



Department of  
**Justice**

An Roinn Dlí agus Cirt  

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Mánnystrie o tha Laa

DOJ Section 75

EQUALITY SCREENING FORM

Title of Policy: **Review of the Police and Criminal Evidence  
(Northern Ireland) Order 1989 (PACE) Codes of Practice A to H  
and new PACE Code I**

## 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<sup>1</sup>.

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.

The [flowchart](#) details the equality screening process.

## 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:

Revision of Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE) Codes of Practice A to H, and the introduction of new PACE Code I (Detention, treatment and questioning by police of persons in detention under national security provisions).

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

Codes A to H listed below are being revised broadly to reflect changes to primary legislation made by Westminster in the Counter Terrorism and Border Security Act 2019 (CTBSA), the Police, Crime, Sentencing and Courts Act 2022 (PCSC). Code I is a new policy which is required to support the National Security Act 2023:

- Code A Stop and search
- Code B Search of premises and seizures
- Code C Detention, treatment and questioning of persons detained under PACE
- Code D Identification of persons
- Code E Audio recording of suspect interviews
- Code F Visual recording with sound of suspect interviews
- Code G Power of Arrest
- Code H Persons detained under terrorism provisions
- Code I Persons detained under national security provisions

The Codes are issued under Article 65 of PACE NI.

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

The Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE NI) and its associated Codes of Practice are vital parts of the framework of legislation providing the police with the powers they need to tackle and investigate crime. The Codes support PACE NI by providing guidance on the use of the powers it confers on the police and safeguards on the rights of individuals under investigation and/or detained in police custody. The PACE NI Codes broadly mirror the PACE Codes of Practice in England and Wales.

The last major review of the PACE NI Codes was carried out in 2015. Since then, police powers in Northern Ireland have been revised by various pieces of Westminster legislation such as the Counter Terrorism and Border Security Act 2019 (CTBSA), the Police, Crime, Sentencing and Courts Act 2022 (PCSC) and the National Security Act 2023 (NSA).

Many of the provisions within the Order replicate changes already made to the Police & Criminal Evidence Act 1984 and its supporting Codes of Practice, which provides the legislative framework in England & Wales.

Although the majority of the changes are a result of excepted policy matters (e.g. national security, including terrorism), which are the responsibility of the Westminster government, the onus is on the Department of Justice to update the Codes of Practice to support the PSNI in exercising those powers in NI. As part of this exercise, the Department of Justice (DoJ) has also taken the opportunity to ensure terminology contained within the Codes is up-to-date, consistent and reflects wider legislative changes.

A new Code I is being introduced to support the implementation of the new National Security Act (NSA) 2023 and reflects a new Code I also introduced in England and Wales.

The Codes are written in the form of a manual to provide the police with guidance on the powers they have to tackle and investigate crime. The Codes must be readily available at all police stations for consultation by police officers; police staff; detained persons; appropriate adults; solicitors and members of the public. Appropriate adults and solicitors have been added to this list to ensure the Codes are more widely and consistently made available.

Are there any Section 75 categories, which might be expected to benefit from the intended policy?

If so, explain how.

The PACE Codes set out safeguards for the rights of any individual under investigation by the police, including those searched or detained in police custody. This includes specific provisions to meet the needs of Section 75 categories, e.g. young people, females, religious needs, vulnerable adults, foreign nationals, those who do not speak English.

Who initiated or wrote the policy?

The Department of Justice

Who owns and who implements the policy?

The Department of Justice own the policy and the PSNI implement the policy.

### Implementation factors

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

If yes, are they (please delete as appropriate)

Legislative

Main stakeholders affected

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

Service users

other public sector organisations – PSNI; OPONI; Belfast Harbour Police, HMRC, NCA – any organisation that has delegated police powers.

other, please specify: These policies will apply to individuals who are subject to a criminal investigation.

Other policies with a bearing on this policy

what are they?

- The Police and Criminal Evidence (Northern Ireland) Order 1989
- Police, Crime, Sentencing and Courts (PCSC) Act 2022
- National Security Act (NSA) 2023
- Terrorism Act (TACT) 2000
- Counter Terrorism and Border Security Act 2019 (CTBSA)

who owns them?

- PACE 1989 is owned by the Department of Justice.
- The Home Office owns PCSC, NSA, TACT and CTBSA policies.

Note that for other organisations with powers under PACE, e.g. HMRC, NCA, parent legislation and powers are the responsibility of Westminster Departments.

## 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:

PSNI Statistics Branch provided figures for custody arrests by religion for the calendar year 1 January 2022 to 31 December 2022. The figures show a total number of arrests at 25,058, broken down as follows:

Roman Catholic 9,167; Protestant 4,893; Other Christian 924; Other religions 837; No religion/None 6,429 and Refused/Unknow/Missing 2,808.

The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories.

- **Political Opinion** evidence / information:

The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories.

- **Racial Group** evidence / information:

The Criminal Justice Inspectorate (CJINI) review of police custody in 2020<sup>1</sup> provides figures for the ethnicity of the custody population in 2018-2019 with 94.1% of the custody population being recorded as “white”. The next group was Irish Traveller at 2.8%.

The PSNI statistics on ‘Use of Stop and Search Powers by the Police in Northern Ireland’<sup>2</sup> for the year 1 October 2022 to 30 September 2023, provide figures on the number of persons stopped and searched and subsequently arrested under all legislative powers by ethnicity. Out of a total of 26,113, 24,570 were white, 407 were Irish Traveller<sup>3</sup>, 439 were Other Ethnic Group, 288 were Black, 223 were Asian, 107 mixed and 79 not specified. Of

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<sup>1</sup> <https://cjini.org/getattachment/259c4dab-ec93-479e-8f5b-ce8bd70c88d6/report.aspx>

<sup>2</sup> [https://www.psni.police.uk/sites/default/files/2023-11/PSNI%20Stop%20and%20Search%20Report%20Q2%202023\\_2024.pdf](https://www.psni.police.uk/sites/default/files/2023-11/PSNI%20Stop%20and%20Search%20Report%20Q2%202023_2024.pdf)

<sup>3</sup> Ethnicity may be officer perceived, as some Irish Travellers are likely to be categorized as White.

these figures 1,474 were arrested of which 1,306 were white, 59 Irish Traveller, 51 Other Ethnic Group, 32 Black, 18 Asian, 3 Mixed and 5 not specified.

PSNI Statistics Branch provided figures for custody arrests by ethnicity for the calendar year 1 January 2022 to 31 December 2022. The figures show a total number of arrests at 25,058, of which: 23,211 were White; 734 were Irish Traveller; 452 were Other Ethnicity; 362 were Black; 245 were Asian; 50 were Mixed and 4 not specified.

The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories.

- **Age evidence / information:**

The CJNI custody inspection shows that in 2016 – 17 and 2017-18 the percentage of adults in custody was 92% with Children and Young people aged under 18 representing 8% of the custody population. In 2018-19 the adult population was 93% with 7% being under 18 (2% of which were 17 and 5% under 17). The Northern Ireland Appropriate Adult Scheme (NIAAS) is used by the PSNI when they are unable to contact a parent or family member of a juvenile or vulnerable person in police custody. The Appropriate Adults provide support to young people in Police custody and ensure that the PSNI adhere to the PACE Codes of Practice. The Northern Ireland Appropriate Adult Scheme Annual Report for 2021-22<sup>4</sup> shows that detentions requiring an Appropriate Adult for juveniles is 14% of the overall appropriate adult use.

The PSNI statistics on 'Use of Stop and Search Powers by the Police in Northern Ireland'<sup>5</sup> for the year 1 October 2022 to 30 September 2023, provide figures on the number of persons stopped and searched and subsequently arrested under all legislative powers by Age. Out of a total of 26,113, 2,479 were under the age of 18 and 69 of these were 12 and under. 74 of those under 18 were subsequently arrested.

PSNI Statistics Branch provided figures for custody arrests by Age for the calendar year 1 January 2022 to 31 December 2022. The figures show a total number of arrests at 25,058, of which: 1,260 were under 18; 5,315 were 18-25; 8,445 were 23-35; 5,460 were 36-45; 2,718 were 46-55; 1,275 were 56-65; 380 were over 65 and 205 not specified.

The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories.

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<sup>4</sup> <https://www.mindwisenv.org/media/3166/niaas-annual-report-2021-2022.pdf>

<sup>5</sup> [https://www.psni.police.uk/sites/default/files/2023-11/PSNI%20Stop%20and%20Search%20Report%20Q2%202023\\_2024.pdf](https://www.psni.police.uk/sites/default/files/2023-11/PSNI%20Stop%20and%20Search%20Report%20Q2%202023_2024.pdf)



- **Marital Status evidence / information:**

The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories.

- **Sexual Orientation evidence / information:**

The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories.

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

The Police and Criminal Evidence (PACE) Order Statistics for 2022-23<sup>6</sup> show that of the 21,474 arrests made, 82% of these were male. These statistics are not broken down by any other Section 75 categories.

The NIAAS Annual Report for 2021-22 shows that of 3,947 call outs for AAs, 80.5% were male.

The PSNI statistics on 'Use of Stop and Search Powers by the Police in Northern Ireland'<sup>7</sup> for the year 1 April 2022 to 31 March 2023, provide figures on the number of persons stopped and searched and subsequently arrested under all legislative powers by Gender. Out of a total of 26,113, 22,105 were Male, 3,989 Female and 19 Unknown/Other. Of which 1,474 were arrested broken down as 1,289 Male, 183 Female and 1 Unknown/Other.

PSNI Statistics Branch provided figures for custody arrests by gender for the calendar year 1 January 2022 to 31 December 2022. The figures show a total number of arrests at 25,058, of which: 20,634 were Male; 4,363 were Female and 61 were Unknown/Other.

While males are more likely to be impacted numerically, the PACE Codes are intended to safeguard the rights of individuals and make specific provision where needed, e.g. access to period products, the sensitive treatment of transgender people.

The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories.

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<sup>6</sup> <https://www.psni.police.uk/about-us/our-publications-and-reports/official-statistics/police-and-criminal-evidence-pace-order>

<sup>7</sup> [https://www.psni.police.uk/sites/default/files/2023-11/PSNI%20Stop%20and%20Search%20Report%20Q2%202023\\_2024.pdf](https://www.psni.police.uk/sites/default/files/2023-11/PSNI%20Stop%20and%20Search%20Report%20Q2%202023_2024.pdf)

- **Disability evidence / information:**

There is evidence to suggest that a significant number of people in the wider criminal justice system have mental health related issues. The NIAAS Annual Report for 2021-22 shows that of the 3,947 call outs for AAs, 87.7% presented as vulnerable within the police custody setting. Vulnerabilities ranged from general mental health issues, Autism, ADHD, Learning Difficulties/Disabilities and Schizophrenia.

The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories.

- **Dependants' evidence / information:**

The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories.

## Needs, experiences and priorities

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 Codes of Practice provide operational guidance in relation to PACE legislation and must be used fairly, responsibly, with respect for people to whom the PACE Codes apply and without discrimination on the grounds of religious belief or political opinion, racial group, age, marital status, sexual orientation, gender, or disability. The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories.

### Political Opinion:

The Codes of Practice provide operational guidance in relation to PACE legislation and must be used fairly, responsibly, with respect for people to whom the PACE Codes apply and without discrimination on the grounds of religious belief or political opinion, racial group, age, marital status, sexual orientation, gender, or disability. The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories.

### Racial Group:

The Codes of Practice provide operational guidance in relation to PACE legislation and must be used fairly, responsibly, with respect for people to whom the PACE Codes apply and without discrimination on the grounds of religious belief or political opinion, racial group, age, marital status, sexual orientation, gender, or disability. The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories.

If a detainee requires the services of an interpreter, this is provided for under PACE Code C as a general right under detention, treatment and questioning of persons by police officers. This right remains protected by these policy proposals.

## Age:

The Codes of Practice provide operational guidance in relation to PACE legislation and must be used fairly, responsibly, with respect for people to whom the PACE Codes apply and without discrimination on the grounds of religious belief or political opinion, racial group, age, marital status, sexual orientation, gender, or disability. The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories. Throughout the Codes there is provision of support to persons who are young or considered vulnerable.

Police officers have regard to the need to safeguard and promote the welfare of all persons under the age of 18 years and that the decision to stop and search a child must be the best interests of the child and in compliance with obligations under Article 3 of the UN Convention on the Rights of a child.

Guidance in relation to strip searching has been restructured, to help clarify the requirements for appropriate adults to be present for juveniles and vulnerable persons. Safeguards have been proposed to ensure that the removal of a detainee's clothes will have proper regard to their dignity, sensitivity and vulnerability and that a girl under the age of 18 should be under the care of a woman whilst detained in a police station.

These proposals will have a positive impact on the needs, experiences and priorities of this category.

## Marital status:

The Codes of Practice provide operational guidance in relation to PACE legislation and must be used fairly, responsibly, with respect for people to whom the PACE Codes apply and without discrimination on the grounds of religious belief or political opinion, racial group, age, marital status, sexual orientation, gender, or disability. The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories.

## Sexual orientation:

The Codes of Practice provide operational guidance in relation to PACE legislation and must be used fairly, responsibly, with respect for people to whom the PACE Codes apply and without discrimination on the grounds of religious belief or political opinion, racial group, age, marital status, sexual orientation, gender, or disability. The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories

## Men and Women Generally:

The Codes of Practice provide operational guidance in relation to PACE legislation and must be used fairly, responsibly, with respect for people to whom the PACE Codes apply and without discrimination on the grounds of religious belief or political opinion, racial group, age, marital status, sexual orientation, gender, or disability. The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories, including the provision of menstrual products and other personal, health, hygiene and welfare support.

While data shows that males account for 82% of arrests under PACE, the PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories.

A number of safeguards have been proposed in relation to establishing the gender of persons for the purposes of searching and new guidance on the possible needs of transgender individuals. These proposals will have a positive impact on the needs, experiences and priorities of this category.

## Disability:

The Codes of Practice provide operational guidance in relation to PACE legislation and must be used fairly, responsibly, with respect for people to whom the PACE Codes apply and without discrimination on the grounds of religious belief or political opinion, racial group, age, marital status, sexual orientation, gender, or disability. The PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories.

Throughout the Codes there is provision of support to persons who are considered vulnerable. Vulnerable is described in Code C para 1.12(d) as:

(a) 'vulnerable' applies to any person who, because of a mental health condition or mental disorder (see *Notes 1G and 1GB*):

(i) may have difficulty understanding or communicating effectively about the full implications for them of any procedures and processes connected with:

- their arrest and detention; or (as the case may be)
- their voluntary attendance at a police station or their presence elsewhere (see *paragraph 3.16*), for the purpose of a voluntary interview; and
- the exercise of their rights and entitlements.

(ii) does not appear to understand the significance of what they are told, of questions they are asked or of their replies.

(iii) appears to be particularly prone to:

- becoming confused and unclear about their position;
- providing unreliable, misleading or incriminating information without knowing or wishing to do so;
- accepting or acting on suggestions from others without consciously knowing or wishing to do so; or
- readily agreeing to suggestions or proposals without any protest or question.

The NIAAS Annual Report for 2021-22 shows that 87.7% of those requiring the services of an Appropriate Adult, presented as vulnerable within the police custody setting. Provisions have been put in place to provide vulnerable adults with appropriate support in the custody setting to enable the understanding of their rights and entitlements. Provisions have also been introduced to ensure that detainees presenting with mental health issues are transferred from police stations to other places of safety for assessment. These proposals will have a positive impact on the needs, experiences and priorities of this category.

#### Dependants:

The Codes of Practice provide operational guidance in relation to PACE legislation and must be used fairly, responsibly, with respect for people to whom the PACE Codes apply and without discrimination on the grounds of religious belief or political opinion, racial group, age, marital status, sexual orientation, gender, or disability. PACE Codes are intended to safeguard the rights of individuals and make specific provision to meet the needs of S75 categories.

## 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. Any changes in this category will provide a positive impact, including the facilitation of interpreters.

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

### Details of the likely policy impacts on **Age**:

Any changes with a minor impact on this category are positive. Ensuring safeguards are in place for those subject to criminal investigation under the age of 18.

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:**

Any changes with a minor impact in this category are positive. Ensuring safeguards are in place for searching and the needs of individuals requiring personal health products.

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

**Details of the likely policy impacts on Disability:**

Any changes with a minor impact in this category are positive. Ensuring safeguards are in place for persons with a disability who require appropriate assistance while detained.

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 - The policies relate to all individuals who are subject to criminal investigation.

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

No - The policies relate to all individuals who are subject to criminal investigation.

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

No - The policies relate to all individuals who are subject to criminal investigation.

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

No - The policies relate to all individuals who are subject to criminal investigation.

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

No - The policies relate to all individuals who are subject to criminal investigation.

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

No - The policies relate to all individuals who are subject to criminal investigation.

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

No - The policies relate to all individuals who are subject to criminal investigation.

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

No - The policies relate to all individuals who are subject to criminal investigation.

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

No - The policies relate to all individuals who are subject to criminal investigation.

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**:

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 **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.

No - The Codes focus on protecting the rights of individuals. There are no opportunities to better promote good relations with regard to the revision of PACE Codes A – H and the introduction of PACE Code I.

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

No - The Codes focus on protecting the rights of individuals. There are no opportunities to better promote good relations with regard to the revision of PACE Codes A – H and the introduction of PACE Code I.

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

No - The Codes focus on protecting the rights of individuals. There are no opportunities to better promote good relations with regard to the revision of PACE Codes A – H and the introduction of PACE Code I.

## 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).*

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

Young males from a Catholic/Republican/Nationalist background are more likely to be impacted as a result of powers under the Justice Security Act (2007)<sup>8</sup>. The PACE Codes are intended to safeguard the rights of individuals and make specific provision where needed.

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[https://assets.publishing.service.gov.uk/media/64fb116457278000d251804/15th\\_Annual\\_Report\\_of\\_Independent\\_Reviewer\\_of\\_Justice\\_Security.pdf](https://assets.publishing.service.gov.uk/media/64fb116457278000d251804/15th_Annual_Report_of_Independent_Reviewer_of_Justice_Security.pdf)

### Part 3. Screening decision

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

**Not applicable**

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.

#### **DECISION - Screened out – Mitigating Actions (minor impacts)**

The revisions to PACE Codes A – H and the introduction of PACE Code I apply to individuals who are subject to criminal investigation. The changes to these policies are required by virtue of new legislation introduced by Westminster. The PACE Codes of practice for England and Wales have been used as a template to identify changes that may benefit the Northern Ireland Code, aiming to maintain parity when possible. The provisions of the PACE Codes set out the safeguards and rights for those detained in custody and include provisions to meet the s75 needs across the various categories. While some proposed amendments have a minor impact on groups, these impacts are positive, as outlined in this document. Engagement to date with PSNI and Home Office has not identified any equality implications with the operation of the existing Codes.

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.

PACE legislation is directed to providing protection and safeguards for detained persons. An equality impact assessment is not necessary as the proposed amendments do not have a negative impact on any of the s75 categories. It is not considered that there is currently a need for any amendments to these policies. However, a public consultation will take place in early 2024 and the DoJ will address any concerns that arise from the consultation exercise.



## 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

Social need

Effect on people's daily lives

Relevance to a public authority's functions

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?

If yes, please provide details.

**Not applicable**

## Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Further advice on monitoring can be found at: [ECNI Monitoring Guidance for Public Authorities](#)

## Part 5 - Approval and authorisation

Screened by: Lisa Boal

Position/Job Title: Head of Policing Policy and Legislation

Date: 30/11/23

**Approved by:** Jeff McGuinness

Position/Job Title: Deputy Director, Policing Policy and Strategy Division

Date: 08/01/2024

**Prior to final approval** the Screening Form should be forwarded to [DOJESSS@justice-ni.gov.uk](mailto:DOJESSS@justice-ni.gov.uk) for comment/quality assurance. Contact the branch should you require advice or have any queries prior to this stage.

Any NIPS forms should also be forwarded to [Peter.Grant@justice-ni.gov.uk](mailto:Peter.Grant@justice-ni.gov.uk)

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the DoJ website as soon as possible following completion and made available on request.

**Separately from undertaking screening of the policy, consideration must also be given in respect of undertaking a Rural Needs Impact Assessment (RNIA). This is to ensure that public authorities comply with their duty under Section 1(1) of the Rural Needs Act (NI) 2016. Full information including templates and a useful checklist are available on the [DAERA website](#).**