


31 January 2024

C175280



Tēnā koe 

Thank you for your email of 7 November 2023 to the Department of Corrections – Ara Poutama Aotearoa, requesting information on people on electronically monitored bail (EM Bail) and Home Detention in Rotorua and Tauranga. Please accept our apologies for the delayed response. Your request has been considered under the Official Information Act 1982 (OIA).

Public safety is our top priority. 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. Corrections carries out an assessment for the court about the suitability of a defendant, their address and other occupants for EM bail orders and home detention sentences. A judge in court decides whether EM bail or home detention will be 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.

EM bail is jointly managed under a shared service model between Corrections and Police and requires a person to be electronically monitored 24 hours a day, seven days a week. Corrections carries out the electronic monitoring of people subject to EM bail. Police are responsible for responding to any instances of non-compliance with EM bail (i.e. breaches) and undertaking all enforcement action. Being electronically monitored is only one bail condition that can be imposed by the court, and Police are responsible for managing all other non-electronically monitored bail conditions. Other conditions could include non-association with co-offenders or a directive not to consume alcohol. Every instance of non-compliance with EM bail is referred to Police, including when a defendant is a few minutes late home from an approved absence.

Home detention requires a person to remain at a suitable and approved residence at all times and be electronically monitored 24 hours a day, seven days a week, unless approval to leave is given by a probation officer. The sentence can help people to maintain family relationships, keep working or actively seek work and attend training or rehabilitative programmes.

All people subject to EM bail are considered high risk. People with registered victims and people who have been identified tampering with their monitoring devices are also prioritised when responding to alerts, and we have specific staff assigned to manage high risk alerts to ensure that they can always be actioned urgently.

In response to the increasing number of people subject to electronic monitoring, Corrections had been actively recruiting and retaining electronic monitoring staff. The attrition rate for electronic monitoring staff has halved in the last 12 months.

Please note that for ease of response your questions have been re-ordered.

You requested:

1. *How many people were on EM bail each year for the past five years, including year to date, in Rotorua? (please give a figure for each year)*
2. *How many people were on home detention each year for the past five years, including year to date, in Rotorua? (please give a figure for each year)*
3. *How many people were on EM bail each year for the past five years, including year to date, in Tauranga? (please give a figure for each year)*
4. *How many people were on home detention each year for the past five years, including year to date, in Tauranga? (please give a figure for each year)*

Please see the below table which contains the unique number of people on home detention (HD) and EM Bail for the past five financial years.

Number of people on home detention (HD) and EM bail from 2018 to 2024 financial years				
Financial year	EM bail Rotorua	HD Rotorua	EM bail Tauranga	HD Tauranga
2018/19	97	182	69	80
2019/20	98	170	89	67
2020/21	142	156	137	58
2021/22	154	155	106	95
2022/23	169	184	149	109
*2023/24	107	100	114	60

Table notes:

- Numbers are calculated as the unique number of people serving EM bail or home detention at the start of each financial year in the location, and people who started EM bail or home detention in the same financial year.
- Please note that if a person has moved from one location to another location during a year they are only counted at the initial location.
- *Data for the 2023/24 financial year is current as at 31 October 2023.

5. *How many people have cut off or tampered with their monitoring bracelets in Rotorua in the past year to date who were on EM bail?*
6. *How many people have cut off or tampered with their monitoring bracelets in Rotorua in the past year to date who were on home detention?*

7. *How many people each year for the past five years in Rotorua have cut off or tampered with their monitoring bracelets while on EM bail?*
8. *How many people each year for the past five years in Rotorua have cut off or tampered with their monitoring bracelets while on home detention?*
9. *How many people have cut off or tampered with their monitoring bracelets in Tauranga in the past year to date who were on EM bail?*
10. *How many people have cut off or tampered with their monitoring bracelets in Tauranga in the past year to date who were on home detention?*
11. *How many people each year for the past five years in Tauranga have cut off or tampered with their monitoring bracelets while on EM bail?*
12. *How many people each year for the past five years in Tauranga have cut off or tampered with their monitoring bracelets while on home detention?*

Tampering is defined as any deliberate action taken to prevent the monitoring device from functioning as it should, which can include foiling. Information on the number of people who tampered with their equipment or cut off their tracker does not currently exist in a form that can be readily supplied to you, and would instead require us to conduct a manual review of all individual files. 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 of the OIA, 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.

However, we can supply you with information on the number abscond events for people on EM bail in the Bay of Plenty police district for the 2019 to 2023 calendar years, which is provided in the table below. A person is considered to have absconded from EM bail if they fail to submit to electronic monitoring without the prior approval of Corrections' electronic monitoring teams or where someone removes their EM device and their whereabouts are unknown.

Corrections continuously takes steps to address instances of absconding, which includes reporting instances of absconding to Police, ensuring people on EM bail are aware of the importance of adhering to their EM Bail conditions, ongoing improvement of guidance and processes for staff and the introduction of Bail Support Services in more locations to support people on bail.

If a person absconds, this will be referred to Police, with Police responsible for locating people who have absconded from the conditions of their EM Bail order.

EM bail abscond volumes for Bay of Plenty Police District			
Year	Total	Current	Located
2019	29	0	29
2020	48	0	48
2021	53	0	53
2022	43	0	43
2023*	27	2	25

Table notes:

- Current = Count of people on EM bail that are currently absconded as at 23 November 2023.
- Located = Count of people on EM bail that absconded but have since been located.
- Total = Count of people on EM bail that absconded, which includes those currently absconded and found.
- Note that the data is sourced from a manually updated spreadsheet, and may be subject to change as investigations are completed.
- *Note 2023 is the number of absconds for the year to 23 November 2023 when data was run. We can confirm that the two people shown in this table who absconded in 2023 were apprehended.

13. How many of the breaches in Rotorua during the past year to date were found to be from offenders foiling their bracelets?

14. How many of the breaches in Tauranga during the past year to date were found to be from offenders foiling their bracelets?

The practice of foiling is not new. It is a significant issue for law enforcement jurisdictions internationally. Some people go to great lengths to attempt to manipulate or circumvent restrictions placed on them.

We are able to identify when people are intentionally interfering with their tracker in an attempt to circumvent their monitoring. When we identify someone acting in this way, we prioritise any alerts received relating to them and provide information to Police to support their enforcement.

We are continually working with our partners including Police to ensure that new methods of tampering with electronic monitoring equipment are identified and prevented.

To provide information on the number of people who were found to be foiling during an incident that they were breached for Corrections would be required to review individual summary of facts for each breach. 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 of the OIA, 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.

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

A handwritten signature in blue ink, appearing to be 'Leigh Marsh', written in a cursive style.

Leigh Marsh
National Commissioner