

Saskatchewan Association of Chiefs of Police

Interpersonal Violence Disclosure Protocol

FINAL PROTOCOL - NOVEMBER 25, 2019

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1. Introduction

1. Interpersonal violence and abuse is a devastating crime that shatters the lives of victims and families.
2. *The Interpersonal Violence Disclosure (Clare's Law) Act* (the "Act") was passed into law in 2019. The Act authorizes a police service to disclose certain risk related information to a current or former intimate partner where such information will assist the current or former partner in making informed decisions about his/her safety and relationship.
3. The Act allows for the development of an Interpersonal Violence Disclosure Protocol (the "Protocol") to guide a police service through the disclosure process.
4. This Protocol has been prepared and adopted by the Saskatchewan Association of Chiefs of Police (SACP) to guide front-line officers, the multi-sector review committee and those who work in the area of public protection in the disclosure process.
5. Definitions of terms used in this Protocol are in Appendix A.
6. It is important to remember that the purpose of this Protocol is to facilitate disclosure in order to protect a potential victim from harm. **Each request for information made under this Protocol should be considered on a case-by-case basis and the police service should seek legal advice when necessary.** There may be occasions when information cannot be disclosed in accordance with the Protocol, but disclosure may still be possible and legal advice should be sought.

2. What is the Interpersonal Violence Disclosure Protocol?

7. A police service is authorized under the Act to provide disclosure information to a potential victim of interpersonal violence in accordance with this Protocol. The principal aim of the Protocol is to introduce recognized and consistent procedures, authorized through legislation, for the police service to consider the disclosure of information in order to protect a member of the public who may be at risk of harm from interpersonal violence or abuse. Critical to the success of the Protocol is the assessment of risk at every stage in the disclosure process as this will inform the practical actions necessary to safeguard the potential victim and inform the development of a potential disclosure under this Protocol. Where this protocol refers to a member of a police service the reference includes civilian staff as well as a police officer.

8. The Protocol recognizes two procedures for disclosing information:

“**Right to ask**” is triggered by a member of the public applying to a police service for a disclosure.

“**Right to know**” is triggered by the police service making a proactive decision to disclose information to protect a potential victim.

9. The Protocol provides the following benefits:

a. introduces recognized and consistent procedures for disclosing information that enables a *partner (A)* who is/was in an intimate relationship with a *previously violent or abusive individual (B)* to make informed choices about continuing in that relationship or about their personal safety;

b. enhances the previous practices whereby disclosure occurred largely in a reactive way when agencies came into contact with information about an offender having a history of previous violence;

c. under the “right to ask”, individual members of the public, whether the *partner (A)* or a *third party (C)*, can now proactively seek information, with an expectation that the police service will check to see whether relevant information exists and if it does, that consideration will be given to disclosure of risk information where necessary to protect the potential victim;

d. under the “right to know”, where a police service comes into the possession of information about the previous violent and abusive behaviour of **B** that may cause harm to

A, the police service may consider whether any disclosure should be made to **A** in accordance with the Protocol; and

e. encourages individuals to take responsibility for their safety or the safety of the potential victim.

10. The Protocol is focused on an assessment of risk taking into account any relevant convictions, warnings, charges, or diversions for violent or abusive offences; and/or information held about **B**'s behaviour which reasonably leads the police service to believe that **B** poses a risk of harm to **A**.

11. The information to be disclosed to A at the conclusion of the process will be limited to a risk categorization (high, medium or low) and relevant criminal convictions as referenced in paragraph 53(a), if applicable.

12. The intention of this process is to protect potential or actual victims of interpersonal violence and abuse from harm. By making a request for disclosure, a person will often also be registering their concerns about possible risks to their own safety or that of another individual. For that reason, it is essential to this process that the police service work closely with the multi-sector review committee to ensure that any possible risks of harm to **A** are fully assessed and managed.

13. This Protocol does not replace existing arrangements for access to information requests under *The Freedom of Information and Protection of Privacy Act (FOIP)* or *The Local Authority Freedom of Information and Protection of Privacy Act (LAFOIP)*. If it is identified at the initial contact that the enquiry relates to an access to information request, then the individual should be directed down the existing route for this type of request.

14. The Protocol may overlap with and complement other investigative and/or intervention processes (for example, Emergency Intervention Orders). Consideration should be given to which process is the most appropriate in each case.

3. The Process

15. The disclosure process can be initiated by a member of the public making an application ("right to ask" entry route) or by a member of a police service who has received information that may impact the safety of **A** ("right to know" entry route). The process associated with each entry route may vary but the key element is a full assessment of risk.

15.1 The Interpersonal Violence Disclosure Protocol was designed to encourage in-person contact between applicants and police services in order to connect potential victims directly with police and support services. There may be situations in which it is impossible or impracticable to follow the standard procedures due to increased risk of harm to an applicant, mobility challenges, or social

distancing requirements. In such situations, the process in Appendix “H” may be used in whole, or in-part, on a case-by-case basis, as determined by each police service.

16. Once a police officer assesses the risk posed to **A**, the file, whether initiated through the “right to ask” or “right to know” entry route, will proceed to a further assessment and review completed by the multi-sector review committee. The multi-sector review committee will make a recommendation regarding disclosure but the police service will make the final decision regarding disclosure. This section sets out a detailed process for disclosure.

A. Initiation of Process

i. “Right to Ask” entry route

Step 1- Initial Contact with Police Service

17. For the purposes of the “right to ask” entry route, the trigger that may lead to a disclosure under this Protocol is where a member of the public (**A** or **C**) makes a direct application to a police service for information about potential previous violent offences or abusive behaviour of **B**. If **C** makes an application, he/she will not necessarily receive a disclosure as a more appropriate person, **A** in most cases, may be identified to receive disclosure.

18. In cases where **C** makes an application without the consent of **A**, **C** must establish the following:

- a) that he or she has a close personal relationship with **A** or **B**;
- b) that he or she has knowledge of the relationship between **A** and **B**; and
- c) that obtaining the consent of **A** is not feasible.

If **C** cannot establish, to the satisfaction of the police service, the factors set out above, the police service should consider whether there is a more appropriate means by which to register the concerns of the third party (i.e. “right to know” entry route or filing a police report).

19. The application will be deemed to have been made when either **A** or **C** makes contact with a police service and asks for specific information about **B**’s previous violent offences or abusive behavior.

20. If at any stage during the initial contact the police officer or civilian staff member believes that **A** or **C** is alleging a crime (e.g. a specific incidence of a violent or abusive act) rather than asking for information about the previous violent offences or abusive behavior of **B**, then a police officer must pursue the crime report under normal criminal investigation procedures. However, it is possible for the procedures under this Protocol to run concurrently with a criminal investigation triggered by the allegation of a crime.

21. If **A** or **C** makes an inquiry to another agency rather than a police service, the agency is encouraged to assist with the application process, using existing referral policies and procedures where applicable. At a minimum, **A** or **C** should be directed to the appropriate police service to proceed with an application.

22. Initial contact by **A** or **C** will be received and managed by either a civilian staff member or a police officer at the police station. Where front-line police officers and police community liaison officers receive a verbal application during the course of their normal policing duties, they should record basic details of **A** or **C** and then make a referral to the responding officer to complete the initial contact.

In circumstances where **A** or **C** may be placed at increased risk by attending a police station, the police officer may arrange for the initial contact to occur at a neutral location.

23. If **A** or **C** visits a police station in person, they must be allowed the opportunity to make their application in private.

24. During the initial contact the police officer or civilian staff member should have **A** or **C** complete an application form (See Appendix B).

It is vital during this initial contact, that a safe means of communication is agreed upon with **A or **C** including determining a safe place, means and time for communication and disclosure. This is critical to safeguarding **A**.**

25. During the initial contact stage, the police officer or civilian staff member should inform **A** or **C** of the following:

a. the Protocol does not replace existing procedures that are currently in place for access to information requests under FOIP or LAFOIP;

b. in cases where **A** or **C** disclose evidence of an offence whilst registering a concern, an investigation will be undertaken and it may not be possible to maintain their confidentiality;

c. a disclosure will only be made to the person who is in the best position to safeguard **A** from harm. This will normally be **A**, unless there is a compelling reason to include a third party in the disclosure;

d. initial checks will be completed as soon as possible and, in any case, within 24 hours¹ to:

i. assess whether there is an immediate or imminent risk of harm to **A** from **B** assess whether the application should be progressed;

¹ Note that timescales provided are intended as a guide. Police should use their discretion, based on assessment of risk, to determine appropriate timescales for action.

ii. assess how the application should proceed (See Appendix C);

e. should a decision be made to progress the application further, **A** will be required to attend a face-to-face meeting within the next 10 business days. Only in compelling circumstances will the process continue without the involvement of **A**;

f. at the face-to-face meeting, **A** or **C** will be required to provide proof of their identity;

g. the police service will aim to complete the enquiry within 30 days but there may be extenuating circumstances that increase this timescale. **A** or **C** will be informed if this is the case;

h. if any immediate risks to **A** are identified at any stage, then immediate safeguarding action will be taken and this will include a safety plan delivered by a member of a police service or Victim's Services; and

i. should a decision be made to disclose information to **A**, the information will be accompanied with a safety plan tailored to the needs of **A**.

26. The police service should undertake pre and post-application screening to ensure the veracity of the application.

It is within the police service's discretion to discontinue an application where it is not satisfied of the legitimacy of the application. Applications should be assessed with caution and discontinued only where the police service has compelling reason to believe the application is unfounded or made in bad faith. Circumstances that may justify discontinuation of an application at this stage include:

a. capacity concerns in relation to the applicant;

b. the application is made for a purpose other than to protect **A** from harm;

c. it is determined that there is not a close personal relationship between **C** and **A** that justifies an application without the consent of **A**.

If an application is discontinued at this stage, it should be documented and reported to the applicant, **A** or **C**. **A** or **C** should be provided with safety planning information and contacts for local support services.

27. It is strongly recommended that all applications include a face-to-face meeting to ensure all relevant information is collected. Where a police officer discontinues an application at this stage, clear reasons for the discontinuation must be documented. The discontinued application must then be reviewed by a supervisor within 48 hours of the determination and referred with the reasons and recommendation to the Review Committee for review within 10 days.

Records checks following initial contact

28. Following the initial contact, the application must be referred to a police officer. The police officer must undertake records checks in accordance with local police service procedures to build an initial picture on **A**, **B** and **C**.

29. To avoid any inappropriate or accidental disclosure to **A** or **C** at this stage the initial checks must not be completed in their presence. No disclosure to **A** or **C** should be given by the police officer or civilian staff member taking the initial contact details.

30. The information gathered via the initial records checks inform both the initial assessment of risk and the decision on how to progress the application. The risk assessment should be conducted in accordance with the interpersonal violence risk assessment procedure followed by that police service to assist this decision-making process.

If during the steps outlined above, an immediate/imminent risk of harm to A is identified, then ACTION MUST BE TAKEN IMMEDIATELY to safeguard those at risk.

31. In accordance with local police service procedures, it will be for the police officer to determine how **A** or **C** will be contacted in a manner that is consistent with preferred method agreed upon at the initial contact.

Step 2 – Face-to-Face Meeting

32. If the police officer decides that the disclosure application should continue, a face-to-face meeting must be held. In most instances, **A** should be required to attend the face-to-face meeting even if the application was made by **C**. Only in circumstances where there is a compelling reason not to include **A** (i.e. lack of capacity) should the face-to-face proceed with only **C** in attendance.

33. Where **A** refuses to attend the face-to-face meeting the application may be discontinued or, in appropriate circumstances, the application may be treated as indirect information received by a police service and an assessment of risk may be completed under the “right to know” process.

34. The face-to-face meeting is meant to:

- a. provide safety information and advice to safeguard **A**;
- b. establish further details about the application in order to further assess risk and to inform a decision around disclosure;
- c. determine whether another police service may have relevant information (confirm information provided on the application form);
- d. provide safety information and advice to safeguard **A**; and
- e. ensure that the request is genuine.

35. The face-to-face meeting should take place as soon as practicable and, in any event, no later than 10 business days after the initial contact.

36. It is highly recommended that police officers with specific knowledge and training in the dynamics of intimate partner violence and the impacts of trauma on victims conduct the face-to-face meeting as they will have experience and knowledge in managing interpersonal violence offenders and investigations into interpersonal violence incidents. This requisite knowledge and experience in this high-risk area of public protection will inform the relevant questioning and assist in assessing risk. Police officers are encouraged to consult with and seek guidance from others who have expertise in interpersonal violence.

37. **If at any stage during the face-to-face meeting the police officer believes that A or C is alleging a crime (e.g. a specific incidence of a violent or abusive act) rather than asking for information about the potential previous violent or abusive offending of B, then the police officer must investigate the crime report and follow local procedures.** However, it is possible for the procedures leading to a disclosure under this Protocol to run concurrently with a criminal investigation.

38. At the face-to-face meeting the police officer must:

a. assure the applicant that their safety is of the utmost importance. If a risk to **A** is identified, **A** or **C** will be provided with safety information and support;

b. assure **A** or **C** that the application will be dealt with confidentially, However, in cases where **A** or **C** disclose evidence of an offence whilst registering a concern it may not be possible to maintain their confidentiality;

c. inform **A** or **C** that in certain, very limited circumstances **B** may be advised of the process and may be asked to make representations. **B will not be informed where it would increase the risk to A or C;** and

d. advise **A** or **C** that any information disclosed by the police service must be kept confidential and only be used for the purpose for which it has been shared (i.e. in order to safeguard **A**). **A** or **C** should be told that the person to whom the disclosure is made will be asked to sign an agreement stating that they understand that the information is confidential and that they will not disclose this information further. If the person receiving the disclosure is not willing to sign the agreement the police officer will need to consider if disclosure should still take place.

39. At the face-to-face meeting the police officer must confirm the identify of **A** or **C**. Acceptable forms of ID may include:

- i. passport;
- ii. driver's licence;
- iii. other trusted form of photo identification; or
- iv. birth certificate.

It is preferable to obtain photo identification confirming date of birth and address. However, some individuals making applications may not have the above forms of identification. In these cases, it may be appropriate, with the consent of the individual, to consult with another agency to confirm the individual's identity (e.g. social worker, public health employee).

40. A disclosure must not be made to A or C without verification of identity or if the applicant chooses to remain anonymous. However, if either of these two eventualities arise, checks should still be made on the information given about **B** and if concerns are identified the application should be treated as an informational report which may be used to inform safeguarding measures for **A**, if **A**'s identity is known or can be discovered.

41. A template form containing the list of information that is required during this meeting, plus the cautions articulated in paragraph [40], is provided at Appendix D.

42. After the face-to-face meeting, **A** or **C** should, if appropriate, be given an information package on the Protocol, which should give information on what they can do in the interim to better safeguard **A** pending the outcome of the application. It may not be appropriate to provide an information pack to **A** or **C** where there is a risk that this information could get into the wrong hands. The police officer should also offer to connect **A** to support services. Where **A** consents, the police officer should make his or her best effort to immediately connect **A** to local support services.

43. Following the face-to-face meeting, the police officer should, unless the application is determined to be entirely without merit, continue on to conduct a full assessment of risk. Where the application is discontinued this should be recorded and reported to **A** or **C**. The discontinued application should be reviewed by a supervisor within 48 hours of the determination and reported to the Review Committee within 10 days.

ii. "Right to Know" entry route

44. For the purposes of the "right to know" entry route, the trigger which may lead to a disclosure under this Protocol is where a police service receives direct or indirect information that may impact the safety of a potential victim (**A**). Such information may or may not have not been conveyed to the police service via the "right to ask" application process.

45. Indirect information is likely to be information received by the police service from:

- a. an investigation into a criminal act where, as part of that investigation, the police service

has reason to believe that **A** may be at risk of harm from **B**;

b. partner agencies (government and/or non-profit sector) as part of routine information sharing at integrated services group meetings; or

c. either **A** or **B** coming into contact with the police service as part of their routine operational duties.

46. Investigative processes should also be used to determine, as far as possible, the veracity of the indirect information received.

B. Assessment of Risk

Assessment of Risk

47. After gathering information about the relevant parties through the “right to ask” or “right to know” entry route, the police officer should complete additional checks to gather all relevant background information to perform an assessment of risk.

48. The additional checks should aim to fill any gaps in information and attempt to collect all available information known to the police service on the individuals concerned with the enquiry. This will include any additional checks with police services in other jurisdictions that have been identified as relevant by **A** or **C** in the face-to-face meeting.

49. Checks will also be completed with other relevant agencies where appropriate.

Categorizing a “concern” or “no concern”

50. At this point in the process, sufficient information will have been gathered to determine whether a credible risk of harm to **A** exists. The police officer should categorize the application (under “right to ask”) or the indirect information received (under “right to know”) as either a “concern” or “no concern” before it is referred multi-sector review committee for discussion and recommendation.

51. A “concern” occurs if **A** is at risk of harm from **B**, based on a balanced profile of **B** that takes into account the following factors:

a. **B** has convictions for an offence related to interpersonal violence;

b. **B** is a serial perpetrator of interpersonal violence;

c. information known about the previous violent and abusive offences of **B** which may include:

i. cases not proceeded with;

ii. information concerning violent or abusive offences; and

iii. previous concerning behaviour towards previous partners. This may include a pattern of behaviours that indicate that **B** has harassed or exercised controlling behaviour over previous partners, including after the end of a relationship; and

d. information known about concerning behaviour by **B** demonstrated towards **A**. This may include a pattern of behaviours that indicate that **B** is exercising coercive control upon **A**.

52. If a “concern” occurs, the police officer may consider if representations should be sought from **B** to ensure that the police officer has all necessary information to make a decision in relation to disclosure. As part of this consideration, the police officer must consider whether there are good reasons not to seek a representation, such as the need to disclose information in an emergency or if seeking the representation would in any way increase risk for **A**.

53. A “no concern” applies where:

a. **B** has no convictions for an offence related to interpersonal violence and abuse that may be disclosed;

b. **B** has no other previously recorded incidents or information that indicates that **B**’s behaviour may cause harm to **A**; or

c. there is insufficient information to register a concern.

54. This stage of the process should be reached no later than 5 working days from the face-to-face meeting (under “right to ask”) or from receipt of the indirect information (under “right to know”).

C. Multi-sector Review Committee

55. Once an application or indirect information received by a police service is categorized as a “concern” or “no concern” by a police officer, the file must be referred to the multi-sector review committee for consideration at their next meeting. **While it will be for the police service to make the final decision on whether a disclosure should be made, this should be done with the input of the multi-sector review committee. The multi-sector review committee shall conduct its functions under this protocol as an agent of the police service to whom they are to provide advice.**

56. The multi-sector review committee should consider the referral no later than 20 working days after the categorization of the “concern” or “no concern” has been made by the police officer.

If it is identified there is an immediate/imminent risk of harm to **A, then ACTION MUST TAKEN IMMEDIATELY BY THE POLICE SERVICE to safeguard those at risk.**

57. The multi-sector review committee is composed of up to ten individuals with knowledge of interpersonal violence representing the following agencies:

- Police services;
- Victims Services as designated by the Director of Victim's Services; and
- The Provincial Association of Transition Houses and Services of Saskatchewan.

Each agency must have at least two representatives sitting on the multi-sector review committee. Each member of the committee shall sign a confidentiality agreement respecting information received in their role as a member of the committee.

58. Quorum for a meeting of the multi-sector review committee is three with at least one person from each of the agencies set out in clause 59, or their designate from one of those agencies.

59. The Chair of the multi-sector review committee will be named by the SACP. The Committee shall establish its own procedure, terms of reference and code of conduct subject to the requirements of the Act and Regulations. Meetings may be conducted in person, by video- conference or by telephone conference at the discretion of the Chair.

60. The police officer responsible for the file will prepare and present the information obtained from the checks and risk assessments to the multi-sector review committee.

The information presented to the multi-sector review committee must in all cases be de-identified so that the committee members cannot directly or indirectly identify A, B or C.

Pursuant to section 6 of the Act, all multi-sector review committee members must maintain the confidentiality of the information provided at the meetings.

61. The chair will be responsible for recording, in writing, the recommendations of the multi-sector review committee. The chair shall transmit the recommendations to the relevant police service by a secure means. The chair and members of the multi-sector review committee will not maintain any documentation regarding their review of files pursuant to this Protocol.

62. The multi-sector review committee will consider the information presented and categorize the risk to **A** as "low", "medium" or "high". Appendix F contains a description of each of these categories of risk.

63. Only the category of risk identified by the multi-sector review committee (and corresponding information regarding the category as set out in Appendix F and, at the discretion of the police service, **B's** relevant criminal convictions as referenced in paragraph 53(a), if applicable, can be disclosed as risk identification information to **A** or **C** under this protocol.

64. Once the multi-sector review committee has categorized the risk, it will also consider the

following:

a. should B be informed of the disclosure?

Consideration must be given to whether **B** should be told that information about him/her may be disclosed to **A** or **C**. Such a decision must be based on an assessment of risk of harm to **A**, if **B** were to be informed. Due consideration must be given to whether the disclosure to **B** would have any potential to escalate the risk of harm to **A**. If this were to be the case, there must be no disclosure given to **B**.

In the event that **B** is to be informed that a disclosure is to be made to **A** or **C**, then **B** should be informed in person and given information about the Protocol and the implications for **B**. This also provides agencies with an opportunity to sign-post **B** to relevant support services to allow **B** to address his/her behaviour.

b. what will be disclosed?

The multi-sector review committee will consider which of **B**'s convictions are relevant to the decision to disclose risk information to **A**. Only those convictions that may indicate an increased risk of interpersonal violence should be considered. The details of the relevant convictions will not be disclosed but rather the severity of the conviction will be reflected in the categorization of risk.

The disclosure must be accompanied by a safety plan tailored to the needs of **A** and based on all relevant information. The multi-sector review committee should recommend information to be included in the safety plan.

c. who should the disclosure be made to?

The disclosure should be provided to the person(s) best placed to safeguard **A**. Accordingly, the disclosures will be made to **A**, unless there are extenuating circumstances. In rare circumstances it may be appropriate to disclose to a third party and the multi-sector review committee should, in these cases, consider who is in the best position to safeguard **A** based on the information gathered as part of this process and subsequent risk assessments.

d. how the disclosure should be made?

The disclosure will be delivered by a member of a police service, however the multi-sector review committee will consider whether there are other support agencies that should also be available during the disclosure process. It is strongly recommended that support services be immediately available to **A**, with his or her consent, after disclosure is made. Invite **A** to bring with them a support person for these purposes (see subsection 3(2) of the Act for the list of persons who may assist with application with their consent).

It is strongly recommended that the disclosure be made in person. In line with safeguarding procedures, it is essential that the disclosure takes place at a safe time and location to meet the specific needs of **A**.

65. Taking into consideration the multi-sector review committee's recommendations, the police officer must make a final determination regarding whether a disclosure should occur and if so, the content and practical aspects of the disclosure.

D. Disclosure

66. The member of a police service must make contact with the individual to receive disclosure, in most cases **A**, in a manner that will protect him or her from increased risk.

67. The member of a police service should arrange for a meeting to disclose information to **A** or **C**. In most cases, this meeting will occur in person at the police station but accommodations may be made in circumstances where **A** or **C** may be placed at increased risk by attending a police station. The recommendations of the multi-sector review committee should inform the decisions regarding contact and disclosure.

68. Prior to receiving a disclosure, **A** or **C** must:

- a. be advised that the disclosure must only be used for the purpose for which it has been shared i.e. in order to safeguard **A**; and
- b. sign an agreement stating that the information is confidential and that they will not disclose this information further.

69. In appropriate circumstances, disclosure may be provided to **A** along with a support person of **A**'s choosing. The support person will be subject to the same confidentiality requirements set out in clause 67.

70. If **A** or **C** is not willing to sign the agreement, the member of a police service will need to consider if disclosure should still take place. The outcome should be recorded.

71. **A disclosure in accordance with this protocol to A or C shall not contain personal information.** At no time will written correspondence concerning the specifics of the disclosure be sent out or left with the applicant. There would be a potential risk to information sources, victims and perpetrators should such written information get into the wrong hands.

72. Appendix G provides a template form which may be used to convey a disclosure. The officer should record, verbatim, the information conveyed to **A** or **C** in Appendix F which should then be signed and retained. Appendix G must not be given to the applicant in any circumstances.

73. The person to whom the disclosure is made should be given information to empower them to safeguard **A** in the future. If appropriate, an information pack should be provided to **A** or **C** to take away. The contents of the information pack are at the discretion of the member of a police service but should as a minimum contain:

- a. handout to explain the Protocol; and
- b. direction to accessing local support services.

74. **It is strongly recommended, regardless of whether the file is categorized as low, medium or high risk, that support services be immediately available to A, with his or her consent, after disclosure is made.** The multi-sector review committee’s recommendations should be taken into consideration in determining the appropriate support services.

Decision made not to disclose information

75. If a decision is made not to disclose information because it is judged that there is a no risk of harm to **A** that warrants a disclosure, then these actions should be followed:

- a. if the decision not to disclose has been made following the “right to know” entry point, then the decision not to disclose plus the rationale should be recorded. Recording the decision in this way may inform future disclosure considerations made on **B**.
- b. if the decision not to disclose has been made following the “right to ask” entry point, then the following steps should be taken:
 - i. it is highly recommended that the applicant should be told in person, via a safe telephone number if appropriate, as any written correspondence or a home visit has the potential to put **A** at more risk. The applicant should be told that there is no information to disclose given the information/details provided by the applicant and the result of checks made on these details.
 - ii. **However, it is important that the applicant is told that the lack of information to disclose does not mean that there is no risk of harm to A,** and the applicant should remain vigilant and report any future concerns. This contact also presents an opportunity to provide safeguarding information and direction to relevant support services.
 - iii. Appendix F provides a template form for Low Risk which may be used to convey suitable wording in a case of non-disclosure.
 - iv. the applicant should be given an information pack to help safeguard **A** in the future, but at no time should the information pack contain written correspondence concerning

the specifics of the disclosure consideration. There would be a potential risk of harm to **A** should such written information be obtained by a third party and/or **B**.

- v. **B** will not be notified where no disclosure is made to the applicant.

E. Maintaining a Record and Data Collection

Maintaining a Record

76. The police service that had initial contact with **A** or **C** is responsible for maintaining a record of the process. This includes the minutes of the multi-sector review committee meeting.

77. At the closure of every case (whatever the outcome and at any stage in the process) a final report must be submitted onto police records management system to record the request/information received, outcomes and details of all parties involved. This should serve as a piece of valuable information for other police services receiving an application that have little or no information on **B**. It would allow any patterns where **B** has many disclosure requests made against them to be identified to help safeguard **A**.

78. Any decisions made as a result of this protocol must be fully recorded and retained as a police service record.

Data Collection

79. For each file the following **de-identified** data should be reported to the Chair of the Multi-sector Review Committee and to the Minister of Justice and the Minister of Corrections and Policing:

- Entry route (right to know or right to ask)
- If right to know, was application made by person at risk or third party
- Potential victim information:
 - Age
 - Gender
- If file discontinued, the reason for discontinuation
- If file proceeds to disclosure:
 - the categorization of risk
 - whether the individual consented to being connected with services.

F. Administrative Matters

Appointment of Multi-Sector Review Committee

80. The members of the multi-sector review committee will be appointed by the SACP in accordance with this protocol following consultation with the Minister of Justice and the Minister of Corrections and Policing.

Amending the Protocol

81. This Protocol may be amended by agreement between with the Minister of Justice and the Minister of Corrections and Policing and the Saskatchewan Association of Chiefs of Police. Consultations must be undertaken with the membership of the multi-sector review committee prior to amendments being made.

Appendix A – Definitions

Subject to the Act and the Regulations, the following definitions are used for the purposes of this guidance document:

A – is the partner who is in, or was previously in, an intimate relationship with a potentially violent and/or abusive individual (B).

applicant – means the person making the application as defined in the Act and regulations.

application – means those enquiries under “right to ask” that go on to be processed as formal interpersonal violence disclosure applications, excluding applications that are not ‘true’ disclosure protocol applications i.e. vetting and barring, intelligence giving opportunities.

B – is the potentially violent and/or abusive individual who is/was in an intimate relationship with a partner (A).

C – is a third party who has a close personal relationship with A or B. This could include any third party such as a parent, sibling or friend.

disclosure – means the act of disclosing risk related information to A or C about B’s violent or abuse history.

indirect information – means that, under “right to know”, the police come into possession of information that may impact the safety of A and which has not been conveyed to the police via the “right to ask” process.

interpersonal violence means with respect to individuals in a spousal relationship or intimate relationship :

- (i) any intentional or reckless act or omission that causes bodily harm or damage to property;
- (ii) any act or threatened act that causes a reasonable fear of bodily harm or damage to property;
- (iii) forced confinement;
- (iv) sexual abuse;
- (v) harassment; or
- (vi) deprivation of necessities;

intimate relationship – means a relationship between two people, regardless of gender, which may be reasonably characterized as being physically and emotionally intimate.

multi-sector review committee – means the committee formed to make recommendations on whether disclosure should occur and if so, what information should be disclosed.

Police officer – means an officer of a police service

police service – means a police service or regional police service as defined in *The Police Act, 1990* or the Royal Canadian Mounted Police.

violent offence – means an offence which leads to, or is intended or likely to lead to, a person's death or physical injury to a person.

Appendix B – Template of Minimum Standard of Information to be Obtained and Checks to be Completed at the Initial Contact Stage

(Unique reference number to be allocated to each enquiry and made reference to throughout the process)

Police officer/civilian member Recording:

Date:

Means of Contact:

Prior to commencing an application, the following information must be read to applicant:

- This process does not replace existing procedures that are currently in place for access to information requests under FOIP or LAFOIP;
- If a crime is reported the police have a duty to respond and conduct an investigation in line with normal operating procedures. It may not be possible to protect the identity of the person at risk if a crime is reported. This application process can run concurrently to any investigation that is on-going;
- Disclosure will only be given to person at risk and/or person who is in a position to safeguard the person at risk;
- Should the application progress, the person at risk will be required to attend a face-to-face meeting within the next 10 business days. Only in compelling circumstances will the process proceed without the involvement of the person at risk;
- At the face-to-face, proof of identify is required;
- At any point in the process, if immediate risks are identified then immediate safeguarding action will be taken;
- Any disclosure that occurs will be accompanied with safety information and direction to support services;
- If a disclosure occurs, the person receiving the disclosure information must commit to keeping the disclosure information confidential; and
- Process timeframe:
 - No disclosure will occur at this stage – initial checks will be completed within 24 hours to eliminate immediate risk;
 - Face-to-face meeting follows within 10 days;
 - Police service will aim to complete enquiry within 30 days.

Does the applicant, after being informed of the above information, wish to proceed? YES / NO (circle one)

Details of Applicant:

PERSON AT RISK or **THIRD PARTY WITH CLOSE PERSONAL RELATIONSHIP** (circle one)

Name (including any other names used, ie maiden):

DOB:

Place of birth:

Address:

Gender:

Place of work/employment:

Preferred Method of Contact (Safety):

Time:

Day:

Method:

If applicant is a third party obtain the following information about the person at risk:

Name (including any other names used, ie maiden):

DOB:

Place of birth:

Address:

Gender:

Place of work/employment:

Preferred Method of Contact (Safety):

Time:

Day:

Method:

If the applicant is a third party:

What is the third party's relationship to the person at risk?

Does the person at risk know you are making this application? If not, why? Why isn't the person at risk making the application on his or her own behalf?

Establish that a close personal relationship exists between the third party and the person at risk.

Details of Subject:

Name (including any other names used):

DOB:

Place of birth:

Gender:

Address including previous address(es) (include previous residence history even if an exact address is not known):

Place of work/employment:

Details of Children:

Name (including any other names used):

Address:

Ages (approximate if necessary):

Relationship:

Nature of relationship between subject and person at risk:

Details of the relationship:

Length of relationship:

Concerns about relationship or subject individual:

Elements of Risk:

Does the subject know that the enquiry has been made?

Concerns about subject knowing that you are making this application?

Appendix C – Template for Initial Checks/Risk Assessment

These are the minimum checks that would ordinarily be made at this initial contact stage. Any further checks that a police service feels are necessary are at their discretion. How these checks are to be recorded is to be decided by individual police services.

Police officer/civilian member recording:

Date:

Checks Completed on Subject:

CPIC:

Local police service records:

Checks Completed on Applicant (if not Person at Risk):

CPIC:

Local police service records:

Checks Completed on Person at Risk:

CPIC:

Local police service records:

If a crime is reported there is a duty to respond and conduct an investigation in line with normal operating procedures (the Disclosure process may run alongside any investigation that is on-going).

Risk Assessment

Is there an immediate or imminent risk of harm to the person at risk identified at this stage?

Yes (immediate action to be taken to safeguard those at risk in line with standard procedures and record action below)

OR

No (any relevant details to be recorded in making this decision)

Police officer/civilian member completing:

Date:

Additional Information:

Brief summary of information known at this stage, outcome of checks done and comments by Supervisors in support of decision made:

Appendix D – Template for Face-to-Face Meeting

Minimum standard of information to be obtained and checks to be completed at the Face-to-Face stage

(Unique reference number to be allocated to each enquiry and reference to be made throughout the process)

Police Officer/ Civilian Member Recording:

Date:

Location:

Persons' Present:

Prior to obtaining information from the applicant, the following information must be read to applicant:

- Your safety is of the utmost importance. If a risk is identified, you will be provided with safety information and support;
- We will do everything we can to deal with the application confidentially. However, in cases where evidence of an offence is disclosed during this process, it may not be possible to maintain your confidentiality;
- In limited circumstances, the subject individual may be advised of the process and may be asked to make representations. **The subject individual will not be informed where it would increase the risk to you;** and
- Any information disclosed by the police service must be kept confidential and only be used for the purpose for which it has been shared (i.e. in order to safeguard the person at risk). The person to whom the disclosure is made will be asked to sign an agreement stating that they understand that the information is confidential and that they will not disclose this information further. If that person is not willing to sign the agreement the police officer will need to consider further whether disclosure should still take place.

Details of Person at Risk

Name:

DOB:

Place of birth:

Address:

Verification of Identity (photographic identification required):

Passport – number:

Driving Licence – number:

Birth Certificate:

Other:

Further Details:

Reason for contact and application:

Describe history of relationship:

Safety

Does the subject know that this application is being made?

Confirm method of contact obtained at initial contact is still appropriate.

Details of third party (third party only involved where there are compelling circumstances)

Name:

DOB:

Place of birth:

Address:

Verification of Identity (photographic identification required):

Passport – number:

Driving Licence – number:

Birth Certificate:

Other:

Further Details:

Reason for contact and application:

Describe history of relationship between subject and person at risk:

Do you have the consent of the person at risk to proceed with this application? If not, why?

Details of Subject:

Name (including any other names used):

DOB:

Place of birth:

Gender:

Address including previous address(es):

*Are there any other jurisdictions in which the police service should search for information? Even if previous addresses cannot be provided, does the applicant have any knowledge that the subject previously resided in another town or city?

Place of work/employment:

Appendix E –Disclosure decision-making process by the multi-sector review committee

Questions for Consideration

- 1) In what category of risk does the file fit (high, medium or low)? The following may be taken into consideration:
 - a) Interpersonal violence related convictions or charges
 - b) Other relevant convictions or charges
 - c) Information known about previous violent or abusive offences or behaviour including cases not proceeded with
 - d) Information known about concerning behaviour towards A.**
- 2) If **B** has previous convictions, which ones are relevant and should be disclosed to **A** or **C**?
- 3) Should **B** be informed of the disclosure?
- 4) Who should the disclosure be made to?
- 5) How will the disclosure be made and who should be available to provide support services?
- 6) What safety information and support contacts will be given?

Reconsider if there is an immediate/imminent risk of harm identified and, if so, take immediate action to safeguard person(s) at risk.

Appendix F: Categories of Risk

LOW RISK

A search of police records, based on the information provided in the application form and at the face-to-face meeting, did not indicate that the subject individual has a history of relevant criminal conduct or violence. **This does not mean that there is no risk of interpersonal violence.**

Police collect the following information, if applicable, to assess the risk the subject individual may pose:

- Relevant criminal convictions;
- Relevant criminal charges;
- Diversions (charges dealt with by an alternative process – ex: domestic violence court);
- Police warnings; and
- Other concerning behaviour known to police.

The information collected by police is referred to a multi-sector committee for review and risk is classified as “Low”, “Medium” or “High” risk.

This application has been classified as LOW RISK. Based on the information known to police at this time, there is nothing to indicate that the subject individual has a violent or abusive past. No information regarding the subject individual will be disclosed to you. Again, the fact that our records do not indicate any previous relevant police contact, criminal charges or convictions, or concerning behaviour does not mean that you are not at risk. Often, interpersonal violence goes unreported.

Your safety is of the utmost importance. If you feel unsafe, there are supports that can be accessed to assist you in this difficult time. If it is safe for you to take information away, we have compiled safety information including contact information for support services.

MEDIUM RISK

A search of police records, based on the information provided in the application form and at the face-to-face meeting, indicates there may be a cause for concern. **You may be at an increased risk of interpersonal violence.**

Police collect the following information, if applicable, to assess the risk the subject individual may pose:

- Relevant criminal convictions;
- Relevant criminal charges;

- Diversions (charges dealt with by an alternative process – ex: domestic violence court);
- Police warnings; and
- Other concerning behaviour known to police.

The information collected by police is referred to a multi-sector committee for review and risk is classified as “Low”, “Medium” or “High” risk.

This application has been classified as MEDIUM RISK. Based on the information known to police at this time, there is reason to believe that you are at an increased risk of interpersonal violence. Relevant criminal convictions will be disclosed to you verbally.

Your safety is of the utmost importance. If you feel unsafe, there are supports that can be accessed to assist you in this difficult time. If it is safe for you to take information away, we have compiled safety information including contact information for support services.

HIGH RISK

A search of police records, based on the information provided in the application form and at the face-to-face meeting, indicates that there is cause for concern. **You are likely at an increased risk of interpersonal violence.**

Police collect the following information, if applicable, to assess the risk the subject individual may pose:

- Relevant criminal convictions;
- Relevant criminal charges;
- Diversions (charges dealt with by an alternative process – ex: domestic violence court);
- Police warnings; and
- Other concerning behaviour known to police.

The information collected by police is referred to a multi-sector committee for review and risk is classified as “Low”, “Medium” or “High” risk.

This application has been classified as HIGH RISK. Based on the information known to police at this time, there is reason to believe that you are at an increased risk of interpersonal violence. Relevant criminal convictions will be disclosed to you verbally.

Your safety is of the utmost importance. If you feel unsafe, there are supports that can be accessed to assist you in this difficult time. If it is safe for you to take information away, we have compiled safety information including contact information for support services.

Appendix G – Template containing minimum information to be disclosed (including form of words)

Template to be retained by the Police

Details of Person Receiving Disclosure Information

Surname:

Given name(s):

DOB:

Address:

Details of Disclosure Meeting

Police officer:

Time:

Date:

Support worker available:

Persons present:

Undertaking by Person Receiving Disclosure Information

The following information should be read as it appears below (verbatim) to the individual receiving disclosure information. If the individual does not agree to this undertaking, you should consider carefully whether disclosure should proceed at this point. The decision to continue/to not continue must be considered prior to the actual visit and should be included in the risk assessment/decision making stage.

Prior to receiving any disclosure information, you must clearly understand how you can use the information that is disclosed to you.

You can:

- use this information to keep yourself and others safe;
- use the information to keep your child(ren) safe;
- ask what support is available;
- ask who you should contact if you think you or others are at risk; and
- ask for advice on how to keep yourself and others safe.

You cannot:

- share the information disclosed to you with any other person. If you feel you need to share the information with another person, you must contact the person or Police Service who disclosed this information to you and seek their permission to do so.

UNDERTAKING

I, _____, understand the section above regarding how I can use the information disclosed to me in this meeting. I understand that the information is confidential and that I cannot disclose it to another person. I agree to abide by these conditions in relation to the information that will be disclosed to me in this meeting.

Signature (of person receiving disclosure information):

Time:

Date:

Details of Disclosure of Information (NOT to be left with applicant in any format)

Read the appropriate "Category of Risk" statement from Appendix F and disclose only criminal convictions that have been determined to be relevant.

Declaration

I have received and fully understand the information that has been shared with me today. I understand the warnings I have been given about the confidentiality of this information.

Signature (of person receiving disclosure information):

Time:

Date:

Support Services

The person to whom the disclosure is made should be given information to empower them to safeguard the person at risk. If appropriate, an information pack should be provided to take away. It is strongly recommended, regardless of whether the file is categorized as low, medium or high risk, that support services be immediately available to the person at risk, with his or her consent, after disclosure is made.

Information pack issued or directed to website? Yes / No

Connected with support services immediately? Yes / No

If not, why?

Any further queries or concerns contact:

Police officer/civilian member name:

Office No:

Police Service name:

24/7 Contact No:

Appendix H – Process alternatives when in-person contact is not possible or not practicable

The Interpersonal Violence Disclosure Protocol was designed to encourage in-person contact between applicants and police services in order to connect potential victims directly with police and support services. There may be situations in which it is impossible or impracticable to follow the standard procedures due to increased risk of harm to an applicant, mobility challenges, or social distancing requirements. The following process may be used in whole, or in-part, on a case-by-case basis, as determined by each police service.

Application under Right to Ask

1. Initial applications under the Right to Ask framework should be accepted over the phone, or if necessary to ensure the safety of the applicant, by email. Applications by third parties (C) should not be accepted by email. Third parties can be directed to call police services.
2. Where an application has been received by email from A, a police officer should follow-up with phone contact, if this can be safely arranged with A.
3. A modified informational note (below)² should either be read or emailed to the applicant.
4. Police services should collect the information found in Appendix “B” during phone or email contact. In addition to the information in Appendix “B”, police services should ask the applicant for an identification number (passport, health card, or driver’s license).
5. If the application is made by C, police services should ask C to provide for a safe way to contact A, if known.

INFORMATIONAL NOTE FOR PHONE APPLICATIONS

- Your safety is of the utmost importance. If a risk is identified, you will be provided with safety information and support;
- We will do everything we can to deal with the application confidentially. However, if a crime is reported the police have a duty to respond and conduct an investigation in line with normal operating procedures. It may not be possible to protect the identity of the person at risk if a crime is reported. This application process can run concurrently to any investigation that is ongoing;
- In limited circumstances, the subject individual may be advised of the process and may be asked to make representations. **The subject individual will not be informed where it would increase the risk to you;**

² Modified from informational notes in Appendix “B” and “D”.

- This process does not replace existing procedures that are currently in place for access to information requests under FOIP or LAFOIP;
- Disclosure will only be given to the person at risk and/or person who is in a position to safeguard the person at risk;
- Should the application progress, the person at risk will be required to have direct contact with police services within the next 10 business days. This may occur by telephone. Only in compelling circumstances will the process proceed without the involvement of the person at risk;
- Proof of identity is required to make an application;
- At any point in the process, if immediate risks are identified then immediate safeguarding action will be taken;
- Any information disclosed by the police service must be kept confidential and only be used for the purpose for which it has been shared (i.e. in order to safeguard the person at risk). The person to whom the disclosure is made will be asked to sign an agreement stating that they understand that the information is confidential and that they will not disclose this information further. If that person is not willing to sign the agreement, the police officer will need to consider further whether disclosure should still take place;
- Process timeframe:
 - No disclosure will occur at this stage - initial checks will be completed within 24 hours to eliminate immediate risk;
 - A phone call will follow within 10 days;
 - Police service will aim to complete the enquiry within 30 days.

Records Check

No new recommendations at this time.

Phone Meeting (in lieu of Face to Face Meeting)

6. A face to face meeting is not required under this procedure. However, subsequent contact is necessary to get further information for the file, as well as to direct the applicant to the confidentiality agreement. A phone call should be arranged, as long as it is safe to do so.
7. If phone contact cannot be safely arranged with **A**, a police officer should arrange an instant message meeting on a service such as WhatsApp.
8. During the phone meeting, the information from Appendix "D" should be gathered from the applicant.
9. The applicant should also be directed to the confidentiality agreement and undertaking they will be expected to sign prior to receiving disclosure. This should be located on the police service's website as an e-form which can be signed and sent through the website.

10. The e-form should include a statement that the person receiving disclosure understands that recording the disclosure call is not permitted.

Review by the Multi-sector Review Committee

11. The Committee should meet exclusively by video or call conferencing.
12. Information from police services should be provided to the Committee by email.
13. The Committee should render their recommendations to the police service by email.

Disclosure Meeting

14. The disclosure meeting can be arranged once the online confidentiality agreement has been signed and sent to the police service.
15. **While A is under social distancing, self-isolating, or quarantining measures, they may be particularly vulnerable and in need of specialized resources in order to stay safe.** In advance of the disclosure call, the officer should determine what capacity local organizations have to support **A** through sheltering or other measures.
16. The disclosure meeting must occur over the phone. At the beginning of the meeting, the officer should:
 - Remind the person receiving disclosure of their confidentiality obligations; and
 - Record an identification number for the person receiving disclosure.
17. The officer may then provide the person receiving disclosure with the category of risk statement, and relevant criminal conviction information.
18. A member of Victims' Services should be nearby and ready to be transferred the call once the police officer has made the disclosure.

Record Keeping/Data Collection

19. In addition to the items already recorded for data collection purposes (paragraph 79 of Protocol), police services should also specify whether the application was made over the phone or email, what steps were used to facilitate the phone meeting, and how disclosure was made.