**The CSI Effect: Big Surprise, TV is Dramatized**

Have you ever watched the popular television shows “Bones” or “Dexter”? Or how about one of the many “CSI” spinoffs? If your answer is yes, then you've been exposed to one of the newest trends to impact the forensic science field: the CSI Effect.

The CSI Effect refers to the influence popular crime and forensic TV shows have on the public—especially jurors involved in criminal trials. On shows like “CSI” and “Law & Order”, the science looks very cut and dry: either the DNA matches or it doesn't, and the fingerprint always belongs to a possible suspect. In reality, science is not always so conclusive.

**Unreasonable Jurors**

In the United States, criminal defendants are tried by a jury of their peers—people who supposedly hold no grudges against the defendant or biases about the case. But modern juries, influenced by the unrealistic forensic science techniques shown on popular TV shows, are becoming increasingly dissatisfied with the work performed by police officers, forensic science professionals, and even lawyers.

A 2008 study conducted by Monica Robbers, an American criminologist, found that [62 percent of defense lawyers and 69 percent of judges](http://www.economist.com/science-technology/displaystory.cfm?story_id=15949089) believe jurors have unrealistic expectations about the reliability of forensic evidence. The problem is that many jurors are programmed by their favorite television shows to expect copious amounts of conclusive DNA or fingerprint evidence. They feel (unreasonably) that this scientific evidence is the only way to determine whether the defendant is 100 percent innocent or guilty.

DNA evidence is rarely as easy to come by in real life as it is on TV, where eagle-eyed investigators can spy a drop of blood from across the room. In reality, DNA degrades so quickly that the amount you can obtain from a single blood drop (or strand of hair) might not be enough to identify the person it belonged to. And you can forget about trying to get DNA from extremely old human tissue samples—there won't be anything left.

**A Perceived Lack of Evidence**

This problem is not immediately obvious to television viewers. Criminal cases on TV must be wrapped up in an hour—well, 44 minutes without commercials. Because of this, jurors often have unrealistic expectations of what modern science is capable of doing. An analysis that took mere minutes on television could take *weeks* in real life, and it is illegal to hold a suspect for weeks while a sample is sent off to a lab.

In a 2005 study documented by the [*Yale Law Journal*,](http://www.yalelawjournal.org/the-yale-law-journal-pocket-part/criminal-law-and-sentencing/the-csi-effect%3A-fact-or-fiction/) 38 percent of prosecuting attorneys surveyed in Arizona's Maricopa County believed they had cases dismissed because of insufficient forensic evidence. And in about 40 percent of those prosecutors' cases, jurors asked about forensic evidence like “mitochondrial DNA” and “latent prints,” even when those terms weren't used at trial.

Juries want more and more forensic evidence, but this pressure can lead to incorrect test results. On television, forensic tests always go smoothly. In reality, human error in gathering or analyzing a sample can often result in a false positive. In fact, [CBS News](http://www.cbsnews.com/stories/2003/05/27/60II/main555723.shtml) reported on a recent investigation at a Houston forensic laboratory. The lab came under fire for botching forensic tests after a prisoner proved that the DNA left at a crime scene was not his. The investigation found a number of issues, including untrained technicians, contamination, and poor handling of samples. Not every forensic lab is plagued with such problems, but most labs are facing mounting pressure.

**Misunderstanding Forensic Science**

There are hundreds of documented cases where entire juries have been swayed by one juror who loves “CSI” and insists that the police did not do enough investigative work. This isn't always a bad thing, says [Jeffrey D. Block](http://jeffreydblockpe.com/), a forensic engineering expert witness from Coeur d'Alene, Idaho. Typically, he says, an informed jury will make better decisions: “Intelligence is critical to making an informed decision, which is what juries need to do.”

[*The Economist*](http://www.economist.com/science-technology/displaystory.cfm?story_id=15949089) documented one such case in Virginia, where jurors suggested that a cigarette butt be tested for DNA. Once these tests were introduced as evidence, they exonerated the defendant, who was acquitted. However, this case is the exception, not the rule. More often than not, jurors don't fully understand forensic procedures and believe that a lack of forensic evidence means the police and lawyers are being lazy.

Here are a few examples:

* In [*State v. James Calloway*](http://www.ce9.uscourts.gov/jc2008/references/csi/CSI_Effect_report.pdf), officers from the Arizona Department of Corrections discovered a syringe in a cell with a note attached to it, signed “Jimbo”—an inmate who just so happened to have a fresh mark on his arm consistent with syringe use. Jimbo even admitted that the syringe was his. However, the jury in this case criticized the prosecution because no DNA or fingerprint analysis was done on the syringe, and they demanded a handwriting comparison.
* In [*State v. Everett Black*](http://www.ce9.uscourts.gov/jc2008/references/csi/CSI_Effect_report.pdf), the defendant was caught carrying drugs in a cigarette pack. The defendant admitted that it was his pack, but he denied owning the drugs. At trial, the jury's foreman said that, based on what he had seen on “CSI”, the investigators should have done extensive fingerprinting, DNA testing, and other forensic procedures. This foreman convinced the entire panel that the police had not done their job well enough.
* During a [murder trial in Phoenix](http://www.usatoday.com/news/nation/2004-08-05-csi-effect_x.htm), jurors questioned why the defendant's bloody coat (which was introduced as evidence) had not been tested for DNA. In reality, such a test was not necessary because the defendant had admitted to being at the scene of the crime. The jury in this case had no idea when to use DNA testing.
* In 2004, a [gang member in Peoria, Ill](http://www.usnews.com/usnews/culture/articles/050425/25csi_2.htm)., stood trial for raping a teenager in a local park. The case looked like a slam-dunk. The saliva on the victim's breast matched the defendant's saliva, and there was plenty of compelling testimony from the victim and responding officers. However, the jury found the defendant not guilty. They felt that the “debris” found on the victim should have been tested to see if it matched the park's soil. According to the prosecutor, the jury claimed “they knew from ‘CSI' that police could test for that sort of thing.”

**Counteracting the CSI Effect**

The CSI Effect is a tricky problem to address. Many states are adopting policies regarding jurors who are obsessed with forensic television shows, and prosecutors are revising their strategies for tackling cases that lack forensic evidence. Oftentimes, prosecuting attorneys must now find a “negative witness”—someone who can explain to the jury why there is no forensic evidence, or why it was unnecessary to search the crime scene for fingerprints or DNA.

Andrew P. Thomas, writing for the [*Yale Law Journal*](http://www.yalelawjournal.org/the-yale-law-journal-pocket-part/criminal-law-and-sentencing/the-csi-effect%3A-fact-or-fiction/), claims that “although verdicts have not yet noticeably changed from guilty to not guilty, prosecutors have had to take more and more preemptive steps to divert juries from reliance on television-style expectations.”

In May 2010, the Ohio Bar Association authorized [new instructions for jury members](http://juries.typepad.com/juries/2010/05/new-ohio-jury-instructions-dont-rely-on-judge-judy-.html). These instructions contain an entire section on [avoiding forensic television shows](http://blogs.wsj.com/law/2010/05/28/ohio-takes-action-against-the-csi-effect-on-juries/). The new instructions read as follows:

*“The effort to exclude misleading outside influences information also puts a limit on getting legal information from television entertainment. This would apply to popular TV shows such as ‘Law and Order', ‘Boston Legal', ‘Judge Judy', older shows like ‘L.A. Law', ‘Perry Mason', or ‘Matlock', and any other fictional show dealing with the legal system. In addition, this would apply to shows such as ‘CSI' and ‘NCIS', which present the use of scientific procedures to resolve criminal investigations. These and other similar shows may leave you with an improper preconceived idea about the legal system. As far as this case is concerned, you are not prohibited from watching such shows. However, there are many reasons why you cannot rely on TV legal programs, including the fact that these shows: (1) are not subject to the rules of evidence and legal safeguards that apply in this courtroom, and (2) are works of fiction that present unrealistic situations for dramatic effect.* ***While entertaining, TV legal dramas condense, distort, or even ignore many procedures that take place in real cases and real courtrooms.*** *No matter how convincing they try to be, these shows simply cannot depict the reality of an actual trial or investigation.* ***You must put aside anything you think you know about the legal system that you saw on TV****.”*

Several states already allow prosecutors to [question prospective jurors](http://www.usatoday.com/news/nation/2004-08-05-csi-effect_x.htm) about their television habits. Juror questionnaires are typically used to weed out jurors with any biases or prior knowledge about the case, but lawyers are now requesting that a juror's feelings about crime dramas be evaluated as well. Depending on the case, some lawyers may not prefer a juror who has “CSI” on their TiVo.

“Lawyers prefer juries to be blank slates,” says Kim, a law student at Boston University who requested that her last name be withheld for privacy reasons. “We want to paint a picture, step-by-step, to show how a defendant could only be innocent or guilty. We don't need the jurors doing their own investigative work.”