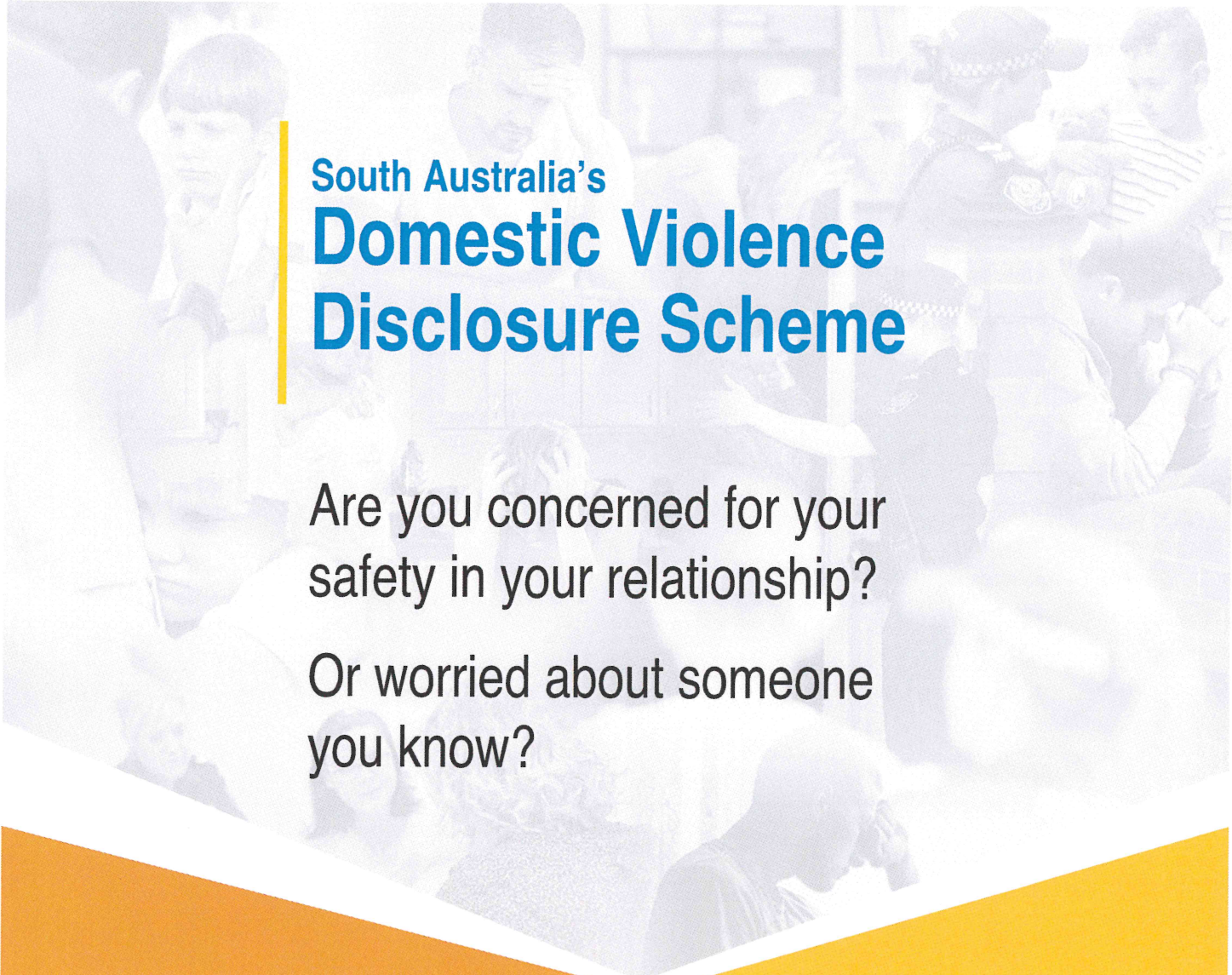




South Australia's **Domestic Violence Disclosure Scheme**

Are you concerned for your
safety in your relationship?

Or worried about someone
you know?

Help for people concerned about safety in a relationship:

- Are your concerns related to physical, verbal or controlling behaviours, emotional or psychological manipulation or economic or social isolation?
- You may be able to request the partner's police history be provided to the person who is feeling unsafe.
- Information and support is provided to that person so they can make informed decisions about their safety and the future of the relationship.*

The DVDS is an early intervention and prevention initiative. If you are in a life-threatening situation, call Triple Zero.

*No information about the application or the disclosure is given to the person causing concern.

www.police.sa.gov.au/your-safety/dvds



SOUTH AUSTRALIA POLICE
KEEPING SA SAFE



**Government
of South Australia**

Domestic Violence Disclosure Scheme

Key messages and backgrounding:

Event date:

Time:

Where:

FAQs:

General questions

What is the Domestic Violence Disclosure Scheme?

The Domestic Violence Disclosure Scheme (the DVDS) provides an avenue for people who may be at risk of domestic violence from a partner or former partner, to find out if that partner has a history of abusive or violent behaviour. Relevant information can be disclosed by police, with support from a specialist domestic violence support worker.

How can the Scheme help prevent domestic violence?

Domestic violence is usually characterised by a pattern of abusive and controlling behaviours, and perpetrators often repeat these behaviours in their relationships. The DVDS aims to prevent domestic violence from occurring by empowering people at risk to make informed decisions about their safety, the safety of their children, and the future of their relationship.

Can both men and women apply for information under the DVDS?

Yes. The DVDS is available to all persons who are concerned for their safety within a relationship irrespective of their gender and the gender of their partner.

What is a third party application?

A third party application can be made when someone has concerns about the safety of a person they know. The person at risk must be aged 17 or over and live in South Australia.

Third party applicants may only go to the disclosure meeting if invited by the person at risk as a support person. All support persons are required to sign an Undertaking not to publish, spread or misuse any information disclosed.

Can a third party application live interstate?

Yes. A Third party applicant can live anywhere in Australia however the person that you are concerned about, and who is the person at risk, must live in South Australia.

FYI - definition of a third party applicant - *An applicant who is a third party making application due to personal or professional concerns for the safety of the person at risk*

What happens once the application is submitted?

Once an application is submitted, police review the details and check their records for information about the person causing concerns. Depending on the information discovered, a Disclosure meeting at a safe and secure location may be set up with Police and a specialist domestic violence worker.

Police will only tell you about information they have which is relevant. This may include:

- convictions for offences such as physical and sexual assault, property damage, stalking and unlawful threats
- reports which have been made to police which may indicate that there could be a safety risk to you, such as previous reports of domestic violence or allegations of the sort of behaviour listed above
- current and historical intervention orders
- breaches of intervention orders
- convictions for relevant offences committed outside of South Australia
- any other relevant information that may impact on the safety of the applicant.

What information will not be disclosed?

There are some types of information that the police are not permitted to disclose, including:

- spent convictions (these are convictions which are pardoned, quashed or a certain period of time has gone by since the conviction was recorded)
- convictions where the person was under the age of 18 years at the time of the offence
- offences which are unrelated to domestic violence and do not impact on your safety.

How long does it take to get a disclosure?

The process from the time that police receive your application (the next business day after you submit it online) until the disclosure meeting, will normally take about two weeks. If police feel that there is a more urgent need to speak with you, this process can happen in a shorter time.

Will current or former partner know that an application or a disclosure was made?

The subject of the application (a current or former partner) will not be informed of any application or disclosure made about them.

Will the person at risk's partner/former partner know that an application or a disclosure was made, and who made it?

No. To ensure the third party applicant's safety and the safety of the person at risk, the subject of the application (the current or former partner) will not be informed of any application or disclosure made about them.

What happens if the police have no information to disclose?

If police undertake a background search for information but there is none on the police systems, a meeting will still be arranged and the applicant will be advised of this in person. A domestic violence support service worker will still attend and be available to offer ongoing support.

How is this different to the NSW scheme and Clare's Law in the UK?

The NSW DVDS works similarly to the proposed SA DVDS in terms of applications, process and the presence of a specialist women's domestic violence worker at disclosure meetings; however, NSW Police will only disclose information about proven convictions. The two year trial was undertaken across four regions from April 2016 to April 2018. Advice from NSW police is that 65 applications for disclosure were processed within the first year

Clare's Law has two distinct processes that may lead to a disclosure being made. The first process is termed the 'right to ask'. This is triggered when a person makes a direct application to the police for information about someone.

The second process, the 'right to know' – is triggered when the police receive indirect information or intelligence about the safety of a person and where, after appropriate checks are made, the police judge that a disclosure should be made to safeguard an individual.

Information disclosed through the scheme may include both convictions for violent offences and/or relevant intelligence where there are no convictions but it is judged that an individual poses a risk of harm to a partner.

The SA DVDS does not include a 'right to know' mechanism, where police disclose information without an application being made by the at-risk person or a third party.

Tougher questions

Why do we need this? Wouldn't the money be better spent on more DV workers or people on the front line?

Prevention is the best solution. Empowering people to make informed decisions is part of that.

This scheme provides an opportunity for those who feel like something isn't quite right in their relationship to seek further information. Importantly the scheme will link applicants with relevant services regardless of whether the application brings up relevant prior offending or not.

Are juvenile offences included?

No. Other avenues of support are provided on the online application form for those who are ineligible to apply for this scheme.

How will this make any difference to people at risk if police can only disclose convictions? What about people who feel threatened and are still too scared to go to police?

Police can check for convictions, intervention orders and warnings both here and interstate, so there is a lot of information we can provide. If the subject of an application has no criminal record, but officers have a significant behavioural concern, then it may be that there may be other avenues Police can pursue to undertake other background checks.

How much is this costing?

The Marshall Liberal Government is delivering on its key election commitments to address the scourge of domestic violence, by investing more than \$11.9 million over the next four years on a suite of measures to support women and children at risk in South Australia.

This includes \$510,000 to support this state-wide trial of a Domestic Violence Disclosure Scheme, a further \$150,000 on the development of a personal protection app linking at-risk women directly to police and domestic violence services and an extra \$1.66 million over four years to extend the Women's Safety Services SA domestic violence crisis hotline to 24-hours a day.

During the trial, police are offering this as an additional service which is being managed by existing specialist family violence staff.

Are police the right people for a person at risk to contact if they feel worried for their safety? What about counsellors or DV workers?

Police will always encourage a person who is concerned for their safety for any reason, to contact police to seek advice about their options. Help is available by contacting any police station, or if the matter is related to relationship violence or safety concerns, advice can be sought directly from SAPOL's family violence specialists. They will provide advice, take action if that is appropriate, or point you in the right direction. Of course, if a person feels more comfortable seeking advice from a domestic violence service initially, they should do that. The important thing is that the person gets advice, support and help.

Where a person's concerns relate to behaviour which has not escalated to physical violence or threats, or something else that is easily identified as domestic violence, they may be more uncertain about what to do. This is where the DVDS can help. It is a way to find out more information before something more serious happens. A DVDS application will automatically go to the police, because police may hold background information about the person who is causing the concerns. A domestic violence support service, or another professional service provider who may be working with a person at risk and their family, can lodge an application on behalf of the person at risk, or can help them to complete an application. The information from the disclosure will always be made directly to the person at risk by police, but with a domestic violence specialist worker present to provide them with support and assistance going forwards.

What about people who have no criminal record but are clearly a threat – for example, there are many victims to don't follow through with a police complaint due to fear of retribution?

Police will only have information stored about people who have previously come to their attention. Police contact occurs with people for a variety of reasons however the most common is when a person reports an offence, or a domestic violence occurrence to police, which accuses another person of wrongdoing. Sometimes these matters progress to court, and sometimes they don't because there is not enough evidence, or the victim in the matter does not wish to pursue the matter that far. However, just because police do not have any information about a person, does not negate the concerns of an applicant. Their subject's behaviour may be abusive, threatening or controlling and the safety needs of the person at risk needs to be addressed irrespective of whether the police have relevant background information on the subject. While the absence of information from the police may be of some reassurance to the person at risk, it does not guarantee their safety. The domestic violence specialist worker can discuss these issues with the person at risk.

How secure is the information?

The privacy of people who are subject of the disclosure is important. The person at risk needs to sign a confidentiality agreement to not misuse the information prior to receiving a disclosure, and there is no written documentation (verbal briefing only).

The disclosure of information is governed by the Information Privacy Principles (IPP) and Information Sharing Guidelines (ISG)

Only the person at risk is provided with information, and only verbally. All other information from a completed Disclosure package will be stored on a restricted SAPOL network drive. Disclosures are not able to be recorded in any way.

What if something goes wrong?

There is ongoing and support offered through WSSSA, with specialist domestic violence support workers available to work with the person at risk and their family.

What is there to prevent exploitation of the system, ie , what about people who are just fishing for dirt?

There is an inherent risk that a person may maliciously and deliberately lie in an application for disclosure, so that they appear to have a genuine request. That is a difficult risk to eliminate totally. The police have a stringent policy they will follow in terms of criteria that need to be met in order to progress an application. A person will have to explain why they are feeling unsafe, based on some behaviour shown by their partner/ex-partner, or some information they have learned or been told about their partner/ex-partner. There are also strict protocols the police will follow about checking identification, and ensuring as far as possible that the reason and the person are genuine.

If police assessing the application feel the information is lacking, or there is suspicion that the person is simply 'fishing' or in some way being dishonest, the matter will be not be progressed at that point. It will be referred to the family and domestic violence specialist (WSSSA) to contact the applicant and discuss any areas of deficiency or concern before a decision is made to either re-institute the application, or file it without further action.

In some respects, this is no different than any other matter which may be reported to police alleging a crime. There will always be a (thankfully small) number of false reports.

One of the aspects which safeguards the DVDS is the involvement of family and domestic violence specialist from WSSSA. They are skilled in speaking with people about domestic violence, and should they feel a person is not being genuine, there is an opportunity for that to be discussed with police.

What happens if police ring to arrange a disclosure meeting and the person of interest answers the phone?

Police don't ring a person at risk to make a time for a disclosure meeting. The family and domestic violence specialist (WSSSA) undertakes that function. They are trained to deal with those situations including cold-calling where an application may have been instigated by a third party, and are skilled at ensuring their call does not inadvertently put a person at risk at further risk.

How can you stop people disclosing information about their ex (even though they are asked to keep it confidential). It's an emotional issue and sometimes people don't care about signing an agreement with SAPOL?

At the end of the application form, the applicant is asked to sign a declaration that the information they have provided is true and correct, and that they understand they make be subject to penalties under section 27 of the Oaths Act 1936 if they provide false or misleading information.

Further, at the disclosure meeting, they are required to sign an Undertaking form stating they will not publish, spread or misuse the information provided to them, including on social media or through other public networks.