

When Justice Fails: Causes and Consequences of Wrongful Convictions (2nd Edition)

By Robert J. Norris, Catherine L. Bonventre, James R. Acker
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As thousands of wrongly convicted persons have been exonerated in the United States over the past several decades, there has been growing research examining factors which contribute to this miscarriage of justice. Wrongful conviction is an important field of study which highlights how the American criminal justice system is fallible. Scholars have shed light on how innocent people have been wrongly targeted, arrested, convicted, and incarcerated for crimes they did not commit. This is important for a variety of reasons particularly the fact that an innocent person is being unjustly punished while the real perpetrator remains unpunished. Equally important, it sheds light on the fact that wrongful convictions do happen and while we are all susceptible, some people are more vulnerable than others. *When Justice Fails: Causes and Consequences of Wrongful Convictions* is one such book that proposes to offer readers insight into how wrongful convictions are borne and their consequences.

The authors, Norris, Bonventre, and Acker are well positioned to write this book as they are leading scholars in the area of wrongful conviction. Collectively, they have published extensively on wrongful conviction issues. As expected, the breadth of information provided in this book would be welcome to any wrongful conviction, social justice, or miscarriage of justice course, to name a few. It would also be appropriate for law students not only to provide education on how the system fails, but also how inadequate defense lawyering and overzealous prosecutors contribute to wrongful convictions. The roles prosecutors and defense attorneys play impacting the outcome of a criminal case are addressed in chapters 8 and 9. The authors clearly explain that prosecutors should never attempt to secure a guilty verdict at any cost. They inform the reader that prosecutors have a duty to present all evidence to the defense, even evidence which is favorable to their opposition. Norris, Bonventre, and Acker also address the challenges of defense attorneys, particularly public defenders with overwhelming caseloads and a lack of appropriate financial resources. These are especially important points of information for future lawyers in preparing them for the realities of these professions.

When Justice Fails: Causes and Consequences of Wrongful Convictions is an important addition to wrongful conviction scholarship. The subtitle, however, may be a bit misleading as the authors do not clearly convey the consequences of a wrongful conviction. Rather, they examine policy implications within the chapters. If the policy implications are the consequences that are being addressed, the subtitle should reflect this with clarity. The term ‘consequences’ implies that

the book will address the effects of a wrongful conviction, but the book falls short in this area. Only one chapter in the book, Chapter 12, provides a detailed look at the consequences of a wrongful conviction through the case study of Kirk Bloodworth, a death row exoneree, who spent nearly a decade wrongly incarcerated for the rape and murder of a child. Bloodworth's post-exoneration struggles are addressed and the authors do an excellent job illustrating the consequences of his wrongful conviction. Even so, discussions of the consequences of a wrongful conviction are absent throughout the book as the title suggests. Perhaps a preface would have helped the reader better understand the purpose of the book? Chapter 1 does provide an introduction into the nature and extent of wrongful convictions, however, the purpose of the book is not clearly identified. This omission is, in my opinion, an oversight that would have helped introduce the book's purpose and framework in a clear and comprehensive manner.

Even with the absence of the preface, this book is desirable and written in a way that is easy to read and comprehend. At the onset of each chapter, the authors introduce a wrongful conviction case study. The authors catch the reader's attention by bringing in the human element to wrongful convictions. Drawing from real life exoneration cases, each chapter introduces the material from a human approach. This is one of the most appealing traits of the book. It is unique from other books in that it applies real life cases directly with the issue the chapter is covering. This was a clever way to get the reader drawn into each chapter and tie the material directly to the case study.

Another strength of the book is that chapter 2 exposes extralegal factors, such as race and gender, as they apply to wrongful convictions. Norris, Bonventre, and Acker address what is already known about racial disparity in the criminal justice system, specifically, that African Americans are disproportionately arrested and convicted. Additionally, African Americans are more likely to be wrongfully convicted. They also note that African Americans are more likely to be exonerated than Caucasian Americans as the National Registry of Exonerations reports that almost half of all exonerees are African American. Although it is understood that African Americans are exonerated at higher rates than Caucasian Americans, the authors provide some explanations as to why this may be the case. One explanation is that cross-racial identification is flawed leading to erroneous identifications.

Similar to other books on wrongful convictions, chapters 3 through 9 focus on canonical factors leading to a wrongful conviction. Unique to this book is that the authors deliver reform considerations in most of the chapters. For example, in the chapter addressing eyewitness identification, they offer suggestions, such as double-blind procedures and recording the identification process. Their recommendations are not new in wrongful conviction literature, nonetheless, the placement of the recommendations at the conclusion of the chapter is a logical sequence.

An interesting part of the book that needs to be highlighted is that two chapters are dedicated to false admissions. One chapter details interrogations and confessions while the other chapter examines guilty pleas and plea bargaining. Norris, Bonaventure, and Acker note that the purpose for this is that, while there is some overlap on the two issues, both are guilt-presumptive. The goal of an interrogation is to secure a confession and the same outcome is desired with a guilty plea. But, these occur at different points within the criminal justice process. For this reason, the

authors suggest that they warrant separate attention. Unlike other wrongful conviction books examining false confessions solely from the interrogation stage, these authors recognized that false admissions also occur at another stage: plea bargaining. Thus, false admissions, at different points within the criminal justice process, merit individual attention. This was a clear strength of the book in that it showcased the factors leading innocent persons to falsely confess to a crime during the interrogation process and during plea bargaining.

The book includes a chapter on no-crime cases which is very important in wrongful conviction literature. It is difficult for many people to comprehend that innocent persons are wrongly convicted for crimes that never even happened. Drawing on the National Registry of Exoneration webpage, the types of crimes for which people are convicted in no-crime cases are shared including, shaken baby syndrome, sexual assault, murder, drug offenses, to name a few. The authors, rightfully, note that the majority of female exonerees were wrongly convicted on no-crime cases. This clearly reflects that the issue of no-crime wrongful convictions is a female phenomenon. However, there was no thorough discussion as to why females are more likely be wrongly convicted of a crime that never happened compared to their male counterparts. While gender was mentioned throughout the book, this chapter would have been the appropriate place to highlight the gender variations in no-crime cases. A dedicated section on female no-crime cases would have been logical within this chapter since they are the ones most likely to be wrongly convicted of a no-crime case.

This book included a chapter on detecting and correcting miscarriages of justice which is especially important to a book which focuses on causes of wrongful convictions. Readers have been informed, up to this point in the book, on how a wrongful conviction occurs, therefore, a consequent chapter on how to identify and correct a wrongful conviction is necessary. The authors explain the major challenges in the exoneration process. Legal terms are easily understood for those not in the law profession which makes this chapter even more valuable.

The last chapter of the book, *Wrongful Convictions: Continuing and Future Challenges*, is thought provoking. Norris, Bonventure, and Acker do an excellent job discussing issues, such as, the death penalty, juveniles, and popular culture as they relate to wrongful convictions. The chapter includes a welcome section on Conviction Integrity Units (CIU) as these newly formed prosecutorial based units are important in identifying and redressing wrongful convictions within their jurisdictions.

In closing, despite some weaknesses, this book, authored by seasoned wrongful conviction scholars, is an excellent addition to wrongful conviction scholarship. The use of case studies was an intriguing way to get readers interested in the chapter by connecting the case to the chapter topic. This book captures the causes of wrongful convictions in a very detailed approach and provides suggestions for each contributing factor which would minimize the risk for a wrongful conviction. This easy-to-read book is a must read for those curious about wrongful convictions. It is a welcome addition to the existing research in the field.