

BOOK REVIEW

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Review of: *Conviction of the Innocent: Lessons from Psychological Research*

REFERENCE: Cutler BL, editor. *Conviction of the innocent: lessons from psychological research*. Washington, DC: American Psychological Association, 2012, 370 pp.

In this tightly focused and unified book, Editor Brian Cutler has brought together top researchers in their respective fields to explore the current state of psychological science as it applies to wrongful convictions. This is perhaps above all a book by researchers for researchers, seeking to provide a synthesis of the psychological literature and to encourage, develop, and enhance our understanding of wrongful convictions, the reasons for them, and the consequences of them.

It is also a work of first impression, bringing this literature together in one place for the first time. Hence, the volume will also be of keen interest to attorneys, judges, advocates, policy makers, and forensic scientists in general.

The book is organized into seven sections, each addressing a distinct research interest area. The first section looks at characteristics of the suspects, exploring at-risk populations during the investigation phase and at the time of trial. Attention is drawn to those vulnerable individuals most at risk of wrongful convictions because of innate qualities such as youth, mental disorder, and developmental disability. These risk factors in turn render such populations vulnerable to manipulative interrogation techniques and related police methods, thus increasing the risk of false confessions or inaccurate police statements.

The second section shifts to focus on the investigators, including chapters on detecting deception, the literature on false confessions, and procedural justice evaluations in interrogations. The detection of deception plays a central role here, with research examining the unfortunate current state of lie detection and attention placed on ways to improve the accuracy of detecting deceptive actors. The extensive research base exploring the problem of false confessions is systematically unpacked in a chapter by Lisa Hansel and Saul Kassin. They review factors that engender false confessions and the applications of false confession research to policy and practice. Significant attention is also devoted to understanding the “Reid Technique,” a widely used interrogation method known to lead to confessions, both valid and often, not.

The third section of the book turns to consider the role of eyewitnesses in the course of five chapters that address a range of issues including the fallibility of eyewitness memory and identification, suggestive eyewitness identification procedures,

eyewitness confidence malleability, issues encountered in efforts to suppress suggestive eyewitness identification, and an exploration of the credibility the jurors place in eyewitness testimony. As a topic that has seen perhaps the greatest development of programmatic research, a significant portion of the part of the book is devoted to summarizing the research on eyewitness memory and the fallibility of eyewitness identifications. In addition there is a chapter devoted to suggestive procedures that lead to false eyewitness identifications, including, for example, problematic lineup instructions, lineup compositions, and optimal methods for improving the accuracy of lineup and photo-array identifications. Gary Wells and his co-authors present an excellent chapter on why motions to suppress suggestive eyewitness identifications so often fail, and the final chapter explores ways that jurors evaluate eyewitness evidence and assess the accuracy of eyewitness testimony.

Section four looks at problems introduced by both expert and lay witnesses at trial, including unreliable informant testimony, alibi witnesses, and psychological perspectives on problems with forensic science evidence. A fascinating chapter by Jeffrey Neuschatz and his colleagues explores problems with informant testimony and their relationship to the conviction of the innocent. Case examples are provided, as well as a discussion of scientific methods used in informant research, for example, looking at the impact of informant testimony on jury decision making. On the flipside of informant research issues, a companion chapter looks at alibi witnesses and their impact on jury decision making. The final chapter in this section explores psychological perspectives on problems with forensic science evidence and what has been termed, “the CSI effect.” The relevance of forensic science to the conviction of the innocent is explored, with various sources of forensic science error thoughtfully discussed including bogus and unqualified forensic examiners, corruption and fraud, exaggerated and unsupported statements, simple error, cross-contamination of evidence, and the disparities in the structure and funding of judicial systems that favor provision of forensic science resources for the prosecution, and often disadvantage the defense.

Pervasive systemic issues are covered in section five, including racial issues and applications for the psychological concept of “tunnel vision” to forensic science and the criminal justice system. Race and racism in the criminal justice system are explored looking both at scientific methods, and psychological research on racism in judicial decision making, racial profiling, and disparate treatment by police.

The sixth section deals with those that are exonerated, exploring life after wrongful conviction, and the psychological impact that this has on exonerated defendants. In the most poignant

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chapter of the book, Kimberly Clow and her co-authors explore life after wrongful conviction and the consequences this has for the wrongly convicted. The research in this area, however, is limited in many ways because of less rigorous scientific methods such as interviews and descriptive research.

The book closes with a final section summarizing the conclusions drawn by Brian Cutler.

The strengths of this book lie primarily in its concerted effort to draw together the extant literature relevant to this topic, to

focus the field moving forward in a positive direction for future research endeavors. If one were to identify a weakness, it would be the relative paucity of studies available in several of the topic areas, rendering some of the chapters brief and limited in scope. Nonetheless, this book represents a landmark on the road to a better understanding of this highly relevant and timely topic and will be of interest to a wide audience of those concerned with the problem of wrongful conviction and forensic scientific contributions to the pursuit of justice.