

UK

Anti-terrorist stop & searches target Muslim communities, but few arrests

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A study by Statewatch of the figures produced by the Home Office in December 2003 shows that:

1. The number of stops and searches as part of anti-terrorist operations is more than double the official figures, 71,100 not 32,100.
2. A large number of police forces are recording anti-terrorist stop and searches under the section 60 of the Criminal Justice and Public Order Act 1994 instead of section 44.1 and 44.2 of the Terrorism Act 2000 thus disguising the real extent of stop and searches under anti-terrorist provisions.
3. The percentage of arrests resulting from stop and searches under the Terrorism Act 2000 was only 1.18% which compares unfavourably with 13% for stop and searches under the Police and Criminal Evidence Act 1984 (895,300 people were stop and searched of whom 114,300 were arrested in 2002/03).
4. The Home Office admits that that for those arrested as a result of these stop and search: "the majority of which were not in connection with terrorism".
5. Nearly 70,000 people were stop and searched who had committed no offence whatsoever.
6. The low arrest rate and the large number of people stopped and searched suggests that these powers are being widely and arbitrarily used to little effect.

Tony Bunyan, Statewatch editor, comments:

"The consequences of these extraordinary figures needs to be spelt out. They will lead to a deterioration of police community relations within the Muslim community and a decline in key intelligence. There is ample historical evidence that indiscriminate searches may encourage more young men to become involved in their cause. The lessons from 30 years of conflict in Ireland have still to be learnt."

Searches of pedestrians, vehicles and occupants under sections 44(1) and 44(2) of the Terrorism Act 2000 [note:1] and resultant arrests - England and Wales

Year	Total searches	Resultant arrests
1995 (from 1.4.95)	6	-
1996	40,500	581
1996/	43,700	486
1997/98	15,400	316
1998/99	3,300	33
1999/00	1,900	18
2000/01	6,400	45
2001/02	10,200	189
2002/03	32,100	380

[Note: 1] Formerly sections 13A and 13B of the Prevention of Terrorism (Temporary Provisions) Act 1989 and repealed under the Terrorism Act 2000 (which came into force on 19 February 2001)

1: It should be noted that the high figures in 1996-1998 are largely related to the conflict in Northern Ireland - after the Good Friday agreement in 1998 the numbers drop sharply; 2: There has been a significant rise from the figure of 6,400 for the year up to March 2001 to the recorded figure of 32,100 for the year up to March 2003; 3: The number of those arrested in 2002/3, 380, was 1.18% of those stopped and searched; 4: As the Home Office admits "the majority" of arrests had no connection with terrorism - nor are any figures given for the number of those arrested who are subsequently charged with an offence or those charged who are acquitted; 5: Overall 31,720 searches were carried out where people were innocent of any offence;

6: The Note in the Home Office Statistical report says:

"The table above shows the number of stops and searches in order to prevent acts of terrorism from 1995 (from 1 April) to 2002/03 together with the number of arrests resulting, the majority of which were not in connection with terrorism. In 2002/03 there were 32,100 searches, 21,900 more than in 2001/02 and the highest number recorded since 1996/97. The Metropolitan and City of London police areas saw an increase of 19,400 and 1,100 stop and searches respectively. The increase in the Greater London area was due to an increase in general security throughout the year following September 11 (2001)... Twenty-one forces carried out stop and searches to prevent acts of terrorism in 2002/03." (emphasis added)

Only 21 police forces, out of a total of 43 in England and Wales, used powers under the **Terrorism Act 2000** to stop and search vehicles and pedestrians. The largest number of stops and searches of pedestrians and vehicles and resultant arrests - for just eight forces (31,357 stops, 339 arrests) were:

Police force	Stops and searches	Arrests
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Metropolitan Police	23,441	199 (0.85%)
City of London	4,644	107 (2.3%)
Thames Valley	900	- (0.0%)
Gloucestershire	898	3 (0.27%)
Cheshire	320	7 (2.1%)
Greater Manchester	509	12 (2.35%)
Hampshire	294	8 (2.35%)
Sussex	351	3 (0.85%)

What is strange about these figures is not that only 21 out of 43 forces used stop and search powers under the Terrorism Act 2000 but rather that those that did not resort to this power (or used it rarely) included major forces where raids are known to have occurred. For example, in Hertfordshire, Merseyside and West Midlands where the figures might have been expected to be high the Terrorism Act 2000 was only used once over the whole year.

This anomaly led us to examine other figures, those for "Searches of persons or vehicles under Section 60 of the Criminal Justice and Public Order Act 1994" under which stop and search powers are available where there is an "anticipation of violence" and where there seemed to be a very large unexplained rise between the year 2000/01 (ending in March 2001) and the latest figures for 2002/03.

Searches of persons or vehicles under section 60 of the Criminal Justice and Public Order Act 1994 and resultant arrests - England and Wales

Year	Searches	Weapons found	Arrest/weapons	Arrest/for other reasons
1995 (from 10.4.95)	2,380	205	58	109
1996	7,020	187	32	371
1996/97	7,970	177	129	392
1997/98	7,970	377	103	332
1998/99	5,500	213	91	84
1999/00	6,840	59	36	195
2000/01	11,330	357	309	411
2001/02	18,900	1,367	203	485
2002/03	50,820	2,193	43	2,823

There has been a clear and dramatic rise in the use of this power to stop and search under the

1994 Act since April 2001.

A comparison for a selected number of police forces between their use of this power in the years 2000/01 and 2002/03 is illuminating:

Number of searches carried out under the 1994 & 2000 Acts

Searches	1994 Act: 00/01	1994: 02/03	2000 Act
West Midlands	4,718	19,036	36
Greater Manchester	1,910	7,878	509
Hertfordshire	137	6,424	-
Lancashire	74	1,573	155
Merseyside	178	1,320	-
Wiltshire	10	1,211	-
South Yorkshire	-	899	105

[NB: the use by the London Metropolitan Police of this power rose from 2,813 to 8,606]

From these figures it can be reasonably concluded that some police forces are recording "anti-terrorist" stops and searches of pedestrians and vehicles using the 1994 Act rather than the Terrorism Act 2000.

Taking the year 2000/01 as the pre-11 September base it would appear that some 39,000 stops and searches under the 1994 Act are attributable to anti-terrorism - a figure which is well in excess of the officially recorded use of the Terrorism Act 2000 which is 32,100.

What are the real figures for anti-terrorism stop and searches?

On the basis of the above figures it is possible to estimate the true number of stop and searches carried out as part of the "war on terrorism" for the year 2002/03. Overall it can be concluded that:

1. The true figure for the number of stop and searches for 2002/03 for anti-terrorist purposes was more than doubled the official figures, 71,100 not 32,100.
2. The percentage of arrests resulting from stop and searches under the Terrorism Act 2000 was only 1.18% which compares unfavourably with 13% for stop and searches under the Police and Criminal Evidence Act 1984 (895,300 people were stopped and searched of whom 114,300 were arrested).

3. Nearly 70,000 people were stopped and searched who had committed no offence.
4. The low arrest rate and the large number of people stopped and searched suggests that these powers are being widely used to little effect.
5. The numbers being stopped and searched now exceeds the previous high point in 1996 and 1997 which preceded the "Good Friday agreement" in Northern Ireland in 1998.

Searches of pedestrians, vehicles and occupants under sections 44(1) and 44(2) of the Terrorism Act 2000 and Section 60 of the Criminal Justice and Public Order Act 1994 and resultant arrests for England and Wales (April 2002-March 2003)

Year	Total searches	Resultant arrests
Terrorism Act	32,100	380
CJPO Act	39,000	-

Note: A rough arrest figure under the CJPO Act 1994 could be arrived at by deducting the 2000/01 figures from the 2002/03 ones which would give 2,103 arrests - the great majority of which would have nothing to do with terrorism.

Source: Arrests for Notifiable Offences and the Operation of Certain Police Powers under PACE England and Wales, 2002/03, 12.12.03.

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