

# Electronic monitoring devices – information for legal stakeholders

(updated August 2024)

The [Youth Justice Act 1992](#) (YJA) gives courts the ability to impose a condition that a young person wear an electronic monitoring device while released on bail.

A monitoring device cannot be imposed as a condition of watchhouse bail (YJA s.52AA(5)).

The provisions are time-limited (s.52AA(10)). The government is using the provisions to conduct a trial.

## Electronic monitoring devices

An electronic monitoring device (sometimes referred to as electronic monitoring or GPS electronic monitoring) is a device fitted to a young person's ankle that:

- monitors their location using GPS coordinates
- provides real-time alerts of any unauthorised movements.

A beacon is located at the young person's home.

## Eligibility

To be eligible for an electronic monitoring device a young person must:

- be at least 15 years of age
- be appearing for a prescribed indictable offence (see below)
- have previously been found guilty of at least one indictable offence, or
- have been charged with a prescribed indictable offence in the preceding 12 months
- live within one of the prescribed locations (see below), and
- be appearing in court in a prescribed location.

## Trial sites

The young person must live in a geographic location prescribed by regulation. Only prescribed courts can order electronic monitoring as part of bail.

Current trial sites (see [Youth Justice Regulation 2016](#) (YJ Reg) sections 4A & 4B and schedule 1AA) are:

- Townsville
- North Brisbane
- Moreton
- Logan
- Gold Coast
- Toowoomba
- Cairns
- Mount Isa
- South Brisbane
- Ipswich
- Fraser Coast
- Mackay
- Rockhampton

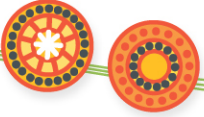
## Court must order a suitability assessment report

Before an electronic monitoring device is ordered as a condition of bail, the court must order the chief executive (Youth Justice) to give to the court a suitability assessment report (YJA s.52AA(3)).

The suitability assessment report contains Youth Justice's opinion of the young person's suitability for a monitoring device. Youth Justice must provide the report within the timeframe ordered by the court or as soon as practicable (YJA s.52AA(4)).

The assessment will consider:

- the young person's:
  - capacity to understand the bail conditions



- ability to comply with the conditions (including if they have stable accommodation, a mobile phone, a reliable electricity supply, etc)
- the level of parental support (including a parent's willingness to support the young person's compliance, to inform Youth Justice or police of a change of circumstances or any breaches of the conditions)
- anything else the court considers relevant.

### Prescribed indictable offences

A prescribed indictable offence for electronic monitoring purposes is:

- a life offence
- an offence which attracts 14 years imprisonment (other than low level drug possession), and
- specified other offences against the Criminal Code.

Prescribed indictable offences for the purposes of electronic monitoring are defined in s.52AA(11), and are not the same as prescribed indictable offences for other purposes of the YJA.

### Roles and responsibilities

#### Queensland Police Service and Queensland Corrective Services

If a monitoring device is ordered, the Queensland Police Service (QPS) will fit and remove the device. Queensland Corrective Services (QCS) will remotely monitor the device, contact the young person in relation to alerts and notifications from the device, and give relevant information to Youth Justice and QPS (YJA s.52AA(7) & (8)).

The young person's nominated support person may also be contacted in relation to alerts and notifications as required.

### Youth Justice

On request, Youth Justice court officers will prepare or arrange suitability assessment reports. These reports can take time to prepare (e.g. assessing the young person's home environment and identifying whether there is the necessary 4G coverage in places the young person will need to visit).

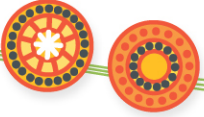
Youth Justice also has a significant role in supporting young people's compliance with electronic monitoring devices. This happens through:

- Youth Co-responder activities (with QPS)
- funded intensive bail support services
- other support from Youth Justice service centres.

### Other conditions that can be imposed

When a court imposes an electronic monitoring device, it can impose any condition it considers necessary to facilitate the operation of the device (YJA s.52AA(2)). Typical conditions include:

- You must attend at **<stated place>** to be fitted with a monitoring device at **<stated time/ timeframe>**. You must wear the monitoring device while you are released on bail and comply with the attached monitoring device conditions.
- You must wear the electronic monitoring device tag on your ankle.
- You must look after all the electronic monitoring equipment police will provide to you – an ankle strap, an ankle smart tag, the charger, a charging dock and a radio frequency beacon.
- You must not break, cut, damage or remove, or allow anyone else to break, cut, damage or remove the device, or any part of the equipment provided with the device.
- A medical officer acting in an emergency, or a police officer, are the only people who can remove the device.
- You must charge the device for at least 2 hours continuously every day and make



sure that it is always charged.

- If the device or equipment does not work, you must call the watchhouse that supplied it.
- If a police officer asks to check the device or equipment you must allow them to do so.
- You must answer your mobile phone from QPS or QCS [*which monitors the devices*]. They may text or call you.
- You must, if asked by a police officer or someone from QCS, do what is asked of you to make sure the device works properly.
- When you are no longer on bail you must go to the watch house to have the device removed and return all of the equipment to QPS.
- [*If there is a curfew:*] You must notify the Youth Justice Co Responder Team **<(ph: local CRT number)>** before leaving home during **<curfew period>**, when you are permitted to do so for an activity or in company with a person specified in the curfew condition [*this is so that police know not to respond to alerts generated by the device*].

## Evaluating the trial

The original provision included an expiry two years from commencement, on 30 April 2023.

A review of the trial conducted late in 2022<sup>1</sup> found that while there are some benefits associated with electronic monitoring, it was not possible to confirm its effectiveness in deterring offending behaviour, nor whether any changes to offending could be attributed to engagement with the trial, because of the small sample size up to that point.

The [Strengthening Community Safety Act 2023](#) amended s.52AA(10) to extend the trial period. The end date is now 30 April 2025.

A further review will be conducted towards the end of the extended period.

## More information

For further information please email Youth Justice Policy, Strategy and Legislation (YJPSL) at [OSED\\_YJPSL@cyjma.qld.gov.au](mailto:OSED_YJPSL@cyjma.qld.gov.au).

YJPSL cannot give legal advice but may be able to assist with other questions.

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<sup>1</sup> <https://desbt.qld.gov.au/youth-justice/research-evaluations/evaluations/electronic-monitoring-trial>