

> EMPLOYERS



**ELECTRONIC
MONITORING**

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Important information for employers



DEPARTMENT OF
CORRECTIONS
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ABOUT ELECTRONIC MONITORING

For more information, visit www.corrections.govt.nz and type "Electronic Monitoring" in the search box

The Court or the New Zealand Parole Board can impose electronic monitoring (EM) as part of an offender's sentence/order. Electronic monitoring can also be granted to suitable defendants as a condition of bail while awaiting a court hearing.

Being electronically monitored requires an offender/defendant to wear a tracker 24 hours per day, 7 days per week. A monitoring unit will be placed at their home address.

Probation Officer's Name:

Contact details:

If on EM Bail, contact the EM Bail Team on 0800 362 245.

HOW DOES ELECTRONIC MONITORING WORK?



An electronically monitored offender/defendant lives at an approved address at all times and, if on a full curfew, can only leave the residence if they have permission to leave for an approved purpose, such as to go to court, medical appointments or work.

The tracker is monitored by the Monitoring Centre where staff can confirm the whereabouts of the offender or defendant at any time.

WHAT KIND OF EMPLOYMENT DO I NEED TO PROVIDE?

Employment must be:

- on a regular basis with fixed hours (this may be a day or night-shift or a combination of both). For defendants, casual or on-call work may be suitable if the EM Bail Team gets sufficient notice. Offenders need to talk to their Probation Officer.
- overtime is not permitted, unless on a regular basis and approved in advance.

If working at a fixed location, the offender/defendant will not be permitted to leave the work site at any time during their hours of work (including meal breaks).

Employment is an important activity for offenders/defendants and Corrections will support this where possible.

WHO APPROVES THE OFFENDER/DEFENDANT TO UNDERTAKE EMPLOYMENT?



The proposed place of work will be assessed for suitability by a Probation Officer before the Court makes a decision.

An offender's Probation Officer will work with the offender and the employer to decide whether they are able to maintain their employment or to start a new job.

The Judge decides if a defendant on EM bail can continue working or start a new job and the EM Bail Team will monitor the defendant.

If the offender/defendant is directed not to take up a particular type of employment or work for a particular employer they will be given a full explanation why.

Reasons for directing the offender not to engage in certain types of employment may include, but are not limited to, the:

- nature of work and work place(s)
- type of work being inappropriate, given the offending history
- location of the work putting a victim or other person at risk
- location presenting a risk of reoffending
- direct interference with the offender's ability to fulfil the standard and special conditions of their sentence, particularly any programmes they may be required to attend.

If an offender/defendant leaves the workplace without prior approval, it is imperative that you let the offender's Probation Officer or, for a defendant, the EM Bail Team know as soon as possible.

Who will be provided with information about the offender/defendant's charges?

The employer or their identified representative will be told about the offender/defendant's charges. Charges are confidential and no other employees need to know.

Who is responsible for the offender/defendant at work?

Other than being responsible for providing the standard conditions for employment, the employer is not responsible for an electronically monitored employee. However, an employer will be asked to verify attendance and assist the Probation Officer or the EM Bail Team with any enquiry.

The employer is like an approved sponsor of the offender/defendant and someone who the Court expects will be a positive influence and will not intentionally allow or support non-compliance with the terms and conditions of the electronically monitored sentence, order or bail conditions.

Will the offender/defendant be visited while at work?

Yes. If monitoring equipment is installed at the worksite the employer must agree to any Corrections or monitoring company staff visiting the offender/defendant at all times.

Where possible these visits will be made when it will cause the least disruption to the offender/defendant's work.

Will the offender/defendant need to have absences from work?

Yes. The employer must accept that the offender/defendant may be required to attend court or any other appointment that may be required in relation to their sentence or order, or the conditions of their bail and their active charges.

What happens if the hours of work change?

Defendants need to make an application via their lawyer to the court requesting to change their bail conditions.

If the Judge grants the variation to the defendant's bail conditions the EM Bail Team will be notified of the changes to monitoring.

What happens if there is a change to the employment situation?

If an offender/defendant's terms of employment change, the Probation Officer or the EM Bail Team should be informed as soon as possible.

Changes that affect an offender/defendant's current work conditions are likely to require the approval of a Probation Officer or a variation of bail conditions approved by the Court.

What happens if an offender/defendant fails to report to work?

If an offender/defendant fails to report to work, the employer or the employer's identified representative should notify the Probation Officer on the number provided or the EM Bail Team immediately on **0800 EM BAIL** (362 245).

Offenders need to discuss this with their Probation Officer who will either approve or decline the change.

Where personal safety is at immediate risk
CALL 111
and ask for the Police

What happens in an emergency situation?

In an emergency:

- where serious harm has occurred or could occur to the offender/defendant or to another person if they do not vacate the workplace, the offender/defendant may leave the premises.
- Inform the Probation Officer or the EM Bail Team as soon as possible.

Can an employer withdraw their consent?

Employers may at any time withdraw their consent to a person on electronic monitoring working at their workplace. No specific reason for doing so is required.

HOW CAN I FIND OUT MORE ABOUT ELECTRONIC MONITORING

You can find more information about EM from:

- www.corrections.govt.nz
- Community Probation Service Centres

If you are employing someone on EM Bail you can contact the EM Bail team directly on 0800 EM BAIL (362 245). Information about EM bail can also be found on the Police website www.police.govt.nz

For offenders on a sentence or order, home detention, community detention or parole with residential restrictions all queries should be directed to the offender's Probation Officer in the first instance.

If you require **URGENT** assistance between 5pm and 8am or on the weekend, contact the Corrections Services team on **0800 555 677**.

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