

## BAIL WITH ELECTRONIC MONITORING

### Information for Applicants

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.

#### How does EM bail work?

You wear an electronically monitored tracker 24 hours a day and lives at an agreed address at all times unless you have permission to leave for an approved purpose, such as work.

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

#### Do I need to give all the information in the application form?

Yes. If you do not give all the information, a Judge may not have enough information to grant you EM bail.

#### What do I do with my completed EM bail application?

You or your lawyer must file the application at:

- > Court and get a hearing date – usually set at least 10 working days from the date of filing, and
- > The local office of the Police Prosecution Service.

Corrections will complete the suitability report and get it back to the Court, the Police, and your lawyer two working days before your hearing.

#### What is a suitability report?

A probation officer in Corrections will complete a Suitability Report for a Judge to consider when making a decision about your application for EM bail. The probation officer will:

- > interview you while you're still in custody.
- > interview the occupants at the proposed address and get their consent for you to live with them
- > check that monitoring equipment will work at the address
- > contact the people or agencies listed in your application

The probation officer will also look at any risks you might pose, such as:

- > not turning up to court when you need to
- > interfering with witnesses
- > offending while on Bail

#### Why might I not get EM bail?

Some reasons you might not get EM bail include:

- > You are a risk to the safety of your victims, occupants or the general community
- > The monitoring equipment doesn't work at the proposed address
- > You have been charged with or have been found guilty of child abuse or neglect and the proposed address had children living there
- > The address is not suitable
  - Police or security company staff can't access the house when they need to

- The type of address is a tent, caravan, camping ground or hostel

> A person living at the address:

- Doesn't give you permission to live with them
- Is an alleged victim or co-offender of your current charges
- Has a current protection, restraining, non association or trespass order against you
- Is already subject to electronic monitoring

### **What happens if I am given EM bail?**

You will agree to follow your EM bail conditions and go directly to your approved address and wait for a probation officer and/or a field officer to arrive. They will set up the monitoring equipment and put the electronic tracker on your leg.

You will be electronically monitored for as long as the EM bail continues.

### **What do I do if my situation changes while I'm on EM bail?**

You must call the EM Bail Team first if you want to plan some time away from your home, even if it is just a short trip to the Work and Income office, The EM Bail team will tell you what you need to do and what happens next.

Make sure you call the EM Bail Team at least three working days before any planned short term absence. If you don't your leave might not be approved.

### **What happens if I break my bail conditions?**

The tracker will trigger an alarm, and the Police will arrive to check on you if you:

- > try to take of your tracker
- > leave your address without permission
- > are late back from a planned absence

You may be arrested and have to appear before the court who will decide whether your EM bail should continue.

### **What if there is an emergency – can I leave without permission?**

You can leave without permission if:

1. you ( or a person you have sole responsibility for) needs immediate medical or dental treatment; or
2. there is an immediate danger of death or injury to you (or a person you have sole responsibility for) – such as fire, earthquake, flood or violence.

If you have time you should call the EM Bail Team on 0800 EM BAIL (362 245)

### **Contact with the EM Bail Team**

The EM Bail Team's role at Corrections is to keep 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 the Application for Bail with Electronic Monitoring along with more information about EM bail from:

- > Corrections website [www.corrections.govt.nz](http://www.corrections.govt.nz) or Police website [www.police.govt.nz](http://www.police.govt.nz)
- > local Court house
- > Community Probation Service Centres
- > prison remand units

You or someone living with you can contact the EM Bail Team on 0800 EM BAIL (362 245)