

Review of: *The Pixelated Prisoner: Prison Video Links, Court 'Appearance' and the Justice Matrix*, by Carolyn McKay.

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*The Pixelated Prisoner* investigates what it means to “appear” in court when you are actually “appearing” via a prison video-link. In the digital age, audio-visual technologies connect courtrooms to prisons, police stations and detention centres. It means that prisoners might have their day in court without ever leaving prison. Embedding the administration of justice within a custodial institution presents challenges that are more than symbolic, and McKay’s excellent book sets out to understand what we gain and lose when we replace the traditional notion of appearing in court with a pixelated surrogate.

The book opens with McKay recounting her experience of a visit to the Parramatta Justice Precinct in Sydney, Australia. She had attended to watch parole hearings and, entering the courtroom, she counted more than 20 video screens. On the screens, the image repeated all over the courtroom was that of a man wearing a green prison t-shirt. Stuck behind him on the wall, at a crooked angle, was a piece of paper that had written on it the words ‘Mid North Coast C.C’. This strange conflation of high technology and sloppy signage was the man’s court appearance.

Technology has wrought transformations throughout the criminal justice process, and McKay’s focus is on audio-visual links (AVL) connecting prisoners to courtrooms. This is a reality now well-established in New South Wales, in Australia, which is McKay’s jurisdictional focus. The book also explains that similar processes operate in the United Kingdom, United States, New Zealand, Canada, The Netherlands, France, and elsewhere, and each of these potentially encroaches on fundamental protections and principles of criminal justice. The emerging global enthusiasm for virtual courtrooms has unfolded without proper regard for its impact upon the presumption of innocence, the right to a fair trial, the right to a public hearing, and the right to confront witnesses. Changing the ‘space’ of legal adjudication from open courts to closed prisons has transformative effects upon the foundations of the rule of law, but also on the everyday lives of people who are waiting to ‘appear’ in court.

McKay's book warns that these technologies are neither neutral nor benign. She argues forcefully that we ought to be vigilant against the kinds of technology-led applications that actually diminish meaningful participation in criminal justice processes. Her book contributes to the broader fields of visual criminology, critical criminology, penology, procedural justice, access to justice and courtroom architecture. It is also an exemplary work of empirical research in prisons and with prisoners, reflecting a careful, ethical and sensitive approach.

In significant part, this book is based upon the interviews McKay conducted with prisoners who she asked to reflect on their AVL experiences. This methodology enriches her study, and it also enlivens our reading experience. These prisoners really humanise the experience of being pixelated and disembodied. The book is focused on the prisoner experience of AVL. One of its most important contributions is to our understanding of the subtle, nuanced, or perhaps insidious ways that AVL has the capacity to undermine protections and principles that we have long-regarded as fundamental. However, the book is also careful to identify the ways, including some more surprising ways, that AVL might be seen by prisoners as a beneficial and welcome technology. We learn a great deal from McKay's informants about the experience of actually appearing in courts 'in real life'; they talk about the huge amount of time expended, the uncomfortable experiences of prison transportation, the seemingly-endless waiting. We also learn about what they lose when they appear via AVL: they aren't able to change into civilian clothing, the technology often fails, they cannot see who is in the courtroom, and they don't experience the formalities – some would say the dignities – of having one's day in court.

One group of prisoners described a day where the judge had pressed the 'mute' button in the courtroom, and nobody could hear their proceedings all day. Others described sitting in the prison holding area for hours, waiting for their video-link, and nobody in the court had communicated to the prison that their matter was not proceeding that day. Others described sitting in the stifling AVL cells from first-thing in the morning, waiting hours for their video-link because the courtroom prioritised all of the in-person proceedings, leaving the AVL matters until the end of the day. Some prisoners, even when their AVL was concluded, needed to wait in the cells because the courts had not transmitted warrants enabling them to return to work, or to their prison quarters. These are not problems inherent to AVL – they are human errors, or bureaucratic failings, all evidence of the disregard

for the time, emotion and value invested by prisoners in their legal proceedings. Nevertheless, these are a part of the prisoner side of AVL, and McKay's book gives us a powerful insight into how prisoners experience the turning of the wheels of justice.

The book takes two primary theoretical frameworks – one of these comes from Michel Foucault, and the other from Maurice Merleau-Ponty. The Foucauldian frame engages with theories and technologies of power and surveillance; the phenomenological frame explores issues of embodiment and sensation. These are applied critically and reflexively, acknowledging the distinct histories of the Australian carceral state, with origins in convict transportation, and the different gendered practices by which bodies are rendered docile. The book attends to sensory perceptions of AVL, particularly as it is embedded in a prison environment, and we come to understand the noise, smell and dirt associated with AVL. Through McKay's informants, we are able to apprehend the experience of not being able to see who is speaking, or not being able to hear the person speaking to us, and the distortions, clamour and disruptions present in the modern prison.

She writes persuasively about the dignity, symbolism, hierarchy and ritual associated with courtroom architecture, and all of these qualities are lost in the AVL domain. She draws upon interesting contributions from her prisoner informants, some of whom expressed a preference for the relative privacy afforded by the AVL, believing it had the effect of protecting them from public scrutiny. Her argument here is careful and nuanced, enabling her to be critical of AVL but also to acknowledge that some prisoners prefer it. She is particularly cautious not to romanticise the traditional courtroom.

McKay is clear to situate AVL as a prison technology, and not necessarily a technology of justice. AVL, in her argument, is an extension of the penal regime, rather than an instrument of the administration of justice. Many prisoners' criticisms of AVL were, in fact, issues arising from features of the context in which AVL operated: bad technology, poor communication, disregard for prisoners' time and comfort. Nevertheless, McKay's book sets out to evaluate the prisoner *experience* of AVL, and these are all findings from that study. The book's epilogue contains detailed recommendations that McKay has proposed in order to mitigate some of the negative attributes of AVL.

The book contains some photographs taken by McKay during her research, as well as images she has made as part of her art practice. It gives a hint for

readers that McKay is also an accomplished and innovative multimedia artist and curator. Whilst the book primarily showcases her scholarship, it does give us insight into her creativity and imagination. McKay is also a character in this book. Her personal reflections on what she is seeing and hearing, and her descriptions of her own experiences are a valuable part of the work; they are immersive, honest and informative, and give us a strong sensory engagement with the pixelated prisoner experience.