

21 March 2024

Response to proposal for electronic monitoring of children on bail

The Criminal Bar Association is concerned by the decision of the Victorian Government not to implement proposed bail reforms for children. The changes previously proposed were intended to make bail laws fairer for children who are accused of committing criminal offences.

In addition to failing to introduce previously forecast reforms, the government has now announced a trial of electronic monitoring of some children on bail.

The likely result is that those children on bail who are required to wear an electronic monitoring device will be ridiculed and stigmatised. Wearing an ankle bracelet will deter children from attending school and from participating in pro-social activities such as sport and other recreational activities. Further, electronic monitoring will likely impact upon a child's ability to concentrate on and continue their education or uptake and maintain employment opportunities. All of these impacts will be detrimental to the rehabilitation of these children and, will likely hamper their ability to comply with their bail conditions.

It is important to note that electronic monitoring is rarely used with adult persons accused of offending who have been granted bail. To trial electronic monitoring on children, without a proper evidential foundation that it is effective even with mature offenders, is an excessive response that will likely prove entirely ineffective.

The Criminal Bar Association maintains the focus should be on assisting children on bail to avoid criminal pathways. This can be best achieved by proper funding of education, treatment and support services and greater access to such services for all children interacting with the criminal justice system. Such evidence-based measures are likely to be far more successful in the long term in steering children away from offending and ensuring they are rehabilitated, thus best providing for the protection of the community.