

Electronic Monitoring Trial

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Glossary

5PP	Five-Point Action Plan
ATSILS	Aboriginal and Torres Strait Island Legal Services
CBP	Conditional Bail Program
CSAHSC	Child Safety After Hours Service Centre
DCYJMA	Department of Children, Youth Justice, and Multicultural Affairs
DJAG	Department of Justice and Attorney-General
EM	Electronic Monitoring
EMD	Electronic Monitoring device
IBI	Intensive Bail Initiative
IFP	Intensive Family Partnerships
LAQ	Legal Aid Queensland
PPRA	<i>Police Powers and Responsibilities Act 2000</i>
QCS	Queensland Corrective Services
QPS	Queensland Police Service
SAPoL	South Australian Police
SNP	Safe Night precincts
YCRT	Youth Co-Responder Teams
YJ	Youth Justice
YJAH	Youth Justice After Hours
YJCI	Youth Justice Commissioning and Investment
YJSC	Youth Justice Service Centre
YJTF	Youth Justice Taskforce
YJOLAA	<i>Youth Justice and Other Legislation Amendment Act 2021</i>
YLS/CMI	Youth Level of Service/Case Management Inventory

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Executive Summary

Electronic Monitoring involves a GPS monitoring device being fitted to an offender's ankle in order to manage offenders who have been convicted of or are suspected of having committed a crime in the community. The devices are typically used at one of three criminal justice system stages: pretrial release (or bail), probation, or parole and supervised release.

This paper reviews the implementation, and effectiveness of an Electronic Monitoring Trial in Queensland, which was undertaken between May 2021 and September 2022. The aim of the Electronic Monitoring Trial is to:

- provide the court with another special condition to support the management of a youth who is eligible to be released on bail
- determine the suitability of whether youths aged 16 or 17 years old have the sufficient maturity to proactively ensure the functioning of the device
- determine whether there is sufficient GPS coverage to support the functionality of the electronic monitoring for youths in Queensland
- determine the suitability of the current legislated criteria for a youth to be eligible for an electronic monitoring condition, and
- determine whether any firm conclusions can be drawn regarding the impact of electronic monitoring on youth offending, either while the youth is being monitored or once their period of electronic monitoring has ended.

Electronic monitoring became available on 17 May 2021 in 5 trial locations, when a new regulation in the *Youth Justice Regulation 2016* took effect. These provisions were designed to protect community safety and were only to be imposed on recidivist youth offenders aged 16 and 17 years charged with 'prescribed indictable offences', who would benefit from more intensive bail conditions. The trial was implemented across specific postcodes within the Townsville, north Brisbane, Moreton, Logan, and Gold Coast areas.

Additional services were put in place to monitor, supervise and support high-risk repeat offenders subject to electronic monitoring, and their families. The investment was intended to provide a greater level of supervision and support on weekends and out-of-hours and deliver more intensive support to the families of young offenders to help them manage their children's compliance. This review considers the interaction of supporting programs with young people subject to electronic monitoring. The review aims to:

- assess trial implementation, including supporting programs, and outline any constraints or limitations with implementation
- review the interaction of accompanying/supporting programs with young people subject to an electronic monitoring device
- review and compare efficacy of electronic monitoring for youths across national and international jurisdictions, and whether there is any research that electronic monitoring has been effective in achieving desired outcomes in those jurisdictions
- determine the appropriateness and sufficiency of policies and procedures developed to govern the management of the electronic monitoring
- describe any limitations with the use of electronic monitoring in the Queensland youth justice context and identify potential opportunities to improve the utility of the initiative, including the use of related or complementary technology

- identify any unintended consequences caused through the implementation of the electronic monitoring trial across the five sites
- assess and determine the appropriateness of the suitability assessment framework and decision-making process for suitability assessment reports, and
- assess value for money of electronic monitoring for the youth justice cohort.

It was estimated that 50 to 100 young people may be eligible for electronic monitoring, contingent on suitability and court decisions. However, in practice only a very small number of young people (eight) have been enrolled in the trial. Therefore, any statistical analysis to assess the veracity of the program and draw conclusions of impact on desired outcomes is impractical. Instead, the review draws on experiences of key stakeholders involved in the trial, case studies of individuals subject to electronic monitoring, and interactions with supporting programs to identify perceived positive and negative impacts of the trial, unintended consequences, limitations with implementation and utility, and opportunities for improvement.

Findings

This review intended to assess the implementation and effectiveness of the Electronic Monitoring Trial after 12 months of operation, by exploring key review aims mentioned above, with consideration to the overall intended objectives of the trial.

The review identified three potential options for future consideration of electronic monitoring in youth justice:

- continue the use of electronic monitoring with existing criteria
- discontinue the use of electronic monitoring, and
- expand electronic monitoring criteria.

- Assess trial implementation, including supporting programs, and outline any constraints or limitations with implementation
- Review the interaction of accompanying/supporting programs with young people subject to an electronic monitoring device

Services established to support electronic monitoring are beneficial to a broader group of serious repeat offences, with some implementation limitations

The research is clear that electronic monitoring should be accompanied by intensive support and supervision to facilitate young people's compliance and to avoid further criminalisation. This research also shows that accompanying interventions provide the best opportunity for behavioural change. With consideration to research evidence, several services were established or expanded in conjunction with electronic monitoring to support young people and their families. While the review found high levels of engagement and positive interactions with youth co-responder teams for young people subject to an electronic monitoring device, there was no interaction with the Intensive Bail Initiative, Conditional Bail Program after-hours, and Youth Justice After Hours. However, the review has shown that these services are benefiting a broader cohort of young people, with high levels of engagement, and a particular focus on serious repeat offenders.

Young people referred to the Intensive Bail initiative are allocated to a category that prioritise the type and immediacy of the response, with offenders subject to electronic monitoring as part of their bail condition prioritised (priority 1). However, due to the low number subject to electronic monitoring, the majority of responses shifted to the priority 2 group, namely serious repeat offenders aged 10 to 17 years. An internal review of that program found that between 15 October 2021 and 30 June 2022, 45 per cent of referrals to the Intensive Family Partnership service of the Intensive Bail Initiative were for serious repeat offenders. A further 35 per cent of referrals were considered at risk of their offending escalating. Similarly, where funds were being underutilised for the expanded Conditional Bail Program, Youth Justice Service Centres were able to use the funding for a broader group of high-risk offenders. Unused resources have now been directed towards supporting serious repeat offenders following their exit from detention to support the work of the Youth Justice Taskforce. These findings demonstrate that while the investment in services to support the electronic monitoring trial have not been exclusively utilised as intended due to the low take-up, there is still significant benefit being achieved for alternate target cohorts within youth justice.

The majority of stakeholders surveyed (71 per cent) agreed that their organisation had clear processes that outlined roles and responsibilities to support the trial implementation. However, this was identified as a limitation in the initial stages of implementation, with some stakeholders suggesting that the very short timeframe in which to develop operational procedures, translate policies into practice, and ensure cross-agency alignment, contributed to the early uncertainty around roles and responsibilities. Case management of a young person subject to electronic monitoring has reportedly improved over time as staff further refine their internal practice and procedures.

- Review and compare efficacy of electronic monitoring for youths across national and international jurisdictions, and whether there is any research that electronic monitoring has been effective in achieving desired outcomes in those jurisdictions

Anecdotal experience is consistent with national and international literature

Despite the low take-up of electronic monitoring during the trial, there is anecdotal evidence that trial benefits and limitations are comparable to national and international literature. For example, electronic monitoring places additional strain upon already strained familial relationships. In the review, parents of young people involved in the trial expressed that it was difficult to find ways to keep their child entertained and busy during their curfew at home. Conversely, some studies have shown that electronic monitoring orders have had a positive impact on family relationships, as curfews require young people to remain at home more and thereby spend more time with their parents, families, guardians, or caregivers. This impact was reinforced by parents involved in the review, observing that their child was more engaged and helpful at home, and reconnected with family while engaged in the trial.

The net widening effect of electronic monitoring has been given some consideration in the literature. Electronic monitoring subjects people to greater criminal justice control for a longer period of time, and also exposes offenders to additional charges for breaching the terms of their electronic monitoring orders, which may result in a sentence of imprisonment. Similarly, this was a concern expressed by several stakeholders within the review, highlighting the potential for a greater penalty on young people with bail than what they would have

otherwise. For example, they may have received bail without electronic monitoring, but any breaches of the electronic monitoring condition (location alerts, cutting strap) will impact on future court decisions, and limit chances of bail being granted. However, stakeholders also reported two instances where a young person was granted bail with an electronic monitoring device, who were not likely to have received bail if it were not for the electronic monitoring condition. While this example is contrary to the legislative intention, it demonstrates the positive potential of expanding the use of electronic monitoring as an alternative to remand for young people. However, due to the small number of young people within the trial, it is not possible to accurately test this potential impact at this stage.

One of the biggest criticisms associated with the use of electronic monitoring identified in the literature is that the devices are obvious when they are being worn, easily identifying the wearer as an offender to the general public, essentially providing a loss of anonymity. The review provides mixed observations in relation to the impact of stigmatisation and loss of anonymity. Young people involved in the electronic monitoring trial that were interviewed for this review, and the observations from stakeholders involved in the operation of the trial, have described experiences of feeling embarrassed and ashamed when wearing the device. Conversely, there are also instances and examples provided where young people consider the device to be a badge of honour and have requested the device to show it off to friends.

Technological failures and resourcing issues were raised in the literature as issues that impact the effective functionality of electronic monitoring sanctions. Several examples were provided by stakeholders interviewed or surveyed that are consistent with these findings within the literature, including strap alerts associated with poor fitment, technical alerts due to drift, and instances where a device required replacing on several occasions.

- Determine the appropriateness and sufficiency of policies and procedures developed to govern the management of the electronic monitoring

Stakeholders agree that their organisation was well prepared for the trial and have appropriate policies and procedures in place

Consistent stakeholder feedback across agencies involved in the implementation and operation of electronic monitoring showed that the majority of respondents (74 per cent) felt that their organisation had developed appropriate policies and procedures to govern the management of the electronic monitoring trial. This is further reflected with 62 per cent of respondents agreeing that their organisation was well prepared to commence the trial. Agencies commenced work soon after the announcement that the Government was introducing new legislation to tackle serious, repeat youth offending. The establishment of a cross-agency working group to develop shared and agency-specific procedures likely contributed to the response that stakeholders felt well prepared to commence trial.

- Describe any limitations with the use of electronic monitoring in the Queensland youth justice context and identify potential opportunities to improve the utility of the initiative, including the use of related or complementary technology
- Identify any unintended consequences caused through the implementation of the electronic monitoring trial across the five sites

Uptake of electronic monitoring was lower than anticipated

It was not possible to draw firm conclusions regarding the reasons for the low uptake of electronic monitoring because there was insufficient evidence, instead the following potential explanation emerged through stakeholder consultation.

The *Youth Justice and Other Legislation Amendment Act 2021*, which included the show cause provisions, and electronic monitoring, is intended to improve community safety by targeting this cohort of young people who engage in persistent and serious offending. Given that the eligible offences for show provisions are the same for electronic monitoring, it is plausible if not likely that courts are preferencing this provision and remanding young people in custody to ensure the safety of the community. While there is not sufficient evidence to support this theory, the introduction of these amendments in tandem may have contributed to the low uptake of electronic monitoring as a condition of bail during the trial.

Positive and negative unintended consequences

Feedback from stakeholders involved in implementing the electronic monitoring trial highlighted that despite the very short time frame in which to implement the program, agencies came together in a positive and productive way. The fact that all stakeholders involved in the implementation of electronic monitoring were mindful of the challenges presented by the complex nature of youth justice children and their families, and yet were committed to the need to work through these challenges, was identified as a strength and key enabler of the implementation process.

There were reported observations of lingering resistance to the electronic monitoring trial. Receptiveness and buy-in to electronic monitoring are likely to be a gradual process and will take longer for individuals who have deeply embedded belief systems. Balancing community expectations with the rights of a young person is complex, and the introduction of new practices to address this complexity is likely to be met with some experiences of apprehension and bias, whether consciously or unconsciously. These experiences are consistent with models of change management theory within the literature, where resistance to change is a common response that can be elevated by various factors such as adjustments to everyday work habit and routines, and rushed changes with limited provision for mental preparation.

- Assess and determine the appropriateness of the suitability assessment framework and decision-making process for suitability assessment reports

Two thirds of young people assessed are considered suitable for electronic monitoring

Youth justice completed 31 suitability assessments (25 distinct young people due to multiple assessments for five young people), with 21 young people considered suitable. A review of the suitability assessments shows that the majority of suitability assessments were undertaken in the Townsville trial site. Of those, 56 per cent were court ordered and 44 per cent were defence initiated. The 25 distinct young people subject to a suitability assessment varied in terms of demographics. Sixty per cent of those assessed were Aboriginal and/or Torres Strait Islander.

In the majority of cases where a young person was considered suitable, courts did not proceed with making electronic monitoring a condition of bail. Reason cited include a lack of consent from young person or parent, lack of parental support for compliance, and lack of confidence that the young person would comply with curfew conditions or desist from further offending.

- Assess value for money of electronic monitoring for the youth justice cohort

Lower ongoing costs compared to initial investment

Due to the low number of participants within the youth justice electronic monitoring trial, it is not feasible to assess value for money. Similarly, there is limited national and international research relating to electronic monitoring for young people to draw on for a comprehensive value for money assessment. However, the review has identified a potential benefit of enabling additional value to be obtained from the infrastructure investment of \$7.45 million capital for the purpose-built monitoring facility at Wacol. As the substantial set-up costs have already been allocated to deliver the equipment and monitoring capability for up to 100 youth offenders, the ongoing expenditure for the anticipated low numbers of young people requiring monitoring and fitting of devices will be much less than the initial investment.

Trial Aims

The low number of young people being ordered an electronic monitoring condition during the trial, and the lack of available evidence from other jurisdictions, does not allow a comprehensive assessment of the efficacy of electronic monitoring as a bail condition. There is, therefore, insufficient evidence and data from this review or other comparable jurisdictions to make definitive, evidence-based conclusions about the efficacy of electronic monitoring as a bail condition within the Queensland youth justice context.

In terms of the aims of the Electronic Monitoring Trial, the review surmises that it effectively **provided the courts with another special condition** to support the management of youth eligible to be released on bail within prescribed postcodes. Further, the determination of suitability **has not demonstrated any bias** toward specific demographics or populations, with those deemed to be unsuitable by the court, supported by defensible decision-making.

Electronic monitoring allows individuals to **remain in the community**, meaning that family and employment responsibilities are **less disrupted** than if they were detained in detention. Imprisonment can have the effect of damaging attachments to employment and positive social networks in the community, while remaining in the community allows these connections to be continued and developed, addressing the complex social, familial, psychological and emotional circumstances that youth justice young people have.

Research evidence and experience of the trial demonstrates that electronic monitoring alone is not a single solution for bail management. It requires **supplementation with additional supports** not only for the youth but also the parent/guardian and family. This notion was well represented in the electronic monitoring trial through the establishment and expansion of several supporting programs. While young people subject to a device did not engage with all

services, benefits were realised through alternate youth justice cohorts, particularly serious repeat offenders. The trial review shows extensive engagement with, and positive interactions with youth co-responder teams, and the conditional bail program.

Overall, while the review indicates some benefits associated with electronic monitoring, **effectiveness in deterring offending behaviour cannot be confirmed**, nor can any changes to offending be attributed to engagement with the trial. There is a need for rigorous evaluative research about electronic monitoring orders across various offender populations to determine the implications of electronic monitoring on young people. Evaluative research, with a statistical sample size, should further examine the eligibility and criteria parameters (i.e., bail condition, home detention) that are most impactful on program aims to reduce youth offending.

Key statistics

- 31 suitability assessments were undertaken (15 requested by courts and 16 by the young person's legal representative), with **21 assessed as suitable**
- 10 young people assessed as suitable were Aboriginal and/or Torres Strait Islander
- **Magistrates** who decided not to proceed with this condition after a suitability assessment, gave a number of reasons including refusal or revocation of bail, lack of consent of young people or parent, lack of parental support for compliance, and **lack of confidence that the young people would comply with curfew conditions or desist from further offending**
- At the review date, the average duration of an electronic monitoring device condition was **35 days**, including two young people under ongoing supervision and monitoring
- **Five young people were assessed as a moderate risk** of reoffending using the Youth Level of Service/Case Management Inventory screening tool, with two at high risk and one at very high risk
- There was a **very high level of compliance due to Youth Co-Responder Teams bail-related interactions** in most locations, with all locations experiencing between 94 per cent and 96 per cent compliance when in contact with Youth Co-Responder Teams
- The number of **young people participating in additional hours of Conditional Bail Program supervision varied from three to 10 young people per month** between September 2021 and end of June 2022
- While the number of **serious offences decreased by 5.9 per cent** in Queensland, all five trial sites combined experienced a **12 per cent reduction in overall proven offences**, compared to the 10 months prior
- **Five of the eight** young people subject to an electronic monitoring **did not offend whilst wearing the device**
- **Three have not been charged with offending** since removal of the electronic monitoring device
- 74 per cent of stakeholder's surveyed felt that their organisation had **sufficient policies and procedures** in place to govern the management of the Electronic Monitoring Trial
- 96 per cent of stakeholder's surveyed agreed that the **after-hours support is important for young people** subject to an electronic monitoring device and their families
- More than half of the stakeholder's surveyed (58 per cent) agreed that coordinated **cross-agency responses have assisted young people and their families to comply with electronic monitoring conditions**.

1. Introduction

On 9 February 2021 in response to several matters involving young people committing very serious offences while on bail in late 2020 and early 2021, the Government introduced further initiatives targeting this cohort. Initiatives included a trial of Electronic Monitoring (EM) devices, the use of scanning devices to detect knives in the Surfers Paradise and Broadbeach Safe Night precincts (SNPs), further amendments to the *Youth Justice Act 1992* and *Police Powers and Responsibilities Act 2000* and establishing the Youth Justice Cabinet Committee. The Government also approved legislation to strengthen owner deeming provisions related to hooning offences and endorsed a Parliamentary inquiry into the use of remote engine immobilisers.

These reforms were supported by a new investment of \$98.4 million in the 2021-22 State Budget, including \$38.3 million to target serious repeat offenders and implement new measures to improve community safety, and \$60.1 million in existing programs showing positive results to sustain the gains already achieved in reducing youth offending.

Amendments to the *Youth Justice Act 1992* to strengthen accountability for serious repeat youth offenders commenced 30 April 2021. The small proportion of youth offenders committing a large proportion of all offences in the State have an unacceptable impact on community safety. The *Youth Justice and Other Legislation Amendment Act 2021* (the Amendment Act) is intended to improve community safety by targeting this group of youth who engage in persistent and serious offending.

The Amendment Act amended the *Youth Justice Act 1992* to:

- provide that in certain circumstances, a young person charged with a prescribed indictable offence while on bail for an indictable offence may be required to show cause why they should get bail
- allow police and courts making a bail decision to consider an indication of willingness from a parent, guardian, or another person to provide support to a young person to comply with bail conditions, and/or to advise police or youth justice staff of any relevant changes in circumstances or of a breach of bail conditions, and
- allow courts in prescribed locations to use electronic monitoring as a condition of bail for young people aged 16 and over, in certain circumstances.

The Amendment Act also further clarified existing youth justice legislation by:

- codifying the longstanding common law principle that committing an offence while on bail is an aggravating factor in sentencing
- amending the youth justice principles to specifically highlight that the community should be protected from recidivist high risk offenders, and
- making it clear that lack of accommodation and apparent family support cannot be the sole reason to keep a child in custody.

Electronic monitoring

The amendments included a time-limited (two years) amendment to allow courts to impose electronic monitoring as a condition of bail for young people aged 16 years and over in certain circumstances.

Electronic monitoring has been available since 17 May 2021 when a new regulation in the *Youth Justice Regulation 2016* took effect prescribing the specific postcodes (Townsville, north Brisbane, Moreton, Logan, and Gold Coast) where the trial would operate, which was

based on breach of bail data from the Queensland Police Service (QPS). These provisions are designed to protect community safety and are only imposed on recidivist youth offenders aged 16 and 17 years charged with 'prescribed indictable offences', who would benefit from more intensive bail conditions.

Additional monitoring and supervision services have been put in place to support high-risk repeat offenders subject to electronic monitoring. The new funding delivered more resources to frontline workers for intensive monitoring and of high risk repeat offenders and engagement with their families, the expansion of the joint Police and Youth Justice Co-responder teams to two new locations – Gold Coast and north Brisbane, bringing the total number of locations for these teams to eight. The new funding intends to ensure a greater level of supervision and support on weekends and out-of-hours. After-hours support will also be available to families of these young offenders to help them manage their children's compliance.

In alignment to international literature, the department recognises that programs that address a young person's risks/needs/responsivity factors are most likely to bring about sustainable behaviour changes in young people. Therefore, the department provides an intensive bail response which combines electronic monitoring with case management support and engagement in therapeutic services for the young person.

Show cause

For certain prescribed indictable offences allegedly committed whilst on release on bail, a court or police officer must not release the young person from custody unless the young person shows cause (provides good reasons) why their detention is not justified.

Prescribed indictable offences are:

- one punishable by life imprisonment, or
- an offence which attracts 14 years imprisonment or more (with one exception), or
- certain other Criminal Code offences including dangerous driving and/or unauthorised use of a motor vehicle where the child is the driver.

This limited presumption against bail is intended to ensure that the community will be further protected from the risk posed by this small cohort of serious recidivist offenders.

Willingness to support

The amendments enable police and courts to consider whether a parent or another person has indicated a willingness to do one or more of the following:

- support a young person to comply with conditions of bail
- notify youth justice staff or police of a change in the young person's circumstances which may affect their ability to comply with bail
- notify youth justice staff or police of a breach of a bail condition.

This person may be anyone deemed suitable by the court, depending on the nature of the support the court considers is needed – which may be broad whole-of-life support, or support in relation to a specific issue such as remembering a court date. The person may be:

- grandparent
- older sibling
- other family member
- neighbour
- employer

- child safety officer
- staff member or volunteer from a support service.

No-one will be obliged to provide any particular kind of support. There is no penalty for not doing something a person has indicated a willingness to do. However, parents and other persons should only indicate a willingness to do something if they are willing and able to do it. For example, a parent or other person, including a representative of a non-government organisation, may prefer not to indicate a willingness to report breaches of bail conditions to police.

1.1. What is electronic monitoring and how does it work in youth justice

EM is the use of technology to monitor people remotely and is currently used by criminal justice systems in many countries (Bartels & Martinovic, 2017; Bülow, 2014; Fitzalan Howard, 2020). EM technologies provide a way for criminal justice systems to address two interlinked issues: being the risk of offenders reoffending after being released into the community, and a lack of public confidence around offenders complying with the terms of their orders after being released (Laurie & Maglione, 2020). EM technologies have been developed since the 1960's and have been routinely used as a method to reduce the number of offenders serving periods of imprisonment since the 1980's (Carney, 2012). EM was first developed as a way to significantly reduce the number of prisoners serving a custodial term, by keeping offenders in the community, while being able to continue to monitor their movements and ensure they were complying with certain conditions (Bartels & Martinovic, 2017; Di Tella & Schargrodsky, 2013; Martinovic, 2017; Nellis, 2004).

Australia has adopted EM into its correctional landscape, as existing community corrections programs have not improved sentencing outcomes for offenders. Further, there has been unprecedented increases in the prison population without a corresponding increase in crime (Bartels & Martinovic, 2017). EM usually consists of an electronic monitor being fitted to an offender's ankle, which allows their location to be monitored using either radio frequency or GPS technology (Fitzalan Howard, 2020; Kilgour, 2020). This technology allows criminal justice systems to effectively manage offenders who have been convicted of, or are suspected of having committed a crime in the community (Fitzalan Howard, 2020). EM orders are typically used at one of three criminal justice system stages: pretrial release (or bail), probation, or parole and supervised release (Carney, 2012).

In recent years the use of EM technologies has grown increasingly popular within correctional environments. The United States for example, reports that 230 EM units were active in 1999, by 2009 this figure had risen to over 100,000 active EM units (Carney, 2012). EM works by actively monitoring the location of an offender, with each offender having condition locations which they can attend and when they can attend them, or curfews stipulating when they need to be at home. Some EM programs just aim to ensure offenders are complying with the conditions of their release, while other programs regularly monitor the location of offenders and take swift action where there is evidence of non-compliance.

1.1.1. Who is eligible to be fitted with an electronic monitoring device and how is eligibility and suitability determined?

In this Queensland trial, eligibility for an electronic monitoring bail condition is determined by the following criteria:

- ✓ are at least 16 years of age
- ✓ live in a geographical area prescribed by regulation (a trial site)

- ✓ have been charged with a prescribed indictable offence
- ✓ have previously been found guilty of at least one indictable offence
- ✓ appear in a court prescribed by regulation (a trial site), and
- ✓ have been deemed suitable based on a suitability assessment undertaken by youth justice.

If a court is considering an EMD for an eligible young person under section 52AA(1)(f) of the Youth Justice Act, they must request a suitability assessment to be undertaken by a youth justice court officer. The court will then determine suitability based on these factors.

The suitability assessment is based on:

- ✓ the young person's capacity to understand the requirements of being subject to electronic monitoring
- ✓ whether the young person has stable accommodation
- ✓ if the young person has the support of a parent or other person to assist with compliance
- ✓ whether the young person has access to a mobile phone and electricity supply
- ✓ whether a parent or other person has indicated a willingness to support the young person to comply with the conditions
- ✓ whether a parent or other person will notify youth justice or QPS of a change in the young person's personal circumstances that affect their ability to comply with the condition, and
- ✓ whether a parent or other person will notify youth justice and QPS of a breach of the conditions imposed on a grant of bail.

1.1.2. Implementation

Preparatory work for an EM program began immediately following the Government's announcement in February 2021. A legislative amendment and regulation were passed to allow the program to commence. A working group with participation of QCS, QPS and DCYJMA officers was established to develop shared and agency-specific procedures and was guided by jointly agreed tasks.

Stakeholder meetings were held in locations where EMDs were to be trialled, which included information about what the devices looked like and how they worked. All questions and issues raised at these meetings were addressed. A device was shown to stakeholders, with demonstrations about how alerts work, issues with charging, practicalities with activities such as swimming, allergies, and potential damage to the equipment. QCS undertook training across the state at nominated watchhouses within the trial locations to ensure QPS staff were adequately trained in fitting, removal, and device handling.

In practice, work of this complexity would ordinarily take several months or longer, so the implementation timeframe for this initiative was relatively short. Despite this, the program was established and ready to commence ahead of commencement of the regulation on 17 May 2021. The first young person to receive an EM condition was on 16 September 2021, four months after commencement of the legislation.

The multi-agency working group developed detailed guidelines and information sharing protocols for the operation of the trial. Work flowcharts for QPS and YCRT were generated outlining roles and responsibilities along with suggested actions.

1.1.3. Program funding

A total of \$3,819,209 million in funding and 12 Full Time Equivalent positions (FTE) were allocated to QCS to deliver the EM capability and equipment, with a further \$7,450,000 in equity for 2020-21 to establish suitable infrastructure from which to operate EM for youth.

The capital costs consisted of \$3 million for new accommodation, and \$4.45 million for site works as follows:

- New building (portables) \$3 million
- Demolish and clean site for new buildings \$0.5 million
- Carpark (lighting, curbing, drainage etc) \$1.5 million
- Secure fencing around carpark \$0.75 million
- Generator (existing did not support additions) \$0.10 million
- Uninterrupted power supply \$0.10 million
- Security system and CCTV \$1.0 million
- Data connection, servers etc \$0.5 million

1.1.4. Operations

The roles for the agencies involved in the operation of the trial are described below.

Youth Justice staff within DCYJMA assess the young person's suitability for an EMD and must do so within one day. The assessment form used by DCYJMA staff requires young people to state the EMD requirements in their own words. Youth justice court officers provide detailed information to courts about the suitability assessment and support services to assist with bail compliance and with the Courts bail determinations.

When an EMD condition is ordered, if the young person does not have a support person available DCYJMA youth justice staff assist the young person to attend the watchhouse to have their EMD fitted by a QPS officer. DCYJMA youth workers may also supervise the young person through an individualised Conditional Bail Program (CBP), where CBP is a bail condition.

QPS staff are responsible for fitting, removal and storage of the EMDs for the purpose of the trial. This responsibility is currently a function of QPS Watchhouse staff. QPS respond to alerts escalated from QCS. First response officers respond to all high priority 'strap' alerts with the YCRT available to support those officers. QPS officers retain powers to determine if a young person is non-compliant with their bail conditions.

YCRT staff resolve issues and support young people to assist compliance with their EMD bail condition. These teams respond to alerts such as low battery or curfew difficulties when not resolved through telephone contact with QCS staff. If arrest or custodial action is required, the YCRT will contact QPS first response officers to attend and take any action deemed necessary.

QCS staff are responsible for monitoring alerts from EMDs fitted to young people, including contacting the young person by telephone to make attempts to resolve all alerts. QCS, QPS and DCYJMA share information regarding alerts and notifications from the monitoring device through a documented Alert Protocol.

1.1.5. What supporting programs are available for young people subject to an EMD and their families?

The research evidence is clear that electronic monitoring should be accompanied by appropriate support and supervision (Fitzalan Howard, 2020; Pearson, 2012). For those

young people who are assessed as suitable, youth justice advocates at court that EM should be coupled with holistic support delivered by youth justice to aid compliance. For this reason, additional supervisory capacity was introduced to support the EM trial.

Intensive Bail Initiative

The Intensive Bail Initiative (IBI) was established as part of a suite of initiatives to support the trial of the use of electronic monitoring for 16 and 17-year-old youth offenders in Townsville, north Brisbane, Moreton, Logan and the Gold Coast.

The IBI is made up of three highly integrated services:

1. *Bail Support*: aims to prevent recidivism and promote pro-social conduct by providing support intervention and after-hours services including cultural and welfare support in watchhouses.
2. *Intensive Family Partnership (IFP)*: provides intensive case work to support young people and their families to identify practical supports that will keep young people out of custody and actively involves family members to aid a young person's compliance with bail including CBP and EM conditions.
3. *Community Co-Responder*: coordinates and follows up referrals to other community and welfare services as a diversionary and short-term response for young people with complex needs and at a high risk of offending. If required, it may be used by Youth Co-responder Teams to coordinate after-hours access to crisis support, intervention and diversion activities.

Young people referred to the program are allocated to the following categories that prioritise the type and immediacy of the response:

- Priority 1: serious repeat offenders aged 16 to 17 years and subject to electronic monitoring as part of their bail conditions, and their families.
- Priority 2: serious repeat offenders with histories of proven multiple and serious offending who are generally aged 10 to 17 years, and their families. The young person may also be subject to remand, bail conditions; a Conditional Bail Program and/or a youth justice order.
- Priority 3 (Community Co-Responder only): young people who are involved in the youth justice system or at risk of involvement in the youth justice system, who are generally aged 10 to 17 years and require short term interventions or referral coordination to other community or specialist services. The local Queensland Police Service - Youth Justice Co-Responder Team is the principal source of referral.

A total of \$8,493,834 over three years to 2022-23 has been allocated for the IBI initiative.

Youth Co-Responder Team expansion

There are currently eight YCRTs operating in Queensland. Five were established in May 2020 as part of the Queensland Government's Youth Justice Five-Point Action Plan in Cairns, Townsville, Rockhampton, Moreton and Logan. Mackay YCRT commenced in March 2021¹. Additional YCRTs were established at north Brisbane and Gold Coast to support the

¹ The Five-Point Action Plan consists of five initiatives aiming to address serious, repeat offending and forming the foundation for the 2021 reforms. It includes Intensive Bail Supervision (Action 1 - QPS), Police Blitz on Bail (Action 2 – QPS), YCRT (Action 3 - QPS/DCYJMA), On Country Programs (Action 4 – DCYJMA) and Community Based Crime Action Committees (Action 5 – QPS).

serious repeat youth offender reforms and ensure that co-responder teams were available in all five EM locations in May 2021.

The purpose of the YCRT is two-fold: respond to young people at risk of engaging in offending behaviour and work proactively with young people and families to tackle issues that may be contributing to bail non-compliance (e.g., through EMD device and bail checks). Activity related to bail makes up a small proportion of all YCRT activity. Bail checks are also undertaken by operational police under the intensive bail supervision initiative (Action 1 5PP).

Total funding approved in 2021-22 for the YCRT was \$5,262,919 million over two years and two months consisting of \$5,132,919 to DCYJMA for 6.5 FTE positions and \$130,000 to QPS for vehicles.

Conditional Bail Program expansion

The Conditional Bail Program (CBP) has been delivered by DCYJMA for over 20 years. Young people who are ordered by the court to participate in a structured Conditional Bail Program are ordered to undertake a specified number of hours of youth worker supervision. The number of hours depends upon the young person's assessed risks and needs. These are determined by DCYJMA staff when a court requests a CBP when considering a bail application.

This extension to the program provided additional funding for an outside of business hours capability to provide additional supervision to serious, repeat offenders. Previously young people under this program were able to access up to 32 hours per week, and in exceptional circumstances up to 50 additional hours within a working week. The additional CBP funding allows up to 24.5 hours of additional supervision. This is equivalent to youth worker supervision being available up until 7.30 pm weekdays and six hours per day on weekends.

A total of \$7,969,417 over two years and two months was allocated to DCYJMA to deliver the extended CBP, with 25 FTE across the five EM sites.

Youth Justice after hours team

The Youth Justice After Hours (YJAH) service consists of three dedicated youth justice FTEs that are attached to the existing Child Safety After Hours Service Centre (CSAHSC) operated by DCYJMA. The funding for these positions was allocated to support the trial of EM and other reforms.

Additional roles were established to provide youth justice related decision making and expert assistance through a central point of contact located in the CSAHSC. The implementation of the additional resources was intended to ensure DCYJMA is responsive to the EMD trial, by receiving notifications from QCS and communicating these to YCRTs, supporting YCRTs after hours and providing or identifying referral options for support to young people that may reduce watchhouse bail refusals.

\$945,069 was allocated for one year and two months for three FTEs and other expenses related to operating the YJAH service. The FTE have been extended and are now funded internally by DCYJMA.

A detailed overview of implementation and operation of supporting programs delivered by youth justice in conjunction with electronic monitoring can be found at **Appendix 1**.

2. Literature and jurisdictional review

2.1. Literature review summary

Evidence from national and international research identifies three main benefits of EM, which motivate the use of EMDs in the criminal justice system. They are:

- enhanced community safety
- reduction in recidivism
- reduced incarceration rates (and an associated reduction in costs).

The literature also identifies a number of limitations of EM including:

- the net-widening effect and privacy impacts where low-risk offenders (including youth offenders and women) are monitored
- the strong private sector involvement in service delivery that could create a commercial incentive to expand its use
- stigmatisation
- the need for defendants/offenders to maintain equipment (e.g., keeping the EM device battery charged)
- the potential for ‘false’ alerts and deficiencies in the monitoring systems, and
- a lack of awareness of the public and decision-makers regarding the limitations of EM (Nancarrow & Modini, 2018; Hucklesby, 2016; Bartels & Martinovic, 2017).

The rationale for EM programs is that they provide authorities with the ability to effectively monitor offenders in the community. EM also gives offenders the opportunity to break offending habits, and cut ties with peer groups that encourage criminal behaviours (Belur et al., 2020). There are a number of positive aspects to EM, which, in addition to keeping an offender out of prison include, using curfews to reduce the influence of criminogenic settings or peers, and requiring offenders to maintain stable employment (Belur et al., 2020). EM can also act as a deterrent to prevent offenders from re-offending while they are subject to an EM order (Weisburd, 2015). While EM is more expensive than other forms of community supervision, it is cheaper than sentencing offenders to a term of imprisonment (Belur et al., 2020; Weisburd, 2015).

The literature describes EM as being the preferred alternative to a period of imprisonment, as it allows offenders to remain in the community, and maintain their familial relationships and employment, while continuing to be accountable to criminal justice systems for their offending. Courts are also increasingly acknowledging that detention is not an effective deterrent for young people and could be more harmful, by having a criminogenic effect (Weisburd, 2015). However, the research also highlights the potential negative impacts of EM such as net widening, burden on family relationships, and stigmatisation.

What is consistent in the research evidence is that EM should be accompanied by intensive support and supervision to facilitate young people’s compliance and avoid further criminalisation. The research also shows that accompanying interventions provide the best opportunity for behavioural change (Fitzalan Howard, 2020).

Overall, according to the literature, while there are some benefits associated with EM, its effectiveness in deterring offending behaviour at a statistical level is yet to be determined. There is a need for rigorous evaluative research on the implementation and operation of EM orders across various offender populations in order to determine the impact of EM. Further,

there has been limited research conducted regarding the experiences and outcomes of young people subject EM.

2.2. Jurisdictional review summary

Three other jurisdictions in Australia have legislative provisions that allow the use of EM for young people on bail – Western Australia, South Australia, and the Northern Territory. It is also used in New Zealand for young people subject to bail.

South Australia

The Electronic Monitoring Program for juveniles has been operating in South Australia (SA) since 1995. It was implemented as a way of diverting young people from incarceration in juvenile detention facilities, which should be a last resort for children and young people. Home Detention enables more young people to remain within their families and communities whilst being supported by existing networks, and to continue their participation in education, training or employment. Young people can be subject to Home Detention for a period of up to 12 months.

Initially, the program was only available for sentenced orders with Home Detention. Since 2017, the program also caters for bail conditions including 24-hour curfew monitoring, curfew between specified hours – generally 9pm to 6 am, and gradual release from terms of imprisonment as a way to reintegrate youth offenders into the community. EM bail with curfew now accounts for the majority of young people in the program.

Western Australia

EM is only available for sentence cases and underpinned by the *Young Offenders Act 1994*. A monitoring device may be used under a supervised release order (SRO). An SRO is used to release a young person from detention earlier than their sentence, subject to conditions. The supervised release runs until the end of the original sentence and may include that the young person must remain at a specified place, for specified periods however this period may not exceed a continuous six months. One of the available conditions of the SRO is that the young person is required to wear an electronic monitoring device. The young person must consent to adhere to a number of conditions of the release order before it may be enacted. An electronic monitoring device has not been ordered for a young person in Western Australia since 2003.

Northern Territory

Electronic Monitoring commenced in the Northern territory in 2014, as a condition of home detention as a sentencing option. On 11 May 2021, the *Youth Justice Amendment Act 2021* was passed by the Northern Territory Government, which made changes to many aspects of the Northern Territory (NT) youth justice system. These include changes to bail presumptions, changes to the diversion program, and the introduction of electronic monitoring by police. The legislation removes the presumption of bail for first time offenders and automatically revokes bail if conditions are breached. All fourteen Australian and New Zealand Children's Commissioners and Guardians (ANZCCG) opposed the new legislation introduced by the Northern Territory Government

The new provisions provide that bail must not be granted to a youth who while already on

bail is charged with a prescribed offence or breaches a curfew requirement of an electronic monitoring condition. From July to September 2022, there were 132 strap tampers for 29 distinct young people, which is considered a serious breach of bail. These changes resulted in a dramatic increase in the number of young people in detention.

In practice, monitoring devices and management are procured through an inter-agency contract with Buddi. Any breaches are reported to Territory Families, Housing and Communities (Qld youth justice equivalent), who subsequently alert NT Police. The NT Police are considered the responsible agency as the young person is subject to bail orders. At any one time, there are between 30 and 50 young people fitted with an EMD, which is available for 10- to 17-year-olds case managed by Territory Families, Housing and Communities.

New Zealand

Electronic Monitoring on Bail (EM Bail) became available as an option in the Youth Court in New Zealand in 2006. EM Bail is an option for youths aged 12 to 17 years (as well as adults), who would otherwise continue to be held in custody, in prison, or in the instance of a young person in a youth residence, while they wait for a court hearing. EM bail requires a person to remain at an approved address at all times and be monitored by Corrections for up to 24 hours a day, seven days a week. Other conditions attached to their bail may allow a bailee permission to leave for approved purposes, such as to attend court, medical appointments or in some cases employment /education.

The latest evaluation reported by the New Zealand Department of Communities indicate that electronic monitoring sanctions are continuing to produce effective results. After serving a sentence on EM versus imprisonment, offenders are shown to be less likely to re-engage in further offending. This is seen by the 19 per cent re-conviction rate for those on home detention (within 12 months of sentence start date) versus 42 per cent for those imprisoned (within 12 months of date of release).

Refer to **Appendix 2** for detailed literature and jurisdictional review.

3. Review scope and methods

3.1. Scope of the review

The review involves an assessment of the implementation and efficacy of the electronic monitoring trial after 12 months of operation. Given the very small number of enrolled participants however, a tailored approach is required to deliver research rigour in the face of data scarcity.

The review will consider the interaction of programs that supported the EM trial, including:

1. Co-responder expansion
2. Conditional bail program expansion
3. Intensive bail support through the Intensive Bail Initiative
4. Youth justice after hour team service

The review aims to:

- determine the appropriateness and sufficiency of policies and procedures developed to govern the management of the EM
- assess and determine the appropriateness of the suitability assessment framework and decision-making process for suitability assessment reports
- assess trial implementation, including supporting programs, and outline any constraints or limitations with implementation
- review and compare efficacy of electronic monitoring for youths across national and international jurisdictions, and whether there is any research that electronic monitoring has been effective in achieving desired outcomes in those jurisdictions
- identify any unintended consequences caused through the implementation of the electronic monitoring trial across the five sites
- review the interaction of accompanying/supporting programs with young people subject to EM device.
- describe any limitations with the use of electronic monitoring in the Queensland youth justice context and identify potential opportunities to improve the utility of the initiative, including the use of related or complementary technology.
- assess value for money of electronic monitoring for the youth justice cohort.

3.2. Methods

The review applies a mixed-methods approach to address the key review aims using a combination of quantitative and qualitative data. Where appropriate, the different methods are triangulated to strengthen the findings and provide additional context for interpretation of the results.

Data collection included: semi-structured interviews and focus groups with regional and central office staff from key agencies, and other stakeholders involved in the implementation and operation of EM; case study analysis; jurisdictional consultation; interviews with young people subject to EMD and parent/carer; stakeholder survey; administrative data from QPS and QCS; documentary analysis including court transcripts; and the extraction of administrative data from Youth Justice Performance Reporting and Analytics within the DCYJMA.

A total of 15 interviews were undertaken, as well as four focus groups, with representation across: DCYJMA (n=18) and QPS (n=7) staff involved in the development, implementation and operation of EM, young people who received EM (n=3), parent or caregiver of young person receiving EM (n=3), interstate jurisdictions with operational EM (n=3). Additionally, a stakeholder survey developed via Microsoft Teams was disseminated to key stakeholders across: QPS, QCS, DCYJMA, Legal Aid Qld, and Aboriginal and Torres Strait Islander Legal Services Qld (responses n=54).

3.3. Exclusions and limitations

There are a number of caveats that should be noted in relation to the review findings.

Firstly, this review only captured the voices of three young people who received EM and this is not sufficient to truly understand young people's perceptions of, and experiences with, the program. This is due to the small number of young people engaged in the EM program - some aged out, some not able to be located, and others not interested in participating in the review. The small number of young people engaged in the program overall means that it is not feasible to statistically test outcomes.

Secondly, the quality of the administrative program data spreadsheets managed by program areas was found to have some data entry errors and inconsistent meanings around definitions and criteria. A data improvement strategy is being developed by DCYJMA to promote greater consistency in data entry practices, ensure clarity around data definitions and identify future system improvements needed to enhance the quality of program data.

Thirdly, procurement processes to secure independent professional service providers to undertake a comprehensive evaluation was unsuccessful. Very few suppliers offered quotations due to limited capacity and reduced resourcing as a result of increased demand and impacts of covid. Instead, DCYJMA, in partnership with QPS, have conducted a scaled back review of the program within existing internal resources. A degree of independence to the process has been provided through oversight and peer review of the product by Mr Bob Atkinson.

Refer to **Appendix 3** for detailed review scope and methodology.

4. Findings

4.1. Young people subject to electronic monitoring condition

Key Findings

- 31 suitability assessments were undertaken by youth justice, 21 were assessed as suitable
- Townsville undertook the majority of all suitability assessments (52%)
- The average time with EMD condition was 35 days*
- 62% were assessed as moderate risk of reoffending through the YLS/CMI
- Young people subject to an EMD were equally Aboriginal and/or Torres Strait Islander ($n=4$), and non-Aboriginal and/or Torres Strait Islander ($n=4$)
- 75% of young people subject to EMD were awaiting a court appearance for motor vehicle related offences
- Only 1 young person has current or historical child protection order

*as at 30 September 2022, with two current

As indicated at Table 4, at 30 September 2022, youth justice completed 31 suitability assessments, of which 21 were deemed suitable.

- On average, the time required to complete suitability assessment was 2 hrs and 20 minutes and ranged from 15 minutes to 8 hours.
- Fifteen suitability assessments were court ordered, 9 from Townsville Court, 3 from Brisbane, 2 from Beenleigh Court, and one from Redcliffe.
- The time taken to release a young person with EMD after bail granted was on average 5 hours and 30 minutes and ranged from 3.25 hours to 9 hours.

Table 4: Court and defence ordered suitability assessments, number deemed suitable and number of EMDs ordered 17 May 2021 to 30 September 2022

Court location	Court ordered EM suitability assessment	Number deemed suitable	Number EMD ordered	Defence initiated EM suitability assessment	Number deemed suitable	Number EMD ordered
Townsville	9 ^a	4	2	7 ^a	3	1
Redcliffe	1	1	1	0	0	0
Caboolture	0	0	0	1	1	0
Pine Rivers	0	0	0	2*	2	0
Brisbane	3	3	1	4	3	1
Southport	0	0	0	1	1	0
Beenleigh	2	2	2	1	1	0
Total	15	10	6	16	11	2

^aTwo of these assessments were for the same young person

Source: Youth Justice Court and Regional Operations Practice Support, DCYJMA

4.2. Engagement in programs supporting the electronic monitoring trial

Key findings

- All young people subject to EM engaged with YCRT for bail compliance checks and EMD alerts only
- None of the young people participating in EM trial interacted with Intensive Bail Initiative (IFP, Community Co-Responder, Bail support)
- Four young people interacted with YJAH prior to their EMD being fitted. One interacted after it was removed, none during EM condition
- All but one young person subject to EMD had CBP included as bail condition.

There was a very high level of compliance due to YCRT bail-related interactions in most locations, with all locations experiencing between 92 per cent and 99 per cent compliance when in contact with YCRT staff (see Table 7).

The average compliance across all locations was 95 per cent. Electronic monitoring trial sites show between 94 to 96 per cent compliance. Townsville recorded the highest number of interactions across all sites, and a compliance rate of 96 per cent.

Table 7: Compliance of young people with YCRT, 1 July 2021 to 30 June 2022

Location	N/A	Not Home	Asleep	Other	Non Compliant	% Non Compliant	Compliant	% Compliant	Total
Cairns	14		3	2	284	7%	3575	92%	3878
Gold Coast	3	1	6	5	52	4%	1364	95%	1431
Logan	2	1	3	8	100	5%	1718	94%	1832
Mackay			2		8	1%	731	99%	741
Moreton	4		2	3	63	3%	1907	96%	1979
North Brisbane	2		3	4	220	6%	3631	94%	3860
Rockhampton	14			3	30	2%	1531	97%	1578
Townsville	5		6	10	191	4%	4878	96%	5090
Total	44	2	25	35	948		19335		20389

Source: QPS YCRT bail interactions data

Note. Total counts are for compliance only, and it not representative of total interactions

The number of young people participating in additional hours of CBP supervision varied from three to 10 young people per month between September 2021 (first EMD condition commenced) and the end of June 2022. The average number of hours for the 10-month period is 3.2 hours per young person, varying across months and ranging from 1.6 hours up to 5.9 hours per young person, as shown in Table 8.

Table 8: Young people and subject to extended hours CBP September 2021 to 30 June 2022

Report Period	Number of young people receiving after hours CBP supervision	Number of hours of supervision provided after hours	Average hours of supervision per young person
Jun 2022	6	18	3.0
May 2022	7	17.5	2.5
Apr 2022	8	27.5	3.4
Mar 2022	10	32.5	3.3
Feb 2022	5	9	1.8
Jan 2022	5	18	3.6
Dec 2021	9	14.5	1.6
Nov 2021	4	23.5	5.9
Oct 2021	3	15	5.0
Sep 2021	7	31.5	4.5
TOTAL	64	207	3.2

Source: Youth justice initiative status report – DCYJMA

Notes:

¹ Extended hours of CBP supervision figures are impacted by compliance. Hours scheduled on weeknights and weekends for young people who subsequently fail to engage in programs are not counted.

² The count of young people is not a count of distinct young people who started CBP each month; it is the number on CBP within the stated month. It was therefore not possible to provide a total of distinct young people across all 12 months.

4.3. Offending

Key findings

- Overall, the trial sites experienced a 12 per cent reduction in proven offences by young people when comparing 10 months after the introduction of Electronic Monitoring to the 10 months prior. This is a larger reduction than that achieved state-wide for the same time periods (7 per cent).*
- A reduction in total proven offences is evident across all trial sites with the exception of Gold Coast (where no EM conditions have been ordered), and Townsville which shows a slight increase of 1.4%.
- Moreton (Caboolture and Redcliffe) has shown the highest reduction of proven offences for all trial sites (23.3%), followed closely by north Brisbane (19%).
- More than half (n=5) of the young people subject to an EMD did not offend whilst wearing the device
- 50% (n=3) of the young people that have completed EM condition have not offended post EM, for up to 10 months.

*Due to the very small number of young people enrolled in the EM trial, conclusions cannot be drawn regarding the impact on offending.

Table 9: Number of proven offences finalised, by Youth Justice Service Centre and seriousness, 1 July 2020 - 31 March 2022

	Count of proven offences finalised	
	1 Jul 2020 - 16 May 2021	17 May 2021 - 31 Mar 2022
Seriousness		
Serious offence (NOI =<42)	3,407	3,207
Other offence (NOI >42)	30,557	28,352
Service Centre		
Brisbane North YJSC	1847	1496
Brisbane South YJSC	1937	1363
Bundaberg YJS	478	270
Caboolture YJSC (Moreton)	1922	1289
Cairns YJSC	2253	2882
Central West YJSC	363	392
Charleville YJS	129	39
Cherbourg YJSC	420	613
Gladstone YJS	266	371
Gold Coast YJSC	2284	2413
Hervey Bay YJSC	621	836
Ipswich YJSC	2479	1926
Logan YJSC	3977	3142
Mackay YJSC	667	234
Mt Isa YJSC	1472	1466
Redcliffe YJSC (Moreton)	997	949
Redlands YJSC	717	646
Remote YJSC	1176	736
Rockhampton YJSC	668	1045
Roma YJS	235	268
Sunshine Coast YJSC	1188	1325
Tablelands & Cassowary Coast YJSC	914	1299
Toowoomba YJSC	2050	2223
Townsville North YJSC	1522	1511
Townsville South YJSC	1205	1253
Western Districts YJSC	1900	1434
Unknown	277	138
State total	33,964	31,559

Source: Performance Reporting and Analytics; DCYJMA

Notes:

1. Figures represent a count of proven offences finalised in the time periods. Time periods chosen to be evenly split between before and after the introduction of Electronic Monitoring, taking into account the most recent available corporate data.
2. An offence was deemed serious if the National Offence Index score was 42 or lower².
3. Data based on Youth Justice dataset 'Charges Finalised', accurate as at 30 April 2022.

² Refer <https://www.abs.gov.au/statistics/classifications/national-offence-index/latest-release>

4.4. Stakeholder survey

Key findings

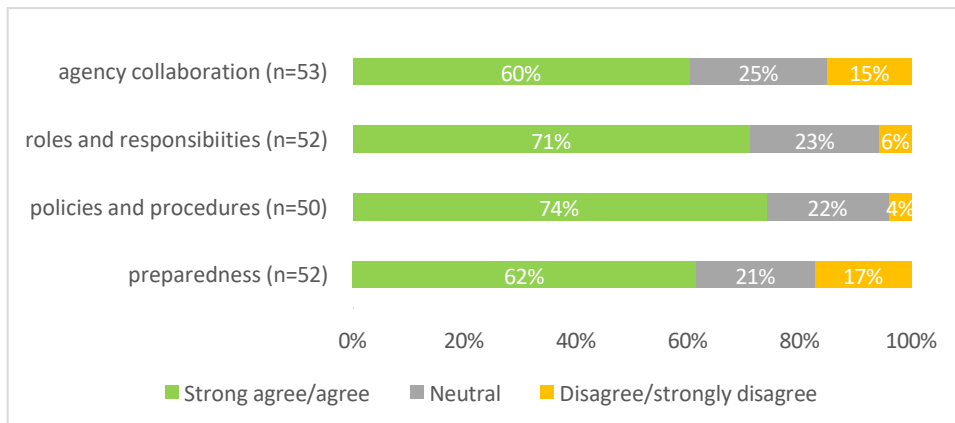
- 54 responses to cross-agency survey, including DCYJMA, QCS, QPS, and ATSILS
- 74% agree that their organisation had sufficient policies and procedures in place to govern the management of the EM trial
- 58% agree that coordinated cross-agency responses have assisted young people and their families to comply with EM conditions
- Almost all survey respondents (96%) agreed that the after-hours support is important for young people subject to an EMD and their families

A stakeholder survey with 54 respondents across DCYJMA, QCS, QPS and ATSILS provided insight into implementation, operation and outcomes of the EM trial.

Implementation/process

Respondents were asked to provide a response across a 5-point Likert scale, on the extent they agree or disagree with statements regarding implementation of the trial, in relation to four themes: efficiency of cross-agency collaboration, understanding of roles and responsibilities, sufficient policies and procedures to implement trial, and how prepared they felt their agency was for implementation.

Figure 7: Survey responses by category, implementation/process

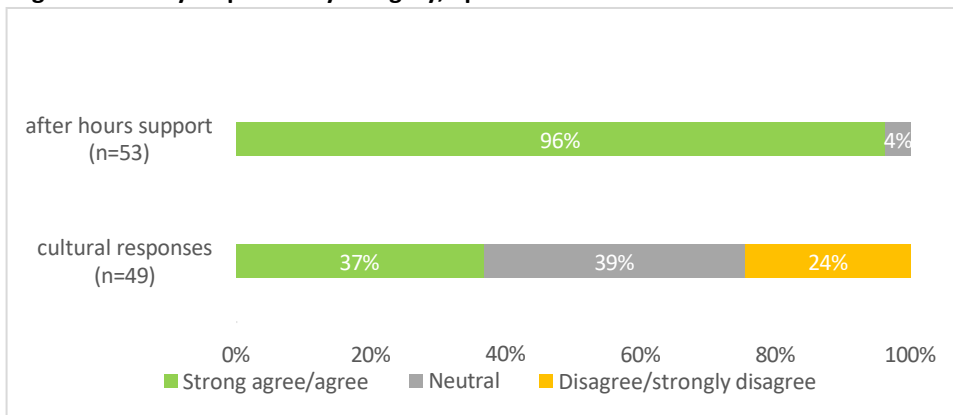


Source: Stakeholder survey, DCYJMA

Operation

Respondents were asked to provide a response across a 5-point Likert scale, on the extent they agree or disagree with statements regarding the operation of the trial, in relation to suitability of their organisations responses for Aboriginal and/or Torres Strait Islander youth subject to an EMD, and the importance of providing after-hours support for young people subject to an EMD, and their families.

Figure 8: Survey responses by category, operation

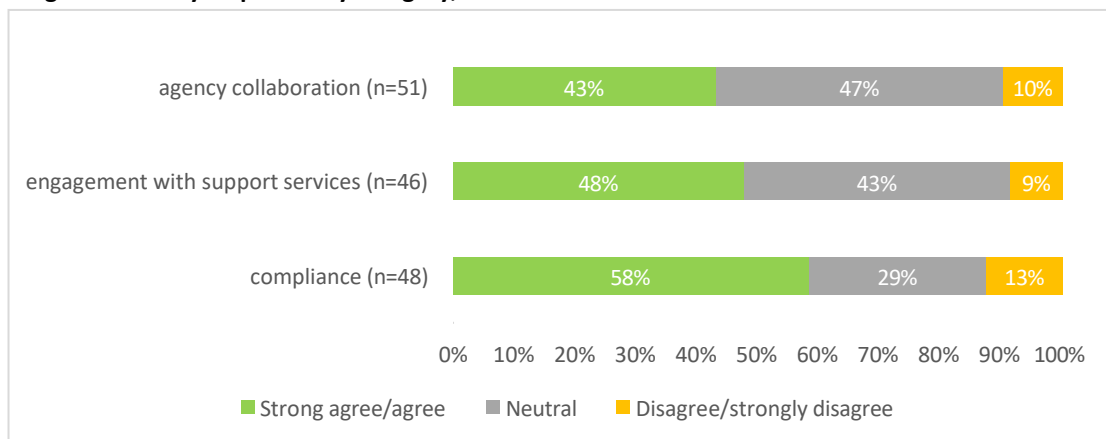


Source: Stakeholder survey, DCYJMA

Outcomes

Respondents were asked to provide a response across a 5-point Likert scale, on the extent they agree or disagree with statements regarding the observed outcomes of the trial across three key themes: impact of the trial on improving agency collaboration, how well young people engaged with support services while subject to EMD, and the effectiveness of cross-agency collaboration to assist young people to comply with their EM bail conditions.

Figure 9: Survey responses by category, outcomes



Source: Stakeholder survey, DCYJMA

4.5. Qualitative Findings

Qualitative data collection focused on five key areas of enquiry:

1. Observed unintended consequences through implementation of EM trial
2. Observed negative impacts for young people and their parent/carer or family
3. Limitations with the use of EM in the Queensland youth justice context
4. Observed positive impacts for young people and their parent/carer or family
5. Opportunities to improve the utility of the EM program.

Table 11 summaries the sub themes resulting from thematic analysis of focus groups (n=4) with key stakeholders, stakeholder survey results (n=54), and individual interviews (n=12).

Table 11. Qualitative thematic analysis summary

Survey/Focus groups/Interviews	
Sub themes	
Unintended consequences	<ul style="list-style-type: none"> • Resourcing pressures: staffing impacts, excessive paperwork • Roles and responsibilities: unclear, confusion • Net widening • Collaboration: improved services, strong agency collaboration
Negative impacts	<ul style="list-style-type: none"> • Greater penalty for young people • Stigmatised: observed impact on young people mental health, shame, embarrassment, trauma, stress, physical discomfort • Family disruption: onerous on family, family conflict, not supportive
Limitations	<ul style="list-style-type: none"> • Narrow eligibility criteria: limited locations, did not include regional areas, breach consequences not sufficient, restrictive legislation, voluntary • Safety risk to young people • Glorification: Young people consider EMD badge of honour
Positive impacts	<ul style="list-style-type: none"> • Structure: additional supports, curfew provides structure, improved compliance and attitudes, curbed offending • Parenting: family felt heard, improved parenting • Diversion: Young people diverted from custody, easy to location/monitor
Opportunities to improve utility	<ul style="list-style-type: none"> • Expand criteria: to RIC, change locations • Practice: less bail checks, use EM data as case management tool, eligibility assessment prior to court, improve device fitting process (too lengthy)

RIC: Remand in Custody

5. Discussion

It was estimated that 50 to 100 young people may be eligible for electronic monitoring, contingent on suitability and court decisions. However, in practice only a very small number of young people (eight) have been enrolled in the trial. Therefore, any statistical analysis to assess the veracity of the program and draw conclusions of impact on desired outcomes is impractical. Instead, the review draws on experiences of key stakeholders involved in the trial, case studies of individuals subject to electronic monitoring, and interactions with supporting programs to identify perceived positive and negative impacts of the trial, unintended consequences, limitations with implementation and utility, and opportunities for improvement.

Consistency with national and international literature

Despite the low take-up of electronic monitoring during the trial, there is anecdotal evidence that trial benefits and limitations are comparable to national and international literature. For example, electronic monitoring places additional strain upon already strained familial relationships. In the review, parents of young people involved in the trial expressed that it was difficult to find ways to keep their child entertained and busy during their curfew at home. Conversely, some studies have shown that electronic monitoring orders have had a

positive impact on family relationships, as curfews require young people to remain at home more and thereby spend more time with their parents, families, guardians, or caregivers. This impact was reinforced by parents involved in the review, observing that their child was more engaged and helpful at home, and reconnected with family while engaged in the trial.

The net widening effect of electronic monitoring has been given some consideration in the literature. Electronic monitoring subjects people to greater criminal justice control for a longer period of time, and also exposes offenders to additional charges for breaching the terms of their electronic monitoring orders, which may result in a sentence of imprisonment. Similarly, this was a concern expressed by several stakeholders within the review, highlighting the potential for a greater penalty on young people with bail than what they would have otherwise. For example, they may have received bail without electronic monitoring, but any breaches of the electronic monitoring condition (location alerts, cutting strap) will impact on future court decisions, and limit chances of bail being granted. However, stakeholders also reported two instances where a young person was granted bail with an electronic monitoring device, who were not likely to have received bail if it weren't for the electronic monitoring condition. While this example is contrary to the legislative intention, it demonstrates the positive potential of expanding the use of electronic monitoring as an alternative to remand for young people. However, due to the small number of young people within the trial, it is not possible to accurately test this potential impact at this stage.

One of the biggest criticisms associated with the use of electronic monitoring identified in the literature is that the devices are obvious when they are being worn, easily identifying the wearer as an offender to the general public, essentially providing a loss of anonymity. The review provides mixed observations in relation to the impact of stigmatisation and loss of anonymity. Young people involved in the electronic monitoring trial that were interviewed for this review, and the observations from stakeholders involved in the operation of the trial, have described experiences of feeling embarrassed and ashamed when wearing the device. Conversely, there are also instances and examples provided where young people consider the device to be a badge of honour and have requested the device to show it off to friends.

Technological failures and resourcing issues were raised in the literature as issues that impact the effective functionality of electronic monitoring sanctions. Several examples were provided by stakeholders interviewed or surveyed that are consistent with these findings within the literature, including strap alerts associated with poor fitment, technical alerts due to drift, and instances where a device required replacing on several occasions.

Uptake of electronic monitoring was lower than anticipated

It was not possible to draw firm conclusions regarding the reasons for the low uptake of electronic monitoring because there was insufficient evidence, instead the following potential explanations have emerged through stakeholder consultation.

The *Youth Justice and Other Legislation Amendment Act 2021*, which included the show cause provisions, and electronic monitoring, is intended to improve community safety by targeting this cohort of young people who engage in persistent and serious offending. Given that the eligible offences for show provisions are the same for electronic monitoring, it is plausible if not likely that courts are preferencing this provision and remanding young people in custody to ensure the safety of the community. While there is not sufficient evidence to

support this theory, the introduction of these amendments in tandem, may have contributed to the low uptake of electronic monitoring as a condition of bail during the trial.

Services supporting the electronic monitoring trial

The research is clear that electronic monitoring should be accompanied by intensive support and supervision to facilitate young people's compliance and to avoid further criminalisation. This research also shows that accompanying interventions provide the best opportunity for behavioural change. With consideration to research evidence, several services were established or expanded in conjunction with electronic monitoring to support young people and their families. While the review found high levels of engagement and positive interactions with youth co-responder teams for young people subject to an electronic monitoring device, there was no interaction with the Intensive Bail Initiative, Conditional Bail Program after-hours, and Youth Justice After Hours. However, the review has shown that these services are benefiting a broader cohort of young people, with high levels of engagement, and a particular focus on serious repeat offenders.

Young people referred to the Intensive Bail initiative are allocated to a category that prioritise the type and immediacy of the response, with offenders subject to electronic monitoring as part of their bail condition prioritised (priority 1). However, due to the low number subject to electronic monitoring, the majority of responses shifted to the priority 2 group, namely serious repeat offenders aged 10 to 17 years. Where funds were being underutilised for the expanded Conditional Bail Program, Youth Justice Service Centres were able to use the funding for a broader group of high-risk offenders. Unused resources have now been directed towards supporting serious repeat offenders following their exit from detention to support the work of the Youth Justice Task Force. These findings demonstrate that while the investment in services to support the electronic monitoring trial have not been exclusively utilised as intended due to the low take-up, there is still significant benefit being achieved for alternate target cohorts within youth justice.


The majority of stakeholders surveyed (71 per cent) agreed that their organisation had clear processes that outlined roles and responsibilities to support the trial implementation. However, this was identified as a limitation in the initial stages of implementation, with some stakeholders suggesting that the very short timeframe in which to develop operational procedures, translate policies into practice, and ensure cross-agency alignment, contributed to the early uncertainty around roles and responsibilities. Case management of a young person subject to electronic monitoring has reportedly improved over time as staff further refine their internal practice and procedures.

Conclusion

The review identifies three potential options for future consideration of electronic monitoring in youth justice:

- continue the use of electronic monitoring with existing criteria
- discontinue the use of electronic monitoring
- expand electronic monitoring criteria.

Overall, while the review indicates some benefits associated with EM, its effectiveness in deterring offending behaviour cannot be confirmed, nor can any changes to offending be attributed to engagement with the trial. There is a need for rigorous evaluative research



about EM orders across various offender populations to determine the implications of electronic monitoring on young people. Evaluative research, with a statistical sample size, should further examine the eligibility and criteria parameters (i.e., bail condition, home detention) that are most impactful on program aims to reduce youth offending.

Appendix 1

Supporting programs

Intensive Bail Initiative

Description and purpose

The Intensive Bail Initiative (IBI) was established as part of a suite of initiatives to support the trial of the use of electronic monitoring for 16 and 17-year-old youth offenders in Townsville, North Brisbane, Moreton, Logan and the Gold Coast.

Through the IBI, the department has entered into contracts with non-government service providers to provide wrap-around interventions to engage and work with families of young people who are serious, recidivist offenders. The services work with youth justice young people who are in the community on bail, in a youth detention centre or a police watchhouse, and prioritise young people subject to EM.

The intent of this initiative is to reduce rates of remand and the likelihood of reoffending while young people are on bail. The service also provides family members and the young person with practical help to address worries and concerns that contribute to the young person's offending, and to help a parent or guardian to meet their agreed obligations.

Young people and their families who enter and remain in the youth justice system generally present with multiple and complex needs and they will often have multiple organisations required to work with them. For some young people, a more intensive support service that responds to crisis and disruptive conduct to community safety is needed. It is essential that a collaborative approach is adopted across sectors to assist young people to live a life free of crime. This includes working in partnership with families and youth justice. The IBI's overall efficacy relies on close working relationships between the supplier's case workers, the young people and their families, youth justice practitioners and other community service providers.

Support is delivered to young people aged 10 to 17 years that have committed or are alleged to have committed an indictable offence, who have been granted bail by courts or police, and:

- are living in, or on release from detention will be living in, the nominated catchment area; and
- are remanded in custody, or at risk of being remanded in custody, due, in part, to lack of positive support in their community and require support to prepare them for release into community; or
- are exiting detention and are at risk of reoffending and returning to detention; or
- are appearing in court on offences and are at risk of being remanded in custody, or
- have been granted bail and require support to meet the conditions of bail and without support they are at risk of entering detention, including a Conditional Bail Program; or
- are early in their offending career or are a sibling of known offenders and are exhibiting in offending behaviour.

The IBI is made up of three highly integrated services:

1. *Bail Support*: aims to prevent recidivism and promote pro-social conduct by providing support and intervention and after-hours services including cultural and welfare support in watchhouses.

2. *Intensive Family Partnerships (IFP)*: provides intensive case work to support young people and their families to identify practical supports that will keep young people out of custody and actively involves family members to aid a young person's compliance with bail including CBP and EM conditions.

3. *Community Co-Responder*: coordinates and follows up referrals to other community and welfare services as a diversionary and short-term response for young people with complex needs and at a high risk of offending. If required, it may be used by Youth Co-responder Teams to coordinate after-hours access to crisis support, intervention and diversion activities.

Young people referred to the program are allocated to the following categories that prioritise the type and immediacy of the response:

- Priority 1: serious repeat offenders aged 16 to 17 years and subject to electronic monitoring as part of their bail conditions, and their families.
- Priority 2: serious repeat offenders with histories of proven multiple and serious offending who are generally aged 10 – 17 years, and their families. The young person may also be subject to remand, bail conditions; a Conditional Bail Program and/or a youth justice order.
- Priority 3 (Community Co-Responder only): young people who are involved in the youth justice system or at risk of involvement in the youth justice system, who are generally aged 10-17 years and require short term interventions or referral coordination to other community or specialist services. The local Queensland Police Service - Youth Justice Co-Responder Team is the principal source of referral.

A key feature of the IBI is extended hours of operations. Most IBI services operate with the following hours:

- Monday, Tuesday and Wednesday: 7am (or 8am) to 8pm
- Thursday and Friday: 7am (or 8am) to 10pm
- Saturday: 8am to 10pm
- Sunday: 12pm to 10pm.

A total of \$8,493,834 over three years to 2022-23 has been allocated for the IBI initiative. The allocation per location is shown in Table 1.

Table 1: Annual budget allocation for Intensive Bail Initiative for each location

Location	2020-21	2021-22	2022-23
Brisbane North	\$107,401	\$644,406	\$644,406
Logan	\$107,401	\$644,406	\$644,406
Townsville	\$84,165	\$504,992	\$504,992
Gold Coast	\$-	\$1,038,191	\$1,384,254
Moreton/Caboolture	\$-	\$936,349	\$1,248,465
Total	\$298,967	\$3,768,343	\$4,426,523

Source: *Commissioning and Investment, Youth Justice, Department of Children, Youth Justice and Multicultural Affairs*

Implementation

The Youth Justice Commissioning and Investment (YJCI) workgroup within DCYJMA was responsible for implementing this reform, including developing the program, procuring service providers and supporting and monitoring program implementation. The YJCI team developed program guidelines that outline the target group, goals and service delivery requirements of funded agencies, and details about confidentiality and information sharing. To expedite commencement of this program to support the EM trial, DCYJMA requested existing providers to tender for this funding in three EM trial site locations (north Brisbane, Logan, Townsville), which was achieved in Brisbane and Logan.

The implementation of the IBI occurred in two stages, with the status as follows (Table 2):

Stage one: commence services in three locations where there were existing bail support

- north Brisbane: Youth Advocacy Centre Inc (YAC) commenced operations in September 2021;
- Logan: Anglicare Southern Queensland commenced operations in October 2021;
- Townsville: Townsville Aboriginal and Islanders Health Service will continue to deliver an existing bail support service for eligible young people. The department continues to source a supplier to deliver the Community Co-responder and Intensive Family Partnerships.

Stage two - services in Moreton and Gold Coast were procured in October 2021. In November contract negotiations were finalised and the successful suppliers commenced service delivery in February 2022:

- Moreton (Caboolture): Kurbingui;
- Gold Coast: Anglicare Southern Queensland.

Table 2. non-government service providers contracted to deliver IBI

Service	Location	Service commenced
Youth Advocacy Centre Inc (YAC)	Brisbane North	September 2021
Anglicare Southern Queensland	Logan	October 2021
Anglicare Southern Queensland	Gold Coast	February 2022
Kurbingui	Moreton/ Caboolture	February 2022

Source: Commissioning and Investment, Youth Justice, Department of Children, Youth Justice and Multicultural Affairs

Recruitment issues impacted implementation due to a range of different factors in each location. COVID restrictions affected the north Brisbane service with offers made to New South Wales candidates who were unable to commence work due to the COVID-19 border closure. It was reported that in the Townsville labour market, the demand for qualified and experienced staff exceeds supply, particularly experienced and qualified First Nations peoples best suited to work with the target cohort of young people. Anglicare in Logan deployed previous staff from a former Supported Community Accommodation service and Child Safety residential services within Anglicare’s portfolio. Although recruitment delays are common, the timing of the procurement for stage two services corresponded with the end of the calendar year, which further delayed the recruitment of staff.

Intensive assistance delivered through Bail Support and IFP components were designed to support young people with EMDs. This need had not yet materialised due to low numbers in the EMD trial. Where capacity exists, each IBI supplier has been granted permission to work with young people assessed as being at high risk of serious offending that may occur without intensive, home-based support. In some matters, this may include young people outside of

the original eligibility guidelines. All suppliers are aware that the original target group for the program must be prioritised if demand increases for young people subject to EM.

A recent internal review of IBI indicated that between 15 October 2021 and 30 June 2022, 45% of referrals to the program were for serious repeat offenders. A further 35% of referrals had escalating offending behaviour. Almost two thirds (60%) of referrals to the Intensive Family Partnership were for young people who were assessed as very high or high risk of offending, as measured through the YLS/CMI. Overall, the review noted that according to the literature scan, the IBI model features many principles of good practice in the design of youth justice services. This included keeping young people away from criminal justice system, working with families and connecting service systems, and providing different amounts of service based on a young person's risk of reoffending.

Youth Co-Responder Team expansion

Description and purpose

There are currently eight YCRTs operating in Queensland. Five were established in May 2020 as part of the Queensland Government's Youth Justice Five-Point Action Plan in Cairns, Townsville, Rockhampton, Moreton and Logan. Mackay YCRT commenced in March 2021¹. Additional YCRTs were established at north Brisbane and Gold Coast to support the serious repeat youth offender reforms and ensure that co-responder teams were available in all five EM locations in May 2021.

The purpose of the YCRT is two-fold: respond to young people at risk of engaging in offending behaviour and work proactively with young people and families to tackle issues that may be contributing to bail non-compliance (e.g., through EMD device and bail checks). Activity related to bail makes up a small proportion of all YCRT activity. Bail checks are also undertaken by operational police under the intensive bail supervision initiative (Action 1 5PP).

Total funding approved in 2021-22 for the YCRT was \$5,262,919 million over two years and two months consisting of \$5,132,919 to DCYJMA for 6.5 FTE positions and \$130,000 to QPS for vehicles.

Implementation

The implementation time for the new Gold Coast and north Brisbane YCRT's was one month, placing sites under some pressure to have an operational program by the scheduled commencement date of 17 May 2021. Nevertheless, this was achieved.

A range of materials were developed by both agencies to support the implementation of the new YCRTS. DCYJMA and QPS together developed a joint concept of operations to assist the implementation and operations of all YCRTs.

Frequently Asked Questions have been developed for DCYJMA staff. An information sheet was also developed for young people and their families who were likely to encounter the YCRT staff so they can better understand the YCRTs interaction with them. A jointly

¹ The Five-Point Action Plan consists of five initiatives aiming to address serious, repeat offending and forming the foundation for the 2021 reforms. It includes Intensive Bail Supervision (Action 1 - QPS), Police Blitz on Bail (Action 2 – QPS), YCRT (Action 3 - QPS/DCYJMA), On Country Programs (Action 4 – DCYJMA) and Community Based Crime Action Committees (Action 5 – QPS).

developed Roles and Responsibilities document has also been distributed to both QPS and DCYJMA staff.

Operations

During a shift, two person teams consisting of a police officer and youth justice co-responder proactively respond to young people who may be at risk of offending or non-compliance with bail. Teams operate 24 hours a day with 20 shifts per week.

QPS Hub Coordinators lead the initiative from sites at Banyo (for north Brisbane YCRT) and the Gold Coast regional police site. DCYJMA staff are supported by a PO4 team leader in each location. Operational management for DCYJMA is delivered by a manager for the southern part of the state, which captures these two new sites and a manager for the northern YCRTs. There are 12 FTEs in each YCRT location – six for QPS and six for DCYJMA.

QPS and DCYJMA program managers were also appointed in 2021 to manage the state-wide program and establishment of the two new sites at north Brisbane and Gold Coast. These managers developed the joint concept of operations (referenced above) to assist the delivery of programs across the two agencies. From a DCYJMA perspective, the managers have been instrumental to the apparent success of the program, providing a dedicated focus on continuous improvement and support to the DCYJMA YCRT staff.

In addition to monitoring and supporting bail compliance, other activities include:

- proactively engaging young people providing them with culturally appropriate prevention and diversion responses (including support from Legal Advocacy and Bail Support Services)
- contributing to reducing the over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system
- assisting decision making by operational police
- connecting young people and families with tailored community supports and interventions to address the causes of offending
- engaging cultural and community networks
- facilitating information sharing between QPS, DCYJMA other partner agencies and the non-government sector to enable, collaborative, targeted, and culturally appropriate intervention responses.

With respect to bail compliance, YCRTs are not the only work group that undertake this function. Within the QPS, operational officers deliver intensive bail supervision and have responsibility for bail checks to ensure the young person is complying with their bail conditions. Work group responsibility for bail checks varies across locations depending on the length of time YCRTs have been operating and relationships with families and young people. In Logan and Townsville for example, most bail checks are undertaken by operational police officers.

Conditional Bail Program expansion

Description and purpose

The Conditional Bail Program (CBP) has been delivered by DCYJMA for over 20 years. Young people who are ordered by the court to participate in a structured Conditional Bail Program are ordered to undertake a specified number of hours of youth worker supervision. The number of hours depends upon the young person's assessed risks and needs. These

are determined by DCYJMA staff when a court requests a CBP when considering a bail application.

This extension to the program provided additional funding for an outside of business hours capability to provide additional supervision to serious, repeat offenders. Previously young people under this program were able to access up to 32 hours per week, and in exceptional circumstances up to 50 additional hours within a working week. The additional CBP funding allows up to 24.5 hours of additional supervision. This is equivalent to youth worker supervision being available up until 7.30 pm weekdays and six hours per day on weekends.

A total of \$7,969,417 over two years and two months was allocated to DCYJMA to deliver the extended CBP, with 25 FTE across the five EM sites.

Implementation

There were delays with recruiting the additional CBP youth workers likely to have been caused by a combination of factors. There was a short lead-in time for planning and delivering the reforms and conflicting demands on workgroups to implement several reforms simultaneously. DCYJMA was required to establish processes for the recruitment and remuneration of after-hour and shift workers. This was a new type of work arrangement requiring extended negotiations, which contributed to delays.

Due to the lower than anticipated young people engaging in the after-hours CBP, YJSCs were able to use the funding for a broader group of high-risk offenders where funds were being underutilised. Unused FTE have now been directed towards supporting serious repeat offenders following their exit from detention to support the work of the YJTF.

Youth Justice after hours team

Description and purpose

The Youth Justice After Hours (YJAH) service consists of three dedicated youth justice FTEs that are attached to the existing Child Safety After Hours Service Centre (CSAHSC) operated by DCYJMA. The funding for these positions was allocated to support the trial of EM and other reforms.

Additional roles were established to provide youth justice related decision making and expert assistance through a central point of contact located in the CSAHSC. The implementation of the additional resources was intended to ensure DCYJMA is responsive to the EMD trial, by receiving notifications from QCS and communicating these to YCRTs, supporting YCRTs after hours and providing or identifying referral options for support to young people that may reduce watchhouse bail refusals.

\$945,069 was allocated for one year and two months for three FTEs and other expenses related to operating the YJAH service. The FTE have been extended and are now funded internally by DCYJMA.

Implementation

The YJAH was operational with staff occupying the three FTEs when the new legislation commenced. Initially, youth justice staff dealt with complex youth justice matters and child safety staff dealt with day-to-day matters, such as advices of arrest. Following review once the team was operational and as the demand was not at the level anticipated for complex matters, it was agreed that youth justice staff would have carriage of all youth justice related

matters, including advice of arrest. Child safety staff continue to manage advice of arrest when required.

After three months of operation, an internal review of the YJAH was undertaken by DCYJMA that sought feedback from representatives of QPS, QCS and staff from youth detention centres. The review identified peak times where additional resources were required and provided the opportunity to ensure suitable coverage with expanded rosters. There are now four shifts, instead of the original three.

Some issues with implementation have been encountered including delays in recruiting to a vacant position, challenges related to filling rosters with casual staff and concerns by the existing CSAHSC about its staff's capability to provide youth justice advice. Data collection has also been an issue with work currently being undertaken to improve data quality.

Operations

At full capacity, youth justice staff are allocated to one of four shifts. Staff receive calls via the CSAHSC from police officers who have charged young people with offences out of business hours (during the hours of operation of the service).

Shifts are:

- 4pm-2am weekdays
- 3pm-1am Monday
- 5am to 3pm Saturday to cover Saturday Court
- 7am to 5pm on Sunday
- 4pm to 2am Sunday.

Currently QPS and other stakeholders make calls to the service via the CSAHSC phone line. The calls are triaged and directed to either a child safety team leader or to the YJAH. A dedicated YJAH phone line is in the process of being established and it is anticipated that this will significantly streamline and expedite the advice process.

Resource utilisation

The work of the YJAH includes providing advice about the following matters:

- EM
- YCRT, including after-hours team leader support and debriefing after shifts
- Extended hours CBP
- Advice of arrests
- Show cause situations
- Specialist youth justice related work as arises.

The categorisation of interactions captured for the YJAH are:

- advice of arrest
- calls escalated from the CSAHSC
- YCRT calls
- Critical incident
- direct call to the YJAH
- or other youth justice related.

Apart from advice of arrest category, the remainder of these categories reflect the origin of the call or request rather than the content or purpose of the advice being sought from the YJAH service.

Appendix 2

Literature and jurisdictional review¹

1.1. Benefits of Electronic Monitoring

Evidence from national and international research identifies three main benefits of Electronic Monitoring (EM), which motivate the use of EMDs in the criminal justice system. They are:

- enhanced community safety
- reduction in recidivism, and
- reduced incarceration rates (and an associated reduction in costs).

The literature also identifies a number of limitations of EM including:

- the net-widening effect and privacy impacts where low-risk offenders (including youth offenders and women) are monitored
- the strong private sector involvement in service delivery that could create a commercial incentive to expand its use
- stigmatisation
- the need for defendants/offenders to maintain equipment (e.g., keeping the EM device battery charged)
- the potential for ‘false’ alerts and deficiencies in the monitoring systems, and
- a lack of awareness of the public and decision-makers regarding the limitations of EM (Nancarrow & Modini, 2018; Hucklesby, 2016; Bartels & Martinovic, 2017).

The rationale for EM programs is that they provide authorities with the ability to effectively monitor offenders in the community. EM also gives offenders the opportunity to break offending habits, and cut ties with peer groups that encourage criminal behaviours (Belur et al., 2020). There are a number of positive aspects to EM, which, in addition to keeping an offender out of prison include, using curfews to reduce the influence of criminogenic settings or peers, and requiring offenders to maintain stable employment (Belur et al., 2020). EM can also act as a deterrent to prevent offenders from re-offending while they are subject to an EM order (Weisburd, 2015). While EM is more expensive than other forms of community supervision, it is cheaper than sentencing offenders to a term of imprisonment (Belur et al., 2020; Weisburd, 2015). There are many advocates for the use of EM orders as an alternative to detention, as it is more cost effective, and for offenders, EM is preferred to serving time in prison. Courts are also increasingly acknowledging that detention is not an effective deterrent for young people and could be more harmful, by having a criminogenic effect (Weisburd, 2015). This section will outline the two main benefits associated with EM that are discussed in the literature - the ability to reduce the prison population, and that EM devices have a deterrent effect on offenders.

Reductions in prison population

According to the literature, a main benefit of EM is that it allows governments to significantly reduce the number of people sentenced to terms of imprisonment, which creates both social

¹ Literature sourced and summarised in collaboration with QCS Research and Evaluation Group; not official QCS policy; provided in confidence to support background understanding of relevant bodies of literature.

and economic benefits (Di Tella & Schargrotsky, 2013; Feeley, 2016). Supervising offenders in the community using EM is more cost effective than requiring offenders to serve a term of imprisonment (Belur et al., 2020; Feeley, 2016; Weisburd, 2015). However, it should be noted that this reduction in costs does not account for the additional costs that are incurred due to net widening (Bartels & Martinovic, 2017). Net widening occurs in relation to EM by increasing the number of offenders who are subject to criminal justice supervision, as prior to the introduction of EM, these offenders would have been released into the community unsupervised (Bartels & Martinovic, 2017). Keeping offenders in the community allows them to maintain their accommodation, employment, and community connections (Bartels & Martinovic, 2017). As a result, EM orders are preferred, as it provides a level of public safety that could not be provided during traditional community supervision orders (Bartels, 2015; Bülow, 2014; Fitzalan Howard, 2020; Laurie & Maglione, 2020).

In relation to the ability of EM to reduce costs associated with incarceration, Bartels and Martinovic (2017) demonstrate that EM orders reduced the criminal justice costs per participant by \$580 USD per day and saved federal agencies \$902 USD per participant per day. In some circumstances, EM has been shown to reduce arrests by 24% (Bartels, 2015). Further, some studies have argued that EM is considered a viable alternative due to the level of harm caused by imprisonment. The argument is that remaining in the community, even under strict surveillance is better than being sentenced to a prison term (Arnett, 2018). EM has been shown to have the most benefit for specific types of offenders, mainly sex offenders, and offenders who have been diverted from serving a prison sentence altogether (Belur et al., 2020). Sex offenders have reported they felt their movements were being watched while they were subject to EM, which placed greater control over their behaviour (Martinovic, 2017; Nellis, 2004). Bülow (2014) argues EM is the most effective when it is combined with targeted rehabilitation programs. This makes the specific aims of probation more efficient and reliable (Bartels, 2015; Bartels & Martinovic, 2017; Bülow, 2014). Aiding in the rehabilitation of offenders while also reducing rates of re-offending are one of the primary aims of EM orders (Laurie & Maglione, 2020).

Acts as a deterrent for offending behaviour

A second benefit of EM is that it actively discourages the offender from re-offending, at least during the period they are being actively monitored (Bartels, 2015). For example, the EM device provides evidence of a breach of the EM conditions, and an offender would have to go to the effort of removing the EM device (and being sanctioned for breaching the terms of their EM order for doing so) in order for their offending to go undetected (Belur et al., 2020). EM orders have also helped introduce more structure and pro-social behaviours into the lives of the offenders, as the presence of an EM device can help offenders break ties with criminal peers, avoid risky locations, and engage in employment or rehabilitation programs can be conditions of EM orders (Bartels, 2015; Belur et al., 2020; Fitzalan Howard, 2020). Moreover, curfew conditions which require offenders to remain at home during specific hours (usually at night), and also assist subjects of EM to develop more pro-social routines and structure in their daily lives (Belur et al., 2020; Fitzalan Howard, 2020). EM orders can also provide offenders the opportunity to reflect on their actions, improve their relationships and increase their opportunities for education and employment (Fitzalan Howard, 2020; Nellis, 2004).

1.2. Impact on recidivism

Research from New South Wales, Australia found that, conditional on reoffending, there was very little difference in the likelihood of committing serious crime for monitored people compared to those who served their sentence in prison (Williams and Weatherburn, 2019). More recently, the same authors found different results for EM as a sentencing option in Australia. They examined the efficacy of EM as a sentence compared to a prison sentence for a New South Wales population of adult offenders. The results of this research showed that EM reduces reoffending by 22 percentage points after five years compared with prison and that this effect is partially sustained for up to 10 years.

Evidence from the US and Denmark shows that EM can reduce breach/failure rates. Bales et al. (2010) conducted the largest comparative analysis of 270,000 monitored people on Radio Frequency (RF) EM in Florida and concluded that, compared to unmonitored individuals on community supervision, RF EM reduced failure rates by approximately 30%.

EM was also found to substantially reduce the intensity of offending – a 45 percent reduction in the intensity of offending compared to those who served a prison sentence. It is important to consider and measure other impacts aside from recidivism which on its own does not provide the full picture of impacts. Other studies have identified the net widening effect of EM orders resulting in increased numbers of people in the criminal justice system and greater levels of contravention (Bartels and Martinovic, 2017; Bulow, 2014 and Weisburd, 2015).

1.3. Net widening

The implementation of EM orders has had a significant net widening effect and has subsequently increased the number people under criminal justice supervision. This is due to the discretionary nature of EM orders where judges can decide to impose EM on offenders who would previously have been released on bail or placed on a community order while unsupervised (Bartels & Martinovic, 2017; Carney, 2012; Weisburd, 2015). The net widening effect of EM has been given some consideration in the literature, as EM subjects more people to greater criminal justice control for a longer period of time, and also exposes offenders to additional charges for breaching the terms of their EM orders, which could ultimately result in a sentence of imprisonment (Bulow, 2014; Weisburd, 2015).

The sanctions associated with breaching the terms of an EM order can result in offenders being kept under criminal justice supervision for a longer period of time compared to just serving a prison sentence. This is particularly relevant in cases where an offender has committed multiple breaches of the terms of their EM orders (Bartels & Martinovic, 2017; Carney, 2012; Weisburd, 2015). In extreme cases, offenders can be sentenced to a term of imprisonment for breaching the terms of their EM order, which undermines the benefits associated with keeping the offender out of custody, as well as any resulting economic benefits (Belur et al., 2020). Offenders who have a series of violations of their EM orders will receive a harsher punishment than they ordinarily would have received had they been sentenced to a term of imprisonment, or remained in the community unsupervised (Weisburd, 2015). Violations can include things like failing to charge the EM device, unauthorised movement outside of the house, and failing to attend school, employment or counselling (Weisburd, 2015). This also means offenders are brought up on additional charges, which would not have occurred had the EM order not been implemented.

1.4. Loss of anonymity associated with Electronic Monitoring

One of the biggest criticisms associated with the use of EM identified in the literature is that the devices are quite obvious when they are being worn, easily identifying the wearer as an offender to the general public. For both adult and young offenders, the literature indicates there is significant shame and feelings of being labelled associated with wearing an EM device (Fitzalan Howard, 2020). Identifying an offender in this way can put the offender at risk of harm through vigilante action, something which would not occur if the offender was serving a prison sentence, or remained in the community unsupervised (Bülow, 2014). The lack of anonymity associated with EM sanctions can have one of two impacts: either it can further stigmatise already stigmatised offenders, and result in offenders further disengaging from education and employment. Research has begun to demonstrate the stigmatising effect of EM devices could cause people to view the offender in a negative way and assume the person subject to the EM order is going to engage in offending behaviour. This could increase the social exclusion and disadvantage experienced by the offender, which may further encourage their engagement in crime, after the EM order has been completed (Bülow, 2014). While some offenders have reported EM orders have had a positive impact on their employment prospects, allowed greater access to employment opportunities, or the ability to maintain previous employment, other offenders reported EM orders acted as a barrier to employment (Fitzalan Howard, 2020).

The stigma associated with EM extends beyond those who are subject to the EM order. Studies have shown that those who reside with the offender subject to EM also experience shame and stigma. Research on the experiences of co-residents residing with offenders subject to EM, described feeling as though they were serving the sentence alongside the offender. Alternatively, co-residents described altering their behaviours to minimise other people finding out they were residing with an offender subject to an EM order. This included doing things like staying in the house more often, and not inviting other people over to limit the exposure the offender had to other people (Fitzalan Howard, 2020; Martinovic, 2017).

1.5. Technological failure and resourcing issues

Technological failures and resourcing issues are also raised in the literature as issues that impact the effectiveness of EM sanctions. This is because EM technology can create false positives, by indicating an offender has breached the terms of their order when they have not. For those undertaking monitoring functions, it is difficult to determine which alerts are false, and which require a response (Martinovic, 2016). Finding breaches can be very resource intensive, for those monitoring the devices, as there could be thousands of datapoints that need to be checked in order for a breach to be found (Bartels, 2015).

The EM device can lose GPS signal, which can cause the device to go off at inappropriate times for the offender, such as when they are at school or at work. Losing GPS signal can cause the offender to have to change locations, which is not often possible (Belur et al., 2020). Offenders subject to EM orders reported having to leave their place of work, or physically leave the location they were in in order to regain GPS signal (Kilgour, 2020). Alternatively, the GPS signal can show an offender has entered an exclusion zone when they have just driven past (Bartels, 2015; Belur et al., 2020; Martinovic, 2016). This can contribute to offenders feeling very anxious every time the device goes off, as this creates a constant fear of breaching the conditions of the EM order (Belur et al., 2020).

1.6. Impact of EM on young people

The final section of this literature review will consider the specific impacts EM orders have on young people. Implementation and operationalisation of EM differs across jurisdictions, and each measure different outcomes, resulting in inconsistent findings regarding the efficacy and impact of EM on children and young people (for example see Bales et al 2012; Pearson 2012; Weisburd 2015).

Cassidy et al. (2005) investigated pre-trial radio frequency (RF) EM in England, with 315 young offenders who were receiving intensive support through the Intensive Supervision and Support Program or the Bail Supervision and Support program. They found that young people placed under EM are typically male, older (16 or 17), from an ethnic minority, and have less serious (but more persistent) prior offending. The study found that monitored youth are less likely to breach the conditions of their bail or remand (when compared to their prior breach history), however those who do breach, did so more frequently. This research showed that courts are often opposed to placing EM on young people but are more likely to do so when appropriate support is available in the community. These results suggested that pre-trial EM was an effective alternative to custodial remand when accompanied by intensive support, which can impact on compliance.

Deuchar's (2011) investigated the impact of EM on 20 high-risk youth offenders in West Scotland, finding both negative and positive effects on young offenders. Offenders reported positive impacts on relationships with family and partners and a reduction in anti-social behaviour. Negative impacts included: discomfort and stigma from wearing the device, increased anger and frustration at having their movements restricted. These study results however cannot be generalised due to the small nature of the study.

Similarly, Pearson's (2012) evaluation of Winnipeg's EM with 45 high-risk young offenders in Canada reported mixed findings. Conclusions showed that young offenders felt positive towards EM because it encouraged compliance, deterred them from reoffending and helped them remain in the community longer (Pearson, 2012). Conversely, some of the young offenders reacted negatively to the use of EM and reported that EM imposed too much control over them, and they felt angrier towards their probation officer or the police. The results showed that the longer a young person is subject to EM (beyond six months), the less likely they are to successfully complete the program. Additionally, EM is not effective on its own and should be complementary to other interventions and support programs.

1.6.1. Stigma and impact on family relationships

Young people who are subject to EM orders with 24 hour curfew are unable to leave their residential address, even when living space is tight or family tensions are high (Deuchar, 2012; Martinovic, 2017). Leaving their place of residence during these times, which may alleviate tensions and be the best option in certain circumstances, could result in a young person breaching the terms of their order and being further penalised (Weisburd, 2015). This level of restriction can be problematic for young people who have high energy and limited impulse control (Weisburd, 2015). The stigma surrounding a young person wearing an EM monitor can feed negative assumption and stigma for young people and impact their sense of self-worth.

Conversely, some studies have shown that EM orders have had a positive impact on family relationships, as curfews require young people to remain at home more and thereby spend more time with their parents, families, guardians, or caregivers. Parents also reported benefitting from knowing that their young person was safe at home, and was not out causing trouble, or placing themselves or others in danger (Deuchar, 2012). Young people being required to abstain from using drugs or alcohol as a condition of their EM orders, also aided in improving familial relationships in some instances (Deuchar, 2012).

1.7. Literature review conclusion

Overall, while there are some benefits associated with EM, its effectiveness in deterring offending behaviour at a statistical level is yet to be determined. There is a need for rigorous evaluative research on the implementation and operation of EM orders across various offender populations in order to determine the impact of EM. Further, there has been limited research conducted regarding the experiences and outcomes of young people subject EM.

The literature describes EM as being the preferred alternative to a period of imprisonment, as it is more cost effective, and allows offenders to remain in the community, and maintain their familial relationships and employment, while continuing to be accountable to criminal justice systems for their offending. However, the research also highlights the potential negative impacts of EM such as net widening, burden on family relationships, and stigmatisation.

What is consistent in the research evidence is that EM should be accompanied by intensive support and supervision to facilitate young people's compliance and avoid further criminalisation. The research also shows that accompanying interventions provide the best opportunity for behavioural change (Fitzalan Howard, 2020).

The equivocal research findings about EM's appropriateness for young people contributed to the Queensland Government's decision to limit the application of EM to 16 and 17-year-olds, who were considered to have an appropriate level of capacity. Limiting EM's application to 16 and 17-year-olds also aligns with an earlier recommendation in the Atkinson Report on Youth Justice (Atkinson, 2018).

1.8. Jurisdictional review

Three other jurisdictions in Australia have legislative provisions that allow the use of EM for young people on bail – Western Australia, South Australia, and the Northern Territory. It is also used in New Zealand for young people subject to bail.

New Zealand

Electronic Monitoring on Bail (EM Bail) became available as an option in the Youth Court in New Zealand in 2006. EM Bail is an option for youths aged 12 to 17 years (as well as adults), who would otherwise continue to be held in custody, in prison, or in the instance of a young person in a youth residence, while they wait for a court hearing. EM bail requires a person to remain at an approved address at all times and be monitored by Corrections for up to 24 hours a day, seven days a week. Other conditions attached to their bail may allow a bailee permission to leave for approved purposes, such as to attend court, medical appointments or in some cases employment /education. Electronic Monitoring resulting from an Intensive Supervision order from the *Oranga Tamariki Act 2017* may be applied as a

further condition where the condition of curfew is part of the order and there has been evidence of breaches.

Before an application for EM bail is granted, judges must take into consideration advice provided by a probation officer (who has assessed the defendant or young person, the proposed address and any people who live there), Youth Justice Social Workers and Police Youth Aid Prosecutor. Young people can only apply whilst remanded in a residential facility and judges must be satisfied that the public, witnesses, victims, and the people who will share the address are safe from the defendant or young person.

A joint bail assessment tool (Remand Options Investigation Tool) is used in several courts that assists all parties to make appropriate recommendations about bail with the benefit of shared information, including EM as a bail condition (Oranga Tamariki Evidence Centre, 2018).

The latest evaluation reported by the New Zealand Department of Communities indicate that electronic monitoring sanctions are continuing to produce effective results. After serving a sentence on EM versus imprisonment, offenders are shown to be less likely to re-engage in further offending. This is seen by the 19 per cent re-conviction rate for those on home detention (within 12 months of sentence start date) versus 42 per cent for those imprisoned (within 12 months of date of release). Further, while EM for bail was considered more expensive to run than standard bail, it was comparatively significantly less expensive than keeping defendants on remand in prison.

Between October 2013 and August 2021, there were 1306 young people aged 14-17 years on EM Bail. Of those, 85% were male, and an average of 86 days spent on EM Bail. Electronic monitoring of bail is run by Department of Corrections with whom the Ministry for Children work collaboratively to administer the electronic monitoring of bail process relating to young people.

The EM Bail system is administered and managed by the Department of Corrections with the Ministry for Children supporting the young people and family through the youth court process. The Ministry for Children recently undertook a review to understand why EM Bail is seen as under-developed and under-utilised and what is required to better support young people to achieve and success while on EM Bail. Through the review, they explored the EM Bail process for young people as legislated, designed, practiced, and experienced. Four themes have emerged, that impact on the ability of young people to achieve EM Bail and succeed on EM Bail.

- System design: The EM Bail system has been designed for adults, not young people.
- Young person needs: The needs of young people are unique and must be considered throughout the EM Bail process to ensure that EM Bail applications, suitability reports and plans properly reflect and meet the needs of young people (individually and collectively).
- Agency collaboration: Multiple agencies, parties and sometimes individuals are involved in the EM Bail process for young people. This can often be challenging and can lead to siloed working. How agencies work together significantly impacts on successful outcomes for young people applying for and/or on EM Bail.
- EM Bail as an enabler for success: EM Bail can be a significant enabler for success for young people and for family when it is utilised and managed effectively.

Recommendations of the review are currently under consideration and include: reviewing the current legislation to ensure it is fit for purpose; improve information sharing with agencies; redesign EM Bail documents; reduce the size of the EM Bail device (consider a wristband or similar); consider how technology and bail conditions can be used more effectively to manage and support young people on EM Bail (i.e., phone apps, GPS restrictions on areas rather than curfews, etc), and Investigate options for induction and fitting tracker earlier (i.e., before they leave Court).

Northern Territory

Electronic Monitoring commenced in the Northern Territory in 2014, as a condition of home detention as a sentencing option. On 11 May 2021, the *Youth Justice Amendment Act 2021* was passed by the Northern Territory Government, which made changes to many aspects of the Northern Territory (NT) youth justice system. These include changes to bail presumptions, changes to the diversion program, and the introduction of electronic monitoring by police. The legislation removes the presumption of bail for first time offenders and automatically revokes bail if conditions are breached. All fourteen Australian and New Zealand Children's Commissioners and Guardians (ANZCCG) opposed the new legislation introduced by the Northern Territory Government.

The new provisions provide that bail must not be granted to a youth who while already on bail is charged with a prescribed offence or breaches a curfew requirement of an electronic monitoring condition. From July to September 2022, there were 132 strap tampers for 29 distinct young people, which is considered a serious breach of bail. These changes resulted in a dramatic increase in the number of young people in detention.

In practice, monitoring devices and management are procured through an inter-agency contract with Buddi. Any breaches are reported to Territory Families, Housing and Communities (Qld youth justice equivalent), who subsequently alert NT Police. The NT Police are considered the responsible agency as the young person is subject to bail orders. At any one time, there are between 30 and 50 young people fitted with an EMD, which is available for 10-to-17-year old's case managed by Territory Families, Housing and Communities.

If an alternative detention order (ADO) is made, it must specify the place at which the youth is to reside. An ADO cannot exceed 12 months and the offender must consent to the order. ADO can be made if the court is satisfied that:

- suitable arrangements are available for the youth to reside at the premises/place
- the premises/place is suitable for the purposes of the order
- the making of the order is not likely to inconvenience or put at risk other persons living in those premises or at that place or the community generally, and
- The youth is a suitable person for alternative detention.

An ADO may include conditions that the youth:

- not leave the premises/place except at times prescribed or otherwise permitted, and
- wear or have attached an approved monitoring device and allow the placing, or installation in, and retrieval from, the premises/place of a machine, equipment or device necessary for the efficient operation of the approved monitoring device.

For youths, court must take into consideration the following specific matters when imposing conditions:

- the need to ensure the conditions of the grant of bail are no more onerous than are necessary and do not constitute unfair management of the youth
- the age, health, maturity and circumstances of the youth, including the youth's home environment, and
- the capacity of the youth to comply with the conditions.

Western Australia

EM is only available for sentence cases and underpinned by the *Young Offenders Act 1994*. A monitoring device may be used under a supervised release order (SRO). An SRO is used to release a young person from detention earlier than their sentence, subject to conditions. The supervised release runs until the end of the original sentence and may include that the young person must remain at a specified place, for specified periods however this period may not exceed a continuous six months. Whilst not mandatory, one of the conditions of the SRO is that the young person must wear an electronic monitoring device. The young person must consent to adhere to a number of conditions of the release order before it may be enacted.

When making a CRO or SRO, the court must indicate whether the offender is a suitable person to have an EM device and conditions requiring the person to remain at specified places for specified periods (s 103(3)). Youth justice prepare a report and provide to court to inform suitability.

If such indication is made, the order may impose either or both of the following conditions (s 109B):

- the offender must wear a device for monitoring purposes, and
- the offender must wear a device for the purpose of having a body sample taken or detecting the presence of a substance in the body of the offender.

There is no legislative capability to use GPS EM at parole for youth, rather, Radio Frequency (RF) ID technology is utilised by corrections to monitor a range of offender types, subject to conditional bail with a home detention requirement.

In the adult population, WA have experienced practical and operational challenges associated with the use of EM technology, including:

- 'black spots' and other equipment reliability issues
- removal, interference, damage or destruction of the equipment.
- availability of the equipment to meet demand
- connecting, monitoring and responding to alerts, particularly in regional areas, and
- staff training in the use of the equipment.

Electronic Monitoring for young people has not been used since 2003 in Western Australia.

South Australia

The Electronic Monitoring Program for juveniles has been operating in South Australia (SA) since 1995. It was implemented as a way of diverting young people from incarceration in juvenile detention facilities, which should be a last resort for children and young people. Home Detention enables more young people to remain within their families and communities whilst being supported by existing networks, and to continue their participation in education,

training or employment. Young people can be subject to Home Detention for a period of up to 12 months.

Initially, the program was only available for sentenced orders with Home Detention. Since 2017, the program also caters for bail conditions including 24-hour curfew monitoring, curfew between specified hours – generally 9 pm to 6 am, and gradual release from terms of imprisonment as a way to reintegrate youth offenders into the community. EM bail with curfew now accounts for the majority of young people in the program.

The SA program team indicate that EM is available to young people aged 10 to 18 years old. The 14- to 16-year-old age group are the main users of EM, with 13- and 14-year-olds commonly the most non-compliant. It is rarely ordered for 10- to 12-year-olds. Anecdotal evidence suggests that one-off offenders for a serious offence (such as manslaughter) are most compliant when subject to EM bail. At the time of this review, 37 young people were currently being monitored by the Home Detention Operations team. Typically, there are in excess of 20 young people being monitored. Young people are cutting straps and removing devices once per week on average.

Youth Justice, a division of the Department of Human Services, is responsible for all aspects of managing youth offending and could be compared to QCS's management of juvenile offending. The Home Detention Operations team is responsible for all aspects of EMD for youth. They conduct suitability assessments in terms of residential and family arrangements, set up the unit within young person's residence, and work closely with the dedicated case manager. The assigned case manager ensures support services are being provided to youth offenders on bail. The Home Detention Operations team are also responsible for reporting to SA Police (SAPoL) on detected bail breaches and any responses these breaches are at the discretion of SAPoL.

The Youth Prosecution Services are responsible for almost all youth prosecutions (murder, manslaughter excluded) conducted across South Australia. They have a good relationship with various teams who target juvenile offending (Operation Mandrake and Meld who target volume offending by First Nations and African offenders respectively). All bail hearings for youth offenders commence at 11.30 am each court day, and prosecutors have the investigating officer/s on standby to provide information at bail hearings. Other agencies including Education and Child Protection (child safety) also make representations at bail hearings.

It is extremely common for defence to seek EM as a condition of bail for youth offenders, and EM may be ordered as a condition of Bail, an Obligation, Suspended Sentence Obligation or temporary or Conditional Release from the Adelaide Youth Training Centre (AYTC). Youth Justice provides assessment, case planning and support to young people within the boundaries of their Home Detention or EM conditions while engaging the young person with appropriate training, education and life skills. The surveillance of EM is aligned with case management to support a young person to comply with their conditions, whilst managing risk and protecting the community.

Because EM has been 'business as usual' for such a long period of time in SA, it wasn't possible for data to be provided around offending whilst on EM. However, there is anecdotal evidence to suggest that many on EM are not reoffending, and that EM bail has shown the following benefits:

- Improved rehabilitation and re-integration into the community
- Ability to maintain education, family and occupational commitments
- Improvement opportunity for family cohesion and function
- Reduced custodial populations
- Cost savings
- Effective community-based program
- Safer communities due to effective monitoring systems
- Incentive for young people in custody
- Ability to cater for special needs offenders and high-risk young people.

The biggest obstacle for the Home Detention Unit is the quality of monitoring devices. The battery life of the device is too short, and being almost five years old, they are becoming worn. Corrections are currently trailing new units in the adult population that have stronger straps and longer battery lives, and these may become an option in the youth cohort following the trial.

Appendix 3

Review scope and methodology

This section provides an overview of the methods and study design for this review, including review aims, the study design and research questions, data collection, data analysis, ethical issues and limitations.

1.1. Scope of the review

This project involves a review of the implementation and efficacy of the electronic monitoring trial after 12 months of operation. Given the very small number of enrolled participants however, a tailored approach is required to deliver research rigour in the face of data scarcity.

The review will consider the interaction of programs that supported the EM trial, including:

1. Co-responder expansion
2. Conditional bail program expansion
3. Intensive bail support through the Intensive Bail Initiative
4. Youth justice after hour team service

The purpose of this review is to assess the implementation, appropriateness, and effectiveness of the electronic monitoring trial. Specifically, the review aims to:

- review the appropriateness and sufficiency of policies and procedures developed to govern the management of the EM
- assess and determine the appropriateness of the suitability assessment framework and decision-making process for suitability assessment reports
- assess trial implementation, including supporting programs, and outline any constraints or limitations with implementation
- review and compare efficacy of electronic monitoring for youths across national and international jurisdictions, and whether there is any research that electronic monitoring has been effective in achieving desired outcomes in those jurisdictions
- identify any unintended consequences caused through the implementation of the electronic monitoring trial across the five sites
- review the interaction of accompanying/supporting programs with young people subject to EM device
- describe any limitations with the use of electronic monitoring in the Queensland youth justice context and identify potential opportunities to improve the utility of the initiative, including the use of related or complementary technology, and
- assess value for money of electronic monitoring for the youth justice cohort.

1.2. Review questions

The following key areas of enquiry guided the review:

Process/Implementation

- Has the EM program been implemented as intended?
 - What are the key barriers to implementation?
 - What are the critical success factors for supporting the implementation of the model?
- How well is the EM program operating across the different sites?

- What is working well? What are the key challenges?
- What is the level of uptake? Are eligibility and assessment criteria suitable?
- Are referral targets being met?
- Are young people completing the program?
- Based on national and international literature, is the program design consistent with good practice features identified as important for program effectiveness in comparable programs operating in other jurisdictions?
- Has the EM program established effective partnerships with other key agencies?
- How developed are governance arrangements over the management of the EM?

Appropriateness and uptake

- Is the intended target group being referred to the program?
- Is the model appropriate for young people with complex needs?
- What volume of young people are involved in EM and are there key trends to observe in relation to age, gender, indigenous status, criminogenic profile or other factors?

Quality

- How prepared do key stakeholders feel to apply the suitability assessment framework and make decisions about appropriately enrolling young people in the EM trial?
- What differences exist based on geographic area of cohort of young person?
- How prepared do key stakeholders feel to administer EM, including providing both compliance monitoring and enforcement and support to young people?
- Are further supports required to enable stakeholders to effectively deliver their roles and responsibilities under the EM trial?

Outcomes

- To what extent does EM appear to be contributing to bail compliance among the small number of participants?
- Are there any emerging unintended consequences of EM?
- To what extent are the accompanying/supporting programs aiding in the effectiveness, or minimised unintended consequences of the EM trial?
- What insights are available from other jurisdictions about the conditions in which EM can add unique value to bail compliance outcomes?

1.3. Data collection

Data collection included: semi-structured interviews and focus groups with regional and central office staff from key agencies, and other stakeholders involved in the implementation and operation of EM; case study analysis; jurisdictional consultation; interviews with young people subject to EMD and parent/carer; stakeholder survey; administrative data from QPS and QCS; documentary analysis including Court transcripts; and the extraction of administrative data from Youth Justice Performance Reporting and Analytics within the DCSYW¹. See Table 3 for summary of data sources.

A total of 15 interviews were undertaken, as well as 4 focus group, with representation across: DCYJMA ($n=18$) and QPS ($n=7$) staff involved in the development, implementation and operation of EM, young people who received EM ($n=4$), parent or caregiver of young person receiving EM ($n=3$), interstate jurisdictions with operational EM ($n=3$).

¹ This centrally verified data extraction and analysis was undertaken by Youth Justice Performance Reporting and Analytics, Department of Children, Youth Justice and Multicultural Affairs.

Interviews and the focus groups took approximately 30-90 minutes to complete. Verbal consent was obtained for interviews and focus groups with QPS and DCYJMA, with two focus groups recorded. Written consent was obtained from parent/caregivers and young people, with four were recorded. Despite the relatively small sample size, the review team conducted interviews until no new information was discovered, meaning data saturation was reached².

Additionally, a stakeholder survey developed via Microsoft Teams was disseminated to key stakeholders across: QPS, QCS, DCYJMA, Legal Aid Qld, and Aboriginal and Torres Strait Islander Legal Services Qld (responses $n=54$).

EM project staff working in central office and trial sites collected administrative data. This included service delivery information such as court appearance dates, suitability assessment outcomes, time taken to complete assessments, EM condition duration, and reasons for condition ending. Central DCYJMA and QPS staff prepared case studies outlining interactions with young people during their EM condition, including any offences during or post EM condition.

Table 3. Summary of data sources

Method	Data Source
Review of program documentation	<p>A range of program documentation is available for desk-top analysis, including:</p> <ul style="list-style-type: none"> - Policy and program documents - Service policies, procedures and forms - Funding Information Papers - Service agreements - Implementation planning documentation - Court transcripts - Youth Justice Reforms Review
Administrative data	<ul style="list-style-type: none"> • DCYJMA collects the following measures through excel spreadsheets: <ul style="list-style-type: none"> - Youth Justice Court Officer data collection tool - Throughput program data - Case file and suitability assessment data collection, variables include: <ul style="list-style-type: none"> o Young person name and ICMS ID; o Court location; o Suitability assessment ordered; o Young person found suitable; o Time take to assess suitability; o Date of initial court mention; o Date of bail granted; o Reason for adjournment; o Was EM condition ordered; o Did young people appear in person or video link; o How long was a delay between young person granted and released on bail with EM (hours, min); o How many times bail conditions were reconsidered; o Date EM condition finished; o Reason EM condition ended. o DCYJMA Youth justice performance reporting and analytics: <ul style="list-style-type: none"> ▪ Serious repeat offender index ▪ Offending data prior to EM trial ▪ Offending trajectories for young people subject to EMD • QPS data: offending during and post EM condition • QCS data: Alerts for EMD

² Saunders, B., Sim, J., Kingstone, T., Baker, S., Waterfield, J.,...Jinks, C. (2018). [Saturation in qualitative research: exploring its conceptualization and operationalization](#). *Quality and Quantity*, 52(4), 1893-1907.

Case Studies	<ul style="list-style-type: none"> • DCYJMA have prepared case studies for seven participants subject to EM condition, which include history and assessments, and chronological events associated with EM device.
Survey	<ul style="list-style-type: none"> • Quantitative and qualitative data collected via survey from QPS, QCS, DCYJMA, ATSILS, and LAQ staff. • Survey topics focused on departmental preparedness, cross-agency communication, negative and positive impacts, limitations of EM, opportunities for improvement and unintended consequences.
Interviews	<ul style="list-style-type: none"> • Participants who have engaged in EM, and their parent/caregiver, were asked to tell their story and experiences in their own words. A semi-structured interview will be used in order to focus on their experiences and narrative. • Individual semi-structured interviews with QPS staff involved in the implementation and operation of EM trial. Discussion topics focused on departmental readiness, legislation, benefits, obstacles, roles and responsibilities. • Individual semi-structured interviews with EM program leads in South Australia and Northern Territory.
Focus groups	<ul style="list-style-type: none"> • Central and regional DCYJMA involved in implementation and operation of EM. Discussion topics focused on departmental readiness, legislation, benefits, obstacles, roles and responsibilities.
Literature scan	A review of Australian and international research to identify best practice features underpinning program effectiveness in comparable programs operating in other jurisdictions. Literature review prepared by QCS.

1.4. Data analysis

Data analysis included qualitative thematic analysis of the semi-structured interviews, focus groups, and key documents, and quantitative descriptive and inferential statistics. Thematic analysis is a method for identifying and reporting patterns within the data³. Themes are reported under 'Findings' with verbatim quotes to support findings.

Descriptive statistics for quantitative data was used to describe the demographics of young people included in the analyses.

1.5. Ethical considerations for engaging young people

The review team was guided in its ethical requirements for this evaluation by the *National Statement on Ethical Conduct in Human Research*⁴, the Queensland Child Protection Act⁵, and the Queensland Youth Justice Act⁶. The review team was cognisant that conducting a study with a vulnerable cohort of young people from disadvantaged backgrounds raises ethical concerns. Hence, systems and processes were put in place to manage potential ethical issues, to ensure the confidentiality and anonymity of the participants and to secure informed consent. Firstly, consideration was given to young people's capacity to understand what the review entails given a high proportion of those in youth justice have developmental and/or cognitive delays, academic delays, behavioural disorders, and psychological disorders. To overcome this, the review team requested the assistance of the youth justice case management staff to explain the review to young people in a way that they would understand. Secondly, given the high proportion of Aboriginal and/or Torres Strait Islander young people in youth justice, the review team consulted with the DCYJMA Cultural Unit to ensure that the review was culturally appropriate and considered. An outcome of consultations with senior practice staff was the decision to have the young person's youth justice caseworker undertake the interview. The young person was also provided an opportunity to nominate a support person to attend the interview with them.

³ *Observation: a guide for use in evaluation, 2017, NSW Department of Education*

⁴ *National Statement on Ethical Conduct in Human Research 2007 (Updated 2018). The National Health and Medical Research Council, the Australian Research Council and Universities Australia. Commonwealth of Australia, Canberra.*

⁵ *Queensland Legislation 1999 (updated 2018). Child Protection Act.*

⁶ *Queensland Legislation 1992 (updated 2017). Youth Justice Act.*

Young people and their guardians were provided with information about the review. The caseworker then read the information sheet to the young person as justice involved young people often have low levels of literacy. This method aims to save the young person from the shame or embarrassment of admitting that they cannot read very well. It will also ensure that the young people do not 'pretend' to read the information sheet and not fully understand what is required of them. The young people will then be asked to explain their understanding to ensure that they comprehended the information sheet. Informed written consent was sought first from guardians and then from all young people both prior to the interview and at the beginning of the interview. Young people were free to withdraw from the data collection at any time. No young people in this review withdrew from the interview. Caseworkers emailed interview (two recorded, two scanned written responses) to the review team, then deleted. The review team transcribed recorded interviews and all data was stored on a password-protected computer.

1.6. Exclusions and limitations

There are a number of caveats that should be noted in relation to the review findings.

Firstly, this review only captured the voices of three young people who received EM and this is not sufficient to truly understand young people's perceptions of, and experiences with, the program. This is due to the small number of young people engaged in the EM program, and some having aged out and not able to be located, and others not interested in participating in the review. The small number of young people engaged in the program overall means that it is not feasible to statistically test outcomes.

Secondly, the quality of the administrative program data spreadsheets managed by program areas was found to have some data entry errors and inconsistent meanings around definitions and criteria. A data improvement strategy is being developed by DCYJMA to promote greater consistency in data entry practices, ensure clarity around data definitions and identify future system improvements needed to enhance the quality of program data.

Thirdly, procurement processes to secure independent professional service providers to undertake a comprehensive evaluation was unsuccessful. Very few suppliers offered quotations due to limited capacity and reduced resourcing as a result of increased demand and impacts of covid. Instead, DCYJMA, in partnership with QPS, have conducted a scaled back review of the program within existing internal resources. A degree of independence to the process has been provided through oversight and peer review of the product by Mr Bob Atkinson.