Provincial Advisory Council
on the Status of Women
NEWFOUNDLAND & LABRADOR

Electronic Monitoring (EM) for Intimate Partner Violence (IPV) Accused Released on Bail Submission

Background

In June 2024, it was announced that ankle bracelets for those released on bail would soon be introduced in the province; the then Minister of Justice and Public Safety, John Hogan, referenced the roll out of this new initiative "within the coming weeks or short number of months.""[1] At that time, it was reported the new measures would be contained within the Correctional Services Act – legislation was drafted in 2011 but never brought into force. It was updated during a sitting of the House of Assembly in early 2024, with the changes receiving royal assent at the end of May of that year.

Introducing EM at the pre-conviction stage may be helpful in improving victim safety in IPV cases and in deterring suspected offenders from committing crimes while on bail. Many provinces, including Alberta, PEI and Quebec, are taking a victim-centred approach within their justice system by using EM as a bail condition. Having this tool adds a measure of accountability and can potentially reduce the number of contact breaches, especially in cases of IPV. Many jurisdictions currently using EM report few violations of exclusion zones, which reduces anxiety and stress for victims.

While EM is not always a viable substitute for detention, for individuals whose risk assessment by the courts has determined bail eligibility, the use of EM is an additional measure for defending against risk.

Key Points

- EM is currently used in this province post-conviction, for those who have been released from custody on probation, a conditional sentence order (CSO), i.e. house arrest, or temporary absences from correctional facilities.
- EM is not currently used in this province for pre-trial release on bail; thus, is not being utilized to prevent or reduce breaches of pre-sentence release orders.
- As has been highlighted by advocates in the petitions put forth to the House of Assembly, breaches of release conditions are a frequent occurrence, and many of these charges relate to IPV. EM is currently used in some of these cases as a condition of their sentence.
- There is currently no EM or bail supervision program in this province dedicated specifically to IPV cases.

- Cases that go through the IPV court do not typically include EM as a condition of sentence or release order. IPV cases that go through the regular court system may be subject to EM as a condition of their sentence.
- Newfoundland and Labrador does not have a stand-alone EM program. This province's EM program is currently linked to adult probation services in the Department of Justice and Public Safety.
- EM is not currently implemented province wide.
- External, real-time monitoring is available 24/7; provided by a third-party vendor who supplies the equipment. Probation officers may monitor as part of their duties Mondays through Fridays during the workday; after 4:30 pm the devices are not monitored by in-house staff. The same staff are on call to respond to breaches, technological issues, after-hours, in the evenings, on weekends and holidays.
- Mobile zones of exclusion are set and can be adjusted by provincial Community Corrections (Probation) officers, based on the conditions of release/sentence set by a judge. These virtual zones of exclusion can be placed on the victim's home, schools, workplaces; areas that the individual under EM is prohibited from entering; in the case of IPV, with the victim's consent. Alerts are sent to probation officers when the person fitted with an EM equipment violates these conditions of release/sentence.
- Victims are given the following options to be notified: 1) if there are problems with the strap/strap tamper; 2) in the case of extended communication losses, such as cell service; 3) in the case of exclusion zone breaches. Victims may choose some, all, or none of these options.
- The province does not currently utilize two additional proactive measures of protection that some provinces have chosen to implement: a clip that the victim can choose to wear, which can track their movement as well; panic buttons, a standalone device that can be provided to a victim independent of an electronic supervision bracelet or a court order.
- After additional financial considerations of human resources staff, program infrastructure, and additional equipment, the cost of each EM device is approximately $10-15 a day plus a monitoring service fee.

Analysis

As a stand-alone tool, EM does not prevent crime and cannot be used to replace proper risk assessment. While jurisdictions that have implemented EM for those accused of IPV related offences have reported minimal or even no condition violations/breaches, this does not guarantee the accused, or offender(s) won't offend or reoffend if or when the monitoring condition is removed or they are released. It does not and cannot guarantee the safety and

protection of victims. Therefore, it is important to ensure the use of EM does not give victims a false sense of security. Given the targeted focus by advocates on individuals accused of dangerous, violent and repeat IPV offences released on bail conditions, its aim to reduce or prevent IPV is quite limited. The majority of IPV related offences are not reported to law enforcement, in addition to the fact that EM programs are not typically used in IPV intervention courts, a chosen route for some accused.

IPV is also highest in rural and remote areas of the province, where EM may not be an option or have limitations in its use. This can be due to EM solely relying on cell service, and some areas of this province not having staff to monitor or supervise. Additionally, the bracelets are not necessarily adapted to the realities of small communities, where it can be difficult to avoid close proximity, and set exclusion zones. There is also the possibility of delayed response times of law enforcement due to geographical constraints. Additional barriers to use include the need to monitor and recharge the battery regularly. It is the responsibility of the person wearing the bracelet to ensure it is charged appropriately and the equipment is in working order. This can pose a challenge for users, particularly those who are unhoused and precariously housed and those struggling with mental health and/or addictions issues.

Evidence of the effectiveness of EM in deterring suspected and convicted offenders is also limited and contradictory across jurisdictions. While PEI and Quebec have reported high deterrence rates, data released in Manitoba indicates very low levels of deterrence. Further research and data on the effectiveness of EM in deterring crime specifically in IPV related cases is needed.

Given the very labour-intensive nature of the program, it is not currently feasible to expand the EM program with current staff. Additional allocated resources; dedicated and on-call staff; and possible restructuring of probation and bail supervision programs would need to be considered.

Probation services currently *may* supervise individuals released on bail, in particular cases, such as when a suitable surety cannot be attained, but these cases are taken on as an additional duty and does not include EM at this time. A bail supervision program has not officially been established due to the absence of regulations for the *Correctional Services Act*. In accordance with the legislation, if an EM program is to be introduced for those on bail, regulations prescribing bail supervision programs for the purposes of paragraph 9(2)(e); would have to be put in place.

Conclusion

In considering whether to implement EM for those accused of IPV offences who are released on bail, it is important to consider the potential benefits of, as well as barriers to, its use. As a tool to reduce/prevent IPV, EM programs on their own are limited, as are any stand-alone initiatives. However, if implemented in conjunction with other tools proven to be effective at reducing/preventing IPV and enacted within the framework of a province-wide strategy or action plan to address IPV and other forms of gender-based violence (GBV) within the broader context

of violence prevention, EM can be an effective means of ensuring added measures of accountability on the accused/offender as well as victim safety and protection. Nonetheless, further action needs to be taken to address the root causes of such violence and crime, and to envision and promote a cultural shift that prioritizes proactive responses, such as public awareness and educational initiatives or campaigns.

[1] Ryan Cooke, "Ankle bracelets for those released on bail coming soon to N.L., says justice minister" (CBC News, June 24, 2025), https://www.cbc.ca/news/canada/newfoundland-labrador/ankle-bracelet-bail-conditions-ipv-domestic-violence-1.7244516