-
Custodial sentence:												
Less than 1 year	-	-	-	-	-	-	-	-	-	-	-	-
1 year and under 4 years	3	5	3	2	-	-	-	-	1	10	1	-9
4 years and under 10 years	2	1	1	-	-	1	-	1	-	2	2	0
10 years and under 20 years	-	-	1	-	-	-	-	1	-	1	1	0
20 years and under 30 years	-	-	-	-	-	1	-	-	-	-	1	1
IPP ⁴	-	-	-	-	-	-	-	1	-	-	1	1
Life sentence	1	-	-	4	-	-	-	1	-	4	1	-3
Total	6	6	5	6	1	2	-	4	2	18	8	-10
<i>(of which)</i>												
<i>Guilty plea</i>	-	4	3	3	1	-	-	1	1	11	2	-9
<i>Not guilty plea</i>	6	2	2	3	-	2	-	3	1	7	6	-1

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

1. Refers to cases dealt with by the Crown Prosecution Service Counter-Terrorism Division only.
2. Includes trials for offences under terrorism legislation and trials under non-terrorism legislation where the case is considered to be terrorism related.
3. Difference in numbers between the totals for the 12 months ending 31 December 2010 and 31 December 2011.
4. Indeterminate sentence for public protection.

Table 1.07 Terrorist/extremist prisoners¹

Number	Great Britain									
	31 Dec 2009	31 Apr 2010	30 Jun 2010	30 Sep 2010	31 Dec 2010	31 Apr 2011	30 Jun 2011	30 Sep 2011	31 Dec 2011	
Type of prisoner ²										
Terrorism legislation or terrorism-related	105	97	89	86	96	94	83	95	102	
Domestic extremist/separatist	22	24	21	22	22	22	29	22	17	
Historic cases	5	5	6	3	5	4	4	4	4	
Total	132	126	116	111	123	120	116	121	123	

Source: National Offender Management Service and Scottish Prison Service

1. Includes persons on remand as well as those sentenced to prison custody for a criminal offence.
2. See Notes for a description of the prisoner type categories used in this bulletin.

Table 1.08 Terrorism legislation or terrorism-related prisoners¹ discharged from prison

Number	Great Britain				
	Time of discharge				
Length of sentence	Oct-Dec 2010	Jan-Mar 2011	Apr-Jun 2011	Jul-Sep 2011	Oct-Dec 2011
Less than or equal to 6 months	-	-	-	-	-
Greater than 6 months to less than 12 months	-	-	-	-	-
12 months to less than 4 years	5	1	2	1	3
4 years or more	4	5	2	9	3
Indeterminate sentence for public protection (IPP)	-	-	-	-	-
Life	-	-	-	-	-
Total	9	6	4	10	6

Source: National Offender Management Service and Scottish Prison Service

1. Includes historical terrorism cases which predate the introduction of the Terrorist Acts (2000 and 2006) and where persons were imprisoned pre-2001 following a terrorist investigation, acts of terrorism, or for membership of a proscribed organisation. This includes convicted terrorists from the 1970s to 1990s for a range of offences. Also, members of groups such as the Palestinian Liberation Organisation (PLO), Democratic Revolutionary Movement for the Liberation of Arabistan (DRMLA) and domestic bombers.

2 Stops and searches under the Terrorism Act 2000

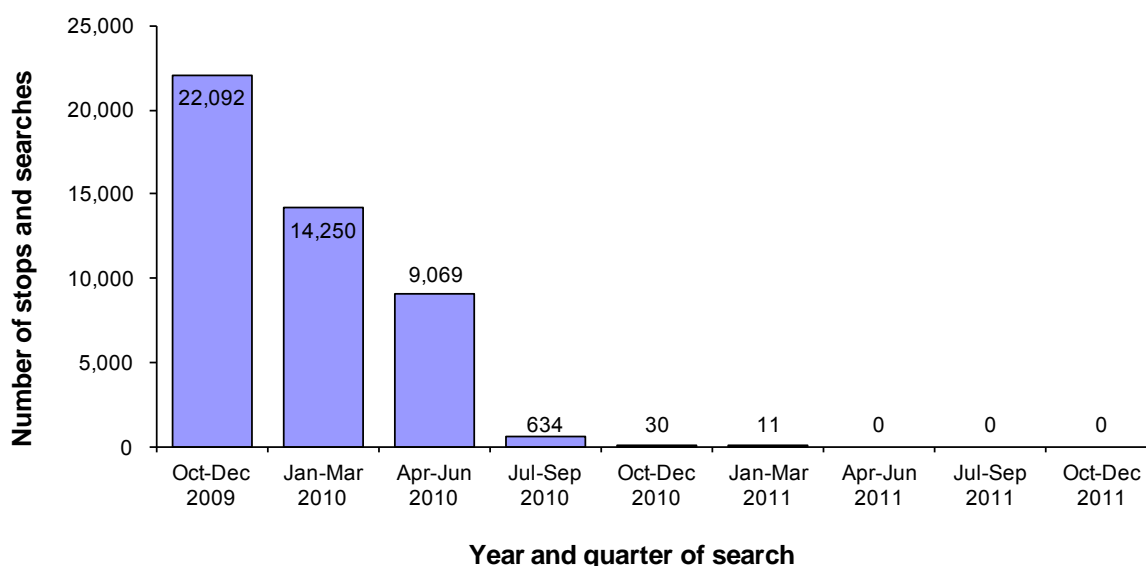
Section 44 (s44) of TACT provided police officers with the power to stop and search persons and vehicles for articles which could be used in connection with terrorism. Police forces were able to authorise use of s44 stops and searches within a particular area during an agreed period without the need of reasonable suspicion. Where powers were authorised for longer than 48 hours, the Home Secretary was required to confirm such authorisations. The majority of those police forces that regularly authorised the use of s44 ceased using the power to search persons following the Home Secretary's statement on 8 July 2010. On 18 March 2011, all s44 powers were formally replaced with section 47A (s47A) stop and search powers, which have a significantly higher threshold for authorisation than s44 searches. Box 2.1 explains how the new power is more targeted and proportionate.

A total of 11 stops and searches were made in Great Britain under s44 between January and March 2011, a 99.2 per cent fall compared to the period January to March 2010. Between April and December 2011 there were no searches under s47A, compared with the 9,733 searches conducted under s44 during the same period in 2010. Moreover, there have been no uses of s47A since the commencement of the power on 18 March 2011 (Table 2.01).

The s44 stops and searches made since October 2010 were conducted by two police forces, with each accounting for approximately a half: City of London (21 searches) and the Metropolitan Police Service (20 searches) (Table 2.01).

Three of the 11 persons stopped and searched under these powers in the year ending 31 December 2011 classified themselves as White, while two defined themselves as being Asian or Asian British and one as being of Chinese or other ethnic origin. Five persons chose not to self-define their ethnicity. As there were far fewer s44 stops and searches conducted in the year to 31 December 2011 than in the previous 12 months, comparisons are not made between the proportions of persons in each self-defined ethnicity category across the two years (Table 2.02).

Figure 2.1 Stops and searches made under sections 44(1)(2) and subsequently 47A of the Terrorism Act 2000¹



1. On 8 July 2010 the majority of police forces that regularly authorised the use of s44 ceased using the power to search persons following the Home Secretary's statement.

Box 2.1 Terrorism Act 2000 (Remedial) Order 2011 and new section 47A Schedule 6B of the Terrorism Act

The Home Secretary announced on 26 January 2011 the findings from the review of counter-terrorism and security powers. One of the recommendations of the review was that stop and search powers under sections 44 to 47 of the Terrorism Act 2000 should be repealed and replaced with a much more limited power.

This recommendation was based on the Government's commitments to introduce safeguards against the misuse of terrorism legislation, and in order to bring the powers into line with the European Convention on Human Rights, following the European Court of Human Rights ruling in the case of *Gillan and Quinton v United Kingdom*. The recommendation has been implemented through the Protection of Freedoms Act 2012, which received Royal Assent on 1 May 2012.

The review of counter-terrorism and security powers also recommended that consideration be given to whether the new terrorism stop and search powers should be available more quickly than the Protection of Freedoms Bill would allow. In March 2011, the Home Secretary decided to make a "remedial order" under section 10 of the Human Rights Act 1998 to make immediate changes to the legislation. These powers were supported by a robust statutory Code of Practice.

The remedial order replaced sections 44 to 47 of the Terrorism Act 2000 with a more targeted and proportionate power. The provisions in the order will cease to have effect on the commencement of the provisions in the Protection of Freedoms Act 2012 – in other words, the order made temporary provision while the Protection of Freedoms Bill was being taken through Parliament. The order came into force on 18 March 2011.

Section 47A of, and Schedule 6B to, the Terrorism Act 2000 (as amended by the Protection of Freedoms Act 2012) introduce the replacement stop and search provisions. An authorisation for the use of the new stop and search powers can only be given under section 47A where the person giving authorisation reasonably suspects an act of terrorism will take place and considers the powers are necessary to prevent such an act. An authorisation can last for no longer and cover no greater an area than is necessary to prevent such an act. This represents a significantly higher threshold for giving an authorisation than the "expediency" test under section 44 of the 2000 Act. Following a public consultation, revised Codes of Practice (governing the use of terrorism stop and search powers in Great Britain and Northern Ireland) have been laid before Parliament and, subject to Parliamentary business, we expect the Codes and substantive stop and search powers in the Protection of Freedoms Act 2012 to come into force in July 2012.

Also available to the police are powers of stop and search under section 43 (s43) of TACT, where an officer does not need an authorisation as described above, but instead should have reasonable suspicion that the suspect is involved in terrorist-related activity. A total of 1,052 persons were stopped and searched by the Metropolitan Police Service in the year ending 31 December 2011 under this power, up from 998 in the previous 12 months, an increase of five per cent (Tables 2b and 2.03).

The proportion of persons stopped and searched who classified themselves as Asian or Asian British increased from 30 per cent in the year ending 31 December 2010, to 37 per cent in the year ending 31 December 2011. During the same period, the proportion of persons searched describing themselves as White fell from 43 per cent to 35 per cent. The proportion of persons searched who self-classified as Black or Black British fell two percentage points, from 11 to nine per cent (Table 2.03).

The year ending 31 December 2011 saw no arrests resulting from s44 stops and searches in Great Britain (Table 2a). Thirty-two arrests were made by the Metropolitan Police Service following stops and searches under s43, which accounted for three per cent of total searches (Table 2b).

Table 2a Stops and searches and resultant arrests made under sections 44(1)(2) and subsequently 47A of the Terrorism Act 2000^{1,2}

Number and percentage	Year ending		Great Britain
	31 Dec 2010	31 Dec 2011	Change (%)
Searches and arrests			
Searches	23,983	11	-100
Resultant arrests	164	-	-100
<i>of which: Terrorism-related</i>	1	-	-
<i>Proportion of persons searched who were arrested (%)</i>	<i>0.7</i>	<i>0.0</i>	

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

1. Does not include 'Vehicle only' searches.
2. Includes figures from police forces in England, Wales, Scotland and the British Transport Police.

Table 2b Stops and searches and resultant arrests made under section 43 of the Terrorism Act 2000¹

Number and percentage	Year ending		Metropolitan Police Service
	31 Dec 2010	31 Dec 2011	Change (%)
Searches and arrests			
Searches	998	1,052	5
Resultant arrests	29	32	-
<i>Proportion of persons searched who were arrested (%)</i>	<i>2.9</i>	<i>3.0</i>	

Source: Metropolitan Police Service, PIB Criminal Justice & Operations

1. Includes searches of persons only.

Table 2.01 Stops and searches made under sections 44(1)(2) and subsequently 47A of the Terrorism Act 2000 by police force area¹

Number Police force area ²	Date of stop and search									Total year ending		Great Britain Change ³
	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	31 Dec	31 Dec	
	2009	2010	2010	2010	2010	2011	2011	2011	2011	2010	2011	
Cheshire	8	-	-	-	-	-	-	-	-	-	-	-
Essex	-	55	23	6	-	-	-	-	-	84	-	-84
Greater Manchester	25	45	25	1	-	-	-	-	-	71	-	-71
Hampshire ⁴	4	-	-	-	-	-	-	-	-	-	-	-
London, City Of	313	328	569	61	17	4	-	-	-	975	4	-971
Metropolitan Police	18,367	13,030	7,297	536	13	7	-	-	-	20,876	7	-20,869
North Yorkshire	40	33	29	-	-	-	-	-	-	62	-	-62
South Wales	-	23	90	-	-	-	-	-	-	113	-	-113
Sussex ⁵	303	225	206	26	-	-	-	-	-	457	-	-457
Thames Valley	23	13	19	-	-	-	-	-	-	32	-	-32
England and Wales	19,083	13,752	8,258	630	30	11	-	-	-	22,670	11	-22,659
British Transport Police⁶	3,002	496	794	4	-	-	-	-	-	1,294	-	-1,294
Scotland	7	2	17	-	-	-	-	-	-	19	-	-19
Great Britain	22,092	14,250	9,069	634	30	11	-	-	-	23,983	11	-23,972

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

1. Does not include 'vehicle only' searches.
2. Only police forces in England and Wales that conducted section 44 searches between 1 April 2009 and 31 December 2011 are separately identified in the table.
3. Difference between the totals for the 12 months ending 31 December 2010 and 31 December 2011.
4. The four searches conducted in Oct-Dec 2009 were carried out under the authorisation issued to the British Transport Police.
5. Sussex Police cannot separate 'vehicle only' searches from vehicle and occupant searches; as a consequence data here cover searches of pedestrians only.
6. British Transport Police figures cover England, Wales and Scotland.

Table 2.02 Stops and searches made under sections 44(1)(2) and subsequently 47A of the Terrorism Act 2000 by self-defined ethnicity¹

Area and Quarter	Self-defined ethnicity						Great Britain
	White	Mixed	Black or	Asian or	Chinese or other	Not stated	Total
			Black British	Asian British			
England and Wales							
Oct - Dec 2009	11,228	381	1,968	3,763	821	922	19,083
Jan - Mar 2010	7,951	341	1,436	2,728	552	744	13,752
Apr - Jun 2010	4,808	200	883	1,552	374	441	8,258
Jul - Sep 2010	367	11	56	120	29	47	630
Oct - Dec 2010	20	3	4	2	1	-	30
Jan - Mar 2011	3	-	-	2	1	5	11
Apr - Jun 2011	-	-	-	-	-	-	-
Jul - Sep 2011	-	-	-	-	-	-	-
Oct - Dec 2011	-	-	-	-	-	-	-
British Transport Police²							
Oct - Dec 2009	1,541	69	117	441	131	703	3,002
Jan - Mar 2010	250	9	17	103	19	98	496
Apr - Jun 2010	352	10	21	112	31	268	794
Jul - Sep 2010	3	-	-	-	-	1	4
Oct - Dec 2010	-	-	-	-	-	-	-
Jan - Mar 2011	-	-	-	-	-	-	-
Apr - Jun 2011	-	-	-	-	-	-	-
Jul - Sep 2011	-	-	-	-	-	-	-
Oct - Dec 2011	-	-	-	-	-	-	-
Scotland							
Oct - Dec 2009	7	-	-	-	-	-	7
Jan - Mar 2010	2	-	-	-	-	-	2
Apr - Jun 2010	17	-	-	-	-	-	17
Jul - Sep 2010	-	-	-	-	-	-	-
Oct - Dec 2010	-	-	-	-	-	-	-
Jan - Mar 2011	-	-	-	-	-	-	-
Apr - Jun 2011	-	-	-	-	-	-	-
Jul - Sep 2011	-	-	-	-	-	-	-
Oct - Dec 2011	-	-	-	-	-	-	-
Great Britain							
Oct - Dec 2009	12,776	450	2,085	4,204	952	1,625	22,092
Jan - Mar 2010	8,203	350	1,453	2,831	571	842	14,250
Apr - Jun 2010	5,177	210	904	1,664	405	709	9,069
Jul - Sep 2010	370	11	56	120	29	48	634
Oct - Dec 2010	20	3	4	2	1	-	30
Jan - Mar 2011	3	-	-	2	1	5	11
Apr - Jun 2011	-	-	-	-	-	-	-
Jul - Sep 2011	-	-	-	-	-	-	-
Oct - Dec 2011	-	-	-	-	-	-	-
Year ending for Great Britain							
Year ending 31 Dec 2010	13,770	574	2,417	4,617	1,006	1,599	23,983
Year ending 31 Dec 2011	3	-	-	2	1	5	11

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

1. Does not include 'vehicle only' searches.
2. British Transport Police figures include England, Wales and Scotland.

Table 2.03 Stops and searches made by the Metropolitan Police Service under section 43 of the Terrorism Act 2000 by self-defined ethnicity¹

Number	Date of search										Metropolitan Police Service		
											Total year ending		Change ²
	Oct-Dec 2009	Jan-Mar 2010	Apr-Jun 2010	Jul-Sep 2010	Oct-Dec 2010	Jan-Mar 2011	Apr-Jun 2011	Jul-Sep 2011	Oct-Dec 2011	31 Dec 2010	31 Dec 2011		
Self-defined ethnicity													
White	140	108	66	103	150	145	92	53	78	427	368	-59	
Mixed	7	6	3	4	8	9	10	6	2	21	27	6	
Black or Black British	16	29	20	22	38	31	17	24	19	109	91	-18	
Asian or Asian British	69	83	52	68	98	156	110	52	73	301	391	90	
Chinese or other	15	10	10	15	36	34	29	14	8	71	85	14	
Not stated	15	15	8	21	25	32	30	13	15	69	90	21	
Total	262	251	159	233	355	407	288	162	195	998	1,052	54	

Source: Metropolitan Police Service, PIB Performance Information Bureau

1. Does not include 'vehicle only' searches.

2. Difference between the totals for the 12 months ending 31 December 2010 and 31 December 2011.

NOTES

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. Stops and searches under **section 43** of TACT – This power is available to police for searching suspects 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>.
3. 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 in Box 2.1, 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 to 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>.

Data

4. The following data providers contributed to this bulletin:
 - **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 suspects, 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 Note 8).

5. The comparison between the proportion of terrorism-related arrests resulting in a charge and the proportion of arrests for recorded crime offences resulting in a prosecution is based on the most comparable data available to the Home Office. Data on prosecutions have been used for this comparison in lieu of charges because data on charges for recorded crime offences are not collected centrally. Most terrorism-related charges result in court proceedings; however, many take time to come to court, therefore a comparison between charging rates for terrorism-related offences, and prosecution rates for recorded crime offences is the most accurate comparison available.

Terrorist/Extremist prisoners

6. **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.
7. **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), 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.

Ethnicity of persons searched

8. Ethnicity data in Chapter 2 of the bulletin 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:

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