



ACS Issue Brief Author Suggests ‘Helpful Errors’ Are Key to Criminal Justice Reform
Medical Community Model Favors Analysis Over Blame

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Washington, D.C. — The U.S. criminal justice system’s tendency to blame one person or agency for high-visibility errors is counterproductive, writes the author of an Issue Brief just released by the American Constitution Society for Law and Policy (ACS), which suggests the federal government adopt the medical community’s model of embracing day-to-day errors as “important opportunities to illuminate hidden flaws.”

“The pattern in criminal justice has been to wait for the catastrophic miscarriage of justice. Everyone then looks for an individual or an agency to blame,” writes James M. Doyle, a lawyer with Carney & Bassil and former head of the Public Defender Division of the Massachusetts Committee for Public Counsel Services, a statewide public defender agency. “The organizational accident approach is not only a more accurate way to describe what happened in a wrongful conviction; it opens a more productive avenue to remedial action.”

In “From Error Toward Quality: A Federal Role in Support of Criminal Process,” Doyle proposes the federal government create a national template for routinely reviewing “helpful errors” and dispense funding to localities for review of such errors by “everyone-to-the-table” teams of police, prosecutors, defenders, judges and any other relevant players, such as victim’s advocates or probation personnel.

Doyle’s Issue Brief is the second in an ACS series on roles the federal government can play in addressing the persistent crisis in indigent defense. The 1963 landmark Supreme Court decision, *Gideon v. Wainwright*, established that states have an obligation to provide legal assistance to criminal defendants who cannot afford an attorney, but many states have abdicated that responsibility, law professor Cara H. Drinan wrote in the first Issue brief in the series. Attorney General Eric Holder, Congress, and many other federal policymakers have identified reform of the indigent defense system as a priority.

Doyle suggests that a federal “learning-from-error initiative,” similar to that undertaken by then-Attorney General Janet Reno in spearheading the compilation of wrongful convictions exposed by DNA and convening working groups on the issue, will help identify problems that undermine compliance with the Sixth Amendment.

Doyle's ACS Issue Brief is [available here](#) (pdf). Please contact the ACS Communications Department to arrange interviews with the author.

The first issue brief in this series, "A Legislative Approach to Indigent Defense Reform" by Drinan, is [available here](#).

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