

01 February 2024

C175210



Tēnā koe 

Thank you for your email of 3 November 2023 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about the number of electronically monitored (EM) bail alerts generated and processed by Corrections staff. We apologise for the delay in providing this response. Your request has been considered under the Official Information Act 1982 (OIA).

You requested:

*-A breakdown of how many alerts, including no communication alerts, Corrections has received for people being electronically monitored on bail in the past year, broken down by month.*

*-A breakdown of how many of these alerts corrections has acted on in the past year, broken down by month.*

Please see the attached Appendix One which contains EM bail alerts generated, by month, for the period 6 February 2023 to 31 October 2023. The total number of alerts actioned across this period has also been provided.

Please note that information about EM bail alerts does not exist in a form that can be readily supplied to you prior to 6 February 2023, as extracting this information prior to this date would require Corrections to initiate a project to extract, analyse and present the data in the form requested. In addition, a breakdown of alerts actioned is not available to be broken down by month as this would also require Corrections to initiate a project to extract, analyse and present the data in the form requested.

In accordance with the OIA, we have considered whether to affix a charge or extend the time limit for responding. However, given the scale of the request we do not consider that this would be an appropriate use of our publicly funded resources. Therefore, this part of your request is refused under section 18(f) of the OIA, as the information cannot be made available without substantial collation or research.

As per Section 18B we have considered whether consulting with you would enable the request to be made in a form that would remove the reason for the refusal. However, we do not consider that the request can be refined in this instance.

*-Details on the process when an EM bail alert arises, including decision making on whether to act on an alert, and the process that follows in terms of pursuing an alert.*

Corrections manages people at the direction of the Courts and the New Zealand Parole Board and does not determine who is in prison and who is in the community.

EM bail is jointly managed under a shared service model between Corrections and Police and requires a person to be remotely monitored 24 hours a day, seven days a week. Corrections carries out an assessment for the court about the defendant's suitability for EM bail and the technical feasibility of their address for electronic monitoring.

A judge in court decides whether EM bail is granted, informed by our assessment and information from Police, including victims' views. A person's compliance with any previous periods of EM bail or prior community-based sentences and orders and their likelihood of non-compliance are key considerations in the advice we provide to the court.

Corrections carries out the electronic monitoring of a person on EM bail and refers any non-compliance to Police. Police are responsible for responding to non-compliance and undertaking all enforcement action. Being electronically monitored is only one bail condition that can be imposed by the Court. Other conditions could include non-association with co-offenders or a directive not to consume alcohol.

Public safety is our top priority, and every instance of non-compliance with EM bail is referred to Police, including when a defendant is late home from an approved absence.

Every person subject to electronic monitoring has a set of "rules" in our system which align with the person's level of risk, requirements for continuous monitoring and any specific conditions that pertain to them. For example, if a person has a rule set up that prohibits them from visiting the library, an alert is generated if they visit the library. When an alert is generated, our staff determine the action required, which is dependent on the risk profile of the person, with alerts for the highest risk people addressed as a priority. People with victims subject to the Victim Notification Register are also prioritised.

Responding to alerts may include staff contacting the person or their family directly, dispatching a Field Officer to the person's address or location, and/or contacting Police if non-compliance has been confirmed or there are safety concerns for any person. Not all alerts are an indicator of non-compliance – for example, if the same person as above was stopped in traffic while driving past the library, an alert may be generated but it is quickly evident to staff that there is no need for further action.

All people subject to EM bail are considered high risk. However, as there are over 6,000 people subject to electronic monitoring including over 1,700 subject to EM bail, within this category we prioritise different types of alerts based on how likely they are to represent

genuine non-compliance. For example, the risk associated with a wearer specifically entering an area they are excluded from (which might protect a victim or restrict reoffending) or receiving a strap tamper where the defendant has potentially removed their tracker is a higher priority than a tracker with a low battery where the wearer may begin charging without our intervention. Prioritisation is required because we receive a large number of alerts each day.

Staff assess each alert in order to determine what action is required. This includes reviewing electronic monitoring data and the defendant's notes and bail conditions, alongside either contacting the person, their family or a third party (such as Police to confirm a person is in custody or an employer to verify the defendant was at work) direct to investigate.

If non-compliance has been confirmed, then this is escalated to Police. For example, if a strap tamper comes through for a defendant on EM bail, a staff member will action the alert as a high priority and firstly review the data. If the data presents in a way that indicates that the strap has been removed, Police are notified immediately. In all instances a Field Officer will be dispatched to attend the defendant's address, confirm an abscond and collect any equipment left at the address. Staff will make attempts to contact the defendant or occupants at the address to get a better understanding of what has occurred. In some instances the Field Officer attends and finds the wearer still wearing the tracker – these instances are considered to have a technical cause and not escalated to Police.

Please note that this response may be published on Corrections' website. Typically, responses are published quarterly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I trust the information provided is of assistance. I encourage you to raise any concerns about this response with Corrections. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Leigh Marsh  
National Commissioner