Megan Berger

The CSI Effect in the Justice System

Reality is the power of things as they actually exist and it is often contrasted with what is imaginary. The truth refers to what is real, while falsity refers to what is not. Hollywood directors have made a huge contribution with making truth and falsity blur together. We are all familiar with the long list of programs that have focused on crime and law enforcement, such as CSI: Crime Scene Investigation, Cold Case, and Bones. These television shows typically feature a team of forensic scientists who try to solve and investigate mysterious deaths through the latest technology. In the end the investigators end up deciphering who killed the victim and the cause of death, but is it that simplistic in actual reality? Crime scene shows are changing the public’s expectation in the criminal justice system.

The CSI Effect really skewed the jurors’ perception is the State v. Cooke case. Cooke was being charged for killing a local college student in Delaware (Winter). He filed to get a series of evidence excluded from the prosecution’s case, including footwear impressions, DNA, Fabric impression, hair, video, tool marks, voice identification m handwriting, fiber and trace (Winter). He challenged that all those thing weren’t relevant to the case(Winter). The prosecution argued that it needed that evidence to present to the juror, because the widespread of criminal shows would affect their decision making. The Court did reference that the Effect would play a huge role into how each juror was to decide. In the end the absences of evidence did change how the case played out and showed that the CSI Effect did in fact come into play. (Winter)

Crime scene shows do in fact simulate confirmed cases, but only after extremely editing the content which is commonly known as “The CSI Effect.” This is any way in which forensic science is exaggerated on crime television shows. The term, “CSI Effect” stems from the original highly viewed television series, Crime Scene Investigation. CSI along with the other programs seem to be the main cause in skewing the public’s perception on real-world forensic science and criminal behavior. The huge controversy in “The CSI Effect” within the court system focuses on how prosecutors are pressured to provide more evidence to the jury simply because that is what the jury expects.

The fictional program CSI, stimulates the audience with being able to read a crime scene like it is a brand new glossy magazine. The show has set the bar quite high for tradition television ratings (Shelton). According to the National Institute of Justice, CSI has been called the most popular television show in the world. The shows has set a pathway for other forensic dramas as well, such as Bones, Law and Order, and Dexter (Shelton). According to Nielsen ratings of television series in 2006, 30 million people watched CSI in one night, 70 million people watched at least one of the three CSI shows, and 40 million people watched two other forensic dramas, Without a Trace and Cold Case (Shelton).

Because these shows are so popular amongst viewers, reality of how a courtroom and an investigation is skewed. Five of the top television programs during that week were about scientific evidence in criminal cases, resulting in the misinformation of 100 million viewers (Shelton). In 2009 the show gathered over 73.8 million views around the world. With increasing popularity, the show launched televisions first franchise and became the most watched show in the world (Gorman).

CSI portrays crime scenes where detectives gather and analyze forensic evidence in order to solve crimes. The original series first appeared on CBS in October of 2000 (Cole). The Crime Scene Investigation team of the Las Vegas Police Department, aim high to seek out justice on criminals using forensic techniques in suggestive ways, which increases the sex appeal within the show (Cole). This really helps to capture the mind, eyes, and heart of the public to boost ratings. The team would be working over night shifts, using the most state-of-the-art forensic technology. The efficiency of the CSI team, resulted in them becoming the number two crime lab in America through a combination of “…whiz-bang science with in-your-face interrogations to solve complex crimes" (Willing). The show has embellished that every crime could be solved systematically.

The monumental success of the original CSI series, caused CBS to start producing their own franchise (Cole). The CBS network introduced CSI: New York and CSI: Miami, which take place in New York City and Miami, Florida, respectively (Gorman). These two new spin off shows created the same affect that CSI had on the public. The media surrounding the TV series has distorted juries’ perceptions, which has led to acquittals or hung juries (Cole). Max Houck, director of the Forensic Science Initiative stated that, "The CSI effect is basically the perception of the near-infallibility of forensic science in response to the TV show." In other words, even though it may take the scientists on the show 20 minutes to process something within a lab, the reality is that it can take several weeks, sometimes months, to get results back from the lab (Willing).

Forensics is the application of science in order to find clues and solve crimes. In a real-world scenario, a forensic scientist working with DNA cannot just pull up a match in twenty minutes. Since the 1980s, DNA analysis has helped immensely to identify the guilty from the innocent. However, DNA identification could take days to months to find a “match,” and some cases do not even get a chance to have their sample processed. They have to be extremely careful while preforming DNA testing because any mistake, such as sneezing, could contaminate the sample.

There are a series of steps needed to be taken while investigating an area, they need to locate the primary crime scene and find if there is a secondary crime scene before even processing DNA.

Not every town has a top class investigation unit. So if the first responders are the main detective unit, there tends to be less evidence to present to the jury. Most areas do not have crime scene technicians, a major crime squad, lab crime scene scientist, and most certainly a collaborative team. The more common and least expensive police force unit in most towns would be the traditional unit. Despite the public’s misconceptions, some crimes go cold and unsolved or the trial can go on for years. Real lab technicians can lift DNA from certain items that CSI presents, but some of the “state-of –the-art” methods are completely made up and unrealistic (Willing). There is wide variety of differences from the CSI lab and real-world laboratories.

Watching television programs like CSI, has caused jurors to wrongfully judge whether or not a defendant is guilty according to many attorneys, judges, and prosecutors (Shelton). The media got ahold of the court systems complaints and disapproval of the viewings, which ended up being labeled with “The CSI Effect” (Shelton). “The CSI Effect” has seen its way into the courtrooms and minds of the millions whom watch these programs. CSI is the first program that really had an impact on real life. Prosecutors started to feel the pressure of jurors who expected speedy trials, along with an abundant amount of evidence, which in certain trials are nearly impossible (Shelton). The new phenomenon has had jurors base more emphasis on the forensic evidence rather the other unscientific evidence. Most people feel that every case has straight forward evidence, giving a clear cut picture as to who is guilty and who is innocent.

CSI creates unreasonable expectations on the part of jurors, making it more difficult for prosecutors to obtain convictions, resulting in individuals wanting to prove the programs really does have a large effect in our Justice System. The media can helps sensitize issues and help to define crime for the public in a more layman way. There has only been six published empirical CSI Effect studies (Baskin & Summer’s, 2010; Kim, Barak, & Shelton, 2009; Podla’s, 2006, 2009; Schweitzer & Saks, 2007; Shelton, Kim, & Barak, 2007; Mancini, 2011). They all used measures of the jurors verdict preference and there forensic television viewership, to understand the Effect (Mancini). Shelton, who is a felony trial judge in Michigan, conducted a study which was the only one to actually provide evidence that criminal law programs have directly affected their decision-making process (Mancini). In Shelton’s written questionnaire, they obtained demographic information and then asked about their television viewing preference, how often, and how real they thought it to be. They also highly emphasized if jurors would demand scientific evidence before making a decision (Shelton).

The survey indicated that in every criminal trial 46 percent expected to see some form of scientific evidence, DNA was expected in 22 percent, fingerprint evidence in every criminal case was 36 percent, and 32 percent expected to see ballistic or other firearms laboratory evidence. (Shelton). In general he found that non- CSI viewers had a lower expectation then CSI viewers (Shelton). Showing that prosecutors who failed to present well laid out exhaustive case may experience backlash from the jurors who expect large quantities of evidence. A recent study has shown “In rape cases, CSI viewers were less likely to convict if DNA evidence was not presented.” (Shelton). Even though scientific technology has advance tremendously, the explosion of the programs has made a dent in further advancement.

The Effect has caused lawyers on both sides to be forced to work harder to prove their cases. "Talking about science in the courtroom used to be like talking about geometry - a real jury turnoff," jury consultant Robert Hirschhorn told USA Today. "Now that there's this obsession with the shows, you can talk to jurors about (scientific evidence) and just see from the looks on their faces that they find it fascinating" (Wojdacz). This has caused the crime labs to feel the heat and take on an abundant amount of work (Wojdacz). Shelton’s work raise an important caveat dealing with the CSI Effect. If we really want to take the notion of the Effect, we seriously have to separate it from what Shelton calls the “tech affect.” It is not a societal problem, but it is the increase in juror expectations to the actual increase in forensic technology (Cole). The media does portray the CSI Effect as a serious, harmful problem, but they rarely reference the empirical data. Actual evidence to prove the theory is fairly difficult (Cole).

A form of evidence to support socio- legal scholars is anecdotes, points to cases in which the CSI Effect acted as the tipping point for an acquittal. The highest recognized case, deals with Robert Black, a television star charged with murdering his wife (Cole). The prosecution presented evidence of motive, but in the end forensic evidence was lacking and he tested negative for gunshot residue, which the prosecution had theorized that he used a gun to shoot her. Same went for lower-profile anecdotes, where the jury acquitted based on lack of evidence (Cole). CSI really pushes the envelope beyond what is possible in forensic technology.

Surveys serve as a huge resource in presenting empirical evidence. Surveys of legal actors, focusing on the perception of prosecutors, defense attorneys, and trial judges. (Cole). These surveys aim to capture their perspective of the impact the programs have had on the jury verdicts, pretrial preparation, and trial strategies. (Cole). Watkin’s surveyed about fifty-three prosecutors, public defenders, and private defense attorneys. He wanted to know whether or not programs like CSI impacted they jury’s perception of a case. Most, leaned towards that yes, juries decisions where influences by inflated expectations of evidence because the program showed an immense amount of evidence (Cole). Thanks to what CSI and other similar programs show, people think every lab has state-of-the-art technology at their fingertips.

Real scientists state the television programs main flaw is how they present samples and evidence, somehow the tests on the shows never results in being faulty or unable to solve a crime(Willing). Dan Krane, DNA specialist states that “These things happen all the time in the real world(Willing).” They do a meliorate job at making sure everything goes according to plan along with a well thought out plan. Defense lawyers feel as though the evidence and testing should be accurate all the time, and human error is the vast majority for jurors’ decisions (Willing). In reality though, the shows actually aid in helping to support the defense side, at the same time make their job easier. DNA, the center focus in most CSI plots, really is only available in a small percentage of criminal cases, and they go long lengths to lower jurors’ expectations dealing with an abundant amount of evidence(Willing). At the same time legal actors are appreciate of how the programs increased the public’s interest in forensic evidence (Willing).

Do to the controversy, prosecutors have begun to actually question jurors on their TV watching-habits. Of course only with judge’s permission to do so (Willing). So far several states have allowed questioning before a trial, in order get the most accurate decision. Even though the court system demands proof beyond reasonable doubt before actually punishing an alleged criminal (Shelton). The prosecution doesn’t feel it as fair because certain cases don’t need as much evidence to prove someone guilty or not.

That long list of television shows, really do impact the public’s decision in a court room. Whether or not it totally changes their opinion on the case, in some way they relate everything back to those eye catching, jaw dropping thrilling programs they watch during the week days. As I said reality is the power of things as the actually exist, and the CSI Effect has done an excellent job with blurring fact and fictional together, of course with the help from Hollywood produces. CSI: Crime Scene Investigation, Cold Case, and Bones and all the other similar forensic investigation, really aid in helping to make the defense teams jobs a little more easily. They put on a great show with the investigation of murders and quickly being able to figure the whole crime out in a matter of seconds. But, these shows are really changing the public’s expectation in a case, because all they really think is well detailed evidence will be presented throughout every criminal trial. Not really realizing that the process of attaining such evidence is extremely time consuming. The Justice system has really felt the heat from the programs and people need to me more aware of what is real state-of-the-art technology and what is embellished. Yes, as stated, the media is coming up with more imperial evidence to support how The CSI Effect is changing and corrupting the system, but we as citizens need to be more willing to hear out the prosecutions side, and not always base every case fully on hard core evidence, but also the reason for motive and other things along the same line.

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