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## SI0716

# Electronic Monitoring

This service instruction will provide guidance to Police officers and staff in relation to policing people who are released on bail with a curfew and an Electronic Monitoring (EM) requirement in accordance with the Criminal Justice (Northern Ireland) Order 2008.



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## 1. Electronic Monitoring - Explained

The Criminal Justice (Northern Ireland) Order 2008 creates provision for Electronic Monitoring (EM) in Northern Ireland.

An electronically monitored curfew means a person (often referred to as a Monitored Person or as a MP) can be 'Tagged' with a 'TAG' or Personal Identification Device 'PID' and confined to a specific address between specified times. A Home Monitoring Unit (HMU) is fitted in a specific address (usually the person's home address) that sends a signal to a monitoring centre operated by G4S. The monitoring centre can identify when a person fitted with a TAG is within range of the monitoring device and more importantly, when they are not.

A person can be fitted with an EM TAG for a number of reasons including court bail, a condition of a licence, probation order, youth conference plan or as part of a juvenile justice order.

## 2. Electronic Monitoring - Action required

PSNI will respond to reports of people who are in breach of bail conditions as part of an EM requirement.

### **Police Responsibilities**

Police Officers will deal with reports that a person subject to an EM requirement has breached court bail.

Police Officers will deal with a person brought into custody for any reason who is fitted with an EM TAG.

Police Officers will deal with TAGs or HMUs belonging to G4S encountered during searches or by coming into possession of the police as found or stolen property.

### **Searches**

When a HMU is fitted in a MP's curfew address, it must not be unplugged or moved as this sends a tamper alert to G4S. If during the course of a search police need to move a monitoring unit, G4S should be contacted.

HMUs and TAGs are fitted with a unique serial number. Should such an item be recovered during a search or handed to police G4S should be contacted and the serial number provided.

### 3. Roles and Responsibilities

#### The officer in charge of the case (which bail was originally granted) is responsible for

- Re submitting case to PPS
- Updating as necessary
- Informing the court if there are any other cases for which an EM order has been issued and if the subject is subject to remand

#### If person not arrested within 24 hours

- Taking action to revoke bail
- Seeking Arrest Warrant from the court
- Arranging circulation of details and maintenance of records

#### Police Officer attending court is responsible for

- Consulting with PPS and G4S for the provision of papers to prove breach
- Providing evidence to the court

#### Custody Sergeant is responsible for

- Processing arrest
- Arranging appearance at next available court;
- Link custody record to occurrence;
- Conducting a risk assessment to decide whether or not the TAG should remain fitted to the detained person:

If the TAG is removed, G4S must be notified in order to make arrangements to fit another TAG;

- Arrangements to fit a TAG are made by G4S with the person to be TAGGED; no person is to be detained in custody for this purpose.
- When a person who is fitted with an electronic TAG is arrested for any other reason than a breach of bail, G4S must be notified as outlined in the paragraph below entitled '**Persons**'.

G4S must be contacted when a TAGGED person is brought into custody and when the person is either charged to appear in court or released.

This will ensure that if the person is held in custody during a time when EM would indicate a breach of the EM requirement, G4S will not alert police. Failure to notify G4S means that police could be tasked to carry out an arrest of a person already in police custody.

Consulting with G4S may also assist in establishing the identity of the person fitted with the TAG.

**Duty Supervising Officer/s and CTC are responsible**

- Forwarded to either officer detailed to make arrest, or in the case of no arrest in 24 hours, to the original IO.

**Coordination and Tasking Centre (CTC)**

Allocating appropriate resources

Advising control room & Duty Supervising Officer/s of decision

**G4S is responsible for**

G4S will manage EM in Northern Ireland.

They will install, service and monitor all equipment for the purposes of EM.

- All equipment installed by G4S for the purposes of EM remains the property of G4S, no one has permission to remove or damage the property of G4S without lawful authority;
- G4S will receive the EM Notification from the court that a TAGGING Condition is in place. They will fit an Electronic TAG to the MP concerned and will install a HMU at the specified curfew address. G4S are responsible for obtaining the consent of the MP or Homeowner where the TAG is to be installed and for ensuring the premises can facilitate and are suitable in terms of boundaries for the purpose of EM;

- Once the equipment is installed, G4S are responsible for monitoring compliance with the curfew instructions. G4S staff based in Northern Ireland will respond to monitoring alerts where the equipment detects suspected tampering with a TAG or HMU. Where this amounts to a breach of bail, the police will be notified and G4S will complete a statement which will be forwarded to the Belfast Contact Management Centre (BCMC) or the relevant Contact Management Centre (CMC).
- Field Monitoring Officers (FMOs) from G4S will visit the monitored person's home within 6 curfew hours of receiving the tamper alert and will satisfy themselves that a breach has taken place. The only exception to this is when the breach is detected outside curfew hours or when a detected absence is disputed by the MP and G4S are required to carry out an equipment check ahead of releasing details on the breach.. Once satisfied that a breach has occurred G4S will notify CMC that:
  - (i) There is a violation due to a 'No Show' for Install or where the MP or Householder has given a Withdrawal of Consent at the bail address.

(ii) The MP has failed to return to or left their place of residence during curfew and is therefore in breach of their conditions

(iii) That tampering with or damage to the monitoring equipment has been detected and is substantiated by G4S as having been intentionally caused by or the explanation given rejected from the bail subject. Criminal Damage prosecutions will be submitted to police as a separate statement within 24 hours of a confirmed breach of bail – except at weekends, when it will be forwarded the next working day.

#### 4. The Duty of the Court

- A person charged before a court shall be granted bail, with or without conditions or sureties unless it can be shown that they may not turn up for their trial, may interfere with witnesses or may commit further offences when on bail;
- The Criminal Justice (Northern Ireland) Order 2008 gives a court the power to impose a curfew or an EM requirement as part of a condition of bail;

- A curfew requirement will not be less than 2 hours or more than 12 hours in any 24 hour period;
- A curfew requirement shall not be imposed without obtaining and considering information about the place proposed to be specified in the requirement (including information as to the attitude of persons likely to be affected by the enforced presence there of the person subject to the requirement);
- A curfew requirement shall, as far as practicable, be such to avoid any conflict with a person's religious beliefs or with any other condition or requirement to which that person may be subject and any interference with the times, if any, at which the person normally works (or carries out voluntary work) or attends school or other educational establishment;
- EM requirement will not be issued for less than 14 days, unless in the event of a Prison release
- Where it is proposed to impose an electronic monitoring requirement but there is a person (other than the subject to the proposed requirement) for instance without whose co-operation it will not be practicable to secure the monitoring, the

requirement shall not be imposed without that person's consent;

- A court shall not impose a curfew requirement or an EM requirement as a condition of bail on a child unless the court considers that, if it did not do so, it would be necessary to remand the child in custody to protect the public;
- A court may make an EM requirement a condition of bail to secure compliance with other conditions or requirements the court sees fit. This may or may not include a curfew.



## Appendix A Human Rights and Discretionary Power of Arrest

This Service Procedure has been drafted in accordance with the Human Rights Act, Section 75 of the Northern Ireland Act and complies with the PSNI Code of Ethics.

Prior to granting bail the court will consider the Human Rights Act 1998 and the implications of imposing a curfew and an EM requirement.

Section 32 of the Police (NI) Act 2000 states that police have a duty to protect life and property, preserve order, prevent the commission of offences and where an offence has been committed, to take measures to bring the offender to justice. This includes a duty to arrest a person in breach of court bail and bring them before a court. While the power of arrest is discretionary, police officers should carefully consider and document decisions not to arrest and detain a person in breach of bail. A court will expect that a person who breaches court bail be brought before it with the least delay.

## Appendix B Breach of Bail and Violations

**Breach of bail** means a person, granted bail by a court has broken a condition of that bail. By doing so the person is liable to arrest and may be brought before a court. The court has the power to amend the existing conditions or remand the person in custody.

**Violation** is a term used by G4S who carry out Electronic Monitoring (EM) of persons released on bail. Violations are defined below and they fall into two categories.

Firstly, an Electronic TAG is fitted and a HMU installed however the person Tagged has breached their curfew or has prevented G4S from being able to carry out EM.

Secondly, a court makes an EM requirement but the person subject to the requirement cannot be monitored electronically because the TAG or HMU cannot be installed. Should EM fail for whatever reason, it does not alter any curfew requirement set by a court. The following table provides further detail in respect of violations.

	Violation Type	What it means	What will G4S do	Police Action
<b>Electronic TAG fitted/monitoring unit installed</b>				
1	Strap Tamper/Cut	<p>The Monitoring centre has received an alert that the MP has damaged the strap, clips or the TAG itself.</p> <p>This is a breach of the EM requirement, because the device whilst in this mode cannot accurately account for the MP's whereabouts or compliance with the court order.</p>	<p>Conduct a field visit.</p> <p>If tampering is confirmed G4S will inform Belfast Contact Management Centre (BCMC). A Breach statement (referred to by G4S as Section 9) will be completed and sent to police.</p>	<p>Tagged person liable for arrest due to breach of bail conditions</p> <p>If no arrest in 24 hours original Investigating Officer (IO) informed in order to cancel bail and obtain arrest warrant.</p> <p>Complete and return the "Results Sheet" contained in the G4S Statement.</p>
2	Equipment (HMU) Tamper	<p>The monitoring unit in the designated premises has detected tampering or the HMU has been moved without authority,</p> <p>This is a breach of the EM requirement.</p>	<p>Conduct a field visit</p> <p>If tampering is confirmed G4S will inform CMC. A Breach Statement will be completed and sent to police</p>	<p>Tagged person liable for arrest due to breach of bail conditions</p> <p>If no arrest in 24 hours original IO informed in order to cancel bail and obtain arrest warrant,</p> <p>Complete and return the "Results Sheet" contained in the G4S Statement.</p>
3	Absence (either one episode or accumulative during that curfew period)	<p>The MP is in breach of their curfew and has been detected absent for &gt;15 minutes.</p>	<p>G4S will attempt to ascertain the MP's whereabouts, and note any accounts given by the MP or other persons. G4S will Inform CMC.</p> <p>Witness Statement issued to police.</p> <p>NOTE: The absence may have been longer than 15 minutes, but G4S are contractually bound to notify police at this threshold.</p>	<p>Tagged person liable for arrest due to breach of bail conditions</p> <p>If no arrest in 24 hours original IO informed in order to cancel bail and obtain arrest warrant.</p> <p>Complete and return the "Results Sheet" contained in the G4S Statement.</p>
4	AC loss with a Monitor Move	<p>The mains power supply has been lost to the HMU and the unit is detecting movement.</p> <p>This is a breach of the EM requirement</p>	<p>G4S will conduct a field visit. If tampering is confirmed, and the G4S security seal broken over the HMU, G4S will release a witness statement.</p> <p>Should the MP fail to present to G4S a breach will be notified to police.</p> <p>If damaged has occurred to the HMU, G4S will issue a further statement reporting Criminal Damage within 24 hours or if the breach is detected at the weekend, on the next working day.</p>	<p>Tagged person liable for arrest due to breach of bail conditions</p> <p>If no arrest in 24 hours original IO informed in order to cancel bail and obtain arrest warrant.</p> <p>Complete and return the "Results Sheet" contained in the G4S Statement.</p>

	Violation Type	What it means	What will G4S do	Police Action
	<b>TAG or HMU not fitted or installed</b>			
5	Not available for installation	The person will only be visited by G4S to fit equipment during curfew hours, unless previously agreed with the courts and specified on the court order issued to G4S. If the person is not present, they will be in breach of curfew.	G4S will send an email on the first occasion to notify police that the MP was not available to install the equipment. They will make a second attempt to install the following night during the MP's curfew hours. Should the MP fail to present again, G4S will release a breach statement detailing both attempts and the MP's failure to comply with the court order.	Tagged person liable for arrest due to breach of bail conditions.  If no arrest in 24 hours original IO informed in order to cancel bail and obtain arrest warrant,  Complete and return the "Results Sheet" contained in the G4S Statement.
6	Withdrawal of consent by Homeowner, Responsible adult or MP.	MPs and Homeowners living with the person to be Tagged must give consent for the equipment to be installed at their home/premises. Where consent is refused or withdrawn, this amounts to a breach of the EM requirement.	G4S will issue a witness statement to police.	Tagged person liable for arrest due to breach of bail conditions.  If no arrest in 24 hours original IO informed in order to cancel bail and obtain arrest warrant.  Complete and return the "Results Sheet" contained in the G4S Statement.
7	Property unsuitable for Electronic Monitoring.	The bail address provided where the HMU and TAG are to be installed insecure or otherwise unsuitable. There may also be occasions when G4S cannot install the equipment due to unrealistic or unspecified boundaries – especially in hostels. All restrictions must be detailed on the Court Order notified to G4S. If an MP refuses to adhere to restrictions suggested by G4S the property and EM condition become	Inform BCMC  Witness Statement issued to police	Tagged person liable to arrest due to breach of bail condition  If no arrest in 24 hours original IO informed in order to cancel bail and obtain arrest warrant.  Complete and return the "Results Sheet" contained in the G4S Statement .

		<p>unsuitable.</p> <p>This is a breach of the EM requirement.</p>		
<b>8</b>	Health and Safety - Inability to Monitor	<p>The TAG or HMU cannot be fitted or serviced due to the person or property posing a threat/risk to G4S staff.</p> <p>This is a breach of the EM requirement.</p>	G4S will issue a witness statement to police.	<p>Tagged person liable to arrest due to breach of bail condition</p> <p>If no arrest in 24 hours original IO informed in order to cancel bail and obtain arrest warrant,</p> <p>Complete and return the "Results Sheet" contained in the G4S Statement.</p>
<b>9</b>	In Custody until after monitoring expires	A person is in custody that has been fitted with a TAG. The person remains in custody close to or after their curfew period commences.	N/A	<p>Police must notify G4S when a Tagged person has been brought into custody.</p> <p>Police must inform G4S when the person has been released or when the person has been charged to appear in court.</p>

## Appendix C Contact Us

### **Service Instruction Author**

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### **Branch Email**

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