



# 2020 CLARE'S LAW UPDATE

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## **Clare's Law Update for the Calgary Police Commission**

*The information provided for this Clare's Law update is accurate to May 14, 2020, as the Clare's Law provincial working group continues to develop protocols, regulations and consistent practices for its implementation.*

### **Overview**

Clare's Law was introduced into the Alberta Legislature in October 2019 as Bill 17 - Disclosure to Protect Against Domestic Violence Act and may be implemented in April 2021 (revised from the original date of June 2020 due to the COVID-19 pandemic). Currently, the regulations are being developed to be approved in the Fall (September/October) of 2020. There are 2 components of this Act that are intended to address the issue of domestic violence:

- 1) The 'right to ask application' - allows a person in an intimate partner relationship the opportunity to request that the police conduct a police information check (criminal background check) on their partner, to determine if he/she has a violent or abusive past.
- 2) The 'right to know application' - authorizes the police to proactively notify a person in an intimate partner relationship that his/her partner has a violent or abusive past. In both circumstances, after the application is submitted and a police information check is completed, the provincial Integrated Threat and Risk Assessment Centre (ITRAC) will conduct a review and classify the risk probability to the person involved, as either 'high, medium or low.'

The objective of both these components is to disclose information to a person who feels at risk in an intimate relationship about their partner, which allows him/her to make a decision that may reduce his/her likelihood of exposure to potential harm.

### **Emerging Issues**

Currently, the Clare's Law provincial working group (comprised of Alberta Justice and Solicitor General, Community and Social Services and 11 police services in the province) are working to address numerous outstanding questions and details related to the Clare's Law application and disclosure processes. While this work to develop protocols, consistent practices and regulations for Clare's Law implementation is progressing, the Calgary Police Service (CPS) has identified these evolving concerns:

1. Resource requirements
  - a) At this point in time, there are no accurate numbers to determine the volume of applications that will be received monthly or the projected workload and human resource implications. It is estimated that between 1-3 full time CPS members will be required to conduct interviews with applicants to confirm identity and verify relationship details; perform police information checks; and provide in-person disclosure to advise applicants of their potential risk of harm level.

- b) The technology system that will be utilized to collect application data and share information between the police service and the province (ITRAC) has not been identified. This may lead to the possibility of the CPS purchasing a technology solution.
- c) Education and training modules to inform CPS members about the operationalization of Clare's Law will need to be created, as will internal and external communication platforms and materials.

## 2. Risks

- a) There may be a potential risk of litigation and its associated financial impact, if the CPS is required to proceed with a court case due to the 'partner whose criminal history was disclosed' submitting a *Freedom of Information and Protection of Privacy Act* (FOIPPA) request and complaint to the Privacy Commissioner, regarding the sharing of his/her personal information.
- b) The CPS is likely to incur some reputational risk if it is determined that there is no threat to a partner or the threat is deemed to be 'low or medium risk', and as a result, the partner is seriously injured or killed.
- c) There may be high expectations from social serving agencies believing that Clare's Law will decrease domestic violence. However, there are no formal, substantive evaluations to determine if it has been effective. Looking to Clare's Law as a solution to prevent violent domestic relationships is premature therefore, managing and tempering community expectations during any public/media speaking engagements is advisable.
- d) The approaching deadline for the completion of regulations.

## **Conclusion**

As the province works with police services in Alberta to operationalize Clare's Law, there are numerous details yet to be confirmed. Anticipating and identifying CPS requirements in terms of financial resources for technology purchases, human resource staffing needs, the creation of training modules and communication materials, is necessary in preparation for future municipal budget discussions. In addition, recognizing the risks inherent in public expectations of this law to prevent domestic violence and the legal/reputational risk placed on the CPS, is essential.