

## CONTENTS

### **Preface**

### **Acknowledgements**

### **Foreword**

*Michael Radelet*

A prominent and influential scholar assesses the importance of this book, as well as the growth in scholarly research on miscarriages of justice and its impact on the public's awareness of such errors and their declining support for the death penalty in the U.S.

### **Chapter 1: Wrongful Convictions and Miscarriages of Justice in Comparative Perspective: Preface and Introduction**

*C. Ronald Huff and Martin Killias*

The co-editors summarize each of the following chapters and note critical points in a comparative context.

## **PART I: WRONGFUL CONVICTIONS AND MISCARRIAGES OF JUSTICE: CAUSES AND FREQUENCY**

### **Chapter 2: Wrongful Convictions in a World of Miscarriages of Justice**

*Brian Forst*

Wrongful convictions are not the only kind of miscarriage of justice. This chapter includes other examples and emphasizes the importance of managing both Type I and Type II errors.

### **Chapter 3: How Many False Convictions are There? How Many Exonerations are There?**

*Samuel R. Gross*

Wrongful convictions and exonerations represent only small samples of total errors made by systems of justice. Gross discusses our current best estimates of the frequency with which these occur and wonders what is our tolerance for these errors compared with other kinds of errors.

### **Chapter 4: Errors Occur Everywhere – But Not At the Same Frequency: The Role of Procedural Systems in Wrongful Convictions**

*Martin Killias*

While human behavior is prone to error, Killias focuses on the kinds of mistakes that may be due, at least in part, to “system” errors” that are endemic to both adversarial and inquisitorial systems and how such errors might be reduced.

### **Chapter 5: Trial and Error**

*Brandon L. Garrett*

Based on his analysis of the trial transcripts from the first 250 DNA-based exonerations in the U.S., Garrett tells us what factors contributed to wrongful convictions in those cases and how they might help us learn what reforms might be needed.

Chapter 6: The Prosecutor and Wrongful Convictions: Misplaced Priorities, Misconduct, Immunity, and Remedies

*Jim Petro and Nancy Petro*

A former prosecutor and Ohio Attorney General and his co-author examine the role of the prosecutor as well as prosecutorial misconduct, the issue of immunity, and related court rulings and suggest wide-ranging remedies.

### **Chapter 7: Forensic Science and Wrongful Convictions**

*Simon A. Cole and William C. Thompson*

How can science actually help cause wrongful convictions? How good a job does forensic science currently do in aiding the search for the truth? The authors address these questions and recommend adopting a broader approach to reform.

### **Chapter 8: The Importance of Having a Logical Framework for Expert Conclusions in Forensic DNA Profiling: Illustrations from the Amanda Knox Case**

*Joëlle Vuille, Franco Taroni, and Alex Biedermann*

How did forensic science errors help contribute to the infamous conviction of Amanda Knox in Italy? The authors consider that as well as the proper role of forensic scientists and how can they work to better assist the triers of fact in criminal cases.

### **Chapter 9: Confirmation Bias and Wrongful Conviction**

*Chrisje Brants*

A Dutch scholar cites cases in the Netherlands that illustrate a wide array of errors and discusses the vulnerability of human beings to cognitive biases.

### **Chapter 10: “Voluntary” False Confessions as a Source of Wrongful Convictions:**

*The Case of Spain*

*Marcelo Aebi and Claudia Campistol*

The authors introduce us to a new kind of miscarriage of justice that might be considered “voluntary false convictions” based on false confessions motivated by a desire to obtain certain benefits. How often do these occur in Spain? Could they actually help protect certain terrorists and other criminals?

### **Chapter 11: The Changing Face of Miscarriages of Justice: Preventive Detention Strategies in Canada and the United States**

*Kathryn M. Campbell*

A Canadian social scientist asks whether U.S. and Canadian government attempts to deter terrorist attacks might have created new legislation and policies that have contributed to miscarriages of justice. How should democratic societies balance security concerns with respect for individual rights?

### **Chapter 12: The Risks of Summary Proceedings, Plea Bargains, and Penal Orders in Producing Wrongful Convictions in the U.S. and Europe**

*Gwladys Gillieron*

Alternatives to trials are expanding in both North America and Europe. The author notes that our attention has largely been focused on exonerations following trials but since trials account for only a small proportion of convictions, shouldn't we pay more attention to non-trial convictions as sources of error?

## **PART II: WRONGFUL CONVICTIONS AND MISCARRIAGES OF JUSTICE: CONSEQUENCES AND REMEDIES**

### **Chapter 13: Life after Exoneration: Examining the Aftermath of a Wrongful Capital Conviction**

*Sandra D. Westervelt and Kimberly J. Cook*

The authors take us inside the lives of 18 death row exonerees to see what happened to them after they were exonerated. While most of our attention has focused on the causes of wrongful conviction, they help us understand that exoneration is not the end of the story, but only a beginning of new challenges.

### **Chapter 14: More Procedure and Concern About Innocence But Less Justice? Remedies for Wrongful Convictions in the United States and Canada**

*Kent Roach*

A Canadian legal scholar compares U.S. and Canadian approaches to addressing the problem of wrongful convictions and argues that formal legal remedies alone do not guarantee better results, especially when one system appears to impose far more barriers for obtaining relief.

### **Chapter 15: The Rocky Road to Reform: State Innocence Studies and the Pennsylvania Story**

*Spero T. Lappas and Elizabeth Loftus*

State efforts to address actual innocence often encounter a great deal of conflict. In this chapter, the authors cite the case of Pennsylvania, taking us inside the battles over what “innocence” means and recounting efforts to delegitimize the innocence movement to protect the status quo and the interests of prosecutors, especially.

### **Chapter 16: Edwin Borchard and the Limits of Innocence Reform**

*Marvin Zalman*

Following his detailed study of the career of Edwin Borchard, the first wrongful conviction scholar and “patron saint” of the U.S. innocence movement, Zalman notes that the progress that has been made could not have been foreseen by Borchard, and he carefully assesses that progress and what reforms are still needed.

### **Chapter 17: Wrongful Convictions, Miscarriages of Justice, and Political Repression: Challenges for Transitional Justice**

*C. Ronald Huff*

This chapter discusses a type of miscarriage of justice that has not previously been included in criminological research - - convictions based solely on political repression. Huff argues that such miscarriages deserve more attention and may attract new attention via the recent attempts to overthrow repressive regimes in the Middle East.

## **PART III:**

## **WRONGFUL CONVICTION AND MISCARRIAGES OF JUSTICE: CONCLUSIONS AND RECOMMENDATIONS**

## **Chapter 18: Conclusions and Public Policy Implications**

*Martin Killias and C. Ronald Huff*

In a concluding chapter, the editors summarize what has been learned from the research in this book and their earlier studies and how both the adversarial and the inquisitorial systems of North America and Europe can benefit from comparative research and learn from each other how to reduce wrongful convictions and other miscarriages of justice.

## **Contributor Biographies**

## **Index**