

The Victimology of a Wrongful Conviction Innocent Inmates and Indirect Victims

By Nicky Ali Jackson, Kathryn M. Campbell, Margaret Pate
New York, Routledge, 2023

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Jackson, Campbell, and Pate do a magnificent job of identifying the all-encompassing harm caused by wrongful conviction – to the exoneree, their families, the victims, and society in their recent book, *The Victimology of a Wrongful Conviction: Innocent Inmates and Indirect Victims*. Based on their analysis of in-depth qualitative interviews of exonerees (n=24) and their family members (n=13), the authors thoughtfully document that exonerees are victims of the criminal legal system.

The authors divide their book in two parts – the wrongfully convicted as victims (Part 1), and the many victims of wrongful conviction (Part 2). Though, I suspect readers may also wonder why Chapters 5 and 6 (the exoneree as a victim, and female exonerees, respectively) are in Part 2 of the book as opposed to Part 1.

Part 1 of the book walks the reader through topics that zig and zag more than they do unite. Part 1 includes chapters on the authors' methods and demographics of their sample, victimology theories, quantifying wrongful convictions and their causes, and racism's inherent role in further oppressing Black exonerees. The chapters are disjointed, but well-written.

Central to the book's premise, Chapter 2 presents the reader with a detailed review of theoretical perspectives on victimology, including the history of victimology, the Victim's Rights Movement, and victim theories applied to wrongful convictions. Jackson provides a foundation for the reader to begin to think of exonerees as victims. Jackson's efforts to display the myriad applications of victimology research to exonerees are novel but also reveal a genuine concern about applying theories of victimology to exonerees. By victimologists focusing on the victim's role in their own victimization they may perpetuate the very harm exonerees experience by effectively blaming them for their wrongful conviction. Coupled with the popular public misconception that a truly innocent person would never be wrongfully arrested or convicted, it appears that some victimology research may exacerbate the stigma that exonerees and their family members already face.

Chapter 3, though brief, is imperative for any book on wrongful convictions: the extent and causes of wrongful conviction. Campbell attempts to quantify how many people are wrongfully convicted, providing conservative and liberal estimates from past authors, but the chapter is a bit outdated when contextualizing the social science research on causes of wrongful convictions. Of appeal to the curious reader, Campbell thoughtfully includes actual cases of wrongful conviction that involve eyewitness misidentification, false confession, jailhouse informants, police and prosecutorial misconduct, and forensic science.

Not to be missed by any scholar of wrongful convictions is the compelling chapter by Hattery and Smith (Chapter 4), which provided one of the sharpest critiques of the criminal legal system I have read documenting the effects of racism and White supremacy on every aspect of the legal system, including the overrepresentation of Black male exonerees (~50% of all exonerees). Notable is that Black men are disproportionately wrongfully convicted of interracial crimes – crimes in which a Black man is accused of raping and/or murdering a White woman – even though crime data demonstrate intraracial (White-White, or Black-Black) crime is much more common.

The flow of Part 2 (Chapters 5-11) improves greatly, as the authors turn to their analysis of the interview data, revealing the substantial victimization experiences of exonerees and how wrongful convictions creates additional victimization to the exonerees' family members, crime victims, and society. I commend the authors on recognizing that some of these victimization experiences are also shared among those who have been rightfully incarcerated, but the authors made impressive effort to document the additional victimization the wrongfully convicted face. In Chapter 5, Jackson delivers a methodical analysis of how an innocent person goes from falsely accused to wrongfully convicted and breakdowns the harms exonerees face. This chapter is essential reading for any undergraduate student interested in wrongful conviction. Jackson's writing skillfully captures the painful victimization experience of an exoneree, and her inclusion of the quotes from the exonerees' provides a richness that will resonate with the reader.

Chapter 6 highlights the unique experience of female exonerees and is a must-read for any scholar of wrongful convictions. I have no doubt, my friend, the late Karen Daniel, co-founder of the former Center on Wrongful Convictions Women's Project at Northwestern University, School of Law, would be smiling from ear to ear reading Campbell's depiction of how female exonerees' cases are unique from male exonerees. Critical to an attorney fighting a wrongful conviction is that women's cases are different – often women are wrongfully convicted of cases in which no actual crime occurred – a natural death mistaken for a homicide, an accidental fire mistaken for an arson, sexual abuse allegations based on false memories, etc. Though the authors' interview female exoneree data are more limited, particularly for women of color exonerees (n=1), the data are meaningful.

A growing area of wrongful conviction research recognizes the enormous toll that wrongful convictions take on exonerees' families – their parents, children, siblings, etc. Relatedly, at the annual Innocence Network conference, my friend and exoneree extraordinaire, Kristine Bunch has aided in creating workshops for family members' of exonerees to discuss the intergenerational impacts of wrongful conviction and how to re-build relationships. Pate does justice to these family members in Chapter 7, when thoughtfully detailing the many examples of psychological harm, financial hardship, familial strain, and more that these loved ones experience as a result of their family members' wrongful conviction.

Pate continues her elegant story-telling of victims' lived experiences in Chapter 8 when she details the agonizing experience an original crime victim may go through when learning that the convicted defendant of the crime is actually innocent. Pate captures the re-victimization that victims may experience during the exoneration process, especially as a result of public scrutiny. The chapter is appropriately thorough and thoughtful at each step.

Chapters 9 and 10, respectively, demonstrate how society is a victim to wrongful conviction (e.g., taxpayers' cost of compensation, illegitimacy of the legal system exposed) and

how exonerees are re-victimized upon release from prison by unjust policies and laws that do not benefit the innocent (e.g., a lack of employment and housing opportunities). In Chapter 10, Jackson shared one of the most illustrative examples of the unbelievable struggles exonerees face: A male exoneree did not tell his mom or children he was released from prison because he did not want to burden them to house him after his incarceration. Jackson makes clear that exonerees face a plethora of struggles far beyond those that are released upon a rightful incarceration.

The final chapter of the book ends with a hopeful reminder of how we can improve the criminal legal system. The authors claim that some promising policy changes have occurred, but at best, leave the reader with an unrealistic outlook. Put simply, many police lineups do not follow pristine conditions, not all police interviews and interrogations are recorded, and science is still lacking from several forensic science disciplines. Nonetheless, I still appreciate the authors' message of hope.

Ultimately, the authors provide a detailed account of the victimology of a wrongful conviction. Their qualitative data provide a richness and fullness to the lived experiences of exonerees and their family members, and I commend the authors on raising awareness of the experiences of Black male exonerees, women exonerees, and crime victims, all of which highlight the magnitude of victimization these individuals experience. For these reasons, while I recognize that the authors created the title of the book in the context of victimology research and terminology, I would have appreciated if the title focused more on humanizing exonerees by referring to them as innocent people rather than innocent inmates.

I also pose one more question for the authors, as well as others who read this book – do we think that exonerees' victimization experiences are more shared than different? Is the experience of a mother who was wrongfully convicted of killing their child unique from a Black man who was wrongfully convicted of raping a White woman? What if the exoneree was sentenced to death? What if the exoneree is a member of the LGBTQ+ community or was a teenager when they were convicted? While I do not doubt the authors would recognize that the experiences of each exoneree may be unique, research suggests there is no single response to trauma or grief. Therefore, I caution those working with exonerees or proposing a victimology perspective to avoid assuming exonerees will experience a shared set of "psychological consequences." We must be mindful to prevent exonerees from experiencing further guilt, stigma, or shame as a result of not having had those "common" experiences or feelings that other exonerees did. After all, research reveals that myths about trauma can further harm victims (see Clancy, 2009).

Clancy, S. A. (2009). *The trauma myth: The truth about the sexual abuse of children – and its aftermath*. New York, NY: Basic Books.