

Electronic Supervision – Information for Defence Counsel

Background information

Electronic supervision (ES) is most suitable for high-risk individuals who need intensive supervision due to a substantial concern they will commit a serious, violent, or sexually motivated offence. ES compliments other supervision tools employed by BC Corrections, such as risk and needs assessments, home visits, curfew checks, public notifications, and programming.

Request to Consider Electronic Supervision

Defence counsel will need to complete the “Request for ES Consideration Form” when requesting the court consider ES as a condition. This provides the court and the probation officer important information to determine the appropriateness of the request for ES as a condition. The information provided by defence counsel, relevant to the consideration of ES, will be confirmed by the probation officer within the Technical Suitability Report (TSR).

To be technically suitable for ES the accused must reside in a residence with adequate and continuous power supply and consistent cellular coverage. Additionally, the accused must have a reliable means of telephone communication.

Technical Suitability Report – *Required

A TSR is ordered by the court prior to imposing ES conditions of release. The TSR is completed by the probation officer and requires a minimum of 10 days to complete. Completion of a court ordered TSR is a critical step as it allows for the consideration of the following factors:

- Personal circumstances such as employment or education that may impact ES;
- Reliability of cellular coverage in the accused's geographic area;
- Residential or geographic factors that may impact ES;
- Previous compliance with ES; and
- Pre-existing protective conditions.

Electronic Supervision – Residence Considerations

The probation officer confirms that co-habitants of any proposed residence agree with the accused residing at the address while being supervised on ES, including the home visit requirement during the completion of the TSR. When ES is being considered for an accused alleged to have committed a sexually motivated offence, the probation officer confirms the residence is appropriate after reviewing the circumstances of the offence, which occurs during the completion of the TSR.

Consent of the Accused – *Required

The accused must consent to comply with the conditions requiring ES prior to release.

Installation/hook-up of Electronic Supervision Equipment

Installation/hookup to the anklet device, required for ES, is completed at the local Community Corrections Office by a trained probation officer. This ensures connectivity of the device is tested prior to the accused leaving the office.

Release from Court

ES cannot be installed prior to release from a correctional centre. When ES is being considered as a condition of release from court, it is strongly recommended that an in-person court appearance be scheduled in the morning to ensure there is enough time for the accused to travel directly from court to the nearest Community Corrections Office for installation of the ES anklet device.

In the event the accused is released after the business hours of the Community Corrections Office (8am-4pm), the accused may be required to consent to be released from the correctional centre the next business day with a plan for direct travel from the point of release to the nearest Community Corrections Office.

Electronic Supervision at a Residential Treatment Centre or Recovery House

ES for accused individuals attending/residing at a residential treatment centre or supportive recovery house may be considered. A representative from the proposed treatment centre or recovery house must be consulted to ensure there are no specific issues or concerns related to monitoring ES of an accused attending the treatment centre or recovery house.

Request to Consider Electronic Supervision

In the Provincial Court of British Columbia

REGISTRY FILE NUMBER

REGISTRY LOCATION

Accused: _____
First Name Last Name

Date of Birth: _____
(mmm/dd/yyyy)

Request submitted by: _____
Name

Residence considerations (a response must be selected or provided for ALL of the questions in this section)

1. Does the accused have a confirmed place of residence for the proposed term of supervision that includes electronic supervision?

☐ Yes ☐ No

2. Type of residence: ☐ House ☐ Townhouse ☐ Apartment/condo ☐ Community Shelter ☐ Other

3. Address of residence: _____
Street Apt.#

City/town

Province

Postal Code

4. Proof of address confirmed by: ☐ Mail addressed to accused ☐ Residential Tenancy Agreement
☐ Collateral Contact -Community Resource Staff ☐ Collateral Contact - other (specify) _____

5. Are there other residents in the home? ☐ Yes (names provided below) ☐ No

First Name

Last Name

First Name

Last Name

First Name

Last Name

☐ see attached for additional names

6. Are the residents who live at the proposed address in agreement with the client residing at the address while being supervised on electronic supervision? ☐ Yes ☐ No

7. Are the residents who live at the proposed address willing to comply with a home visit completed by the probation officer? ☐ Yes ☐ No

Employment/Education considerations (a response must be selected or provided for this section)

8. Is the accused employed, attending school, or regularly attending a community service provider? ☐ Yes (details provided below) ☐ No

Name of employer, school, or community service provider

Technical considerations (a response must be selected for this section)

9. Does the accused have access to a cell phone or land line to contact the Central Monitoring Unit when required? ☐ Yes ☐ No

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Necessities considerations *(if considerations are required, a response must be provided)*

10. Does the accused require designated time outside of the residence for necessities of life such as grocery shopping or attending scheduled medical appointments? ☐ Yes *(details provided below)* ☐ No

Proposed designated time outside of the residence, including frequency (e.g. daily 2pm - 3pm), and purpose(s):

Willingness to comply *(a response must be selected for this section)*

The application of electronic supervision as a court-imposed condition requires the accused to immediately report in person to a Community Corrections Office for installation of the anklet device and to review the Electronic Supervision Agreement with the supervising Probation Officer. Due to the physical environment of provincial custody centres, electronic supervision installation **cannot** be facilitated prior to release from custody.

11. Is the accused willing to comply with all court imposed conditions requiring electronic supervision, including reporting immediately upon release to the nearest Community Corrections Office for installation of the electronic supervision anklet and acknowledging the responsibility to cover the cost of any damaged or lost equipment used by the accused during the term of electronic supervision?

☐ Yes ☐ No

Dated: _____

Signature of person submitting request