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Reviews

Book Review

Start Here: A Road Map to Reducing Mass Incarceration

By Greg Berman and Julian Adler,
Publisher: The New Press (2018)
ISBN: 978-1-62097-223-6 (hardback)
Price: £21.99 (hardback)

This book opens with some stark statistics about the American prison system: there are over two million people in US prisons; the system costs $80bn annually, and; the incarcerated population has increased 500 per cent per cent over the last 40 years. It has, nevertheless, been argued that there is an opportunity for change as recent years have seen a loosening of the grip of popular punitiveness. It has been argued that there are three primary reasons for this.[1] The first is that there is a growing body of evidence that questions the effectiveness of imprisonment and instead suggests that it may be harmful to society as a whole. Second, declining rates of crime, particularly serious violent crime, across developed nations has meant that there is diminishing political capital from tough rhetoric. Third, the financial crisis of 2008 and the subsequent economic crisis have meant that the approaches of the past are no longer affordable. It is the in this context that Greg Berman and Julian Adler, leading figures in New York's Centre for Court Innovation, have published a book that offers practical ways in which sentencing laws and practices can be altered so as to reduce the use of imprisonment.

Berman and Adler describe the development of mass imprisonment in the US as not only creating warehouses, but *'accelerants of human misery'* (p.4) that make existing social problems worse. Their aim through this book and their ongoing work at the Centre for Court Innovation is to promote crime reduction and alternatives to incarceration with the goal of *demonstrating 'that contrary to conventional wisdom, it is possible to reduce both crime and incarceration at the same time'* (p.5).

There are three key elements to the approach that Berman and Adler advocate: engage the public in preventing crime; treat all defendants with dignity and respect, and; link people to effective, community-based interventions rather than jail or prison. They suggest that such reforms do not take place at the federal level or rely upon the actions of the president, but instead are enacted through local courts, judges and officials.

The majority of the book focusses on real initiatives taking place across America that promote a more progressive criminal justice system. Some of this will be familiar, such as the use of crime mapping to identify high crime areas and the development of preventative, grassroots services including those dealing with mental health, trauma and conflict resolution. In sentencing, the authors draw attention to the importance of procedural justice, a term that is increasingly being used in UK prisons, on the basis that where people consider they have been treated fairly they are more likely to respect the law, whether or not they get a favourable outcome. There are a number of examples of positive sentencing practices that reduce the use of pre-trial detention, and more imaginative community-based sentencing in drug courts. Even within the felon population, the authors argue that effective community interventions can be effective and they argue that: 'We must give these programs the resources they need so that they can create small group settings that allow for intensive work with participants and encourage individual accountability' (p.139).

Introducing a shift in sentencing and penal policy is not straightforward. The authors acknowledge that, *'...it will demand patience and understanding from the media, elected officials, and the general public, who must have realistic expectations about what alternatives to incarceration can deliver in terms of results'* (p.140). While this comes across as an understatement, the Centre for Court Innovation has been engaged in this task over many years and has had some success.

Readers in the UK, might be tempted to speculate whether

1. Cullen, F., Jonson, C., and Stohr, M. (2013) *The American prison: Imagining a different prison* Thousand Oaks, CA: Sage.

such lessons could equally apply in this country. Recent Secretaries of State for Justice, including Michael Gove, David Liddington and Elizabeth Truss all stated that reducing the prison population was desirable, but wanted this to be achieved through incremental and informed practice, including better community interventions, rather than through a dramatic change in sentencing policy. Recent years have seen a decline in the UK prison population from its height of over 88,000 in 2011 to under 85,000. This has at largely been the result of reduced criminal court cases being processed, lower numbers of remand and recalled prisoners, as well as increased use of early release under the home detention curfew scheme. This modest but important change has therefore resulted from changing practice rather than policy.

A more dramatic transformation has taken place in the youth criminal justice system. The number of children entering the criminal justice system for the first time has fallen 85 per cent in the decade to 2016-17, from 110,817 in 2007 to 16,541 in 2017. Similarly, the average youth custody population has declined from almost 2,914 in 2007 to 868 in 2017, a reduction of 70 per cent. This quiet revolution has been supported by successive governments, albeit without significant fanfare, informed by influential inquiries and reports, and driven by practitioners in the streets, police stations, local authorities, youth clubs and schools of local communities.

The argument of Berman and Adler's book is that change is possible, indeed that change is happening in local jurisdictions across America. There are also examples internationally, not least of which is the youth justice system in England and Wales. These real-life examples illustrate that reducing the use of imprisonment is not only possible, but also that it does not undermine public safety and in fact can ameliorate social harms.

Dr Jamie Bennett, *Governor of HMP Long Lartin*

Book Review

Unconscious Incarceration: How to break out, be free and unlock your potential

By Gethin Jones
Publisher: Dot Dot Dot Logo (2018)
ISBN: 978-1-907282-86-7
Price: £10.99

Gethin Jones presents a book that proposes to change lives, support the most vulnerable and '*bring people back from the gates of hell'*(p.92), in 93 small pages of clear and concise language. It combines personal drug addiction and professional psychology experience: alongside the extended metaphor of A Christmas Carol by Charles Dickens. The classic is effectively retold in an instructive self-development style to help people overcome addiction and negative thinking patterns.

It starts with the chapter *'The End Begins',* which is a vivid account of a drug addict in dire living conditions where *'desperation is the only thing driving your mind'* (p. 5). The authenticity of the author's hardship shown on the synopsis, 'a childhood spent in the care-system' and 'years in prison', allows trust to be developed in his programme. He has been *'there' himself.* It gives readers a chance to connect with their own suffering and can spark the thought 'if he can grow out of that … then maybe I can too'.

Gethin then declares 'I will introduce you to your Scrooge'. We find Scrooge is symbolic of the part of the mind fuelling life-destroying addictions to: drugs, alcohol, gambling, food, sex, etc (p. 1). The Scrooge behaviours *'fear, disconnecting from others, close-mindedness, suppressing trauma, denial, head in the sand'* are described as preventing happiness (p. 9-16). The programme on how to change these behaviours is then presented.

The absence of academic jargon and the direct tone allow this journey to feel accessible to many. Complex theories are not to be found as the reader simply describes psychological concepts of reflection. Like Scrooge, we are able to meet Marley: the inner voice saying *'something must change',* connecting us to *'harsh truths' and 'love'* (p. 18-21). He brings the selflessness you need to undertake this journey.

Gethin's aim is to facilitate readers to improve analytical thinking, rational judgement and emotional management. He asks you to look back at your experience and use this as hindsight. The character that does this is named the 'Cabbie'. He is symbolic of the 'Ghost of Christmas Past' in *A Christmas Tale* (p. 27-36). The imagery of sitting in a chair self-reflecting ignites emotions through the interweaved anecdotes of a fictional 'you' on a rehabilitative journey. After learning from the past, visualisation techniques are used which encourage you to analyse your present realities with the character the 'Tour Guide' (p. 37-46) then your future goes under analysis with the 'Time Traveller'

(p. 47-56): both are easily understandable and relatable concepts.

From holding this mirror up and seeing the ugliness, as well as the good, it is easy to imagine feelings of emptiness and loneliness with the daunting task of change: 'I can't do this on my own… no one cares' *Scrooge thinking'*. However, Gethin seems aware of this and shifts focus from modern mind-set strategies to practical tools. Because the rehabilitative journey may be too difficult to complete alone, readers are introduced to the 'Singing Nightingales': family, friends, support services, people who are there with honesty, compassion and empathy (p. 64). Gethin's plea is for you to accept the support that your Scrooge ignored. The 'magic of the programme' is described as disempowering the values and beliefs that feed Scrooge (p. 91).

The author's hopeful voice asks you (once you have gained and practiced this knowledge) to become a Singing Nightingale and help the vulnerable in society who he refers to as 'the hobblers'. This brings the journey full circle for one to be more forgiving and compassionate: 'life now being a blank canvas' ready to be painted colourfully (p. 84).

To conclude, this book uses modern mind-set techniques with practical advice to help one create a pro-social identity. Gethin could capture readers further by being more explicit of his own experience of overcoming his Scrooge. The thought provoking and memorable stories could have been extended with more descriptions of internal battles which Gethin faced for others to link to on their journey of change.

This book will be valuable to anyone looking for insight into ways to break free from addiction: especially current or former drug addicts, offenders and professionals who provide services for such individuals. This is an easy read that could also be useful for non-professionals whom are looking for ways to support friends and family.

***Muzzaker Mathias**, resident at HMP Grendon*

Book Review

Deserved Criminal Sentences: An Overview

by Andreas von Hirsch

Publisher: Hart Publishing (2017)
ISBN: 9781509902668 (hardback)
Price: £50.00 (hardback)

In this compact book Professor von Hirsch summarises with great clarity the fruits of a main theme in his research and in his approach to questions of criminal justice. In a long and distinguished career across three continents, since the publication of Doing Justice in 1976, he has developed and refined an account of 'desert' as the core principle for deciding what punishment should be given to a particular person for a particular offence.

By 'desert' he means that the severity of the punishment should be proportionate to the seriousness of the offence. He holds that punishment is 'a blaming institution' (p.4), and his theory of proportionality is based on seeing censure as the primary element in punishment. The person committing the offence is seen as a moral agent: 'that is, as a person capable of reflecting upon the appropriateness of [their] action' (p.12). This centrality of censure arose from pre-1976 moral philosophers, notable H.H.A. Hart and Joel Feinberg. Throughout this book Hirsch contrasts this 'desert' view with various instrumental (or consequentialist) understandings of punishment, such as deterrence, rehabilitation and treatment.

His argument is rooted in the movements of penal thinking in the last 70 years, and benefits from the fact that he has lived through the whole period. Desert thinking emerged in the 1970s as a reaction to the previous strong emphasis on sentencing for rehabilitation or treatment. 'Doing Justice' challenged this primarily on grounds of fairness: that, more or less broadly, similar offences should attract similar punishments, rather than one person being treated more harshly than another because of factors not directly inhering in the offence itself. Rehabilitative approaches to sentencing returned to some extent during the period of high optimism about psychological treatment programmes in the 1990s and beyond; but increasingly, the 'punitive turn', what Hirsch calls 'penal populism' carried the field, so that punishment simply became incrementally harsher, without reference to careful principles of proportionality and the like.

Hirsch emphasises that 'desert' is not the same as retribution, in the sense of pay-back, or making the offender suffer in order to balance up the damage they have caused to the social fabric; nor is it a return to the 'classical' understanding typified by Bentham, which was based in deterrence. Rather, it is all about scales of proportionality. Some scholars have argued that proportionality is a purely negative principle: i.e., that its only application is to limit the severity of leniency of sentences, so that

they are not grossly out of kilter with the seriousness of the offence. Hirsch does not agree: he believes that the seriousness of an offence, and the severity of a punishment, can be measured and compared by means of a calculus in terms of the impact on 'living standard', as that concept was set out by Amartya Sen. The possibility of such ranking is supported by developments in several jurisdictions, not least the evolution of sentencing guidelines in England and Wales, which are based on an explicit concept of seriousness of the offence.

The author does not claim that a comprehensive account of punishment can be given by desert. Firstly, he acknowledges that proportionality between sentences does not yield any clear guidance on what actual punishments are appropriate. He allows that different societies will 'anchor' the range of punishments at different points, some harsher and some less so; but the principle of proportionality will still govern the choice of punishment within the range that is set. Those familiar with adjudication tariffs in prisons will recognise what he is talking about.

Secondly, he allows room for many other factors as long as they are subordinate to the essential principle of desert. So rehabilitation, the personal situation of the offender, deterrence, previous offences (he argues for a systematic mitigation of punishment for first offences, for example), and 'exceptional departures' when a particular crime wave hits a society, all find their place; in this way he is not at all doctrinaire or inflexible. He also has chapters on juvenile justice and on non-custodial sentences, though the latter receive far less attention than incarceration. It is striking also that restorative justice is not mentioned once in the book; perhaps this does not fit with the centrality of desert, but that in itself may raise questions about the sufficiency of the desert principle.

This is an unapologetically rigorous philosophical statement of Hirsch's argument, proceeding through argument and rebuttal of objections with great clarity and logic, in plain non-technical language, and engaging concisely with a huge range of scholars at the same time as it sets everything in a clearly analysed historical context. It is a major tour de force which will mark an essential starting-point for anyone who wants to take the understanding of punishment forward from here, and who hopes to match both the rigour and the realism of Professor von Hirsch's theory.

Martin Kettle, *Associate Inspector with Her Majesty's Inspectorate of Prisons*

Book Review

Life Beyond Crime: What do those at risk of offending, prisoners and ex-offenders need to learn?

Edited by Paul Crane
Publisher: Lemos and Crane
ISBN: 978-1-898001-77-5 (paperback)
Price: £15.00 (Paperback)

As I stop to pick up this book, the front cover briefly gives away the style of text: criminological, reflective and experiential of the criminal justice system. A *Life Beyond Crime* as titled in this book refers to a phenomenon that has sparked much debate across the decades; that is whether offenders can be rehabilitated. Remarkably, Paul Crane has created a book that is compelling and well suited for these developments, looking at what those at risk of offending, prisoners and ex-prisoners can *learn* before, during and after incarceration. Commentaries of experience contest the view 'a leopard cannot change its spots' with accounts of real prison circumstances and scenarios. This book digs deep into a range of experience but also pushes beyond what is already in scholarship conceptually and qualitatively, through careful selection of special contributors. *Life Beyond Crime* makes an important note for readers of the *Prison Service Journal:*

'Failure is pain but also natural, universal and stimulating.' (p.68)

A niche feature of this book is the emphasis of co-formation. Paul Crane, a practitioner and policy-maker, promotes the collaboration of multi-disciplines and external influences for the ongoing development and achievement of behaviour change within prisons. This specific exploration of co-formation offers an exciting uncapped limit to plasticity of the mind and self, even in adult life. A notable example is Norman Anderson's passage about his personal drug addiction and subsequent 18-year prison sentence aged fifty-four. His life turned around after he received a letter from a loved one that began with, 'we forgive you daddy'. Stressing the importance of support systems, this contributor sought to bring forth one of many reasons why education and self-reflection before going to complete a degree was critical for a transformation. In doing so, this book sets a scene for future extension on case studies.

There are fifty-seven named contributors, each individually tailored to one of three parts that

divide this text: Diversion and Young People, Adults in Prison and Returning to the Community. Whilst part one focuses on failed pre-court disposals, known as the 'first chances' before young people cross the line of desistance, it is beneficial to look at what offenders can learn during incarceration before it is truly too late. This introduces the most ambitious part, Adults in Prison. For a number of years I have contended that criminological research neglects the success of those that have turned their lives around. Nonetheless, this part fills that void. Accounts of hands on experience within prisons have come not just from prisoners, but from staff, who are notably consistent in role and objectives on a national basis. From this sample, the audience are invited to think from a range of perspectives of different identity, context and scale. Stand out chapters amongst all include 'The right to express yourself' by anonymous ex-prisoner, 'Thirty years as a probation officer' by Liz Dixon, 'The things I wanted to say but didn't' from an official prison visitor through to 'What prisoners really need to learn before returning to the community' by Parole Board member Tom Millest.

It is important to note that without acknowledgement and appreciation for part two of this book on *Adults in Prison*, we marginalize part three, *Returning to the Community*. Rehabilitation and Innovative Solutions Enterprise (RISE) Prison Leader Elaine Knibbs touches on self-harm and suicide rates in custody, 'something clearly wrong within the prison system' (p.361), giving attention to trauma and low resilience faced by prisoners upon release. What is learnt so far is that education is not enough to achieve full rehabilitation. On the one hand, it provides the basics in order to survive in a competitive world, whereas on the other, it provides only an impression of how much less invested and valued you are in society. This is a striking concept to reveal and provokes the question, how can one learn to abide by the law if they do not know why it matters? Or even, why *they matter?*

Overall, this book is enlightening, honest and hopeful as it challenges societal pessimism towards criminal behaviour change. It can be read in any order, yet still help to provide a clear and basic introduction of criminal procedure, life in prison and rehabilitation to all audiences. Moreover, moving between different chapters can also make it easy to build an important bigger picture; that is, moving beyond traditional procedural understanding with critical momentum that directly and honestly underpins individual transformation. This book achieves its aims of providing enriched data evidence within practice and experience whilst we are at a time where scholarship cannot pre-empt empirical testing in such environments due to ethical issues. Certainly, *Life Beyond Crime* maintains usefulness for a range of readers from those with an interest in criminology though to practitioners and prisoners, under all kinds of circumstances.

Olivia Tickle,
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