

BAIL WITH ELECTRONIC MONITORING

Information for occupants

Electronic monitoring as a condition of bail (EM bail) is granted to suitable defendants who would otherwise be remanded in custody, in prison, while waiting for a court hearing.

A person on EM bail (a bailee) wears an electronically monitored tracker and lives at an address approved by the Court.

Who is a "relevant occupant"?

A relevant occupant is any person, 16 years of age and over, who is going to be living at the same address as the defendant if they are granted EM bail.

The relevant occupant includes anyone who is thinking about moving-in or who moves into the address after the defendant has been granted EM bail.

What information will be sought from relevant occupants?

A probation officer will contact the people who live at the proposed address.

If the occupants agree in principle to the defendant living with them, the probation officer will visit them at the house to talk about what is needed for electronic monitoring and go through a safety checklist. This will take about 1 hour.

The probation officer will also check that the electronic monitoring equipment will work at the address.

Obligations of relevant occupants

The occupants must agree to a number of conditions, including:

- > to have monitoring equipment (which is about the size of a video recorder) in the house
- > not to move or damage the monitoring

equipment

- > to give a field officer (on showing proper identification) access to the house to maintain the equipment, respond to alarms, or remove the equipment

- > to give Police and Corrections staff access to the address for EM bail purposes.

Each relevant occupant will sign the Occupants Consent Form to show that they:

- > consent to the defendant living at the address on EM bail, and

- > agree to abide by the conditions set if EM bail is granted to the defendant.

A copy of this document will be left at the address for occupants to refer to.

What happens if there are children living at the address?

Probation officers will make enquiries with Child Youth and Family:

- > if there are children, aged 16 years or under, living at the proposed address. This will happen even if the children are only there part-time.

- > if the defendant has past convictions or current charges of offending against children.

Can occupants refuse consent?

Yes, an occupant may refuse consent and specify whether they want their reasons for refusal (if any are given) made known to the defendant if the defendant requests to know those reasons.

Occupants are encouraged to express any concerns they might have about the impact EM bail will have on them, family members or other occupants.

If consent is not given by one or more relevant occupants the EM bail application may be refused.

What pressures might be on occupants if EM bail is granted?

Electronic monitoring can be stressful for occupants as well as EM bailee for a variety of reasons, such as:

- > the restrictions on the EM bailee's ability to leave the address
- > in some cases, because the EM bailee cannot bring income into the house
- > the lack of general freedom of movement or social contact due to other bail conditions
- > lack of privacy with random visits being conducted by Police personnel and field officers to make sure the EM bailee is complying with their bail conditions.

All of this can be difficult for other occupants who provide support and do extra tasks on behalf of the bailee, as well as for the bailee.

What should an occupant do if there is a problem during EM bail?

Help is available for occupants or family members who find it hard, physically and emotionally, to live with someone on EM bail. Occupants and family members can get help or support:

- > **In an emergency** - where personal safety is at immediate risk by
 - calling 111 and asking for the Police
 - where necessary, leaving the address if this is a safe option for you, family

members and other occupants.

- > **In a non-emergency** - not involving a risk to personal safety contact the EM Bail Team on 0800 EM BAIL (362 245).

Once given, can occupants withdraw their consent?

Yes. Occupants may withdraw their consent at any time. Occupants don't have to give any reason for withdrawing their consent.

Unless another suitable address can be found, the EM bailee will be taken into Police custody and appear before a judge who will re-examine suitability of EM bail.

Contact with the EM bail call centre

The EM Bail Team at Corrections has an ongoing role to keeping in contact with the bailee and occupants of the house.

If any difficulties come up contact the EM Bail Team on 0800 EM BAIL (362 245) as soon as possible.

How can I find out more about EM bail?

You can find more information about EM bail from:

- > Corrections website www.corrections.govt.nz or Police website www.police.govt.nz
- > Court offices
- > Community Probation Service Centres or
- > Prison remand units.

An EM bailee, or those living with someone on EM bail can contact the EM Bail Team on 0800 EM BAIL (362 245).