

A Review of Errors of Justice

By

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Book: Errors of Justice
Author: Brian Forst
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The study of Criminal Justice is inherently centered on the idea of individual liberty. All practitioners, policy makers, teachers, researchers, and students of the discipline must have a grasp of this fundamental concept. The decisions made by actors in the field of criminal justice have the potential to take away the liberty and life of citizens who have contact with the system. With such a significant weight placed on all of those involved in the discipline, extreme caution should be taken to avoid disastrous mistakes. Despite the unpleasant nature of the topic, all individuals involved in criminal justice must ask—what happens when an error is made? What are the ramifications of errors in the criminal justice system? How do we know when an error is made? What can be done to prevent errors in the criminal justice system? Brian Forst, in his book Errors of Justice, conducts a systematic exploration into the nature of errors in criminal justice in order to develop a framework to answer these questions.

For the criminal justice system to function properly, the system must be perceived as legitimate by its citizens. Forst argues that legitimacy of the criminal justice system is primarily derived from the system's ability to minimize errors of justice. The system attempts to minimize errors by creating policies and procedures to regulate the justice system. In order for such procedures to be effective, a systematic method of study must be created to fully understand errors of justice. Forst's mission in *Errors of Justice* is to give a detailed and systematic examination of errors in the criminal justice system—from defining them to creating frameworks that may be used to study them.

Forst starts his investigation of errors in the criminal justice system by defining the terms of his investigation. For Forst, an error of justice occurs, “when an innocent person is harassed, detained or sanctioned, or when a culpable offender receives a sanction that is either more or less than optimal—or escapes sanctioning altogether,” (p. 4). More succinctly, errors of justice are “any departure from an optimal outcome of justice for a criminal case,” (p. 4). Errors of justice are broken down further; errors of due process where innocent individuals are affected by the error, and errors of impunity where culpable individuals are not punished due to an error.

The investigation of errors in the system continues by looking at due process rights and the effect these rights can have on errors in the criminal justice system. This discussion focuses on the differing influences of the crime control perspective compared to the due process

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perspective of suspect rights. A review of select legal cases is given to demonstrate the effects that process rights can have on errors of justice. The discussion shows how each paradigm of suspect rights can have a different affect on errors of justice. Forst also places this discussion within the relevant historical, social, and political context that gives the reader a full sense of the dynamics that act to influence the due process and crime control debate. Discussion about the media is also given to show how the media can interact with the social context to sensationalize instances of justice errors and thus affect polices governing criminal justice decisions.

Measurement of errors in criminal justice is a significant topic that Forst addresses. At the outset of any discipline, the phenomena under investigation must be described and explained before more advanced manipulations can be conducted. Criminal justice as a discipline has not been able to successfully describe or even count errors of justice. This creates a significant problem for systematic investigation of errors of justice. Errors in the criminal justice system are elusive and by their very nature are very difficult to detect. Forst looks at how other subjects deal with errors. In particular, he creates a comparison between errors of justice and errors in statistical analysis. Without becoming overly complex, he uses the framework of statistical analysis to frame the investigation of justice errors. Ultimately, he suggests that by utilizing a systematic framework, the discipline of criminal justice can better understand and measure errors of justice.

As with any systematic study, it is important to know what the ramifications or costs are with regard to the phenomena under investigation. The next significant topic involves the social costs of justice errors. Like many other areas of criminal justice, Forst displays the difficulty in measuring the social costs of justice errors. He discusses a multitude of different measurements that could potentially be used to gauge the social cost of errors of justice. For each one of the measurements he discusses, Forst critically looks at the advantages and disadvantages of each. By doing this, the reader is required to deal with issues of measurement which gives a new level of depth and understanding to the study of errors of justice.

After setting the reader up with a basic frame of mind to think about errors of justice, Forst starts to investigate the actual stages, actors, processes, and decisions of the criminal justice system that influence the occurrence of errors of justice. He discusses the potential for errors made by the police, prosecutors, juries, and practices they engage in that could be potentially problematic. Some topics—such as suspect profiling by police—are given extensive coverage. For every topic Forst discusses, there is a detailed description and explanation of how errors of justice can occur. Forst seems careful to be descriptive and detailed but non-judgmental. Some of the topics covered are often politically and emotionally loaded, but the systematic and descriptive nature of the investigations truly lends legitimacy to his analysis.

Forst concludes his book by discussing the state of legitimacy of the criminal justice system. Legitimacy of the criminal justice system is of the utmost importance. When the public perceives the justice system as illegitimate, the system can potentially break down. For example, when confidence in the police is shaken, individuals are less likely to work with the police by

partnerships and reporting crime and when courts are perceived as illegitimate, individuals are less likely to abide by their decisions and decrees. For Forst, errors of justice significantly contribute to the public perception of the criminal justice system. Thus, the proper course of action is to systematically study errors of justice and develop successful strategies to minimize their occurrence.

Errors of Justice is a versatile book with a multitude of potential uses in the classroom. Forst's writing style is smooth and clear. Without talking down to his audience, he assumes little prior knowledge of the criminal justice system. He gives the reader the information that is needed to fully understand the arguments forwarded yet does not bury the reader in so much background as to change the momentum of his writing.

When dealing with complex and technical topics, Forst is detailed, yet not overwhelming. For example, Forst often talks about the statistical method of hypothesis testing; he carefully describes the method and the theory behind it without becoming overly complex or technical. This clarity and thoroughness without the expense of being overly technical lends this book open to multiple uses in the classroom. Potentially, *Errors of Justice* could be used at virtually any level of college class. Introduction classes can understand the material presented while senior level classes and seminars would also benefit from the discussion and content generated.