

**Shattered Justice: Crime Victims' Experiences
With Wrongful Convictions and Exonerations**

By Kimberly J. Cook
Professor of Sociology & Criminology,
University of North Carolina Wilmington, U.S.A.
New Jersey: Rutgers University Press, 2022

Reviewed by Amy Shlosberg,
Associate Professor of Criminology,
Fairleigh Dickinson University, New Jersey, U.S.A.

In *Shattered Justice*, Kimberly J Cook gives voice to victims of wrongful conviction, focusing on the original crime victims and their family members. Most wrongful conviction research focuses on faulty legal procedures and what is often considered the direct victims of these injustices: the wrongfully convicted individual. While these examinations are crucial and provide invaluable information necessary to prevent and treat these injustices, a piece has been historically missing. The examination of wrongful convictions and exonerations through the lens of original crime victims and their family members offers a meaningful perspective that is often overlooked. This book fills a key gap in the literature, and it does so in a transformational and sympathetic manner.

These unseen victims experience trauma in distinctive ways that often span decades, and in many cases, lifetimes. These traumas are aptly described as primary trauma, which relates to the impact of the original crime, and secondary trauma, which refers to the harms caused by the criminal legal system. The author develops an additional theory of trauma, coined tertiary trauma. This type of trauma focuses on re-traumatization stemming from a wrongful conviction/exoneration and is a substantial contribution to the literature. Cook provides ample evidence of structural barriers to justice experienced throughout these distinctive traumas. These, along with several other theories of victimization, are explored and extended to provide new frameworks of injustice.

The research presented in this book draws on 21 in-depth interviews with original crime victims, which include both homicide victims' family members and rape survivors. Acknowledging the complex, and often compounded trauma, the author's methodology utilized a trauma-informed approach and strong ethical research practices. Part 1 of the book (chapters 1-4) focused on the research methodology and participants' experiences surrounding the original crime(s), referred to as primary trauma. These accounts also included exploration of secondary traumas which were the result of the initial investigation and legal proceedings. This part of the book concludes with the impact specifically on family members, a group almost never considered in these types of cases.

Part 2 began with what I would consider the most powerful chapter in the book, aptly titled *Shattered Justice*. This section explored victims' experiences of the post-conviction process and the moment the exoneration(s) "erupted" in their lives often decades after the original crime had occurred. This chapter underscores the suffering associated with re-living the original event, renewed media interest and feelings of misplaced guilt and confusion. Of utmost importance, the analyses focused on the intersectionality of sexism and racism, particularly as it applied re-traumatization for victims and family members.

As a leading expert in the study of wrongful convictions, victimology and restorative justice, Cook brings a unique perspective that few could provide and is extremely well suited to deal with the complex issues introduced in this book. Her ground-breaking work on death row survivors, along with co-author Sandra Westervelt (2008, 2010, 2012, 2013, 2018) seemingly set the foundation for *Shattered Justice* in that it recognized a number of death row exonerees as surviving family members.

Other than her numerous scholarly publications in these areas, Cook is a founding member of the board of directors for the non-profit Healing Justice, an organization dedicated to helping those who are affected by wrongful conviction. In this capacity she has helped build, and implement, trauma-recovery practices that are aimed at collective healing and aptly acknowledge the many layers of harm and the networks of people affected by a wrongful conviction. In fact, Cook's essential work in this organization was one of the catalytic agents for this project. This is best illustrated in part three of the book which discusses the role of Healing Justice in the recovery process for many crime victims and survivors.

The final section of *Shattered Justice* offers recommendations for reform in three distinct areas: prevention, mitigation and reparations. This holistic approach is unique as most scholarship focuses on policy implications surrounding the prevention and mitigation aspects, while ignoring the importance of repairing and rebuilding. These victim-centered suggestions were not only drawn from the authors expertise, but more importantly taken directly from her interviews with original crime victims. Among the most significant and novel recommendations concerns expired statute of limitations. When the wrong person is incarcerated for a crime, often the actual perpetrator inflicts additional harms on society (referred to as *wrongful liberty*). If, and when, the actual perpetrator is discovered they may not be brought to justice if the time for legal recourse has expired. Cook recommends a viable avenue for reform: "reinstate the authority to charge the actual perpetrator on the basis of new evidence that helped exonerate the wrongly convicted." This improvement would increase confidence in the legal system while increasing public safety and should be prioritized.

Cook clearly values the precision of language as evidenced by the terminology applied throughout the book. Throughout this text, rather than referring to the *criminal justice system* she uses the phrase *criminal legal system* in acknowledgement of the persistent inequities in both the application and the enforcement of the law in our country. Furthermore, thoughtful language was utilized when discussing victims and harm. For example, Cook employed the terms *parallel tracks* (also referred to as *parallel harms* and *parallel hell*) and *combined harms* to illustrate the connection between the original crime victims' and the exonerated individual, specifically, as ways to explain how both parties have been impacted by similar events. Likewise, the use of the term

flawed-eyewitness identification procedures accurately shifts the blame from the identifier (who is often the crime victim) to faulty systemic policies and practices.

My critiques of this work are few and inconsequential. As with all research in the area of wrongful convictions, the population is unknown and therefore the findings are not generalizable. This limitation is merely just a by-product of the nature of the research and a limitation recognized by the author. In terms of the sampling methodology, the author had an existing relationship with many of the participants and a detailed knowledge of each case prior to each interview. While these factors may have allowed for quicker rapport building and less of a focus on nuances of the original event, it could have altered participant responses and researcher analyses. Lastly, this book begs the questions: How might these crime victims differ from other crime victims? Are these victims and survivors unique in that they accepted, and in some cases advocated for, the exoneration? Understanding those who aren't involved in Healing Justice, and more broadly, victims in cases where there is no exoneration, or a lingering question of innocence could provide useful insight for practitioners and policy makers. Given her expertise and competence I believe Cook would be best suited to explore these areas in future investigations and I hope that she will.

This book is a significant contribution to the field and will clearly appeal to criminal justice students and scholars, especially those interested in wrongful convictions. However, the benefits of this book are further reaching. *Shattered Justice* will appeal to feminist scholars, restorative justice practitioners, victim advocates, legal system actors and policy makers. In fact, anyone who values and works towards fairness in the criminal legal system will find this book compelling. This book conveys a vital message: As a society we owe these distinctive victims, and their family members, more respect and care as they process their trauma.