

12 May 2021

C134703

s9(2)(a)

Tēnā koe s9(2)(a)

Thank you for your email of 12 April 2021, requesting information about the number of people subject to Electronic Monitoring (EM) whose registered address is a boat, yacht or other vessel over the past four years. Your request has been considered under the Official Information Act 1982 (OIA).

Research shows that the use of EM can act as a deterrent to crime. EM provides an additional tool in the overall management of people on community-based sentences and orders. It does not replace effective supervision from probation officers, the use of interventions and programmes, regular risk assessments, and pro-social community support.

Different technology is used to monitor people depending on the type of community-based sentence or order. Some people are monitored through radio frequency (RF) technology, while others are primarily monitored through global positioning system monitoring (GPS) technology.

Corrections does not determine who is subject to EM, this is a decision for the courts or the New Zealand Parole Board. The courts may impose an EM condition as part of a community-based sentence or order (for example Community Detention, Home Detention or an Extended Supervision Order) or as a bail condition for people who are not yet convicted of an offence. The New Zealand Parole Board may also impose an EM condition when granting parole. The limited exception to this rule is where a Prison Director may impose a condition of EM on an individual being granted temporary release from prison, for example Release to Work.

As people on EM Bail have not yet been convicted or sentenced for their alleged offending, they are referred to by the court as 'defendants'. Accordingly, unlike people who have been sentenced to an electronically monitored sentence such as Home Detention, people on EM Bail do not report to a probation officer.

EM Bail is jointly managed under a shared service model with New Zealand Police and requires a person to remain at an approved address at all times and be remotely monitored via GPS 24 hours a day, seven days a week. The court may impose other bail conditions allowing a defendant to leave for approved reasons, such as to attend court hearings, medical appointments or in some cases, employment or education

opportunities. Corrections carries out the EM of defendants, while any breaches are managed by New Zealand Police. You can find out more about EM Bail on our website [here](#).

Before a person is granted EM Bail or sentenced to a community-based sentence with EM, Corrections prepares a suitability report for the Court's consideration, which includes an assessment of the suitability of the proposed address. A number of factors must be considered to ensure the overall wellbeing of the community is upheld, and an address may be deemed unsuitable for a variety of different reasons. Onsite technical feasibility checks are carried out before approval is given to reside at the proposed address. Onsite feasibility checks are used to determine whether GPS and Radio Frequency (RF) equipment will work sufficiently at an address so the individual can be effectively monitored. If an address is deemed not technically feasible, then an individual cannot be on any EM sentence at that address.

An individual's residence must also be accessible to Field Officers, Police and Probation Officers 24 hours a day, seven days a week, and in all weather.

You requested:

The number of people granted bail to a boat, yacht or other vessel (where the bail address is a boat, yacht or other vessel) in each years 2018, 2019, 2020 and 2021, broken down by location.

Corrections does not monitor people on bail with no EM conditions. Their bail conditions are managed solely by New Zealand Police.

We have therefore interpreted your question for 'people granted bail' as individuals who have been granted EM Bail. There have been zero people subject to EM Bail that have had their address registered as a boat, yacht or other vessel for the financial years 2018 to 2021.

The number of people subject to a sentence with electronic monitoring conditions whose registered address is a boat, yacht or other vessel in each of the years 2018, 2019, 2020 and 2021, broken down by location?

In 2019/20 financial year period alone, Corrections electronically monitored around 3,500 sentences or orders in the community, at any one time. Unfortunately, we cannot readily extract information to confirm whether any individual subject to a community-based sentence or order with EM conditions had their address registered as a boat, yacht or other vessel from our electronic records. In order to identify this type of specific information, we would be required to manually review every individuals file. 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 declined in accordance with section 18(f) of the OIA.

For the reasons outlined above, however, it is highly unlikely that any person would have been approved to reside on a boat while subject to electronic monitoring during this period.

Any and all internal guidelines, memos or reports on or related to the practice of bailing people to a vessel, or releasing them on electronic monitoring conditions to a vessel.

Corrections has not identified any specific guidelines, memos or reports that specifically relate to individuals subject to EM living on boats, yachts or other vessels. Therefore this request is declined in accordance with section 18(e) of the OIA as the document alleged to contain the information requested does not exist or cannot be found.

However, decisions around placing individuals in suitable accommodation need to be robust, and when assessing the suitability of an address for an individual to reside at, public safety is Corrections' top priority. It is also important to ensure that people are not placed into living situations which could unjustifiably increase their risk of re-offending or detract from their rehabilitation and reintegration progress.

If an address is deemed not technically feasible, for the reasons outlined in response to your earlier questions, then the residence cannot be assessed as suitable for any EM sentence at that address.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise them 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



Rachel Leota
National Commissioner