

10 May 2011

Bail Review
Ministry of Justice
SX10088
WELLINGTON

By email to bailreview@justice.govt.nz

Bail in New Zealand: Reviewing aspects of the bail system Submission of the New Zealand Police Association

1. The New Zealand Police Association (the Association) is a voluntary service organisation representing nearly 8,700 constabulary police across all ranks. The Association also represents more than 2,500 Police employees, who carry out invaluable support roles across the full spectrum of policing. In formulating our response to this consultation document, the Association has drawn on the expertise of that membership base.
2. The preliminary views expressed in the consultation document would be greeted positively by members if they were to be brought forward as reforms. The changes might best be described as incremental improvements. However, this is appropriate as the current bail system has been relatively recently overhauled.
3. The 'preliminary views' represent useful refinements to the bail system which we believe would deliver benefits to public safety through ensuring appropriate decisions on bail are made in a greater proportion of cases. This in turn should deliver less victimisation, and also some efficiency gains for Police and Courts through a reduced need to intervene following breaches or offending while on bail.
4. The proposed changes to existing presumptions in favour of bail, and proposed extension of circumstances where a reversed burden of proof would be required, are able to demonstrate strong linkages to evidence about rates of offending while on bail. As such, these proposals speak for themselves as rational evidence-based responses to public safety risks.
5. From an Association point of view, the single biggest improvement proposed is the ability to arrest (without warrant) a defendant aged under 17 years for breach of bail. It is a reality that many if not most serious young offenders encountered by our members are 'schooled up' by peers and older offenders, and know in some detail the extent of police powers to deal with them. As such, they know they can breach bail conditions with relative impunity. This renders bail conditions virtually meaningless as a means of controlling behaviour and mitigating risk to the community. The ability to arrest such offenders once they have committed a bail breach would be extremely beneficial in imposing some consequence for breach, and thus accountability for complying with the restrictions imposed by the Court as a condition of their release on bail.
6. Thank you for the opportunity to comment on the proposals.

Greg O'Connor
PRESIDENT