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Clare's Law



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Synonyms

[Disclosure to Protect Against Domestic Violence Act](#); [Domestic Violence Disclosure Scheme](#); [Interpersonal Violence Disclosure Act](#); [Interpersonal Violence Disclosure Protocol](#); [Intimate Partner Violence Disclosure Act](#); [Right to Ask/Right to Know](#)

Definition

Clare's Law is a domestic violence disclosure framework (DVDF) that allows people in intimate relationships to obtain information about their intimate partner's history of domestic violence and potential risk of future violence. The primary purpose of Clare's Law is to provide people with the information necessary to make informed decisions about their safety within intimate partner

relationships, with the goal of preventing future violence.

Background

Clare's Law was first enacted in England and Wales following the death of Clare Wood, a woman from Salford, England, who was strangled and burned by her former intimate partner, George Appleton, in 2009. According to news reports (BBC News, 2011), when the couple met in 2007, Clare Wood was unaware of George Appleton's extensive history of violence against women. Clare Wood ended the relationship in October of 2008 and had contacted the Greater Manchester Police several times over the period of 5 months to report George Appleton for harassment, sexual assault, criminal damage, and death threats (Fitz-Gibbon & Walklate, 2017). Following her report of being sexually assaulted, Wood installed a panic alarm in her home. In the week leading up to her death, Appleton was arrested for breaking down Wood's door (BBC News, 2011). Thus, Wood's death in 2009 elicited public outcry in her local community and from across the United Kingdom. The Independent Police Complaints Commissioner (IPCC) in the United Kingdom undertook a review of the case which revealed extensive systematic failings of the Greater Manchester Police leading up to the homicide (Fitz-Gibbon & Walklate, 2017). It was later revealed that the law enforcement officers

involved, who were aware of Appleton's criminal history, contributed to delays in submitting the case to the Crown and failed to adequately assess the risk that Appleton posed to Wood (Fitz-Gibbon & Walklate, 2017).

Findings from the IPCC review led to calls for more victim-centered reform to law and public policy as it relates to domestic violence (Fitz-Gibbon & Walklate, 2017; Walklate et al., 2018). Several members of the public, including Wood's father and other advocates for domestic homicide prevention, criticized police inaction and demanded more victim-focused responses to domestic violence (Fitz-Gibbon & Walklate, 2017). Clare Wood's father, Michael Brown, was instrumental in leading the calls for reform in the United Kingdom, stating that he firmly believed his daughter would still be alive had she possessed knowledge of George Appleton's personal history of violence (BBC News, 2011).

In response to public demand for domestic violence prevention laws, the United Kingdom piloted Clare's Law (also known as the *Domestic Violence Disclosure Scheme*) in 2012 (Wangmann, 2016; Grace, 2015). The DVDF outlined procedures for individuals to seek information from police about their partner's risk of perpetuating violence and how police can share such information with individuals they perceive to be at risk (Grace, 2022). This framework was well received across the United Kingdom and, although it was a pilot program, was praised as a success for violence against women advocacy (Fitz-Gibbon & Walklate, 2017). The initial success of this program ultimately led to other countries (e.g., Scotland, New Zealand, Australia, and Canada) to develop similar frameworks. To date, versions of Clare's Law have been passed as legislation or policy in several countries worldwide.

Clare's Law: Purpose and Practice

The procedures that guide Clare's Law differ across jurisdictions, and the language in the legislation itself varies by region (Hadjimatheou & Grace, 2021). However, the underlying premise is the same in each iteration: Clare's Law is meant

to reduce domestic violence by providing people with the information necessary to make informed decisions about their safety within intimate partner relationships (Wangmann, 2016).

There are two principles that provide the basis for how the framework functions. The first principle is referred to as the *Right to Ask* principle, which allows individuals who believe they are at risk of violence in a relationship to request to receive information about their partner's criminal history and an assessment of the partner's risk of future violence. Some jurisdictions have also included a clause that allows an individual to request information via Right to Ask on behalf of someone else (e.g., a friend or family member; Grace, 2022).

The second principle of Clare's Law is the *Right to Know* principle, which provides police with the discretion to contact individuals they believe are at risk of intimate partner violence and to disclose relevant information to that person. That is, under the Right to Know principle, the disclosure scheme provides law enforcement with the ability to proactively inform someone about their risk if a person is known to police for domestic violence. As noted, the specific terminology used for these processes will vary by region, such as in the case of the Disclosure Scheme for Domestic Abuse Scotland, where Right to Know is referred to as *Power to Tell*.

The types of information used by police and disclosed to individuals through Clare's Law will also vary across jurisdictions and may even vary across police forces within jurisdictions (Hadjimatheou & Grace, 2021). However, in general, when individuals seek a disclosure through Clare's Law, the information provided to them is a risk level (low, medium, high, or insufficient information) that is communicated confidentially and in person by police officers (Walklate et al., 2018; Clare's Law Coordinator, Community and Social Services, Government of Alberta, personal communication, May 28, 2021). Some jurisdictions use criminal convictions as a sole indicator of risk (Grace, 2022), whereas others go beyond convictions and also consider complaints or incidents that did not require further action from police (Hadjimatheou & Grace, 2021). Moreover,

some jurisdictions provide a brief contextual statement along with the assigned risk level or provide additional information and resources on intimate partner violence risk factors to the individual (such as in Saskatchewan, Canada). Other jurisdictions provide little to no additional information other than the risk level or only share information when the partner is deemed high risk (Hadjimatheou & Grace, 2021). Nevertheless, most Clare's Law frameworks also include a protocol for connecting the person seeking a disclosure with community resources related to violence against women (such as domestic violence shelters, victim services, or safety planning tools; Grace, 2015, 2022).

Merits and Criticisms of Clare's Law

Despite its increasing political popularity globally, there is currently very little empirical research on Clare's Law. Many empirical research questions about Clare's Law have yet to be explored. For instance, it is not yet clear how frequently Clare's Law is used and who is most likely to use the law. It is not known whether individuals who have received disclosures through Clare's Law have found that information helpful or whether Clare's Law has effectively prevented incidents of domestic violence. However, there is also no empirical evidence that Clare's Law is harmful to those who receive disclosures or that seeking information through Clare's Law is likely to have negative consequences for those involved. Accordingly, some scholars have voiced concerns about the lack of empirical evidence surrounding the efficacy of such legislations or policies (Fitz-Gibbon & Walklate, 2017; Wangmann, 2016; Grace, 2015, 2022). Moreover, in a comprehensive evaluation of Clare's Law policies across the globe, Grace (2022) highlights the political propensity toward implementing Clare's Law as a means of political gain. That is, some politicians around the world have politicized Clare's Law and campaigned for its implementation without any knowledge of its efficacy.

Despite the limited scientific research, increasing awareness about Clare's Law in various jurisdictions globally has prompted many individuals to seek disclosures through this framework. Increasing use of the Clare's Law legislation does endorse the claim that it is a framework that people both need and want (Barlow et al., 2021; Hadjimatheou, 2022). To date, much of the literature has been evaluative or speculative, and the general understanding of the efficacy of Clare's Law has been anecdotal or conjecture in nature. However, in one of few published studies to examine victims' experiences with Clare's Law, Barlow et al. (2021) conducted interviews with survivors of gender-based violence and explored their understanding of and experiences with DVDFs. Authors noted that the DVDF process was helpful for some women but not for others. Some participants noted that they felt there were gaps in the information provided by police or that there had been missed opportunities where disclosures from police through Right to Know were warranted but not provided. However, other women noted that they had had positive experiences with the framework, claiming that information was provided swiftly and the accompanying support services were helpful (Barlow et al., 2021). Thus, it is crucial to consider evidence from the perspectives of both proponents and critics of Clare's Law in order to best understand its utility in domestic violence and homicide prevention.

Critics of Clare's Law

Criticisms of Clare's Law tend to focus on the dearth of empirical evidence supporting this policy and the political motivations underlying its implementation. The introduction of Clare's Law in various jurisdictions has been largely reactionary and politically driven (Fitz-Gibbon & Walklate, 2017; Grace, 2015, 2022; Walklate et al., 2018). Duggan (2018) maintains that politicians may benefit more from such policies than the people they are meant to protect. Duggan (2018) goes on to argue that in answering the public's call for action, many governments have been more focused on "quantifying" the number

of applications received rather than measuring the outcomes for victim-survivors. In her analysis of the policy, Duggan goes as far as to call it a “symbolic mobilisation of domestic violence victims for contemporary political gain” (Duggan, 2018, p. 201). Introducing a policy aimed at protecting victim-survivors without consulting or following up with victim-survivors seems counterintuitive, yet there is no evidence that survivors were a part of the development process for the initial proposal of the framework. Moreover, campaigning for a policy without understanding the outcomes does a disservice to those experiencing the realities of domestic violence.

Some critics of Clare's Law point to various challenges with DVDFs and have raised concerns about the unknown consequences that these frameworks might trigger (Walklate et al., 2018). One of the most common concerns is rooted in the notion of “empowering” potential victims to make informed choices about their situations. This notion has contributed to what Hadjimatheou (2022) refers to as “victim responsabilization.” This premise, specifically under the Right to Ask principle, has been criticized as placing the burden on potential victims to seek out information and take preventative action to avoid risk. Moreover, because the framework operates on the assumption that previous victims have reported a perpetrator's violent behavior, and that a perpetrator's violent behavior has been documented by police (Duggan, 2019), it places a burden on all survivors of violence to report violence to the police in so that the next partner can be fully informed. Importantly, these criticisms largely apply in regions without the Right to Know principle or in situations where Right to Know cannot be applied.

Additional concerns have been raised for situations that involve children. Specifically, in the United Kingdom, social services in the realm of child protection have prompted some women to apply for disclosures through Clare's Law (Hadjimatheou, 2022). In some cases, women who sought disclosure were pressured by social services and did so out of fear of losing their children. Moreover, in recognizing the complications of fleeing a relationship that involves

children, Fitz-Gibbon and Walklate (2017) emphasize the potential for social services to blame women who choose to stay in a relationship following a disclosure. Hadjimatheou and Grace (2021) echo these speculations and highlight the victim-blaming cultures that exist within some social services, including child protection. That is, women who are perceived to be complicit by remaining in a relationship may also be viewed as failing to protect their children; yet, these perceptions fail to account for the nuances and complexities that exist in relation to family violence.

The potential for victim-blaming has more generally been highlighted as an unknown consequence for individuals who seek information through Clare's Law well beyond the context of child protective services (Greene & O'Leary, 2018). Given the extensive research literature on the relationship between gender-based violence and victim-blaming, some scholars and advocates have speculated that victim-blaming might act as a substantial barrier to accessing Clare's Law and a possible adverse response to survivors who have chosen to make use of the framework, particularly for survivors who received a disclosure and then chose to stay in their intimate relationship (Duggan & Grace, 2018; Ending Violence Association of British Columbia, 2020; Hadjimatheou & Grace, 2021; Walklate et al., 2018). As noted by Fitz-Gibbon and Walklate (2017), victim-blaming is a systemic problem within the criminal justice system, especially in cases of gender-based violence. The propensity toward victim-blaming, often as an unconscious bias, can be particularly prevalent among some police officers (Charman, 2020) or individuals serving on juries (Kern et al., 2007).

Some important considerations about the utility of Clare's Law have also been raised by scholars such as Robinson (2020) who note that what is helpful to one survivor might not be helpful to another. Clare's Law requires navigating the bureaucracy of the police system, a process some might perceive as inaccessible or intimidating (Duggan, 2018). In fact, interview research from Barlow et al. (2021) found that women who had previous negative experiences with the justice system were less likely to engage with DVDFs

than women who had no comparable negative experiences with those institutions, indicating that trust in police is likely a critical predictor of someone's willingness to make use of a policy like Clare's Law. Thus, in fully understanding the helpfulness of Clare's Law, it is important to consider the context of the identities of the individuals who use it most. There are many intersecting factors, including gender, age, sexuality, ethnicity, racial identity, and others, that might impact the way an individual understands and has access to information through Clare's Law.

An additional concern that has been raised in jurisdictions considering implementing Clare's Law has been grounded in privacy laws and whether the sharing of information via *Right to Ask* can be justified (Grace, 2022). Fitz-Gibbon and Walklate (2017) noted several logistical issues with the disclosure system built into Clare's Law in the United Kingdom that were related to privacy and safety laws. The sharing of someone's personal information must be reasonable and proportionate to the perceived risk of both future violence and the violation of someone's privacy (Grace, 2022). Regardless of a person's history, privacy can be considered a fundamental right. Accordingly, some critics have also called for more guidance and tighter restrictions on the potential for the arbitrary disclosure of people's information (Grace, 2022).

A related but important critique of the Clare's Law framework is rooted in its reliance on police records. A reliance on criminal history (static, unchangeable factors) as an indicator of risk disregards the evidence that people can change over time (dynamic, modifiable factors). Moreover, the assumptions built into the DVDF overlook the fact that family and domestic violence are "hidden crimes" which are significantly underreported in the population; they also fail to account for the systemic barriers that many marginalized populations face when it comes to police reporting. Accordingly, the reliance on government sources of information about a perpetrator's risk may not be reliable. That is, the assessment produced in a Clare's Law inquiry may be based on inadequate or incomplete information, thus underestimating risk and potentially leading to a

false sense of security for the person seeking disclosure (Fitz-Gibbon & Walklate, 2017).

Lastly, some scholars (e.g., Fitz-Gibbon & Walklate, 2017) have noted that while having information about someone's history may help facilitate a potential victim's decision-making, it does not address systemic-level barriers to violence prevention, such as police culture and its responses to domestic violence. In the case of Clare Wood, the Greater Manchester Police were acutely aware of George Appleton's extensive criminal history and high risk of violence perpetrator, and yet frontline response in Wood's case has been widely criticized as having been insufficient overall (Fitz-Gibbon & Walklate, 2017). Appropriate institutional response to violence (i.e., from police or victim services) is an imperative component of violence reduction. This is to say that, even if Clare Wood had been fully informed about her partner's risk of violence, the appropriate supports and protections from law enforcement may not have been available to her to mitigate the risk of intimate partner violence.

Proponents of Clare's Law

Despite these criticisms, proponents of Clare's Law urge that it is victim-focused legislation that serves to empower victims of domestic violence while offering a preventative approach to the issue of violence in relationships (Wangmann, 2016). The preventative nature of this legislation makes it unique because most policies on domestic violence are responsive, not preventative. This means that historically, laws and policies have been designed to respond to violence that has already happened (e.g., via the police or other responsive organizations) rather than preventing it from happening at all. In addition, years of extensive research on gender-based violence have found that initiatives that only target men or boys (or groups who are historically more likely to be perpetrators of violence) are generally less effective than initiatives that take a combined approach to include victims of violence in the violence reduction and management process (Kerr-Wilson et al., 2020). Importantly, Clare's Law is one of the very few victim-focused interventions that have received attention from

advocates, survivors, and government officials alike. Accordingly, DVDFs have been regarded as a substantially more progressive approach than many previous systemic responses to intimate partner violence (Wangmann, 2016).

An important point of support for Clare's Law is that it allows potential victims of violence to have information they might not otherwise have, which can be critical in helping survivors take control of their own lives. In fact, some preliminary evidence by Barlow et al. (2021) found that many survivors of gender-based violence who were *not* able to make use of Clare's Law explicitly mentioned that they might have left their relationships earlier if they had had access to this type of information. By providing potential victims information about risk factors, as well as connections to community resources, proponents of the law argue this will directly support victims in making informed decisions about whether to stay in the relationship. This can empower victims to plan for safety more effectively. When disclosures come through the right to ask, the person at risk will have experienced warning signs or have a reason to be concerned; when the disclosure comes through right to know, the police have a concern regarding the safety of the person who is potentially at risk. Therefore, it is likely that there is a risk present for those seeking or receiving a disclosure. For individuals at high risk of victimization, immediate access to information, choices, and safety resources are of primary concern above all other considerations. Accordingly, in conjunction with other resources, it is possible that the information provided through the framework has the potential to save lives.

Likewise, some governments and politicians, such as the Canadian Prime Minister in 2021, have supported mandates that Clare's Law be enacted to help victims receive information that will aid them in escaping abusive relationships (Trudeau, 2021; United Kingdom Government, 2013). From the perspective of some members of the public, or individuals who have lost a loved one to domestic violence, the notion of Clare's Law garners a lot of support. Anecdotal evidence communicated via news media suggests that people are supportive of Clare's Law and feel

as though it gives them "extra protection" (CBC, 2018). Indeed, supporters of Clare's Law acknowledge that the framework is an additional tool in the "violence prevention toolbox" and should be used in conjunction with other resources designed to understand and prevent domestic violence (Greene & O'Leary, 2018).

Framing Clare's Law as an additional tool indicates that it is one of the several mechanisms utilized to address domestic violence. As mentioned, social services in the realm of child protection in the United Kingdom have prompted some women to apply for disclosures through Clare's Law. Hadjimatheou (2022) reports that child protective services in this region have used Clare's Law as a tool to "safeguard" children. While Hadjimatheou's (2022) article expresses some apprehension surrounding how child protection laws are shaping the DVDF, Grace (2022) suggests that modifications to the DVDF, as it stands, may be helpful in protecting children from violence. Specifically, Grace (2022) suggests redrafting the DVDF to emphasize the rights of children in such a way that ensures better supports and interventions for complex situations involving family violence.

Research on Clare's Law

Emerging literature has begun to explore the experiences of individuals who have made use of Clare's Law. For instance, Barlow et al. (2021) surveyed 91 individuals who had previous experience with Clare's Law, including victim-survivors or friends, family members, and support workers who sought disclosure on behalf of a victim-survivor. The authors reported that nearly half of the women in their sample either had not utilized Clare's Law or had never heard of it. Barlow and colleagues also noted that some women were denied information through Clare's Law because their relationship had already "ended," but many of these women later returned to their relationships. However, Barlow et al. (2021) also pointed out that many cases which were classified as "insufficient information" resulted in feelings of a false sense of security,

particularly since these outcomes do not inherently mean there is no risk. On the other hand, women who did receive information in this context reported that the experience validated many of their existing concerns that they might have otherwise dismissed (Barlow et al., 2021). Many women also reported receiving information in a timely manner and being guided to additional support.

The variability of experiences with Clare's Law within the Barlow et al. (2021) sample is reflective of what Hadjimatheou and Grace (2021) refer to as a "post-code lottery." That is, in the United Kingdom, where you live determines the type of support and information you receive through Clare's Law. In fact, an analysis of the freedom of information requests by Hadjimatheou and Grace (2021) revealed that some police forces were guided by out-of-date information on the processes of the DVDF, and one police force even received instructions that they were only mandated to share information with victims who were deemed "high risk." Hadjimatheou and Grace's (2021) interviews with law enforcement also uncovered that the implementation of this legislation differed across forces within England and Wales, and each individual police force used different thresholds to decide when it was appropriate or necessary to share or withhold information. In essence, the differences in how police forces implemented or understood the legislation influenced the information potential victims received (Hadjimatheou & Grace, 2021). These findings were not altogether surprising, particularly given that since the inception of Clare's Law, some scholars (e.g., Grace, 2022; Fitz-Gibbon & Walklate, 2017) have identified and called attention to several logistical issues with the disclosure system built into Clare's Law in the United Kingdom, such as issues related to privacy and safety laws. Importantly, all of the abovementioned studies are based out of the United Kingdom and have yet to be expanded or replicated in other jurisdictions where Clare's Law is still comparably new (e.g., it was passed in some Canadian jurisdictions as recently as spring of 2022). Nevertheless, the implementation of Clare's Law has become a global "policy

spiral" with several regulatory and procedural issues that need to be addressed (Grace, 2022).

Conclusion

Originating in the United Kingdom, the DVDF known as Clare's Law has since been passed as legislation or policy in several other countries including Scotland, Australia, New Zealand, Canada, and others. Across jurisdictions, the primary purpose of Clare's Law is to provide people with the information necessary to make informed decisions about their safety within intimate partner relationships, thus preventing future violence.

To date, there is no empirical evidence evaluating the efficacy of Clare's Law in preventing domestic violence. The basis of the literature on DVDF is, at this time, largely anecdotal. Critics of Clare's Law posit that it opens the door to victim-blaming and "responsibilization" and note that much of the governmental support of the law appears symbolic and politically motivated. It remains unclear to what extent Clare's Law will equally help individuals of all backgrounds, and critics and proponents agree that like any law or policy, the helpfulness of this legislation might not be appropriate in all contexts for every victim. Nevertheless, proponents of the legislation support the introduction of victim-centric frameworks that allow potential victims of violence the chance to make informed decisions about their relationships and safety. There is no evidence that Clare's Law puts victims at a greater risk of violence.

Given the lack of data to support the use of Clare's Law, it is difficult to determine whether it works for the purposes outlined in the legislation (to reduce domestic violence). Scholarly attention should be directed to evaluating different outcomes related to the use of the law and should be informed by the perspectives of victims and survivors. As illustrated throughout this chapter, most questions about Clare's Law remain largely unanswered. For instance, who is most likely to use Clare's Law? How does the accessibility of DVDFs differ for victims of violence who have criminal records or who are at a higher risk of

violence due to their gender, age, sexuality, and ethnic or racial identities? To what extent is victim-blaming an adverse outcome or barrier to accessing Clare's Law? We invite scholars to conduct more research in this important, emerging area of scientific research.

Cross-References

- ▶ [Help-Seeking Behavior](#)
- ▶ [Historical Risk Factors for Domestic Violence](#)
- ▶ [Homicide \(Domestic\): Prevention](#)
- ▶ [Institutional Responses to Domestic Violence](#)

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