

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 anklet and lives at an address approved by the Court.

How does EM bail work?

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

The anklet is monitored by a security company and lets them know you are 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 a 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 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 has 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 a security guard to arrive. They will set up the monitoring equipment and put the electronic anklet 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 am 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 WINZ 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 anklet will trigger an alarm, and Police will arrive to check on you if you:

- > try to take off the anklet
- > 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 or Police website www.police.govt.nz
- > local Court house
- > Community Probation Service Centres or
- > prison remand units.

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