

Coming to grips with the CSI effect

THE proliferation of crime and courtroom dramas such as CSI: Crime Scene Investigation, and Law and Order, have had a dramatic effect on jurors and the outcome of criminal trials. The most popular courtroom dramas, whether real or purely fictional, are increasingly incorporating the latest scientific and technological tools available to solve crimes.

CSI has been so popular that it has spawned three separate versions that dominate the TV landscape: Las Vegas, Miami and New York, and has led to the launch of similar forensic dramas such as Cold Case, Bones and Numb3rs.

A recent survey of weekly television ratings carried out by consultancy the Nielsen Company, recorded that 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. The ratings disclosed one startling fact — that five of the top 10 television programmes were about scientific evidence in criminal cases and the total number of viewers was more than 100-million.

The spawning of crime and courtroom dramas has led to phenomenal investment in the portrayal of actual cases. The reenactment of an actual case for one crime magazine television show resulted in months of filming to capture the pre-trial hearings and the two-week trial. The final programme was a one-hour episode that incorporated extensive editing and narration for dramatic effect.

The effect of these television programmes has been dramatic. Several attorneys, judges and journalists have claimed that jurors have wrongfully acquitted guilty defendants where no scientific evidence has been presented during the trial. It appears that the proliferation of the crime and courtroom dramas has led to the expectation by jurors that significant scientific evidence would be presented by the prosecution and defence teams during the trial to prove or disprove evidence.

This has led to a phenomenon called the “CSI effect”. Jurors expect police to produce scientific evidence to support their investigations even when this means having the most advanced technology possible. One juror complained that the police had not done a thorough job because the police had not dusted the lawn for fingerprints. The most worrying aspect is that jurors expect the evidence to resemble what they have seen on television.

The extent of the CSI effect was evaluated over a three-month study period with 1 027 randomly selected individuals who were selected to act as jurors. The prospective jurors were surveyed about seven types of cases:

1. Every criminal case.
2. Murder or attempted murder.
3. Physical assault of any kind.
4. Rape or other criminal sexual conduct.
5. Breaking and entering.
6. Any theft case.
7. Any crime involving a gun.

For each category of crime, the jurors were asked what type of evidence they expected to see during the trial:



The original cast of the original CSI — the Las Vegas-based forensic scientists who solve intriguing mysteries each week — now about to begin its ninth season in the US.

- Eyewitness testimony from the alleged victim.
- Eyewitness testimony from at least one other witness.
- Circumstantial evidence.
- Scientific evidence of some kind.
- DNA evidence.
- Fingerprint evidence.
- Ballistics or other firearms laboratory evidence.

The survey then explored the jurors’ expectations of scientific evidence and whether this would be a specific requirement to find a defendant guilty. The jurors were asked how likely they would find a defendant guilty or not guilty based on specific types of evidence presented during the trial. Using the seven types of cases and evidence listed above, jurors were presented with 13 potential situations and five choices for each:

1. I would find the defendant guilty.
2. I would probably find the defendant guilty.
3. I am not sure what I would do.

4. I would probably find the defendant not guilty.
5. I would find the defendant not guilty.

The outcome of the survey was an interesting insight into jurors:

- Forty-six percent expected to see some kind of scientific evidence in every criminal case.
- Twenty-two percent expected to see DNA evidence in every criminal case.
- Thirty-six percent expected to see fingerprint evidence in every criminal case.
- Thirty-two percent expected to see ballistic or firearms laboratory evidence in every criminal case.

The findings of the study showed that the jurors’ expectations of forensic evidence were based on the type of case. For instance, the jurors expected DNA evidence in violent offences such as murder or attempted murder (46%) and rape (73%), and fingerprint evidence in breaking and entering cases (71%), theft (59%), and

crimes involving a gun (66%).

Forty-two percent of jurors watched CSI. These jurors, in general, were more likely to be female and politically moderate, while those with less education tended to watch CSI more frequently than those who had more education.

With the advance of science and the increase in tools available to forensic investigators, there is the expectation that jurors’ demands will increase with this advance.

A challenge looms for the criminal justice system: when a specific scientific test is available to provide evidence of guilt, but is not used by the prosecution team, will it be reasonable for a juror to rule that a defendant is innocent in the absence of the test.

The impact of science and the knowledge of jurors will have a significant effect on the criminal justice system.

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