Department of Justice | An Roinn Dlí agus Cirt | Männystrie o tha Laa

**DOJ Section 75**

# EQUALITY SCREENING FORM

**Title of Policy:**
**Review mechanism (Article 63V of the Police and Criminal Evidence (Northern Ireland) Order 1989)**

**The Legal Background** – Under section 75 of the Northern Ireland Act 1998, the Department is required **to have due regard to the need to promote equality of opportunity:**

- between person of different religious belief, political opinion, racial group, age, marital status or sexual orientation;

- between men and women generally;

- between persons with a disability and persons without; and,

- between persons with dependants and persons without.

Without prejudice to the obligations set out above, the Department is also required to:

- **have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group; and**

- **meet legislative obligations under the Disability Discrimination Order.**

## Introduction

**Part 1. Policy scoping** – asks public authorities to provide details about the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

**Part 2. Screening questions** – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues.

**Part 3. Screening decision** – guides the public authority to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the

likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

**Part 4. Monitoring** – provides guidance to public authorities on monitoring for adverse impact and broader monitoring.

**Part 5. Approval and authorisation** – verifies the public authority's approval of a screening decision by a senior manager responsible for the policy.

## Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

**Information about the policy**

**Name of the policy:**

Review mechanism (Article 63V of the Police and Criminal Evidence (Northern Ireland) Order 1989)

## Is this an existing, revised or a new policy?

New policy.

## What is it trying to achieve? (Intended aims/outcomes)

The DoJ is taking forward legislative provisions (Justice Bill) in order to implement a new DNA and fingerprint retention framework that will comply with the Marper and Gaughran European Court of Human Rights judgments. The new framework sets out maximum retention periods (75/50/25 years) for which DNA and fingerprints can be retained by the PSNI based on the nature and seriousness of the offence, the age of the person concerned, criminal history, and whether the person is convicted or not convicted. As an additional safeguard and to ensure proportionality, the legislation also makes statutory provision for the ongoing need for the retention of DNA and fingerprints to be reviewed by the PSNI.

The DoJ has developed suitable review mechanism proposals (which will form the basis for subordinate legislation) to ensure that long-term retained DNA and fingerprints are subject to a scheduled review part-way though a maximum retention period. Scheduled reviews will be undertaken by the PSNI who will assess the continuing need to retain DNA profiles and fingerprints in each individual case.

The review mechanism proposals are the subject of this screening.

## Are there any Section 75 categories which might be expected to benefit from the intended policy? If so, explain how.

This policy aims to ensure that DNA and fingerprints are not retained longer than necessary. It will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI.

## Who initiated or wrote the policy?

The Department of Justice.

## Who owns and who implements the policy?

The Department of Justice has policy responsibility for PACE NI whilst the PSNI has responsibility for implementing the policy.

## Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

Yes

If yes, are they (please delete as appropriate)

**Financial / legislative / other (please specify)**

Technical – development of IT system to support implementation and operation of the review mechanism

## Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? (please delete as appropriate)

- **public sector organisations**

  The PSNI and Forensic Science NI

- **other,** please specify:

  The policy will apply to individuals whose DNA and fingerprints are being retained by the PSNI.

## Other policies with a bearing on this policy

- **what are they?**

  The review mechanism will be inextricably linked to the maximum retention periods for DNA and fingerprints set out in Part 6 of PACE NI.

- **who owns them?**

  The Department of Justice.

## Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data. The Commission has produced this guide to signpost to S75 data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

**Religious belief** evidence / information:

The Police and Criminal Evidence (NI) Order statistics published by the PSNI do not contain statistics relating to religious belief. However, it is important to note that the review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary. The review mechanism will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI.

**Political Opinion** evidence / information:

The Police and Criminal Evidence (NI) Order statistics published by the PSNI do not contain statistics relating to political opinion. However, it is important to note that the review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary. The review mechanism will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI.

**Racial Group** evidence / information:

The Police and Criminal Evidence (NI) Order statistics published by the PSNI do not contain statistics relating to racial group. However, it is important to note that the review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary. The review mechanism will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI.

**Age** evidence / information:

The Police and Criminal Evidence (NI) Order statistics published by the PSNI do not contain statistics relating to age. However, supplementary evidence from the NI Appropriate Adult Service (NIAAS) Annual Report for 2024-2025[1] shows that of 4195 call outs for Appropriate Adults, the highest age band categories were 31-40 (1157) and 18-25 (951). Whilst these statistics are not specific to DNA and fingerprint retention, they may suggest that individuals within these age groups are more frequently involved in police custody processes, including those where DNA and fingerprints may be taken.

[1] https://www.mindwisenv.org/what-we-do/mindwise-services/advocacy-and-money-advice/niaas/

**Marital Status** evidence / information:

The Police and Criminal Evidence (NI) Order statistics published by the PSNI do not contain statistics relating to marital status. However, it is important to note that the review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary. The review mechanism will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI.

**Sexual Orientation** evidence / information:

The Police and Criminal Evidence (NI) Order statistics published by the PSNI do not contain statistics relating to sexual orientation. However, it is important to note that the review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary. The review mechanism will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI.

**Men & Women generally** evidence / information:

The Police and Criminal Evidence (PACE) Order Statistics for 1 April 2025 to 31 March 2026[2] (published by the PSNI) show that of 20,192 arrests made under PACE NI, 82% were male. These statistics are not broken down by any other Section 75 categories. Whilst these statistics are not specific to DNA and fingerprint retention, they would suggest that a higher proportion of males have their DNA and fingerprints taken. However, the review mechanism will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI.

**Disability** evidence / information:

The Police and Criminal Evidence (NI) Order statistics published by the PSNI do not contain statistics relating to disability. However, it is important to note that the review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary. The review mechanism will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI.

**Dependants'** evidence / information:

The PSNI does not currently publish evidence of dependants in relation to arrests or detention. The review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary.

## Needs, experiences and priorities

[2] The Police and Criminal Evidence (PACE) Order Statistics for 1 April 2025 to 31 March 2026

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

**Religious belief:**

The review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary. The review mechanism will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI.

**Political Opinion:**

The review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary. The review mechanism will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI.

**Racial Group:**

The review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary. The review mechanism will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI.

**Age:**

The review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary. The review mechanism will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI. In particular, the review mechanism will incorporate earlier review dates (compared to adults) for persons under the age of 18.

**Marital status:**

The review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary. The review mechanism will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI.

## Sexual orientation:

The review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary. The review mechanism will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI.

## Men and Women Generally:

The review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary.

While data shows that males account for 82% of arrests under PACE NI, the review mechanism will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI.

## Disability:

The review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary. The review mechanism will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI.

## Dependants:

The review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary. The review mechanism will benefit individuals across all S75 categories in Northern Ireland whose DNA and fingerprints are held by the PSNI.

## Part 2. Screening questions

### Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are detailed below.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

**In favour of a 'major' impact**

a) The policy is significant in terms of its strategic importance;

b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;

c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;

d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are

concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

e) The policy is likely to be challenged by way of judicial review;

f) The policy is significant in terms of expenditure.

**In favour of 'minor' impact**

a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;

b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;

c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;

d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

**In favour of none**

a) The policy has no relevance to equality of opportunity or good relations.

b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

## Screening questions

1. **What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?**

   Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

   Details of the likely policy impacts on **Religious belief**: It is not considered there would be an adverse impact on equality of opportunity for this category.

   What is the level of impact? Minor / Major / None
   (Underline as appropriate)

   Details of the likely policy impacts on **Political Opinion**: It is not considered there would be an adverse impact on equality of opportunity for this category.

   What is the level of impact? Minor / Major / None
   (Underline as appropriate)

   Details of the likely policy impacts on **Racial Group**: It is not considered there would be an adverse impact on equality of opportunity for this category.

   What is the level of impact? Minor / Major / None
   (Underline as appropriate)

   Details of the likely policy impacts on **Age**: Statistics show that there may be a higher number of individuals aged between 18-40 detained in police custody and as a result have their DNA and fingerprints taken. However, the review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary. In particular, the review mechanism will incorporate earlier review dates (compared to adults) for persons under the age of 18. Therefore, no adverse impact as a result of this policy.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Marital Status**: It is not considered there would be an adverse impact on equality of opportunity for this category.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Sexual Orientation**:
It is not considered there would be an adverse impact on equality of opportunity for this category.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Men and Women**: Statistics show that there may be a higher number of males that would be detained in police custody and as a result have their DNA and fingerprints taken. However, the review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary. Therefore, no adverse impact as a result of this policy.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Disability**: It is not considered there would be an adverse impact on equality of opportunity for this category.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Dependants**: It is not considered there would be an adverse impact on equality of opportunity for this category.

What is the level of impact? Minor / Major / None

(Underline as appropriate)

2. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?** Yes/No

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

**Religious Belief -** If Yes, provide details:
If No, provide reasons:

No opportunities to promote equality of opportunity through the review mechanism have been identified.

**Political Opinion -** If Yes, provide details:
If No, provide reasons

No opportunities to promote equality of opportunity through the review mechanism have been identified.

**Racial Group -** If Yes, provide details:
If No, provide reasons

No opportunities to promote equality of opportunity through the review mechanism have been identified.

**Age -** If Yes, provide details:
If No, provide reasons:

The review mechanism proposals incorporate earlier review dates (compared to adults) for persons under the age of 18.

**Marital Status -** If Yes, provide details:
If No, provide reasons

No opportunities to promote equality of opportunity through the review mechanism have been identified.

**Sexual Orientation -** If Yes, provide details:
If No, provide reasons:

No opportunities to promote equality of opportunity through the review

mechanism have been identified.

**Men and Women generally -** If Yes, provide details:
If No, provide reasons:

No opportunities to promote equality of opportunity through the review mechanism have been identified.

**Disability -** If Yes, provide details:
If No, provide reasons:

No opportunities to promote equality of opportunity through the review mechanism have been identified.

**Dependants -** If Yes, provide details:
If No, provide reasons:

No opportunities to promote equality of opportunity through the review mechanism have been identified.

3. **To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?**

   Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

   Details of the likely policy impacts on **Religious belief**:

   What is the level of impact? Minor / Major / None
   (Underline as appropriate)

   Details of the likely policy impacts on **Political Opinion**:
   **The policies will not impact on good relations.**

   What is the level of impact? Minor / Major / None
   (Underline as appropriate)

   Details of the likely policy impacts on **Racial Group**:
   **The policies will not impact on good relations.**

   What is the level of impact? Minor / Major / None
   (Underline as appropriate)

4. **Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

   Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

   **Religious Belief -** If Yes, provide details:
   If No, provide reasons:

   There are no opportunities for promoting good relations between specific categories as the review mechanism will have no differential impact on people with varied religious beliefs.

   **Political Opinion -** If Yes, provide details:
   If No, provide reasons

There are no opportunities for promoting good relations between specific categories as the review mechanism will have no differential impact on people with varied political opinion

**Racial Group -** If Yes, provide details:
If No, provide reasons

There are no opportunities for promoting good relations between specific categories as the review mechanism will have no differential impact on people from varied racial groups.

## Additional considerations

### Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?
(*For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).*

Department of Justice statistics[3] show that males account for 79.4% of all defendants. The data also indicates that offending is concentrated in young and middle adulthood, with individuals aged 30-49 making up over 50% of all prosecutions and convictions. When age and sex are considered together, this suggests that young and middle-aged men are the largest offender group in Northern Ireland and are therefore also likely to be the largest group to have their DNA and fingerprints retained.

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

The review mechanism is intended to safeguard the rights of all individuals by ensuring that DNA and fingerprints are not retained for longer than necessary.

[3] https://datavis.nisra.gov.uk/justice/prosecutions-convictions-and-out-of-court-disposal-statistics-2025.html

## Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

**Decision:** screened out – the screening exercise has identified a minor impact relating to the age category and men / women category. Data indicates a higher level of offending among young and middle-aged men; therefore young and middle-aged men may be numerically more likely to have their DNA and fingerprints taken and retained (rather than as a result of this policy). However, it is important to remember that the review mechanism proposals provide an important safeguard regarding the long-term retention of DNA and fingerprints. The review mechanism proposals involve a statutory review date part-way through the maximum retention period ensuring that DNA and fingerprints are not retained for longer than necessary.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

As there are no implications for equality of opportunity, mitigations or alternative policies aren't applicable.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

Not applicable.

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

## Mitigation

When the public authority concludes that the likely impact is ‘minor’ and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

No

## Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been **'screened in'** for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

**Priority criterion** [Author pick 1, 2 or 3 if a full EQIA is to take place]

Effect on equality of opportunity and good relations – N/A

Social need – N/A

Effect on people's daily lives – N/A

Relevance to a public authority's functions – N/A

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities? N/A

If yes, please provide details.

## Part 4. Monitoring

The review mechanism arrangements will be monitored on an ongoing basis for any adverse impacts on Section 75 groups.

## Part 5 - Approval and authorisation

Screened by: Jonathan Brown
Position/Job Title: Police (PACE) Policy and Legislation
Date: 01/07/2026

Approved by: Lisa Boal
Position/Job Title: Head of Police (PACE) Policy and Legislation Team
Date: 06/07/2026