

Worth Reading

by Russ Immarigeon*

Electronic Monitoring

Electronically Monitored Punishment: International and Critical Perspectives

edited by Mike Nellis, Kristel Beyens, and Dan Kaminski

Routledge

\$119.95, 279 + xi pages (2013)

Electronic monitoring was initially proposed in the mid-1960s and was seriously implemented in the United States and elsewhere nearly two decades later. The use of electronic monitoring, like any one of a number of other reforms in recent decades, originally promised a method of providing alternatives to incarceration for unnecessarily incarcerated offenders. But these reforms typically pass through a similar rite of passage: Each new reform spurs a surge of engaged, optimistic commentary. Once the reform is implemented to any significant extent, however, interest in it apparently wanes as each new initiative is left to its good, or bad, fortunes. In this context, then, it is promising that this new book, which offers critical commentary on the electronic monitoring of offenders, appears so many years after the first buzz on electronic monitoring.

Electronically Monitored Punishment consists of three parts:

1. The editors' informative introduction;
2. Reports on the electronic monitoring experiences of a dozen countries—Australia, Belgium, Canada, England, France, New Zealand, Scotland, South Korea, Sweden, The Netherlands, the United States, and Wales; and
3. Discussions on four significant issues—ethical concerns about surveillance, stigma, and spatial constraint; global perspectives on the commercial control and development of electronic monitoring; offender and staff perspectives on curfews; and evaluation research.

The editors of *Electronically Monitored Punishment*, Belgian and British criminologists, touch on electronic monitoring's potential for reform:

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Electronic monitoring undoubtedly has the potential to have a transformative impact on the nature of offender supervision, although whether it does, and in what ways—for better or for worse—remains to be seen. The reduction of the prison population is not always a result, which suggests that there are deeper social, technological, and political reasons why different varieties of this technology are introduced and sustained.

As this volume demonstrates, the impact of electronic monitoring varies from country to country. Despite several decades' experience with electronic monitoring, not enough is yet known about either the challenges of electronic monitoring or its consequences. European nations were initially skeptical, if not

not even trying to use it as a tool for rehabilitation. Better planning and record keeping would add little to the expense of using electronic monitoring, but might have great benefits in terms of producing better payoffs. In particular, users need to target:

- Offender characteristics beyond simply including and excluding certain classes of crimes—both psychological characteristics and characteristics of the offender's environment are relevant;
- Transparency of the selection process for electronic monitoring in order that usable comparison groups may be found or created;
- Support and treatment services that would be needed for those on electronic

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outwardly opposed, to electronic monitoring, but this stance has slackened off in recent years. Nonetheless, at least four concerns have been raised regarding the possibility that electronic monitoring:

1. Increases the severity of existing forms of supervision;
2. “Widens the net” of penal sanctions;
3. Blurs the boundaries between institutionalized and non-institutionalized forms of control; and
4. Shifts penal control from public to private parties.

The American chapter in this volume is from Kutztown University's Marc Renzema, who founded and edited the *Journal of Offender Monitoring*. Renzema concludes that:

Despite the good intentions of many of those who founded and who were early adopters, electronic monitoring is now mainly about punishment on the cheap, not rehabilitation. Yet, in the attempt to deter and punish humanely and inexpensively, most users of electronic monitoring are

monitoring so that the demands of electronic monitoring can be managed;

- Program monitoring—for example, rather than “drug counseling”—evaluators need to know how much and by whom;
- Careful recording of violations and new offenses both during and after electronic monitoring, preferably for at least three years; and
- Equivalent record keeping for offenders receiving whatever disposition is the alternate (or predecessor) to electronic monitoring.

All contributors seem to agree that more practice-based research is much needed. Short of this, *Electronically Monitored Punishment* is an engaging examination of the national, and even regional, differences in how community corrections agencies are grappling with electronic monitoring.

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Sanctioning Literature

Changing Lives: Working With Literature in an Alternative Sentencing Program

by Taylor Stoehr
Paradigm Publishers
\$104.00, 183 + xx pages (2013)

Despite severe cutbacks on federal funding for “prison education” programs, college- and university-affiliated education initiatives for convicted offenders have continued to operate successfully throughout the United States. Although not flourishing or sufficiently in place, these programs offer hope and well-being to thousands of prisoners. A February 2013 edition of *Library Journal* highlighted encouraging efforts in California, Colorado, Massachusetts, Minnesota, New York, and Texas. *Corrections Today* has also focused its spotlight on leading features of such programs. Little

from students, however, has been positive, stressing an improved ability to trust others, to see oneself as part of a larger world, and to engage with ideas and issues:

They’ve reached a position where they can learn from each other” [Professor Stoehr says]. What they learn is faith and trust and self-esteem, not just book-learning. If their lives are changed, it’s because they realize they are not alone. They realize that having ideas and thoughts and talking about them is not a bad thing.

That said, Professor Stoehr also asks tough questions. Public and private classroom education is often hindered by the same factors that have funneled these probationers into the criminal justice system. Teaching behind bars has many similarities to teaching beyond them. What role do students play in shaping their education? To what extent does authority—in the public classroom or in the local jail—serve as a barrier to learning?

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attention, however, is given literacy and other educational partnerships in community corrections settings.

Taylor Stoehr’s new book tells the story of the Changing Lives through Literature program that he has taught for a decade and a half through the Dorchester (Massachusetts) District Court. Professor Stoehr originally started the program with Presiding Justice Sydney Hanlon. Probation officers recommended probationers to a 10-week group program that involved having the probationers read books about poverty, racism, family breakdown, and social justice. Typically, the program begins with Frederick Douglas’s *Narrative of the Life of Frederick Douglas, an American Slave*. In class, the probationers discuss and reflect upon the book, often in the company of probation officers and judges. Other authors’ writings often come into play, including those of Leo Tolstoy, Fyodor Dostoevsky, and Richard Wright.

Professor Stoehr’s group consists of 15 to 20 men each semester (other groups work with women). Those who complete the program have six months clipped off their period of probation.

As of yet, no formal evaluation of the program has been completed. Feedback

Professor Stoehr’s account of his students and his teaching is most stirring because it describes the complexity, the messiness, of day-to-day (or night-to-night) teaching. Successes and failures blend together in a strange mix. Education certainly challenges those individuals who partake of it, whether they are coerced or coaxed into it, or whether they willingly or even eagerly enter into it. But it also challenges the institutions that serve as the setting for teachers and students.

At a graduation ceremony, held in the courtroom where the probationers had originally been sentenced, Stoehr describes the inherent tensions and tenderness:

We never know whether any students at all will summon up the courage or make a speech on graduation day, yet if one probationer breaks the ice, others will usually plunge in. . . . Even if they decide the night before to risk a few words, many probationers get cold feet at the last minute. Just standing up and walking to the front of the line when their names are called is daunting for many of them—and downright impossible for a few who contrive to be late or who never show up at all.

When they do stand and come forward, you can see in their faces how flustered they are, how shy and proud with embarrassed grins, and eager to get back to their seats. Even one of the most eloquent and voluble students over the years was at a loss for words. In his earnest yet unassuming way he said that he had failed so often that most people had given up on him—except for his probation officer, and so he wanted to thank the gentleman for believing in him.

Copies: Paradigm Publishers, P.O. Box 960, Herndon, VA 20172-0960; phone: (800) 887-1591.

Racial Bias

Implicit Racial Bias Across the Law

edited by Justin D. Levinson and Robert J. Smith
Cambridge University Press
\$32.99, 284 pages (2012)

Racial bias can be complicated, although no less troubling because of that. Recently, a historian, speaking about the relation between cotton and slavery, spoke not just about abolitionists’ views on emancipation, but also their feelings about “black folks,” to use W.E.B. Du Bois’ term. According to the historian, many abolitionists, while promoting the abolition of slavery, were nonetheless perniciously racist in their views of African Americans. In recent years, increasing attention has been given the racial disproportionality of criminal sanctions, and the use of imprisonment in particular.

Typically, reports highlighting racial bias in the application of criminal justice do not delve too deeply into the nature and roots of this problem. In this context, it is instructive to read *Implicit Racial Bias Across the Law*, a collection of 15 original articles edited by Justin D. Levinson and Robert J. Smith, law professors at the University of Hawaii and the University of North Carolina. The book amplifies “the depth and interconnectedness of implicit racial bias in all areas of law.” For one thing, Levinson and Smith address the limits of bias assessments that simply describe criminal justice processing. This is an essential task, of course, but it overlooks, or even denies, broader patterns of racial bias that affect those who pass through criminal justice and subsequently experience additional levels of racial prejudice.

The opening article in this volume offers an overview of social science research on

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implicit racial bias and cautions against “the legal system’s unwitting complicity in the persistence of racial disparities.” In criminal justice, for example, the operation and consequences of economic and employment systems do not alleviate the pain of disparate imprisonment.

The core of this article reviews evidence pertaining to “racial priming,” shooter bias, and implicit association tests. Early assessments empirically establishing implicit bias in legal settings involved studies of defense attorneys in capital punishment cases, citizen jurors in criminal cases, and judges.

In this collection, Levinson and Smith include essays that cover implicit racial bias in property law, criminal law, tort law, employment law, health law, education law, communications law, corporate law, tax law, intellectual property law, environmental law, reparations law, federal Indian law, and capital punishment.

The volume’s chapter on criminal law finds a “broad range of scenarios in which the pernicious impact of implicit race bias can surface in the criminal justice system.” Accordingly, the authors conclude that:

A reasonable interpretation of the mounting implicit bias literature, read in light of the profound racial disparities that define our criminal justice system, should put to rest any claims that we have arrived at a “post-racial” or “color-blind” justice system.

If there are remedies, they argue, immediate and larger pictures are important. In some instances, such as with school discipline, training exercises may lessen existing discrimination or disparities; in other instances, such as with felon disenfranchisement, voting laws must have legislative, executive, and judicial support.

Copies: Cambridge University Press, 100 Brook Hill Dr., West Nyack, NY 10994-2133; phone: (845) 353-7500; email: customer.service@cambridge.org.

Moral Panics & Incapacitation

The Ashgate Research Companion to Moral Panics

edited by Charles Krinsky
Ashgate

\$149.95, 478 + xiv pages (2013)

American criminal justice practices have been seriously affected in recent decades by often individual events that prompt any number of policy-oriented responses, including those that have brought us essentially harmful

three-strikes legislation, expanding prison populations, offender residency restrictions, and so forth. One cautionary approach to these situations is to view them as “moral panics,” a sociological concept that has also come to the fore in recent decades. According to University of California sociologist Charles Krinsky:

A moral panic may be defined as an episode, often triggered by alarming media stories and reinforced by reactive laws and public policy, of exaggerated or misdirected public concern, anxiety, fear, or anger over a perceived threat to social order.

In short, moral panics are likely to occur when citizens and/or policymakers freak out impulsively soon after an outbreak of disreputable or damaging misbehavior or criminal activity.

The origins of the concept of moral panics is rooted in the “new” or “left-realist” criminology literature of the mid-1970s, especially the work of British criminologists

Overall, this valuable volume documents the origin and development of “moral panics,” and explores the concept’s use in such areas as criminal justice, child welfare, and the environment.

Copies: Ashgate Publishing Company, 101 Cherry Street, Suite 3-1, Burlington, VT 05401-3818; phone: (800) 535-9544.

Isolation & Incapacitation

Incapacitation: Trends and New Perspectives

edited by Marijke Malsch and Marius Duker

Ashgate

\$114.95, 259 + xiv pages (2013)

America’s imprisonment binge of recent decades has not been called a “moral panic,” as far as I remember, but the concept undoubtedly has a firm fit. In any case, the term “mass imprisonment,” if nothing else, may well fit the concept. At the core of mass imprisonment is, among other things,

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Jock Young and Stanley Cohen, who wrote about drug users and youth mobs. Its use since then has come about slowly at some times, more rapidly at others. But nowadays the concept maintains a solid footing, at least within criminological and sociological settings.

In *The Ashgate Research Companion to Moral Panics*, Krinsky brings together a comprehensive collection of nearly two dozen original articles that highlight the work of many of the topic’s leading examiners, including Joel Best, Erich Goode, Kenneth Thompson, and others. These articles are divided into sections that cover the evolution of the moral panic concept; moral panics over sexual psychopath laws, pedophile priests, and same-sex marriage; moral panics about the cinema, Internet addiction, and adolescent social networking; moral panics concerning child murderers, family-state relations, and youth problems; moral panics involving governmental use of fear and other policy-influencing interventions; and the future of the concept of moral panics. An excellent bibliography and resource guide is contained in two appendices.

the concept of “incapacitation,” the promise offered by isolating offenders not just from the general society, but also, through solitary confinement, from prison society.

In this important collection, Dutch researchers Marijke Malsch and Marius Duker have gathered 14 articles, including their introductory and volume-concluding observations, that examine incarceration and “several other ways of locking people up, disabling them, or disqualifying them to such an extent that it is, in fact, made impossible for them to continue or repeat certain criminal behaviors or behaviors that intrude on the public order.”

The articles in this volume were originally delivered at a December 2010 international workshop on incapacitation organized by the Amsterdam-based Netherlands Institute for the Study of Crime and Law Enforcement.

Many means and methods can be used to assert incapacitation. As Malsch and Duker note, and as the authors of these articles show, these mechanisms include increasing or extending the use of incarceration, dangerous offender statutes, so-called special security

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measures, risk assessment, pretrial detention, probation supervision, electronic monitoring, medication, professional disqualification, the refusing and revoking of licenses, criminal records, capital punishment,

and Marius Duker reach the following conclusions:

- Incapacitation is not so much a goal as an “element” of societal response to crime that sometimes dominates and, in other times and places, simply colors these responses to crime (“Although incapacitation

conveys the message that the offender is considered not worth investing in”); and

- Incapacitation represents “the ubiquitous want for control in reaction to a perceived lack of power to positively influence the behavior of individuals.”

Before closing, it is useful to note another article in this volume, a study by Arjan A.J. Blokland and Daniel S. Nagin, which states that:

If the objective of imprisonment is to reduce offending by incapacitation and specific deterrence, imprisonment is neither a very successful sanction nor an efficient way to reach this goal. The net effect of incapacitation seems to be criminogenic, and as these effects appear long-lasting they easily outweigh imprisonment’s incapacitation effects. Imprisonment, in other words, seems to create what it is meant to prevent: crime.

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and even, perhaps surprisingly, circles of accountability and support.

The main focus of these articles is the centrality and importance of incapacitation—the strict imposition of punishment—in contemporary Western efforts to control crime. In reviewing these articles, Marijke Malsch

as such may not aim at morally shaping offenders, as an element of the response to crime, it is strongly driven by the want for safety, and as such it infringes on important values of freedom. . . . On top of that, one could also suggest that a neutral approach is value-driven in that it



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