

BAIL WITH ELECTRONIC MONITORING

Information for Employers

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.

Department of Corrections (Corrections) and New Zealand Police (Police) manage EM bail.

How does EM bail work?

A person on EM bail wears an electronically monitored tracker 24 hours a day and lives at an agreed address at all times unless they have permission to leave for an approved purpose, such as to go to court, medical appointments or work.

The tracker is monitored by a security company and lets them know the bailee is where they're supposed to be.

Who approves a bailee to undertake employment?

The Judge decides if a bailee can continue working or start a new job.

The proposed place of work will be assessed for suitability before the Court makes a decision.

What kind of employment do I need provide?

Employment must be:

- > at a location where the electronic monitoring equipment can operate and be monitored
- > on a regular basis with fixed hours (this may be a day- or night-shift or a combination of both). Casual or on-call work is not suitable. Overtime is not permitted, unless on a regular basis and approved in advance.

The EM bailee will not be permitted to leave the work site at any time during their hours of work (including meal breaks).

Who will be provided with information about the bailee's charges?

The employer or their identified representative will be told about the bailee's charges. Charges are confidential and no other employees need to know.

Who is responsible for the bailee at work?

Other than being responsible for providing the standard conditions for employment, the employer is not responsible for a person on EM bail.

The employer is like an approved sponsor of the bailee, someone who the Court expects will be a positive influence and will not intentionally allow or support non-compliance with the terms and conditions of EM bail.

If an EM bailee leaves the workplace without prior approval, it is imperative that you let the EM Bail Team know as soon as possible on 0800 EM BAIL (362 245).

Will the bailee be visited while at work?

Yes. If monitoring equipment is installed at the worksite the employer must agree to any Corrections or security company staff access to the EM bailee at all times.

Where possible these visits will be made when it will cause the least disruption to the bailee's work

What happens if the hours of work change?

The bailee needs to make an application via their lawyer to the court requesting to change their bail conditions.

If the Judge grants the variation to the defendants bail conditions the EM Bail Team will be notified of the changes to monitoring.

What happens if there is a change to the employment situation?

If an EM bailee's terms of employment change, the EM Bail Team should be informed as soon as possible.

Changes that affect a bailee's current work conditions are likely to require a variation of bail conditions approved by the Court.

What happens if a bailee fails to report to work?

If a bailee fails to report to work, the employer or the employer's identified representative should notify the EM Bail Team immediately on 0800 EM BAIL (362 245).

What happens in an emergency situation?

In an emergency

- > where personal safety is at immediate risk call 111 and ask for the Police

- > where serious harm has occurred or could occur to the EM bailee or to another person if they do not vacate the workplace, the bailee may leave the premises. Inform the EM Bail Team as soon as possible.

Can an employer withdraw their consent?

Employers may at any time withdraw their consent to a person on EM bail working at their workplace. No specific reason for doing so is required.

How can I find out more about EM bail?

If you are employing someone on EM bail you can contact the EM Bail team directly on 0800 EM BAIL (362 245).

You can also find more information about EM bail from:

- > Corrections website www.corrections.govt.nz or Police website www.police.govt.nz
- > local Court house
- > Community Probation Service Centres or prison remand units.