

10 February 2021

C127273

s9(2)(a)

Tēnā koe s9(2)(a)

Thank you for your email of 3 October 2020, requesting information about Electronic Monitoring data for the years 2015-2020. Your request has been considered under the Official Information Act 1982 (OIA). Thank you for your patience, and I apologise for the delay in responding to you.

As previously advised, Corrections needed to extend the timeframe of our response to your request by 20 working days, pursuant to section 15A(1)(b) of the OIA.

Research shows that the use of Electronic Monitoring can act as a deterrent to crime. Electronic Monitoring 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.

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

On 12 October 2020 you clarified your request, which states “EMS”, to refer to individuals subject to Electronically Monitored Bail (EM Bail). Therefore, all data has been provided accordingly. 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’, not ‘offenders’. Accordingly, people on EM Bail do not report to a probation officer.

EM Bail is jointly managed under a shared service model with Police, and requires a person to remain at an approved address at all times and be remotely GPS monitored 24 hours a day, seven days a week. The court may impose other bail conditions allowing an offender 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 electronic monitoring of defendants, while any breaches are managed by Police.

You requested

- 1) *Please advise how many offenders were released with EMS for the 2015 to 2020 fiscal years?*

Please refer to the table below for the number of people granted EM Bail by the courts from 2014/15 to 2019/20.

<b>Financial Year</b>	<b>Individuals granted EM Bail</b>
2014/15	751
2015/16	976
2016/17	1,216
2017/18	1,427
2018/19	1,979
2019/20	2,477

- 2) *Please advise how many offenders were released on EMS for the 2015-2020 fiscal years by age, gender and ethnicity*

Please refer to the table in Appendix One.

- 3) *Please advise how many offenders committed further offences whilst on EMS for the 2015-2020 fiscal year*

Please refer to the table in Appendix Two.

- 4) *Please advise how many offenders cut off their EMS for the 2015-2020 fiscal years by age, gender and ethnicity*

A defendant on EM Bail is considered to have absconded if they fail to submit to Electronic Monitoring without prior approval of Corrections' EM team. Events that can be classified as an abscond are as follows:

- The individual removes the tracker without approval
- The individual fails to charge their tracker, resulting in a battery shutdown which is not immediately resolved
- The individual's tracker has not communicated for a significant period of time and their location cannot be confirmed
- The individual fails to enable their tracker to be connected

We have systems in place to detect when a person may be attempting to interfere, tamper with or damage their electronic monitoring device. Ongoing advances in technology and regular software upgrades means that our electronic monitoring

provider is able to supply us with more sophisticated data and information than ever before. Over and above what the technology can detect, Corrections has teams operating 24/7 who are experts in identifying potential instances of non-compliance. Staff actively analyse data patterns, and action is taken to immediately respond in any suspected case of interference or damage to a tracker.

If an individual subject to Electronic Monitoring has absconded, Corrections provides all information available to aid New Zealand Police in locating the person. Once the individual is apprehended by the Police, they will appear before a Judge in court who will determine what happens.

Unfortunately, in the years 2015/16 and 2016/17, there was not a consistent approach to collating abscond information for EM Bail. As such, we are unable to provide an accurate overall number of people subject to EM Bail who absconded during those years. As we are working through data collection issues, figures for 2019/20 unfortunately cannot be provided at this time.

Therefore, this part of your request is partially declined in accordance with section 18(g) of the OIA, as the information requested is not held by Corrections, and we have no reason to believe that the information is held by another department or connected more closely with the functions of another department.

Please see the below table for the data that is available.

<b>Total Recorded Abscond Instances</b>				
<b>Sentence Type</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
Adult EM Bail	Not available	Not available	159	404
Youth EM Bail	Not available	Not available	32	87

*5) Please list the alleged crimes committed by those in question 3 and 4*

Please refer to Appendix Two for a breakdown of further offending committed by people subject to EM Bail for the period of 2015 – 2020.

However, we cannot break this down further according to whether or not the offence was committed during an abscond. The information that you have requested does not currently exist in a form that can be readily supplied to you and would instead require Corrections to initiate a project to extract, analyse and present the data in the form requested. Therefore, this part of your request is declined under section 18(g) of the OIA, as the information requested is not held by Corrections, and we have no grounds for believing that it is held by another agency or more closely connected with the functions of another agency.

*6) When an offender is on EMS monitoring what are the formal processes for checking that an offender is complying with their release conditions?*

An individual on EM Bail has a 'bail bond' that determines the locations where they can have approved absences, and any other conditions of bail that they must comply with. With regard to electronic monitoring, an alert is received if an individual subject to EM Bail leaves their approved address without an approved absence. This alert is called through to the appropriate team to action and determine if there is non-compliance.

Alerts are also received if an Electronic Monitoring tracker is running low on battery power, if the strap is tampered with, or if a home unit is moved. Again, these alerts are called through to the appropriate team to action and determine if there is non-compliance.

Corrections takes instances of defendants breaching their EM Bail conditions very seriously, and will report absconded individuals to Police, who are responsible for locating and apprehending them. Any sanction that may be imposed is determined by the court.

*7) How often are the EMS monitoring bracelets checked to ensure they are functioning correctly?*

Corrections currently contracts Attenti to install and remove Electronic Monitoring equipment and manage a monitoring centre. Field Officers are employed by Attenti to install, maintain and check the monitoring equipment and respond to any alerts. Attenti notifies Corrections staff of any alerts indicating any possible non-compliance.

Electronic Monitoring trackers are checked following any alerts that require Field Officer attendance. If the alert is generated due to equipment fault the equipment is replaced.

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

**Appendix One – Number of people subject to Electronically Monitored bail for the 2015 – 2020 financial years by age, gender and ethnicity**

<b>Age group</b>	<b>2014-2015</b>	<b>2015-2016</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>
Under 20	142	185	253	247	277	308
20 - 24	148	184	208	261	305	346
25 - 29	148	198	253	291	431	534
30 - 39	184	258	313	400	625	810
40 - 49	97	121	132	158	250	363
50 - 59	27	28	50	63	75	96
60 and over	5	2	7	7	16	19
Not recorded	-	-	-	-	-	1
<b>Total</b>	<b>751</b>	<b>976</b>	<b>1,216</b>	<b>1,427</b>	<b>1,979</b>	<b>2,477</b>

<b>Gender</b>	<b>2014-2015</b>	<b>2015-2016</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>
Female	79	108	153	194	242	322
Male	672	868	1,063	1,232	1,737	2,154
Not recorded	-	-	-	1	-	1
<b>Total</b>	<b>751</b>	<b>976</b>	<b>1,216</b>	<b>1,427</b>	<b>1,979</b>	<b>2,477</b>

**Appendix One – Number of people subject to Electronically Monitored bail for the 2015 – 2020 financial years by age, gender and ethnicity**

<b>Ethnicity</b>	<b>2014-2015</b>	<b>2015-2016</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>
Maori	339	432	558	693	928	1,257
European	212	289	320	365	530	603
Pacific	81	101	133	134	203	300
Other	38	39	44	50	60	83
Not recorded	81	115	161	185	258	234
<b>Total</b>	<b>751</b>	<b>976</b>	<b>1,216</b>	<b>1,427</b>	<b>1,979</b>	<b>2,477</b>

**Appendix Two - Number of defendants convicted of offences committed while on Electronically Monitored bail for the 2015-2020 financial years.**

<b>Lead offence</b>	<b>2014-2015</b>	<b>2015-2016</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>
Breaches	2	3	6	1	5	2
Burglary	9	7	14	16	12	12
Dishonesty	17	16	25	28	34	47
Drugs	17	17	11	20	37	26
Other	13	14	13	24	22	38
Property	10	15	13	9	14	14
Sexual	2	-	-	1	2	-
Traffic	4	6	8	8	18	21
Violence	24	31	31	37	46	48
Weapons	3	4	8	11	12	22
<b>Total</b>	<b>101</b>	<b>113</b>	<b>129</b>	<b>155</b>	<b>202</b>	<b>230</b>

The above table shows a list of the lead offences committed by people whilst on a period of Electronic Monitoring Bail (as per question 1) and have been resentenced for the crimes. Figures exclude minor 'Against Justice' offences.