

## Marie-Eve Sylvestre, Nicholas Blomley, and Céline Bellot

*Red Zones: Criminal Law and the Territorial Governance of Marginalized People.*  
Cambridge, UK: Cambridge University Press, 2019, 257 pp.

Red Zones is an original investigation, through quantitative and qualitative data, into the frequency, causes, and consequences of spatiotemporal conditions of release at bail, probation, and conditional sentences. Using an interdisciplinary lens, Marie-Eve Sylvestre (a legal scholar), Nicholas Blomley (a geography scholar), and Céline Bellot (a social work scholar) tell the story of a criminal justice system which has methodically taken control over and regulated peoples' time and space, leading to both the suppression of individual auto-determination and the erosion of the Canadian system of rights. Resisting the seemingly "normalizing" effect of the widespread use of conditions in the current justice system, the authors uncover the broad implications these conditions have on bodies, identities, society, and the rule of law.

An obvious contribution of this book is its analysis of an unprecedented and extremely rich data collection (comprised of nearly 95,000 court cases from Montreal and Vancouver) and its quantitative analysis, provided in Part II of the book. Through quantitative data, the authors depict the frequency and types of geographic conditions of release imposed at bail, on probation, and on other conditional sentences, as well as the people most likely to be subjected to them, and the effects of those conditions. The book therefore fills a significant gap in the literature, which is important given that on a yearly basis around 120,000 people in Canada live under court imposed conditions (about three times more than the number of people in prisons).<sup>1</sup> These numbers do not include the many people who are on bail with conditions. Yet, with a few exceptions, most Canadian literature on sentencing and punishment revolves around incarceration.<sup>2</sup>

Sylvestre, Blomley, and Bellot sound the alarm on the hidden dangers of using conditions of release to respond to the harms of incarceration. Beyond the original and much needed data, the value of *Red Zones* also resides in the clarity with which it reveals that conditions of release are not an alternative to incarceration. Rather, prison and conditions are "on the same carceral continuum" (120–24). Marginalized people are overrepresented at all stages of the penal system. They often end up in the system because of the criminalization of their vulnerabilities. The numerous and oftentimes arbitrary conditions placed on individuals criminalizes behaviours

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<sup>1</sup> Public Safety Canada, *Corrections and Conditional Release Statistical Overview*, 2018 Annual Report (Ottawa: Public Safety Canada Portfolio Corrections Statistics Committee, 2019) at 5–6, 33–34, 73–78, [www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ccrso-2018/index-en.aspx](http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ccrso-2018/index-en.aspx).

<sup>2</sup> See e.g. Michael Jackson, *Justice Behind the Walls: Human Rights in Canadian Prisons* (Vancouver: Douglas & McIntyre, 2002); Debra Parkes, "Solitary Confinement, Prisoner Litigation, and the Possibility of a Prisoner Abolitionist Lawyering Ethic," *Canadian Journal of Law and Society* 32, no. 2 (2017): 165; Adelina Iftene, *Punished for Aging: Vulnerability, Rights, and Access to Justice in Canadian Penitentiaries* (Toronto: University of Toronto Press, 2019); but see Cheryl Marie Webster, Anthony N. Doob, and Nicole M. Meyers, "The Parable of Ms Baker: Understanding Pre-Trial Detention in Canada," *Current Issues in Criminal Justice* 21, no. 1 (2018): 79.

that would not otherwise be criminal. These demanding conditions lead to breaches which return individuals to courts and result in more conditions or incarceration for a period of time that, because of the breached conditions, far exceeds what they would have received for their initial offence.

The most powerful part of the book, Part III, brings forward the voices of those who create and apply the law, and of those subjected to it. The two radically different perceptions are beautifully captured in the three chapters of this section and point to challenges and opportunities for change. On the one hand, legal actors' attachment to conditions and their persistent justifications of the system, even when confronted daily with its ineffectiveness, makes one feel that resistance and calls for change are futile—not unlike how people subjected to conditions must feel while in court, listening to the judge's orders. On the other hand, the harrowing reality of what it is like for some of the most marginalized to live under such conditions places a renewed sense of urgency on reform.

By centering around the stories of first-person voices, the authors highlight the essence of conditions of release: arbitrary, meaningless expressions of state power “that prevent life from flourishing and actualizing” (164). The heartfelt examples provide a vivid description revealing that conditions are not a matter of spatial access; rather they are a severance affecting the ongoing maintenance of life. The impositions of conditions downplay the spatial dependencies associated with addictions, justify the physical violence inflicted by police with impunity in certain communities, and allow the threat of prison, coupled with the fear of withdrawal, to loom. Through the power of narratives and by placing concrete faces and experiences on otherwise stern legal concepts, the authors take the opportunity to emphasize, in an accessible manner, the legal meaning behind conditions. Conditions, and especially bail conditions, *de facto* trump the presumption of innocence, allow for increased arbitrary police power to limit liberty, and represent a discriminatory expression of state power.

*Red Zones'* last chapter offers additional essential contributions. First, it argues that the lack of a rights-based discussion in this area is the by-product of the vulnerability of those subjected to these conditions and of a system that worked to insulate itself against rights-based claims. Second, it provides a list of thoughtful and practical recommendations that legal actors and law and policy makers should implement. Born at the intersection of law, geography, social justice, and criminology, these recommendations are rich and account for the numerous implications criminal justice reforms have for individuals, communities, and systems.

*Red Zones* should be understood in the context of the general failings of the Canadian criminal justice system. Read through a social justice, critical disability, and human rights lens, it brings forward another argument highlighting the broader dysfunction of the justice system. *Red Zones* makes it clear that any sustainable discussion related to the more frequent scholarly and activist engagements concerning prisons, decarceration, oppression, and criminal justice reform

must also include the often forgotten issue of conditions of release. This makes *Red Zones* an essential and timely book about social injustice and the role of the criminal justice system in perpetuating it.

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