

David A. Harris: *Failed Evidence: Why Law Enforcement Resists Science*

New York: New York University Press, 2012, pp. x, 260. \$35.00 cloth (ISBN 978-0-8147-9055-7)

Simon A. Cole

Published online: 24 July 2013
© Springer Science+Business Media Dordrecht 2013

As *Failed Evidence* went to press, more than 250 convicted criminals had been exonerated by post-conviction DNA testing since 1989 in the United States (there are now more than 300). As David A. Harris notes, these exonerations showed that wrongful convictions were more common than most in the U.S. criminal justice system had imagined, and they convinced many within the system and in the general public that the American criminal justice system had a wrongful conviction problem. This realization led to inquiries into the contributors to this problem, and these inquiries pointed to a number of factors, including eyewitness identification, confession evidence, forensic evidence, informant evidence, poor defense lawyering, and police and prosecutorial misconduct. This list included some of the most trusted forms of evidence used in the American criminal justice system.

These findings have led to calls for the reform of the criminal justice system and its component parts: changing lineup procedures, recording interrogations, improving forensic science, better funding indigent defense counsel, tightening prosecutorial ethics, better controlling and documenting the use of informants, creating innocence commissions, enhancing the writ of *habeas corpus* and post-conviction access to the courts, and so on. Some progress has undoubtedly been made, but most scholars concerned about innocence would probably agree that the progress has been insufficient. As Harris notes, the criminal justice system has been distressingly resistant to proposed changes that seem to flow logically from an analysis of the post-conviction exoneration cases.

None of this is news: it was discussed more than 10 years ago in Barry Scheck, Peter Neufeld, and Jim Dwyer's *Actual Innocence* (2000). More recently, Brandon L. Garrett's *Convicting the Innocent* (2011) offered a thorough, updated, more thorough, and account of the Innocence Project cases. Several other books have discussed this material as well. Given this scholarly landscape, the contribution of *Failed Evidence*

S. A. Cole (✉)

Department of Criminology, Law and Society, University of California, Irvine, USA
e-mail: scole@uci.edu