



Home Office



# **Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain, quarterly update to December 2016**

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## Further information

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# 1 Key findings

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## 1.1 Arrests and outcomes

Arrests for terrorism-related offences fell by 8% in the year ending 31 December 2016 compared with the previous year (from 282 to 260 arrests). Although the number of arrests has fallen, it is still relatively high when compared with other recent years.

There has been an increase in the proportion of people arrested of 'White' ethnicity, from 25% in the year ending December 2015 to 35% in the latest year.

## 1.2 Court proceedings

In the year ending 31 December 2016, 62 trials were completed by the Crown Prosecution Service Counter Terrorism Division (CPS CTD); of these, 54 (87%) led to a conviction.

## 1.3 Terrorist and extremist prisoners

In the year ending December 2016, there were no persons in custody for domestic extremism/separatism, a fall from 25 in the previous year. However, this has been more than offset by an increase in number of individuals in custody for terrorism-related activity, which has steadily increased in recent quarters. As at 31 December 2016, there were 183 persons in custody for terrorism-related offences, an increase from 143 in custody in the previous year.

## 1.4 Other police powers under the Terrorism Act 2000

In the year ending 31 December 2016:

- the Metropolitan Police Service (MPS) carried out 483 stops and searches under section 43 of the Terrorism Act (TACT) 2000, a decrease of 7% compared with the 521 stops and searches in the previous year; a fall driven by a particularly large number of stops and searches conducted in October to December 2015, rather than a particularly low number in the most recent quarters
- 9% of these searches led to an arrest, down from 11% in the previous year
- there were 19,355 examinations carried out under Schedule 7 to TACT 2000, a fall of 30% compared with the previous year; this continues the recent downward trend

## 2 Introduction

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### 2.1 National Statistics Status

This publication has been assessed by the United Kingdom Statistics Authority (UKSA) and as a result, the UKSA designated these as National Statistics in May 2016. This means that these statistics meet the highest standards of trustworthiness, impartiality, quality and public value, and are fully compliant with the Code of Practice for Official Statistics. As part of the assessment process, the Home Office has reviewed and improved the user guide that accompanies this release. This now contains more details about the strengths and limitations of the various datasets within the publication, as well as the steps taken to engage with users. Further details on the assessment process can be found on the UKSA website.

### 2.2 Overview

This release covers the use of police powers under terrorism and terrorism-related legislation in Great Britain in the most recent 9 quarters to December 2016.

The **Arrests and outcomes** section uses data provided by the National Counter Terrorism Police Operations Centre (NCTPOC) and includes statistics for **Great Britain** on:

- arrests for terrorism-related activity and outcomes (such as charges and convictions) following arrests
- the legislation used to bring charges and convictions
- gender, age, ethnicity and nationality of those arrested, charged and convicted
- the type of terrorism involvement of those arrested, charged and convicted (such as whether the individual had links to international, domestic, or Northern Ireland-related terrorism)

The **Court proceedings** section uses data from the Crown Prosecution Service (CPS) and includes statistics for **England and Wales** on:

- the number of persons proceeded against by CPS for terrorism-related activity
- the legislation under which persons have been prosecuted and convicted
- the sentence length of those convicted for terrorism-related offences

The **Terrorist and extremist/separatist prisoners** section uses data from the National Offender Management Service (NOMS) and the Scottish Prison Service (SPS) and includes statistics for **Great Britain** on:

- the number of persons in custody for domestic extremism and terrorism-related offences
- the ethnicity, nationality and religion of those in custody
- the number of persons released from custody

The **Other police powers under the Terrorism Act 2000** section uses data provided by the Metropolitan Police Service (MPS) and the National Counter Terrorism Policing Headquarters (NCTPHQ). It includes statistics on:

- the number of stops and searches carried out by **MPS** under s.43 of the Terrorism Act (TACT) 2000
- the number of examinations and subsequent detentions made in **Great Britain** under Schedule 7 to TACT 2000

- data on goods examinations, strip searches and postponement of questioning refusals under Schedule 7 to TACT 2000

The [user guide](#) provides further details on this release. It includes details on the strengths and limitations of the datasets, as well as a summary of the criminal justice process, a glossary of terms used in the publication, and more detailed information about the legislation and categories mentioned in this release.

A flow chart summarising the **Arrests and outcomes** section of this release can be found in [Annex A](#).

## 3 Arrests and outcomes

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### 3.1 Introduction

This section presents statistics on the number of persons arrested by the police in Great Britain, where there is suspicion of involvement in a terrorism-related offence, either at the time of arrest or at a subsequent point in the investigation. In some cases, evidence may emerge after a terrorism-related arrest that suggests a suspect does not have links to terrorist activity, but has committed a non-terrorism-related offence. These cases are included in the data as non-terrorism-related charges and/or convictions.

Outcomes following arrests for terrorism-related offences are also included in the statistics and show the number of arrests that led to a charge or prosecution, as well as other outcomes. Demographic information about those arrested, charged and convicted is also provided in this section. All data in this section are based on the date of arrest. This allows users to see the outcomes of all of the arrests in a specific period (such as how many led to a charge and conviction).

As cases progress over time, figures are likely to change. This is particularly relevant for more recent time periods where a larger number of cases will be incomplete ('released on bail' or 'awaiting prosecution'). While the effect on the arrests total should be minimal, the number of charges and convictions will be lower for more recent quarters as a greater number of cases would not have reached the point of charge or conviction yet. Figures for these quarters will increase in future publications as more cases are completed.

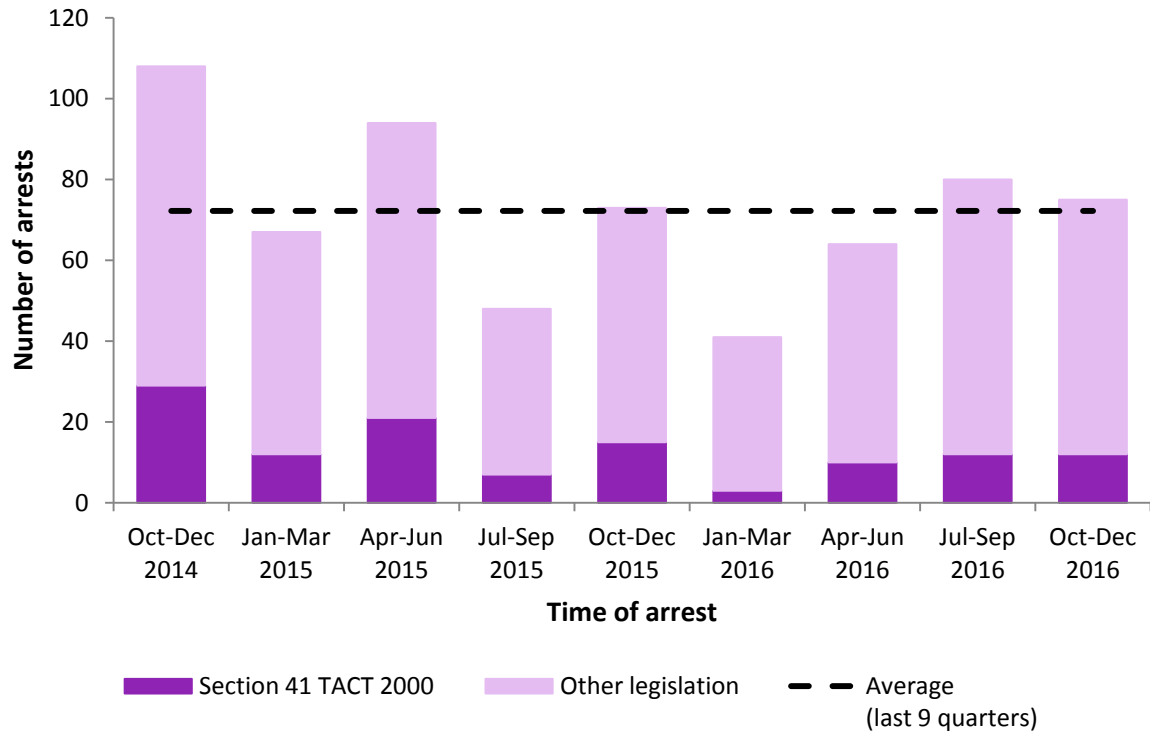
Data are provided to the Home Office by NCTPOC and are taken from a live database. This section includes quarterly breakdowns of the data from the 9 quarters to December 2016, as well as totals since 11 September 2001 (when the data collection began). The data are correct as at the time of provision to the Home Office (16 January 2017).

A flow chart summarising this section is included in [Annex A](#). This follows individuals from the point of arrest through to charge (or other outcome) and prosecution. [Data tables A.01 to A.13](#) includes data on arrests and outcomes.

### 3.2 Arrests

In the year ending 31 December 2016, there were 260 arrests for terrorism-related offences in Great Britain, a fall of 8% compared with 282 arrests in the previous year. As Figure 3.1 shows, this reflects a particularly high number of arrests in one of the quarters in the year to 31 December 2015 (April to June 2015). The number of arrests in the year to 31 December 2016 was still relatively high compared with recent years (Figure 3.2).

Figure 3.1: Arrests for terrorism-related offences, by legislation, Great Britain<sup>1</sup>



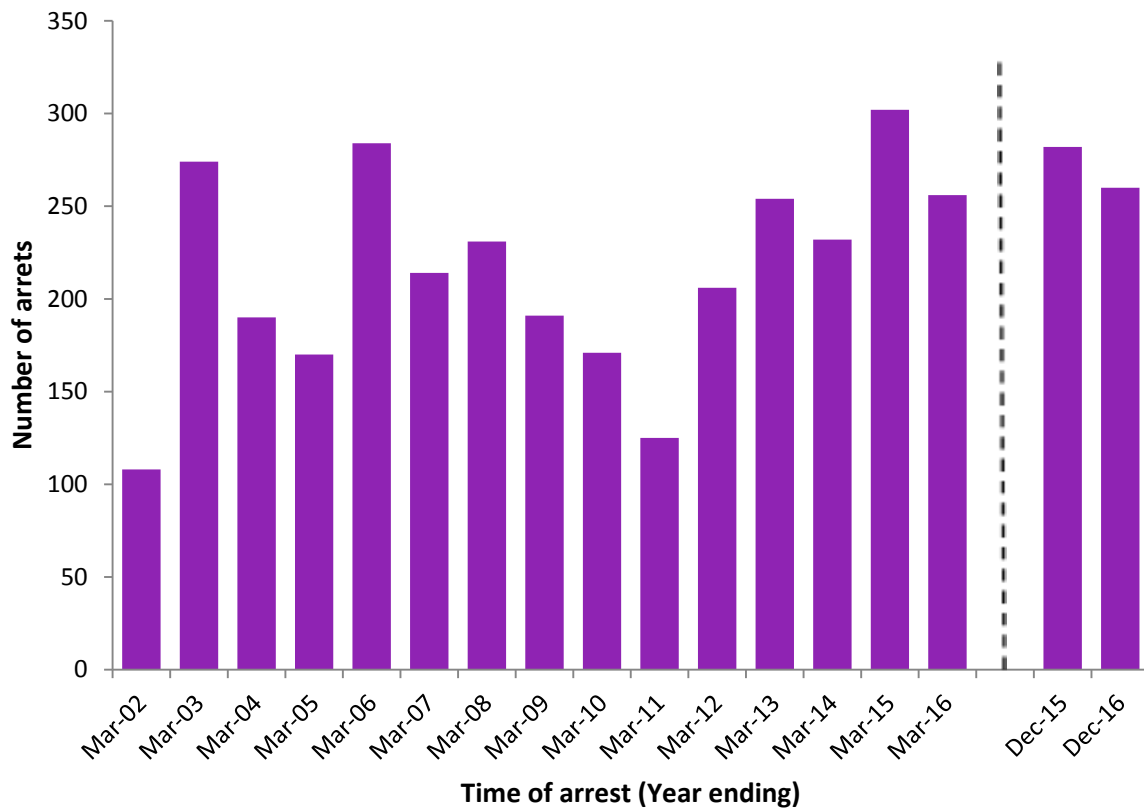
Source: NCTPOC (see [data table A.01](#)).

**Notes:**

1. 'Other legislation' includes arrests under non-terrorism legislation, such as the Police and Criminal Evidence Act 1984.



Figure 3.2: Arrests for terrorism-related offences, Great Britain<sup>1,2</sup>



Source: NCTPOC (see [data table A.01](#)).

Notes:

1. Figures for the year ending 31 March 2002 include data from 11 September 2001 onwards only.
2. 'Other legislation' includes arrests under non-terrorism legislation, such as the Police and Criminal Evidence Act 1984.

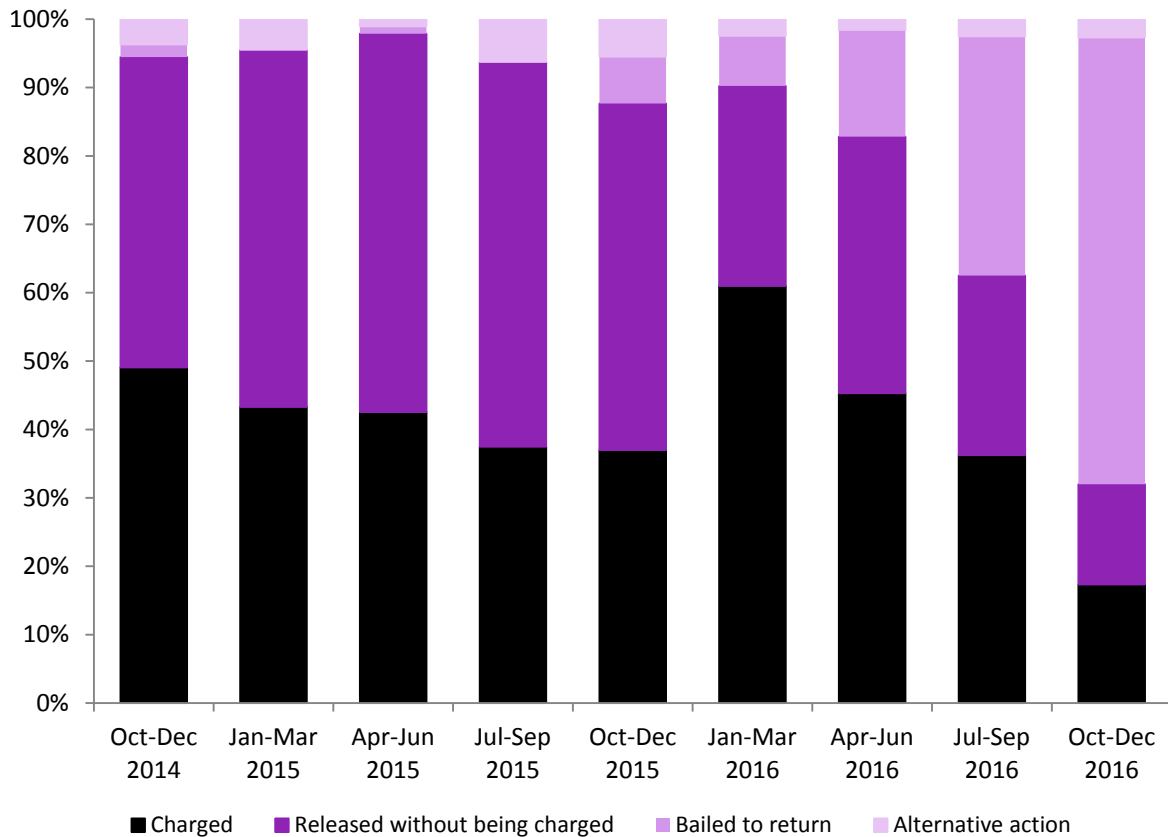
### 3.3 Charges

In line with the normal procedures for criminal justice statistics, each suspect has been classified in terms of a single [principal offence](#). When a person is charged or prosecuted for multiple offences at the same time, the principal offence rule only counts the most serious offence. This is to ensure the statistics count the number of individuals charged rather than the total number of charges. More detailed information on the counting rules used in this release can be found in the accompanying [user guide](#). This means that when an individual is charged with a number of offences at the same time, they are recorded only against the most serious one – usually the one that carries the highest penalty. Therefore, the figures count the number of individuals charged, rather than the number of individual offences committed that led to a charge. Further details of the legislation under which persons have been charged following an arrest for a terrorism-related offence can be found in [data tables A.05a-c](#).

Of the 260 arrests for terrorism-related offences in the year ending 31 December 2016, 96 had resulted in a charge by 16 January 2017 (79 terrorism-related and 17 non-terrorism-related). In 68 cases, the individual had been released without charge; in a further 90 cases, the arrestee was released on bail pending further investigation.

More recent quarters have a larger proportion of cases where individuals have been bailed to return, as shown in Figure 3.3. As time progresses, these cases will eventually lead to a charge, release, or alternative action; as a result, charge rates will change over time. Until all cases in a given period are complete, caution should be taken when comparing charge rates over time.

**Figure 3.3: Charging outcomes following an arrest for a terrorism-related offence, Great Britain<sup>1,2</sup>**



**Source:** NCTPOC (see [data table A.03](#)).

**Notes:**

1. 'Alternative action' includes cautions for non-TACT offences, detentions under the Mental Health Act, recall to prison, etc.
2. 'Bailed to return' includes those released on bail pending further investigation, and those who have absconded from bail.

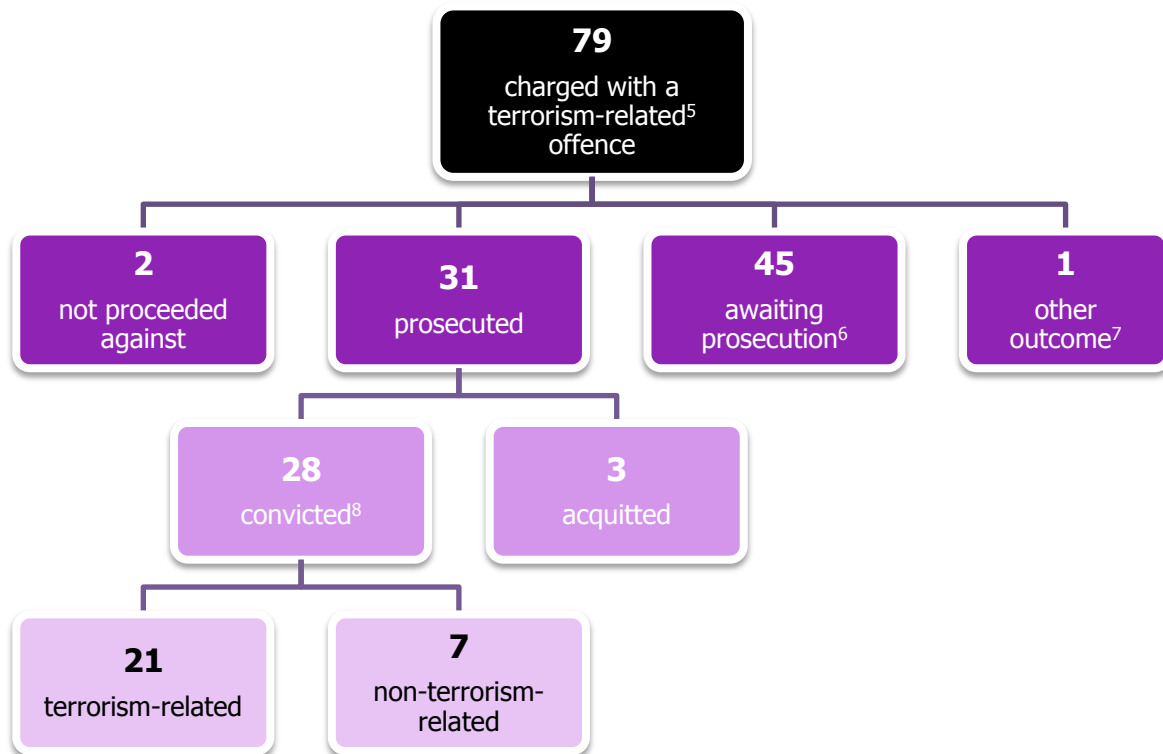
Of the 96 charges resulting from an arrest in the year ending 31 December 2016, 79 (82%) were for a terrorism-related offence. As a number of cases are still incomplete, these proportions are likely to change as cases progress.

### 3.4 Prosecutions

As with the data on charges, prosecutions data are also based on the principal offence rule. Further details of the legislation under which persons have been convicted following a charge for a terrorism-related offence can be found in [data tables A.08a-c](#).

Of the 79 persons charged with a terrorism-related offence in the year ending 31 December 2016, 31 had been prosecuted (as at 16 January 2017), 28 of which were found guilty. A further 45 were awaiting prosecution.

**Figure 3.4: Outcomes following a charge for a terrorism-related offence, Great Britain, year ending December 2016<sup>1,2,3,4</sup>**



**Source:** NCTPHQ (see [data table A.06c](#)).

**Notes:**

1. Based on time of arrest.
2. A more detailed flow chart can be found in [Annex A](#).
3. Data presented are based on the latest position with each case as at the date of data provision from NCTPOC (16 January 2017).
4. The chart does not include outcomes following non-terrorism-related charges.
5. Terrorism-related charges and convictions include some charges and convictions under non-terrorism legislation, where the offence is considered to be terrorism-related.
6. Cases that are 'awaiting prosecution' are not yet complete. As time passes, these cases will eventually lead to a prosecution, 'other' outcome, or it may be decided that the individual will not be proceeded against.
7. 'Other outcome' includes other cases/outcomes such as cautions, transfers to UK Border Agencies, the offender being circulated as wanted and extraditions.
8. Excludes convictions that were later quashed on appeal.

### 3.5 Demographics of persons arrested

This section includes statistics on the number of persons arrested by different demographic characteristics as well as terrorist categorisation. It includes data on:

- gender
- age
- ethnic appearance
- nationality

- terrorist category

## Gender

In the year ending 31 December 2016, 27 females were arrested for terrorism-related offences, which accounted for 10% of all arrests. This was 6 percentage points lower than the previous year, when females accounted for 16% of all arrests for terrorism-related offences. The number of female arrests fell from 45 in the year ending 31 December 2015 to 27 in the latest year.

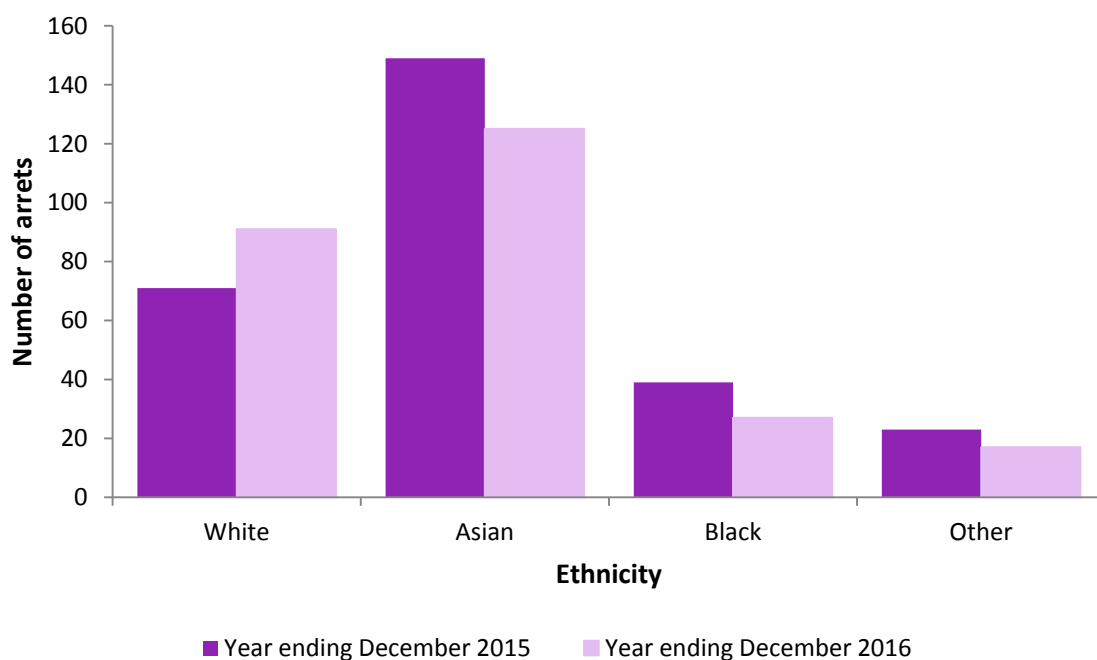
## Age

In the year ending 31 December 2016, there were falls in the number of arrests across most age groups compared with the previous year. As in the previous year, the 30 and over age group accounted for the most arrests (54%).

## Ethnic appearance

The number of arrests fell across all ethnic groups except the 'White' group, which increased by 20 from the year ending 31 December 2015 to the latest year. The biggest fall was seen for those of Asian ethnic appearance, with a fall of 24 arrests from the year ending 31 December 2015 to year ending 31 December 2016. The 'White' ethnicity group accounted for 35% of all terrorism-related arrests in the year ending 31 December 2016, compared with 25% the previous year.

**Figure 3.5: Ethnic appearance<sup>1</sup> of persons arrested for terrorism-related offences, year ending 31 December 2016 compared with year ending 31 December 2015**



**Source:** NCTPOC (see [data table A.11](#)).

### Notes:

1. As recorded by the police at time of arrest.

## Nationality

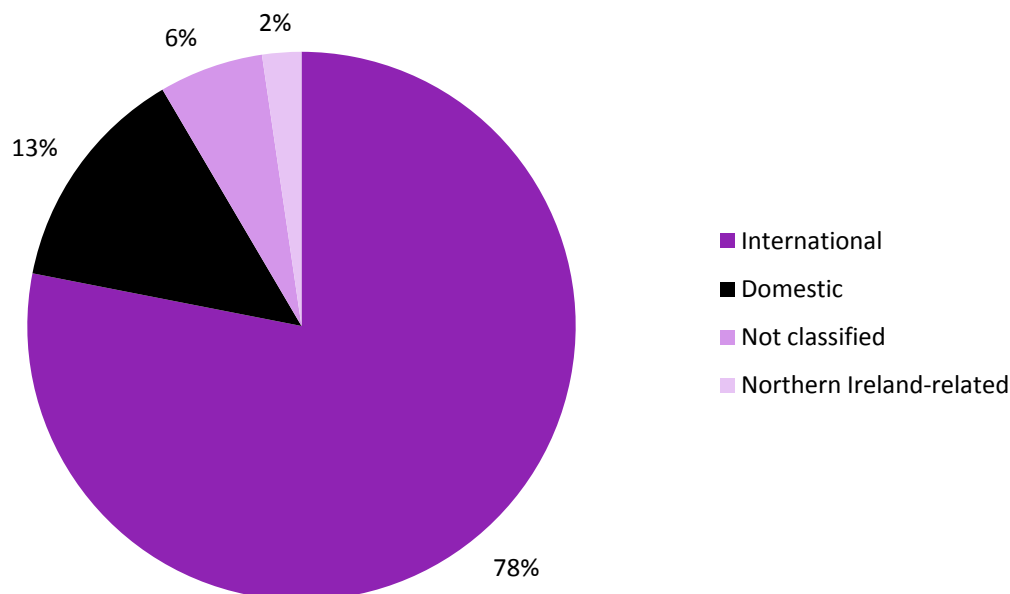
Just under three-quarters (74%) of those arrested in the year ending 31 December 2016 considered themselves to be of British or British dual nationality. Since 11 September 2001 (when the data collection began), 58% of those arrested considered themselves to be of British or British dual nationality.

## Terrorist category

When an individual is arrested, they are categorised according to the type of terrorism they are involved in. They may be categorised as either 'international', 'domestic', 'Northern Ireland-related' or 'not classified'. Definitions for each of these categories can be found in the [user guide](#).

In the year ending 31 December 2016, the number of persons arrested for international terrorism fell by 10% (from 225 arrests to 203) compared with the previous year. Across the same period, the number of persons arrested for domestic terrorism increased from 15 to 35. Persons arrested for domestic terrorism now account for 13% of all arrests compared with 5% in the year ending 31 December 2015. Those arrested for international terrorism still account for the majority of arrests (78%).

**Figure 3.6: Proportion of persons arrested by terrorism category, year ending 30 September 2016, Great Britain**



**Source:** NCTPOC (see [data table A.13](#)).

### Notes:

1. Refers to activity by an individual or group of individuals (regardless of nationality) linked to or motivated by any terrorist group that is based outside the UK which operate in and from third countries.
2. Refers to activity where there are no link to either Northern Ireland-related or international terrorism
3. Refers to persons currently considered to have no link to any domestic, internal or Northern Ireland-related terrorism.
4. Refers to activity by an individual or a group of individuals supporting the actions or ideology of a proscribed Northern Ireland-related terrorist group.

## 4 Court proceedings

### 4.1 Introduction

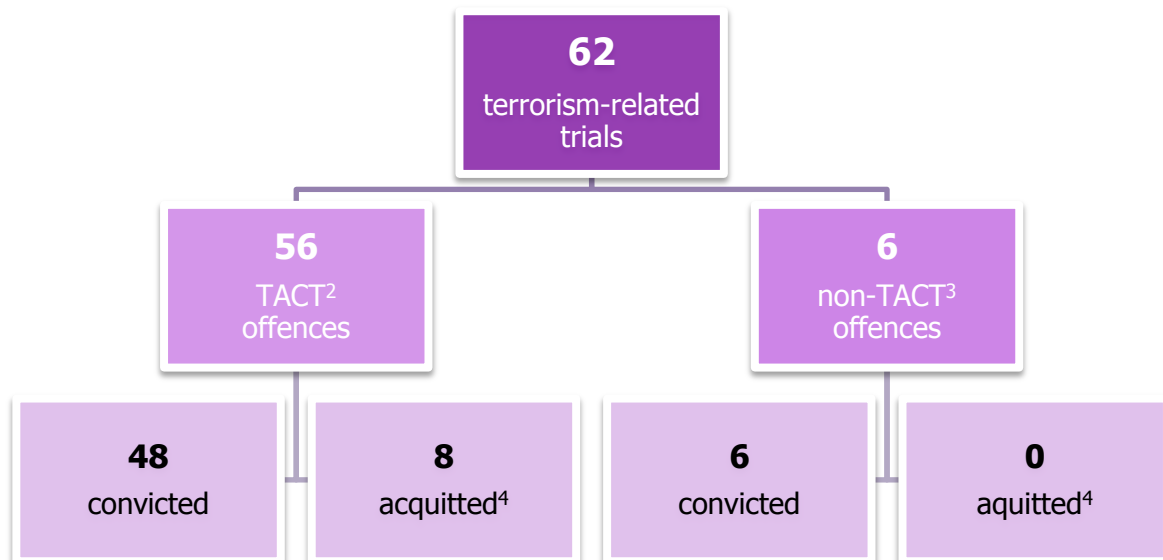
This section presents statistics on prosecutions for terrorism-related offences in England and Wales. It provides data on the number of persons prosecuted and convicted, including information on the legislation against which they were prosecuted. It also provides information on the length and type of sentence that each defendant received. Data in this section are based on the trial completion date and are not directly comparable to the prosecutions data in Section 3, Arrests and outcomes.

Data are provided to the Home Office by the Crown Prosecution Service Counter Terrorism Division (CPS CTD). The data cover terrorism-related court cases that were completed in the 9 quarters up to 31 December 2016.

### 4.2 Court proceedings

In the year ending 31 December 2016, there were 62 trials completed by the CPS CTD for terrorism-related offences, an increase of 11% from the 56 trials completed in the previous year. Of the 62 persons proceeded against, 54 (87%) were convicted. In the remaining 8 cases the defendant was acquitted.

**Figure 4.1: Outcome of terrorism-related trials under TACT and non-TACT legislation, year ending 31 December 2016, England and Wales<sup>1</sup>**



**Source:** CPS CTD (see [data tables C.01-C.03](#)).

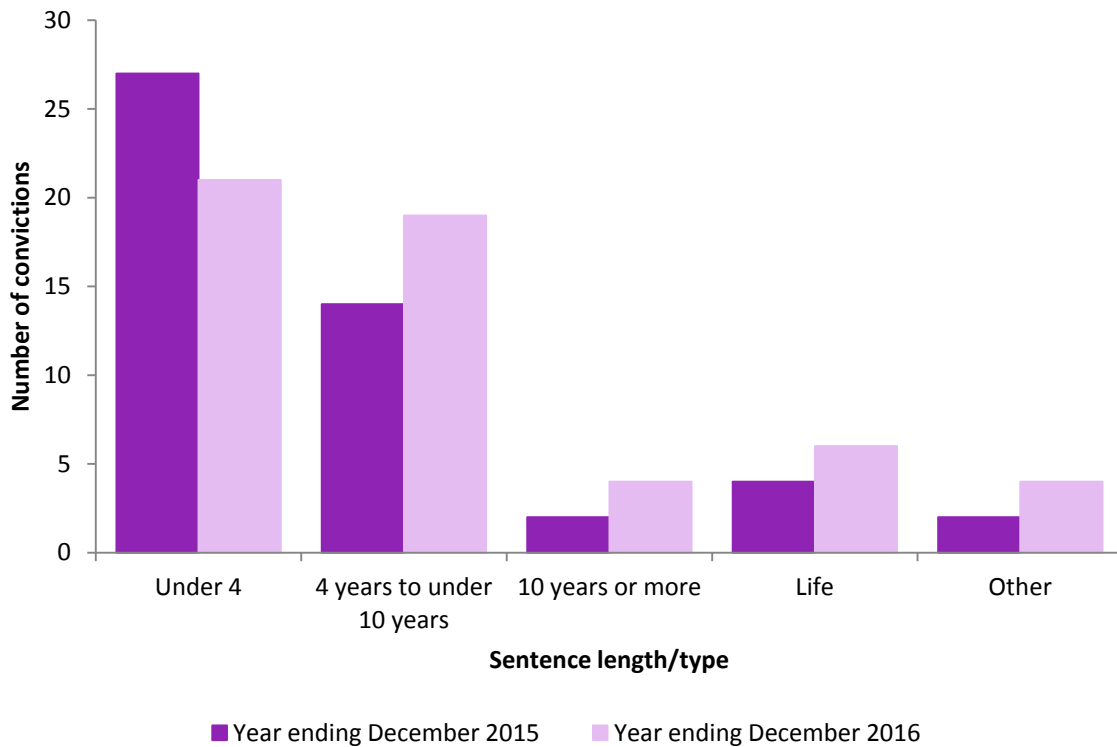
**Notes:**

1. Based on the principal offence for which the defendant was prosecuted against.
2. TACT offences include offences specifically under terrorism legislation.
3. Non-TACT offences include offences under other legislation.
4. Can include trials ending in a hung jury, or where the prosecution offered no evidence.

### 4.3 Sentencing

There has been an increase in the length of sentences compared with previous years (Figure 4.2). Of the 54 persons convicted of terrorism-related offences in the year ending 31 December 2016, 24 (44%) pleaded guilty and 30 entered a not-guilty plea. In the previous year, 24 of the 49 persons convicted (49%) entered a guilty plea.

**Figure 4.2 Sentence length for persons convicted of terrorism-related offences, year ending 31 December 2015 and 31 December 2016, England and Wales<sup>1,2</sup>**



**Source:** CPS CTD (see [data table C.04](#)).

**Notes:**

1. Based on the trial completion date.
2. The 'Other' category includes hospital orders and non-custodial sentences.

## 5 Terrorist and extremist/separatist prisoners

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### 5.1 Introduction

Statistics presented in this section give information on the number of persons in custody for terrorism-related offences and domestic extremism/separatism in Great Britain. It includes breakdowns of the ethnicity, nationality and religion of prisoners at a given time. Data on the number of terrorist and extremist/separatist prisoners released from custody are also available in this section.

Data are provided to the Home Office by the National Offender Management Service (NOMS) and Scottish Prison Service (SPS). The data give information about the prison population at the end of the 9 quarters to 31 December 2016. Data on the number of prisoners released are also provided and cover the 8 quarters to 30 September 2016 (figures up to December 2016 are not yet available from NOMS). These figures will form a subset of the prison releases statistics which will be published by the Ministry of Justice in their [Offender Management Statistics Quarterly](#) release in April 2017.

### 5.2 Persons in custody

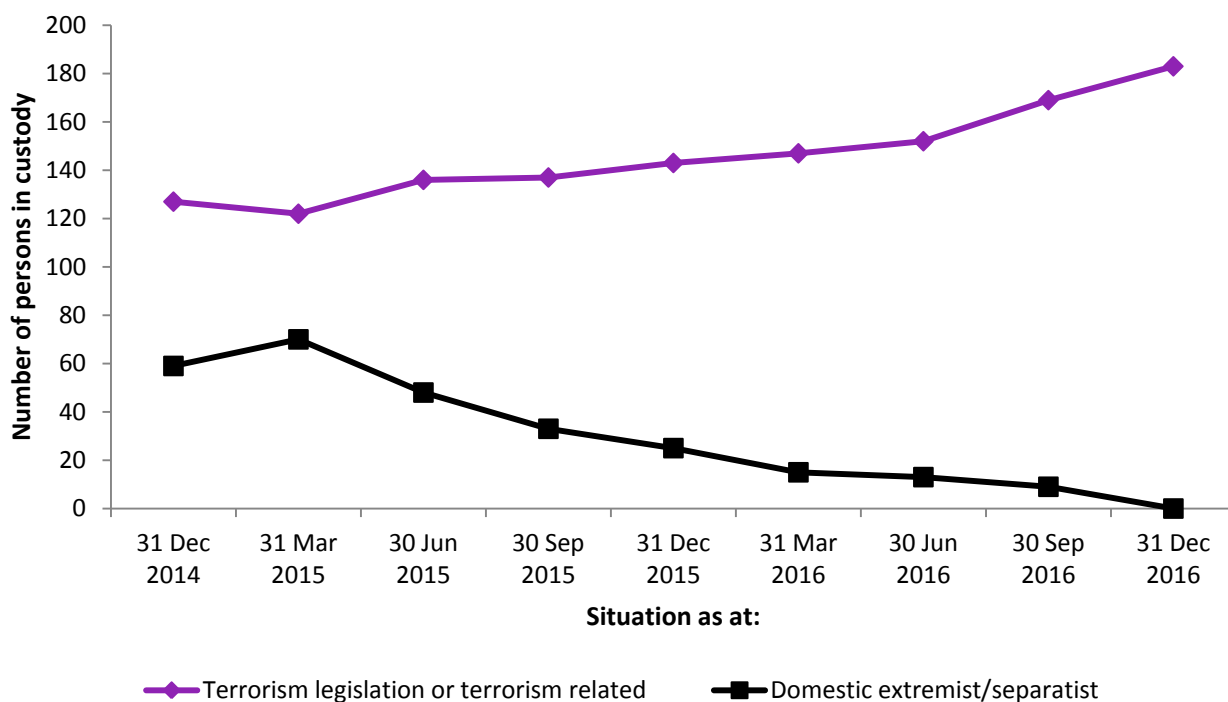
The number of persons in custody for terrorism-related offences has been rising; as at 31 December 2016, there were 183 persons in custody in Great Britain for terrorism-related offences an increase on the 143 persons in custody as at 31 December 2015.

This has been offset by a steady fall in domestic extremist/separatist prisoners. There are currently no persons in custody for domestic extremism/separatism a fall from 25 in the previous year (Figure 5.1). This is either due to individuals being released from custody or to cases being reviewed and offences no longer being considered as domestic extremism but terrorism-related.

Of those in custody, the majority (78%) had been convicted. The remaining 22% were being held on remand (held in custody until a later date when a trial or sentencing hearing will take place).



**Figure 5.1: Number of persons in custody for terrorism-related offences and domestic extremism/separatism, Great Britain**



**Source:** NOMS and SPS (see [data table P.01](#)).

### 5.3 Persons released from custody

A total of 72 prisoners held for terrorism-related and domestic extremism/separatism offences were released from custody in Great Britain in the year ending 30 September 2016. Of these, 46 (64%) were persons discharged from custody after serving their sentences, many of whom will have been released subject to meeting certain licence conditions.

Of those released from custody, 28 of the 72 had sentence lengths of less than 4 years. A further 26 were not sentenced, which includes a number of persons held on remand prior to a charge or conviction.

For more details on releases from custody, see the [user guide](#).

## 6 Other police powers under the Terrorism Act 2000

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### 6.1 Introduction

This section presents statistics on the use of stop and search powers available to the police under TACT 2000. It includes data on the number of stops and searches and resultant arrests, carried out by the Metropolitan Police Service (MPS) under s.43 of TACT 2000. It also includes data on the use of powers under Schedule 7 to TACT 2000 in Great Britain. This includes the number of examinations, resultant detentions, sea and air freight examinations, strip searches, and the number of times postponement of questioning was refused.

Data on s.43 stop and search are provided to the Home Office by MPS. Data on Schedule 7 are provided to the Home Office by the National Counter Terrorism Policing Headquarters (NCTPHQ). This section covers the use of these powers in each of the last 9 quarters up to 31 December 2016.

The police have the power to stop and search individuals under s.47A (previously 44) of TACT 2000. However, since the legislation was formally amended in 2011, to significantly raise the threshold for authorisation of the power, there have not been any stops and searches under this power in Great Britain. See the [user guide](#) for more details.

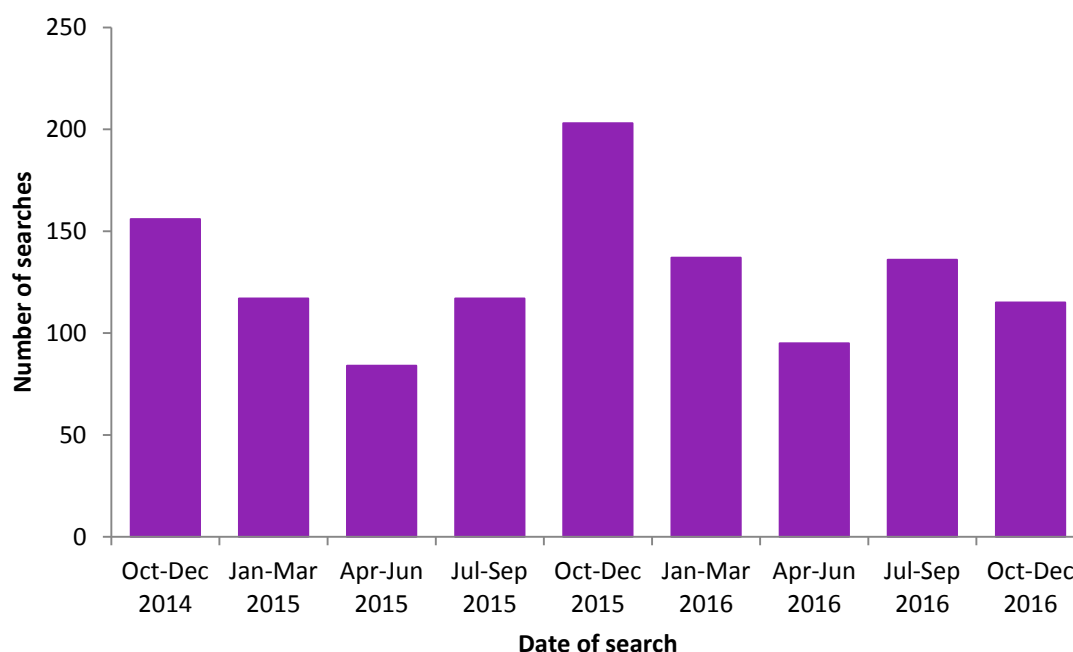
### 6.2 Stop and search under the Terrorism Act 2000

Section 43 of TACT 2000 allows a constable to stop and search a person whom he/she reasonably suspects to be involved in terrorist activity. As many forces are unable to separate s.43 TACT stops and searches from other stops and searches, this section includes data from MPS only and excludes 'vehicle only' stops and searches.

In the year ending 31 December 2016, 483 persons were stopped and searched by MPS under s.43 of TACT 2000. This represents a fall of 7% on the previous year's total of 521. This fall is driven by a particularly large number in the October to December 2015 quarter in the previous year, rather than a particularly low number in the most recent quarters. Across the same period, the number of resultant arrests has decreased by 13, from 57 to 44. This has led to a decrease in the arrest rate from 11% in the year ending 31 December 2015 to 9% in the latest year.

Details on the overall use of stop and search in England and Wales up to the year ending 31 March 2016 can be found in the Home Office [Police powers and procedures, England and Wales](#) statistical release. MPS also publishes monthly [reports](#) on the wider use of stop and search within the force.

**Figure 6.1: Stops and searches under s.43 of TACT 2000, MPS**



**Source:** MPS (see [data table S.01](#)).

**Notes:**

1. Excludes 'vehicle only' searches.

The number of stops fell across most ethnic groups, with the largest falls amongst those who considered themselves to be 'Black or Black British', which fell by 13 (or 19%), and for those who considered themselves to be 'White', which fell by 19 (or 12%).

### 6.3 Schedule 7 to TACT 2000

Under Schedule 7 to TACT 2000, an examining officer has a number of powers, the uses of which are covered in this section. These include:

- examinations of persons and resultant detentions
- goods examinations
- strip searches
- refusals to postpone questioning

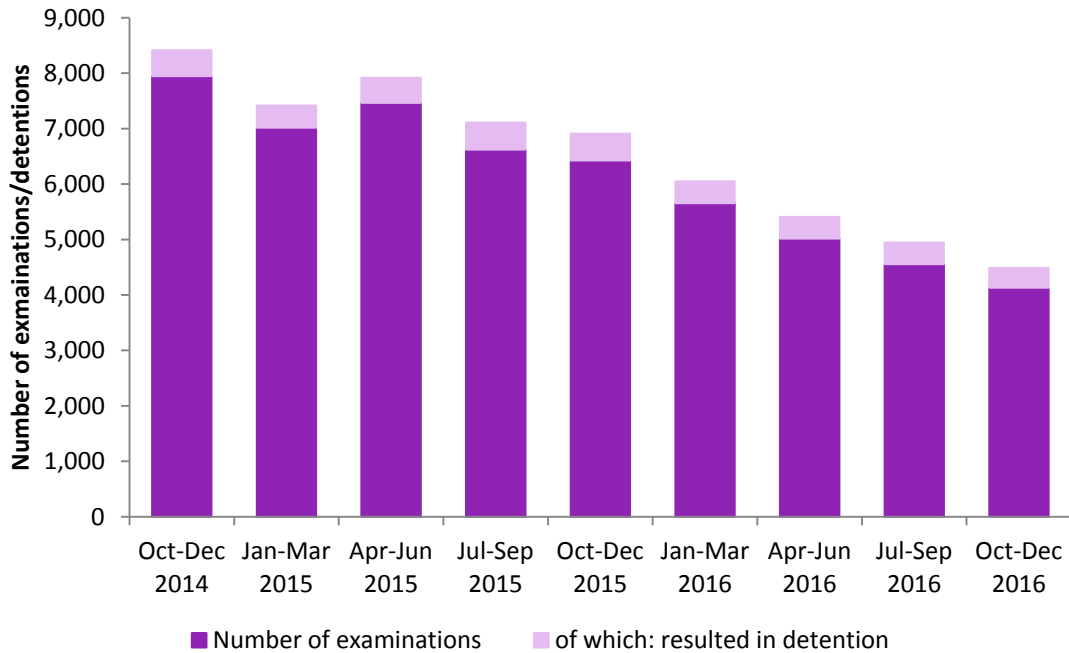
#### Examinations and resultant detentions

An examining officer may stop and question individuals entering or leaving the country through ports, airports, international rail stations and the border area. When necessary they may also detain and search individuals. The aim is to determine whether that person appears to be someone who is or has been concerned in the commission, preparation or instigation of acts of terrorism.

In the year ending 31 December 2016, a total of 19,355 persons were examined under this power in Great Britain, a fall of 30% on the previous year. This has continued the decline in the use of the power in recent years.

Throughout the same period, the number of detentions following examinations decreased by 16%, from 1,828 in the year ending 31 December 2015 to 1,539 in the latest year. The rate of detention following an examination in the year ending 31 December 2016 was 8%, up one percentage point on the 7% detention rate in the previous year. The Anti-social Behaviour, Crime and Policing Act 2014, which came into effect in August 2014, amended the powers under Schedule 7 to TACT 2000 to ensure that a mandatory detention takes place where an examination lasts for longer than one hour.

**Figure 6.2: Number of Schedule 7 to TACT 2000 examinations<sup>1</sup> and resultant detentions, Great Britain**



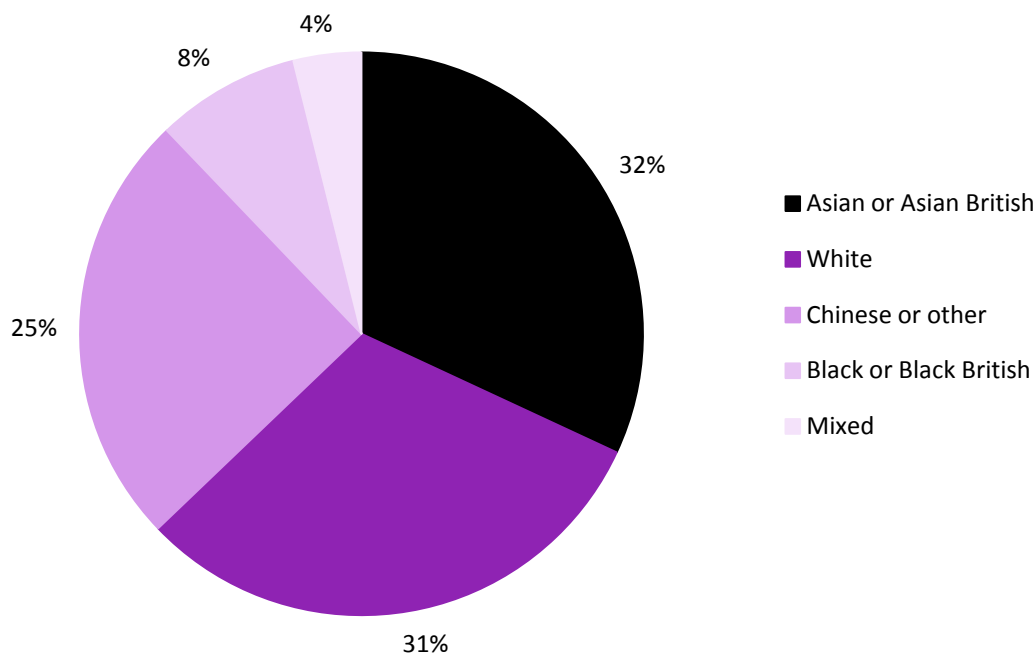
**Source:** NCTPHQ (see [data table S.04](#)).

**Notes:**

1. Does not include examinations of unaccompanied freight.

In the year ending 31 December 2016, of all examinations (excluding those where ethnicity was not stated), 32% were 'Asian or Asian British', 31% were 'White', 25% were 'Chinese or other' ethnicity, 8% were 'Black or Black British' and 4% were 'Mixed'.

**Figure 6.01 Proportion of examinations accounted for by each ethnic group, year ending 31 December 2016**



**Source:** NCTPHQ (see [data table S.04](#)).

**Notes:**

1. Excludes cases where ethnicity was 'not stated'.

## 6.4 Other powers under Schedule 7 to TACT 2000

The following section includes information on a number of additional powers under Schedule 7 to TACT 2000. This includes:

- goods examinations (sea and air freight)
- strip searches
- postponement of questioning refusals

Data on these powers have been collected by the Home Office since April 2015. Details on each of these powers can be found in the [user guide](#).

In the year ending 31 December 2016:

- a total of 3,463 air freight and 7,969 sea freight examinations were conducted in Great Britain. The latest quarter (October to December 2016) and the April to June 2016 quarter saw a particularly large number of sea freight examinations as a result of a number of planned national campaigns that were in operation during that period.
- there were 6 strip searches carried out under the power
- postponement of questioning (usually to enable an individual to consult a solicitor) was refused 4 times

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<https://www.gov.uk/government/organisations/home-office/about/statistics>

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