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**THE CSI EFFECT: IS IT PERCEPTION OR IS IT REALITY?**

A Thesis in

Criminal Justice

by

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## **Abstract**

Anecdotal evidence suggests that there is a “CSI effect” by which a juror’s exposure to scripted television shows such as *CSI: Crime Scene Investigation* influences individual decision making. There is no (or very little) empirical data to establish that this alleged effect occurs in courtroom settings. Semi-structured interviews with trial court judges, a district attorney, a public defender, and a county coroner in Pennsylvania were conducted to explore whether the CSI effect is perceived to be a phenomenon and, if so, how these criminal justice practitioners perceive its influence on the operation of the courts, jury decision-making, and the execution of justice.

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## **Chapter 1: INTRODUCTION**

Anecdotal evidence indicates there is an alleged phenomenon, called a “CSI effect” which has an influence on jurors’ individual decision-making as a result of their exposure to *CSI: Crime Scene Investigation* and other scripted television shows which incorporate forensic science to solve crimes. While this supposed effect has received a lot of media attention (Cole & Dioso-Villa, 2009; Gubbins, 2009; Winter & York, 2007), the CSI effect has not been analyzed empirically. Data is nonexistent or minimal in regards to verifying whether this alleged effect exists and occurs in Pennsylvania courts and any other courts. Further investigation of this phenomenon will allow for a better understanding of the relevance and impact of the alleged CSI effect.

The CSI effect supposedly has the greatest impact among individual jury members (Cole & Dioso-Villa, 2009; Dakss, 2005; Willing, 2004; Winter & York, 2007; Wise, 2010). The researcher would prefer to have jurors as the respondent population. This would allow the researcher to garner jurors’ perspectives on whether or not scripted television shows such as *CSI: Crime Scene Investigation* are affecting the manner in which they interpret evidence and decide case outcomes. However, it is difficult to access jurors who participated in criminal trials (Jonakait, 2009). An alternative approach is to utilize criminal justice practitioners as the respondent population. Therefore, this study interviewed trial court judges, a district attorney, a public defender, and a county coroner in one county in the Commonwealth of Pennsylvania. Their perspectives provided insight into the jury decision-making process and the overall operation of the courtroom.

Semi-structured interviews with these respondents were conducted to investigate whether they believed the CSI effect is an actual phenomenon. If the respondents perceived the CSI effect to be a phenomenon, the semi-structured interviews allowed for the respondents to reveal

how they believe the CSI effect impacts the overall operation of the courts and the jury decision-making process. The interviews speak to whether the CSI effect exists and if the phenomenon is perceived to be an external factor when deciding case outcomes. From this qualitative data, the researcher will develop hypotheses about whether the CSI effect exists in Pennsylvania courts and how it might be measured in the future.

## **Chapter 2: LITERATURE REVIEW**

## *Forensic Evidence and the CSI Effect*

Forensic evidence includes all evidence collected during a criminal investigation that is subjected to empirical analysis. “Forensic” implies the application of science to a target or topic (University of Western Australia, 2013). Evidence is anything that is relevant to a criminal investigation and admissible in court (National Institute of Justice, 2013). There are a multitude of categories which constitute forensic evidence (FindLaw, 2013), including biological, impression, trace, fingerprints, drugs, firearms evidence, bullets, blood spatter analysis, and electronic media (McEwen, 2010; National Institute of Justice, 2012; National Institute of Standards and Technology, 2014; Walz, 2005; National Institute of Justice, 2013). All these types of evidence can be collected and analyzed in a laboratory by trained specialists (University of Western Australia, 2013). The types of forensic evidence collected during the course of an investigation are dependent upon the details of the crime (National Forensic Science Technology Center, 2007). Any viable evidence obtained in an investigation is utilized by criminal justice practitioners in legal proceedings (Legal Language Services, 2014).

Forensic evidence plays a crucial role in criminal investigations (Staffordshire University, 2014). Through the application of scientific methods, forensic evidence is analyzed under controlled conditions, and as a result, bolsters a case in determining the guilt of an alleged suspect (University of Western Australia, 2013). Forensic evidence can advance the prosecution by assisting in the defendant receiving a guilty verdict. Analyses of forensic evidence presented in a criminal case have a tendency to initiate a guilty plea and the case may not be introduced to a jury (Arkes & Mellers, 2002). Forensic evidence is also valuable because it can establish an association between other crimes. Determining an association between other crimes is beneficial

because investigators can form patterns and links among those crimes, and as a result, will assist in locating alleged suspects (Legal Language Service, 2014).

*CSI: Crime Scene Investigation* is an hour long drama which premiered on October 6, 2000 (CBS Interactive, 2014). The dramatic show is currently in its fourteenth season (CBS Interactive, 2014). The show airs on the CBS network weekly at 10:00 PM Wednesday nights (CBS Interactive, 2014). *CSI: Crime Scene Investigation* attracts millions of viewers weekly (CBS Interactive, 2014). Viewership spiked in 2007 when 84 million people reportedly viewed *CSI: Crime Scene Investigation* generating the drama as the number one show viewed worldwide (CBS Interactive, 2014). In addition to being categorized as a drama, *CSI: Crime Scene Investigation* is also characterized as a television show which includes crime and mystery (Internet Movie Database, 2014).

*CSI: Crime Scene Investigation* is not the only forensic television show which is creating a fan base among American television viewers. Additional forensic television shows, including *Law and Order* and *Forensic Files*, also are captivating audiences and have performed well in the Nielson ratings (Winter & York, 2007). Other television dramas which follow a similar approach to *CSI: Crime Scene Investigation* by utilizing forensic science include *Criminal Minds*, *NCIS: Naval Criminal Investigation Service* and *Law & Order: Special Victims Unit* (Wise, 2010).

Forensic evidence has attracted the attention of non-scientists, including the general public, due to certain television shows, especially *CSI: Crime Scene Investigation*. The popularity of *CSI: Crime Scene Investigation* has allowed for spinoffs which collectively present forensic science in a unique perspective. The episodes of *CSI: Crime Scene Investigation* are

presented in a consistent format. The shows begin with the background to a criminal case. Crime scene investigators then arrive to the crime scene and gather forensic evidence which is sent to the laboratory and analyzed. The analyses reveal the identity of the alleged suspect. The program then culminates with the arrest of the suspect. The entire investigation is solved in a weekly sixty minute episode (McEwen, 2010).

Television shows like *CSI: Crime Scene Investigation* are a double edged sword for the forensic science community. While these shows have shed light on the significance of forensic evidence in criminal proceedings, it portrays forensic science in an unrealistic fashion by providing the impression that resources are endless for forensic analysis (McEwen, 2010). Likewise, these shows present the idea that evidence is always collected during the investigation and prosecutors will be presenting forensic evidence (Willing, 2004; Nanji, 2005). In addition, the show gives the idea that the process of performing a forensic analysis occurs rapidly (McEwen, 2010).

The CSI effect is a relatively new idea which emerged due to the creation and popularity of forensic-themed television shows (Cole and Dioso-Villa, 2009). The CSI effect suggests jurors expect a multitude of evidence to be presented during trial (Cole and Dioso-Villa, 2009). Consequently, jurors will have unrealistic beliefs of both quantity and quality of evidence that is necessary to convict (Cole and Dioso-Villa, 2009). Grieco (2012) stated that 58 percent of surveyed jurors anticipate the introduction of forensic evidence during a criminal trial.

The argument often is that the CSI effect can negatively impact prosecutors and benefit the defense (Wise, 2010). If the jury believes there is not an abundance of evidence presented, or if the prosecution is lacking in evidence, then the prosecution appears as though they had not

performed their job effectively (Wise, 2010). They will be viewed by the jury as having a weak case (Wise, 2010). The prosecution will then be at a disadvantage for the burden of proof (Wise, 2010). As a result, jurors will most likely side with the defense which will lead to an acquittal (Wise, 2010).

Another component to the CSI effect includes prosecutors having to amend the manner in which they perform their jobs due to the presence of forensic dramas (Cole & Dioso-Villa, 2009). For example, prosecutors may ask jury members during the voir dire process if they have watched *CSI: Crime Scene Investigation* or any other forensic dramas (Cole & Dioso-Villa, 2009). Prosecutors may introduce testimony regarding negative evidence, meaning the prosecution will call an expert witness to the stand to explain to jury members why a certain type of evidence was not discovered or presented during trial (Cole & Dioso-Villa, 2009).

Prosecutors may feel the need to address *CSI: Crime Scene Investigation* or other forensic dramas during closing arguments (Cole & Dioso-Villa, 2009). Lastly, prosecutors may ask for tests in excess on forensic evidence which are not warranted to accommodate jurors' expectations for forensic evidence (Cole & Dioso-Villa, 2009).

The alternative argument is that the CSI effect can positively benefit the prosecution and assist the prosecution to obtain a conviction (Wise, 2010). For example, jurors will be easily influenced by the presence of statistics from an evidence analysis (Wise, 2010). The argument ensues that certain types of evidence presented by the prosecution, including positively matching fingerprints or DNA analysis, will lead jurors to a conviction (Wise, 2010). The presence of forensic evidence will influence a juror's verdict (Wise, 2010). In addition, forensic dramas present forensic scientists in a positive light and add a level of credibility for expert witnesses and evidence presented by the prosecution (Cole & Dioso-Villa, 2009). Defense attorneys may

argue the CSI effect actually has a more negative impact on them when compared to the prosecution (Cole & Dioso-Villa, 2009).

Due to media attention surrounding the alleged CSI effect, representatives of CBS addressed the issue publically (Nanji, 2005). Anthony Zuiker, who created *CSI: Crime Scene Investigation* and its spinoffs, has shared his thoughts on the CSI effect and how his forensic dramas have impacted television viewers (Nanji, 2005). He acknowledged the shows exaggerate forensic science to attract viewers and add a level of excitement for the viewers, but ensured the scientific concepts presented are precise (Nanji, 2005). Zuiker explained how forensic science is presented on the shows as, “all of the science is accurate and we have real CSI’s on staff that help us write the scripts and make sure everything is executed perfectly” (Nanji, 2005). Zuiker also recognized his CSI shows are leaving an impression on jurors who watch the shows (Nanji, 2005). He is aware of the CSI effect and does not view the alleged phenomenon as a problem, but rather a phenomenon which produces knowledgeable jury members and can benefit the criminal justice system (Nanji, 2005). Zuiker addressed his CSI shows and the CSI effect as,

“There is a profound impact on the country in terms of jurors because of the show. The ‘CSI’ effect in my opinion is the most amazing thing that has ever come out of the series. People know science now. They watch ‘CSI’” (Nanji, 2005, p. 2).

The CSI effect was not a phrase which emerged through empirical research. The media was first to coin the phrase and it is still regularly used in print (Wise, 2010). The first documented account of the mentioning of the CSI effect was from journalist Robin Franzen (Wise, 2010). Franzen published a news article in 2002 in the San Diego Union-Tribune in regards to a new idea which may present problems for prosecutors (Wise, 2010). She dubbed the

phrase “CSI effect” to explain challenges prosecutors may face as a result of forensic television shows including *CSI: Crime Scene Investigation* (Wise, 2010). Franzen indicated prosecutors sense jurors will think solving cases is feasible and jurors expect elements of forensic science to be included in the investigation (Wise, 2010). The media does frequently reference the alleged CSI effect (Cole & Dioso-Villa, 2009). However, the CSI effect presented by the media is supported through anecdotes and opinions from criminal justice practitioners (Cole & Dioso-Villa, 2009).

The question which is still being debated is whether the CSI effect actually exists. There is no definitive answer to this question (Winter & York, 2007). Studies have been conducted to explore if the CSI effect was observed in respondents. These studies have revealed the CSI effect was not present and it did not impact respondents’ views on jury decision-making (Podlas, 2006; Holmgren & Fordham, 2011). Podlas (2006) sought to examine if the CSI effect existed among a respondent population of undergraduate and graduate students. More specifically, the study entailed identifying if the respondents were more prone to offer a guilty verdict as a result of watching *CSI: Crime Scene Investigation* regularly. By incorporating the argument of the CSI effect, Podlas (2006) tested if the respondents decided guilt based on the abundance or lack of forensic evidence presented.

Podlas (2006) concluded that the CSI effect did not exist among the respondent population. Those who watched *CSI: Crime Scene Investigation* decided their verdict in the same manner as those who did not watch *CSI: Crime Scene Investigation*. The television show did not play a role in terms of jury decision (Podlas, 2006). However, watching *CSI: Crime Scene Investigation* may impact the television viewer in another manner. Podlas (2006) suggested frequent *CSI: Crime Scene Investigation* viewers could have a stronger understanding

of burden of proof. In addition, they may be better equipped to perform their function as a juror due to their regular watching of *CSI: Crime Scene Investigation* (Podlas, 2006). Based on the study, Podlas (2006) determined if a CSI effect is present, it will not affect the prosecution negatively. Rather an alleged CSI effect will assist with the prosecution's case and promote the strength and accuracy of forensic evidence in the courtroom (Podlas, 2006). Holmgren and Fordham (2011) also did not discover the CSI effect as an influence in jury decision-making. They did note jurors anticipated evidence collected for certain types of crime; however, they are undecided on whether forensic television shows influence jurors' decision-making based on the amount of evidence utilized at trial (Holmgren & Fordham, 2011).

While it may appear that forensic television shows are influencing jury members, the advancements in technology may also be the reason behind jurors' expectations for evidence. Shelton, Kim, and Barak (2006) determined jury members anticipate forensic evidence presented by the prosecution during trial. They acknowledged watching forensic television shows, including *CSI: Crime Scene Investigation*, may slightly impact jury members to anticipate specific types of evidence for different crimes. For example, the authors noted jury members who also watch *CSI: Crime Scene Investigation* may be awaiting DNA evidence for cases which involve sexual assaults and physical assaults (Shelton et al., 2006). However, while jury members may anticipate some form of forensic evidence, the evidence was not a requirement for jury members in deciding guilt (Shelton et al. 2006). For criminal cases which involve circumstantial evidence, if the prosecution did not produce forensic evidence for the jury, then several of the respondents were more prone to acquit the defendant (Shelton et al., 2006).

Shelton et al. (2006) concluded if a CSI effect is present among jury members, it does not influence the probability for an acquittal. They did not discover forensic television shows,

including *CSI: Crime Scene Investigation*, as having a significant influence on jury members (Shelton et al., 2006). Shelton explained his conclusions as, “CSI type TV programs are part of it, but they do not play a significant role in forging juror expectations.” (Gubbins, 2009). The authors proposed instead of a CSI effect present in the courtroom, the idea of a “tech effect” is best to describe jurors’ expectations regarding evidence (Shelton et al., 2006). This “tech effect” is due in part to the advancements in technology for analyzing evidence (Shelton et al., 2006). As a result, jury members now view forensic evidence as a necessity for trial (Shelton et al., 2006). Jury members count on the prosecution to employ the advancements in technology to assist with the analysis of forensic evidence and to illustrate the requirements for burden of proof (Shelton et al., 2006). Shelton explained a juror’s anticipation of forensic evidence as, “Jurors are technologically sophisticated. They use computers on a daily basis. They expect that the criminal justice system will exercise the power of technology” (Gubbins, 2009).

Other studies have determined the CSI effect is more of a problem for criminal justice practitioners (Wise, 2010). Wise (2010) interviewed individuals in the criminal justice field to explore whether they have altered their approach to their jobs as a result of forensic television shows. While Wise (2010) did not explicitly ask questions about the CSI effect, the idea was discussed by the respondents. Several of the respondents described how they believed the CSI effect has impacted them. For example, several prosecutors revealed they understood jurors are eager to have forensic evidence available during trial which is the reason they present DNA evidence (Wise, 2010). They disclosed that evidence presented, especially DNA evidence, left a lasting impression on the jury (Wise, 2010).

On the other hand, the CSI effect can become a burden to prosecutors. Wise (2010) discovered how the phenomenon has led to the addition of expert witnesses. Prosecutors

interviewed described how jurors can have elevated expectations of the amount of evidence collected (Wise, 2010). Jurors are left with the idea that the collection of evidence is feasible all ways and always at crime scenes (Wise, 2010). As a result, prosecutors admitted to using expert witnesses to testify the reasoning behind why certain types of evidence, such as DNA evidence, are not presented in trial (Wise, 2010). Wise explained this tactic has allowed the defense to attack the prosecution and the burden of proof when DNA evidence is not presented by the prosecution (Wise, 2010). Podlas (2006) suggested ways to address the issue of *CSI* affecting courtroom operations. Podlas (2006) recommended providing instructions to jury members during the voir dire process to assist in preventing an alleged *CSI* effect from occurring in the courtroom.

*Boatswain v. State of Delaware*

Some evidence suggests that the *CSI* effect may be impacting courtroom proceedings. In *Boatswain v. State of Delaware*, the prosecution referred to a fictional burden of proof during trial which exposed the prosecution to claims for reversible error. Boatswain was formally charged with two counts of first-degree robbery and multiple firearms offenses. During trial there was a great deal of evidence against him. However, the prosecution disclosed that no fingerprint evidence was obtained by the investigators which would have placed Boatswain at the crime scene. In the end, Boatswain was convicted of first-degree robbery and weapons possession (*Boatswain v. State of Delaware*, 2005).

Boatswain filed an appeal to the Delaware Supreme Court. He claimed he was denied a fair trial due to two errors which were made during the trial. During closing arguments, the prosecutor referenced a “television test” for determining reasonable doubt. The prosecutor then

discussed how fingerprint evidence is not necessary to establish the defendant's guilt. The prosecutor explained the "television test" as:

"In today's day and age, unfortunately, the police and the State isn't [*sic*] put to the same test that they wrote 200 years ago in the Constitution [in] which they said the proof must be beyond a reasonable doubt. Unfortunately, the test, of course, of criminal defendants now is, can they meet the TV expectation that they hope folks like you want. Can they meet CSI?" (*Boatswain v. State of Delaware*, 2005, p. 3).

The defense objected to the prosecutor's statements concerning reasonable doubt. The trial judge overruled the defense's objection and allowed the prosecutor to continue the closing arguments. The prosecutor then stated, "If they don't have fingerprints, he can't be guilty. On TV, they would have found fingerprints. But this isn't TV, this is real life." (*Boatswain v. State of Delaware*, 2005, p. 3).

The issue before the Supreme Court was whether the prosecution misrepresented the burden of proof during the trial, and as a result, denied Boatswain a fair trial. The Supreme Court applied the rules for burden of proof when reviewing the appeal. The Supreme Court explained that the burden of proof as portrayed in television shows does not impact the evidentiary burden of the State to demonstrate proof of guilt beyond a reasonable doubt. The Supreme Court further observed that the prosecution may have confused the jurors in their understandings of the meaning of burden of proof when he referenced television depictions of trial proceedings. This comparison could suggest that the State has a lower standard for burden of proof when compared to television shows and thus a lower standard for the defendant. In other words, the jury could have been led astray and allowed to apply a lesser burden in their decision on Boatswain's guilt (*Boatswain v. State of Delaware*, 2005). The Supreme Court's opinion on the "television test" was as follows:

“The prosecutor told the jury that the State is not ‘put to the same test’ established by the Constitution. By doing so, he disparaged the reasonable doubt standard by claiming that the State is held to an indeterminate, but implicitly lower, burden of proof. That created the risk that the jury might take him at his word” (*Boatswain v. State of Delaware*, 2005, p. 3).

Upon reviewing the facts of the case, the Supreme Court decided the prosecution’s comments concerning a “television test” for reasonable doubt were an error. Additionally, the overruling by the trial judge of Boatswain’s objection was also deemed an error. The Supreme Court acknowledged that the trial judge should have provided instructions to the jury and provided corrective action to clarify that a fictional “television test” for beyond a reasonable doubt should not be applied to this case. Instead, the jury should have been told that the burden of proof is precisely, and only, the burden as set in the written jury instructions. Ultimately, the Supreme Court concluded these two errors were harmless errors. The errors were minor and did not affect the outcome of the case. The Supreme Court concluded the evidence presented by the prosecution was not only untainted, but illustrated overwhelmingly proof of guilt in Boatswain. The Supreme Court affirmed the judgment of the Superior Court (*Boatswain v. State of Delaware*, 2005).

### *Jury Decision-Making*

Jurors make decisions in a variety of ways in order to reach a verdict. One method which they determine guilt by is considering the evidence presented during trial (Hans, 2007); they assess the defendant’s physical attributes (Briody, 2004), and some say external factors influence them (Brewer & Ley, 2010; Robbers, 2008; Cole & Dioso-Villa, 2009).

Jurors typically have high regards for forensic evidence (Hans, 2007). They understand the significance of evidence presentation in criminal cases (Hans, 2007). When they are presented with forensic evidence, jurors tend to evaluate how trustworthy and reliable the

evidence is during the decision-making process (Hans, 2007). They also consider the issue of contamination when deciding the credibility of forensic evidence (Hans, 2007).

The type of evidence and the characteristics of the defendant can also impact a guilty plea (Briody, 2004). Briody (2004) sought to determine the strength of DNA evidence in trials. Briody (2004) found a substantial association between DNA evidence presented by the prosecution at trial which implicated the defendant which then resulted in the defendant receiving a guilty verdict from the jury. Overall, the presence of fingerprints which also implicated the defendant had a powerful effect on jury members which led to a conviction (Briody, 2004). Likewise, the severity of the offense had a stronger impact on whether or not the defendant pled guilty (Briody, 2004). In his study, Briody (2004) discovered an association among manslaughter and the greater likelihood of guilty pleas. Jury members were also more inclined to convict the defendant in homicide cases when DNA evidence was presented to the jury (Briody, 2004).

In addition, the physical attributes of the defendant and his behavior during interrogation were more likely to influence a defendant to plead guilty (Briody, 2004). The age of the victim in the offense also played a role in guilty pleas (Briody, 2004). Victims who were younger than thirty-five years of age influenced the chances of the defendant pleading guilty (Briody, 2004). Interviews also impacted the chances of guilty pleas (Briody, 2004). Defendants who refused or did not provide an interview to police were not as prone to plead guilty (Briody, 2004).

However, some researchers admit that jurors also consider external factors inappropriately (Brewer & Ley, 2010; Robbers, 2008; Cole & Dioso-Villa, 2009). The popularity of forensic science television shows has led to an increased awareness of the various

kinds of forensic evidence. More specifically, DNA evidence has become a controversial part of the jury decision-making process (Brewer & Ley, 2010). Brewer and Ley (2010) sought to examine if the general public's exposure to media and television has influenced their thoughts on DNA evidence. They discovered the respondents viewed DNA evidence as credible as a result of regular television programming (Brewer & Ley, 2010). Forensic television shows allowed viewers who watch these shows to form their own understandings of DNA evidence (Brewer & Ley, 2010). Respondents believed they understood the components of DNA and its importance when used as evidence (Brewer & Ley, 2010).

Even though respondents saw DNA evidence as credible, Brewer and Ley (2010) concluded that forensic shows did not influence jury decision-making. Their study revealed when asked about jury decision-making, respondents who watch forensic shows were not swayed by the presence of DNA (Brewer & Ley, 2010). They found no major differences in the responses of forensic show viewers when compared to non-forensic show viewers concerning thoughts on jury decision-making (Brewer & Ley, 2010). They concluded their analysis did not reveal the presence of a CSI effect which negatively impacted the prosecution or jury decision-making (Brewer & Ley, 2010).

While forensic evidence plays a pivotal role in jury decision-making, eye witness and victim testimony also can lead to a conviction, and sometimes, is more compelling than forensic evidence (Baskin & Sommers, 2012). Baskin and Sommers (2012) analyzed the role of forensic evidence in robbery and assault cases to determine if evidence collection led to a conviction. In the majority of robbery and assault cases analyzed, forensic evidence was not gathered (Baskin & Sommers, 2012). They observed forensic evidence did not seem to influence any stage in the processing, including conviction, of a robbery or an assault case (Baskin & Sommers, 2012).

They concluded the presence of forensic evidence did not increase the likelihood of a conviction when compared to cases where no forensic evidence was collected (Baskin & Sommers, 2012). They found victim and witness testimony provided greater weight in convictions by improving the likelihood of cases leading to conviction (Baskin & Sommers, 2012). They concluded with respect to robbery and assault cases, forensic evidence was supplementary when compared to victim and eyewitness testimony (Baskin & Sommers, 2012).

Empirical data has been published which concluded the CSI effect does influence jurors and their decision-making (Robbers, 2008). Robbers (2008) surveyed prosecutors, defense attorneys, and judges to ascertain if they observed forensic television shows influence jurors. The majority of the respondents surveyed believed forensic television shows were the basis of the decisions made by jurors (Robbers, 2008). Many respondents disclosed the common theme of jurors giving more weight to forensic evidence over eye witness testimony (Robbers, 2008). An additional common theme encountered by respondents was jurors' interpretation of the evidence admitted at trial (Robbers, 2008). They explained jurors viewed the police as careless when biological evidence was not tested and analyzed despite the fact the evidence was not a crucial element for the case (Robbers, 2008). Robbers (2008) concluded forensic television shows impacted jurors' decisions most frequently during sexual assault cases and murder cases.

It is arguable that the media is introducing pretrial ideas to jury members regarding the anticipation of evidence being presented by the prosecution during a trial (Cole & Dioso-Villa, 2009). The jurors will have a heightened expectation for the prosecution to utilize forensic science and produce analyses of evidence (Cole & Dioso-Villa, 2009). Jury verdicts are allegedly being hindered by media accounts of forensic science (Cole & Dioso-Villa, 2009). Before jury members would convict defendants without any extra social factors, such as the

presence of the media or forensic dramas (Cole & Dioso-Villa, 2009). Now between the combination of the media referencing forensic science and the presence of forensic dramas on television, jury members are more susceptible to acquit the defendant or have a hung jury (Cole & Dioso-Villa, 2009).

The presentation of inadmissible evidence to jury members during a trial may produce bias among jurors and impact the outcome of cases (London & Nunez, 2000). London and Nunez (2000) sought to examine if jurors interacting with one another during deliberations helped to reduce juror bias due to inadmissible evidence. They determined juror bias from inadmissible evidence was reduced as a result of group deliberations (London & Nunez, 2000). They discovered jurors had bias regarding the defendant's guilt prior to jury deliberation (London & Nunez, 2000). After deliberation, the jurors seemed to not have any bias toward the defendant (London & Nunez, 2000). They suggested juror bias was curbed due to jury deliberations because jury deliberations produced a tendency in jurors to discount inadmissible evidence presented during a mock trial (London & Nunez, 2000). As a result, the final verdict for the defendant was not based off inadmissible evidence bias among the jurors (London & Nunez, 2000).

Jury deliberations may appear to run smoothly without any major problems. However, jury members are not invincible (Arkes & Mellers, 2002). There is a possibility that jury members err in deciding on a verdict (Arkes & Mellers, 2002). Arkes and Mellers (2002) concluded jurors are fully capable of generating mistakes during jury deliberations. These mistakes are further unmasked due to advancements in technology such as DNA testing which may exonerate a defendant who was originally found guilty of a crime he did not commit (Arkes

& Mellers, 2002). Arkes and Mellers (2002) also suggest advancements in technology can enhance jury decision-making and diminish the chances of errors from the jury.

### *Assessment of Judges about Jury Decision-Making*

While the CSI effect pertains to the impact it creates for prosecutors and defense attorneys, judges also can be affected by its consequences (Robbers, 2008). Empirical data has indicated the presence of a CSI effect exists, and is impacting judges (Robbers, 2008). Judges are also aware of the CSI effect emerging in the courtroom (Robbers, 2008). Robbers (2008) determined judges have noticed differences in their jobs and courtroom operations since the existence of forensic shows. Several judges revealed they are explaining and elaborating forensic evidence to jurors more as a result of forensic television shows (Robbers, 2008).

Judges are also aware forensic television shows are influencing jury decisions (Robbers, 2008). Robbers (2008) revealed slightly more than half of the judges surveyed acknowledged the higher expectations jurors have for forensic evidence. They discussed instances where jurors anticipated additional evidence or analyses presented during trial (Robbers, 2008). The judges also noted the high expectations of jurors were present even in cases where the addition of evidence and analyses would have been superfluous (Robbers, 2008). If the jury believed the evidence presented was deficient, then acquittals were likely to occur for defendants (Robbers, 2008).

### *Literature Review Conclusion*

The CSI effect is a relatively new phenomenon that is creating much excitement and anxiety among the criminal justice community. At this time, the CSI effect is only supported anecdotally. The few empirical studies which have explored this phenomenon have not agreed

on a general consensus of the CSI effect's consequences in the courtroom. Because it has not been determined whether this phenomenon exists, this current study will pave the way for exploring if the CSI effect is present in Pennsylvania courtrooms.

## **Chapter 3: METHODOLOGY**

In order to gain a better understanding of the CSI effect, I implemented a qualitative, phenomenological study among trial court judges, district attorneys, public defenders, and a county coroner in the Commonwealth of Pennsylvania with the purpose of determining whether the CSI effect is emerging in the courtroom and if it is influencing jury decision-making. Ideally, I would prefer to select actual jurors who have participated in criminal trials for my respondent population; however, from prior investigation, I understand the difficulty in attempting to locate former jury members. Therefore, for the initial investigation on the CSI effect, I interviewed trial court judges, a district attorney, a public defender, and the coroner in the Commonwealth of Pennsylvania, specifically Dauphin County, who preside over criminal jury trials and supervise the conduct in the courtroom.

### *Phenomenological Study*

A phenomenological study is a subset of qualitative research that explains the significance of an event or a trend that occurs frequently (Creswell, 2013). Usually, the shared phenomenon will have been observed throughout the everyday experiences of the group included in the study. In phenomenological studies, researchers attempt to identify themes among the group of individuals as a result of coming into contact with the phenomenon. The purpose of a phenomenological study is to understand the occurrence of the phenomenon based on the experiences of the individuals studied (Creswell, 2013). In this study, I also wanted to explore the impact the CSI effect may have on the general courtroom environment along with case outcomes.

### *Dauphin County, Pennsylvania*

Dauphin County served as the geographic area where my study was being conducted. I wanted to utilize Dauphin County in my qualitative study for a variety of reasons. First, the urban city of Harrisburg is located in Dauphin County, Pennsylvania. Within Pennsylvania, the city of Harrisburg has experienced a substantial amount of violent and property crimes when compared to other cities in Pennsylvania (Federal Bureau of Investigation, 2012). The Uniform Crime Report published by the Federal Bureau of Investigation reported the number of criminal offenses for each city in Pennsylvania. The latest publication revealed the index crimes reported for 2012. As of 2012, the city of Harrisburg experienced 727 instances of violent crimes. Of the 727 reported instances of violent crimes, 11 of them were murder and non-negligent manslaughter. The remainder of the violent crimes included 56 forcible rapes, 388 robberies, and 272 aggravated assaults (Federal Bureau of Investigation, 2012). There were 2,426 property crimes in 2012 including burglaries, larceny-thefts, motor vehicle thefts and arson (Federal Bureau of Investigation, 2012). Accordingly, I assumed that Dauphin County judges would have more experience with criminal cases than judges in other counties in Pennsylvania.

### *The CSI Effect Study Process*

This study of the CSI effect was conducted by implementing the steps traditionally performed in a phenomenological study. Trial court judges, a district attorney, a public defender and the county coroner in Dauphin County, Pennsylvania served as the respondent population. I decided to use these criminal justice practitioners as my respondent population because these individuals have been involved in the investigation and prosecution of criminal cases (Dauphin County, 2012). Trial court judges are involved in an array of cases including juvenile hearings,

custody hearings, and jury trials for both criminal and civil cases (Dauphin County, 2012). The district attorney is involved with both the investigation and prosecution of crimes by collaborating with various agencies (Dauphin County, 2012). The public defender provides legal counsel to indigent defendants being charged with offenses or crimes (Dauphin County, 2012). Lastly, the coroner has the responsibility of establishing the cause of death in criminal cases and collecting forensic evidence (Dauphin County, 2012). I expected my respondent population to have encountered forensic evidence and observed jurors' expectations regarding forensic evidence. I wanted to ascertain if my respondent population was familiar with the alleged CSI effect. They were interviewed to explore whether this phenomenon was observed in trial courts in Dauphin County, Pennsylvania.

Data was collected through semi-structured interviews which occurred either on campus via telephone or in person at the judges' courthouse chambers and the offices of the district attorney, public defender, and the coroner. I employed interview guides, which are attached as Appendixes A through D to maintain structure and consistency in the interviews. By utilizing these interview guides, I guaranteed that my data collection remained consistent, that I stayed on track during the interviews, and prevented myself from overlooking a question or other important data points in the interviews.

The semi-structured interviews asked the trial court judges about their observations and perceptions in the courtroom concerning the manner in which jurors receive, interpret, and apply forensic evidence during criminal case jury deliberations. More specifically, questions were designed to ascertain if the trial court judges were (a) familiar with the current research on the alleged conflicting influence of forensic evidence during criminal cases; (b) whether they believe this phenomenon is present in their own courtrooms based on their observations; (c) whether

they have conversed with jurors or collected any information which may have led them to believe in comparison to other types of evidence, forensic evidence has the most influence during jury deliberations; and (d) whether they had to amend their jobs to address any misconceptions jurors may have concerning forensic evidence. The semi-structured interviews concluded by asking the trial court judges to share any additional information about the CSI effect which was not asked in the previous questions.

The semi-structured interviews for the district attorney, public defender, and the county coroner were designed in a similar fashion as the semi-structured interviews for the trial court judges. The semi-structured interviews asked the district attorney, public defender and county coroner about their observations and perceptions in the courtroom concerning the manner in which jurors receive, interpret and apply forensic evidence during criminal case jury deliberations. More specifically, questions were designed to ascertain if the district attorney, public defender and county coroner were (a) familiar with the current research on the alleged conflicting influence of forensic evidence during criminal cases; (b) whether they believe this phenomenon is present in the courtrooms in Dauphin County, Pennsylvania based on their observations; (c) whether they have conversed with jurors or collected any information which may have led them to believe in comparison to other types of evidence, forensic evidence has the most influence during jury deliberations; and (d) whether they had to amend their jobs to address any misconceptions jurors may have concerning forensic evidence. The semi-structured interviews concluded, similarly to the semi-structured interviews with the trial court judges, by asking the district attorney, public defender and the county coroner to share any additional information about the CSI effect which was not asked in the previous questions.

The semi-structured interviews were accomplished in stages. First, I obtained the names and contact information for the trial court judges in Dauphin County, Pennsylvania from an open access, state court website. I contacted the judicial assistant for the Chief Administrative Judge in Dauphin County to determine the best method for contacting the remaining trial court judges. I was advised to send a letter explaining the contents of my research study to each trial court judge. I then sent a letter to the judicial assistant for the Chief Administrative Judge to request his permission to contact the other judges in the jurisdiction of Dauphin County, Pennsylvania in order to seek interviews with them as well. Once I received permission from the Chief Administrative Judge to contact the remaining trial court judges, letters were sent to nine trial court judges in Dauphin County. I followed up with the judicial assistants of each trial court judge to see if the judge was willing to participate in my research study. I scheduled interviews with the trial court judges who were available to speak with me. Interviews were conducted either by telephone or in-person at the judge's chambers, based on their preferences.

Likewise with the trial court judges, I obtained the names and contact information for the district attorney, public defender and county coroner in Dauphin County, Pennsylvania from an open access, state court website. The district attorney, public defender and county coroner were either contacted by email or telephone to inform the respondents of the contents of my research study. Once I received a response from the respondents saying they were willing to participate, interviews were scheduled either by telephone or in-person at their respective offices based on their preferences.

After obtaining permission from the respondents, while the interviews were being conducted, they were recorded with the use of a Dictaphone. I was able to record the interviews, which allowed me to focus on the interviewee while capturing their responses. I then

was able to transcribe their responses in the days following the interviews. By transcribing the interviews, I was able to review, compare and contrast, and identify common themes and elements present in the interviews between the respondents. If an audio recording of the interview was not possible, hand scribed notes were taken during the interviews.

Once all the data was collected from the interviews, I organized and analyzed the data to reveal any common themes and perceptions. The existence of common themes reported would assist in identifying trial court judges', the district attorney's, public defender's and county coroner's perception of the CSI effect and its influence on court operations. The semi-structured interviews were analyzed to assess whether these trial court judges, the district attorney, the public defender, and the county coroner have observed the CSI effect in Dauphin County, Pennsylvania, and if so, what specific aspect the CSI effect was observed. In addition, if the CSI effect was determined to exist in the courtroom, the common themes would reveal specifically how the CSI effect is impacting jurors' interpretation of forensic evidence. Additionally, the semi-structured interviews would disclose whether the CSI effect is becoming a hindrance in the courtroom which could be impacting case outcomes.

## **Chapter 4: RESULTS AND DISCUSSION**

The sample consisted of nine respondents, all of whom are criminal justice practitioners in Dauphin County, PA; six trial court judges, one district attorney, one public defender and the county coroner. The semi-structured interviews allowed the respondents to share their experiences regarding the different types of forensic evidence used in the courtroom. In addition, the semi-structured interviews permitted the respondents to disclose their observations of jury members and their understandings of forensic evidence presented during trials. Lastly, the semi-structured interviews concluded with the respondents revealing their opinions on the alleged CSI effect and whether they thought it existed in Pennsylvania courts.

The semi-structured interviews allowed the respondents to share their experiences with forensic evidence including what they viewed as more credible types of forensic evidence. I also wanted to ascertain the respondents' opinions on jury members and their interpretation of forensic evidence. I wanted to explore what the respondents observed with jury members when they were presented with forensic evidence. I then culminated the semi-structured interviews with asking their opinions on the CSI effect. I used this interview structure so the respondents were able to share their and experiences before they decided if the courtroom and jury behavior they observed would fall under the alleged CSI effect. I also designed the interviews in this manner because I was curious to see if the respondents would mention or reference the CSI effect before I mentioned the alleged phenomenon in my questioning.

In terms of demographic information, the entire respondent population has been involved with criminal cases, including jury trials, in Dauphin County, Pennsylvania. The respondents have either presented forensic evidence in the courtroom or acknowledged prosecutors and defense attorneys have utilized forensic evidence in the courtroom.

The majority of the respondents gave similar responses when asked about the types of forensic evidence which are presented in the courtroom. Luminol was not a common type of evidence utilized in the courtroom. Less than half of the respondents revealed luminol was presented as forensic evidence. Overall, the respondents have acknowledged DNA analysis as being presented as evidence. A few of the respondents elaborated on their answers by saying it depends on the case as to whether DNA analyses are used. In addition, the wording of “often presented” was discussed by the respondents. Instead of opting for “often presented” as in my word choice, they preferred to say “not often presented” or “not frequently presented, but yes.” Several of the respondents preferred to say “occasionally” or “sometimes” when referencing “often presented” in my question. The respondents unanimously agreed that lie detectors are not admissible in Pennsylvania courts. The majority of the respondents agreed that fingerprints are frequently submitted as evidence. The respondents were split, with the majority considering hair and fibers as trace evidence which is often observed in the courtroom. The respondents unanimously agreed again that glass is not a type of trace evidence which is commonly discussed in the courtroom. Lastly, the majority of the respondents observed bullet fragments as frequently being presented as forensic evidence. Other types of forensic evidence which I did not ask in the interview guide, but the respondents shared as additional types of forensic evidence offered in the courtroom, included drug testing to determine the identity of an unknown substance, photographs and the Breathalyzer test. The list below summarized the above findings along with a few of my experiences with the questions during the interviews.

1. Luminol: A few of the respondents admitted luminol was used before as forensic evidence. However, the majority of the respondents were either not sure if luminol was

utilized previously in the courtroom or asked for an explanation of luminol. I described to several of the respondents that luminol can be used to detect the presence of blood.

2. DNA Analysis: The majority of the respondents revealed DNA analysis is a common type of forensic evidence presented in the courtroom. This was the only question where I received feedback from the trial court judges concerning the wording of my question. I worded this question as “Is DNA analysis often presented as evidence?” Several of the judges opted for other wordings besides “often presented.” While the judges answered “yes” to my question, they justified their answer with “occasionally,” and “sometimes.”
3. Lie Detectors: This question received unanimous responses. The respondents were in agreement that lie detectors are not admissible in Pennsylvania courtrooms. Several of the respondents shared how the validity of lie detector tests is still questionable.
4. Fingerprints: Almost all of the respondents agreed that fingerprints are frequently submitted as evidence.
5. Hair and Fibers: The majority of the respondents revealed hair and fibers are not often presented as evidence. One respondent answered “yes,” but preferred to use the working “occasionally” presented. Respondents also noted that the circumstances to the case will factor in whether hair and fibers are utilized as evidence.
6. Glass: Similar to my lie detector question, this question also received unanimous responses. The respondents agreed that glass is not a common type of forensic evidence observed in the courtroom. Several of the respondents noted on rare occasions is glass used as evidence and it is also based on the circumstances to the case.
7. Bullet Fragments: More than half of the respondents admitted bullet fragments are frequently presented as forensic evidence. Again, respondents noted how the

circumstances behind the case will impact if bullet fragments are utilized as evidence or not.

I received an array of responses when acquiring the respondents' opinions on forensic evidence utilized in the courtroom. The answers varied due to the open ended nature of the questions in this section of the interview guide. However, there were still some noticeable trends in the respondents' answers. In terms of the most credible type of forensic evidence utilized in the courtroom, DNA evidence was the most commonly reported answer. Second to DNA evidence, fingerprints was the other type of forensic evidence noted as credible. There was a variety of responses reported for the least credible type of forensic evidence utilized in the courtroom. The most common responses were either no evidence as considered the least credible or the credibility of the evidence depends on the case. In terms of a specific type of forensic evidence not allowed to be introduced as evidence, the most common answer reported was the lie detector. A similar result was observed in the question pertaining to the type of forensic evidence most often dismissed as evidence. The lie detector test and the Breathalyzer were discussed along with a few of the respondents noting there is no evidence which they considered to be often dismissed as forensic evidence. The list below summarized my findings.

1. **Most Credible:** More than half of the respondents believed DNA evidence was a highly credible type of forensic evidence. The other most frequently mentioned type of forensic evidence was fingerprints as believed to be credible among the respondents. There were other examples mentioned by a few of the respondents, but these types of evidence were not referenced by the majority of the respondents. I had a few of the respondents note what type of forensic evidence is most credible depends on the case itself. I had a couple of the respondents believe bullet fragments are also credible. One respondent considered

photographs to be additional forensic evidence which is credible. Lastly, one respondent believed analyses to identify drugs were also credible.

2. **Least Credible:** The majority of the respondents believed the circumstances to the case will determine which type of forensic evidence is least credible. Several of the respondents also noted they believed no evidence to be least credible or they were not sure if any forensic evidence could be considered least credible. I had one respondent believe fingerprints were not credible in situations where multiple individuals handled a particular item. One respondent considered the Breathalyzer test as questionable type of evidence due to degree of accuracy the Breathalyzer produces. Lastly, one respondent thought toxicology analyses were least credible. He explained how toxicology analyses are based on subjectivity.
3. **Not Allowed Into Evidence:** The majority of the respondents recalled the lie detector as common piece of evidence not submitted into evidence. Lie detectors are considered inadmissible in Pennsylvania. Second to lie detectors, the respondents either believed there was no specific type of evidence excluded as evidence or the circumstances to the case will influence what evidence is prohibited from being used in trial. One respondent recalled the Breathalyzer being excluded from evidence due to the reasons discussed above.
4. **Often Dismissed As Evidence:** There were three common responses shared among the respondents regarding forensic evidence which is more prone to be dismissed. I had respondent reiterate the controversy surrounding the Breathalyzer and whether it is considered accurate or not. Other respondents noted they did not deem any specific type of evidence to be more likely dismissed from a case. Lastly, respondents noted the

circumstances to the case, including collection and preservation of evidence, will factor into if a piece of evidence will be dismissed. Another respondent also reiterated how lie detectors are not allowed to be introduced during a trial.

General themes were observed when asking the respondents questions about jury members and how jury members view forensic evidence. I determined an overall theme discussed among the respondents was the fact jury members want forensic evidence and anticipate it. A trial judge elaborated with, “They expect to see forensic evidence in general because television has taught them to expect forensic evidence.”

Based on this quote, I anticipated this trial judge to be familiar with the CSI effect. He was aware of scripted television shows which discuss forensic evidence. I wondered if he believed these scripted television shows were negatively impacting the courtroom in general. He noticed the overall trend of jury members awaiting forensic evidence in trial due to television shows. This led me to reason that other trial judges were noticing the same trends.

Another trial court judge recalled, “Everyone either expects to see it or there’s got to be a good explanation for its absence.” I anticipated this trial judge as well to be aware of the CSI effect. This trial judge may have a significant opinion regarding the CSI effect. The fact he noted jury members will want a reason for why there is no evidence leads me to believe there might be an issue among criminal justice practitioners regarding jury members and their level of expectations for evidence.

The district attorney also recognized jury members anticipated forensic evidence and the prosecution has to explain to the jury not every case will have forensic evidence. The district attorney said regarding forensic evidence, “Jurors expect it, but we typically don’t have it.”

I noticed throughout the interview the district attorney emphasizing how the prosecution does not always have evidence for their cases. Before this interview, I wondered if the prosecution regularly has forensic evidence. I learned that it is common for the prosecution to not have viable forensic evidence for their case. It is possible jury members do not understand this reality. It appeared this anticipation of forensic evidence from the jury is a common problem the prosecution encounters. I was left to wonder if the district attorney believed the CSI effect was a problem in Dauphin County.

The respondents across the board had similar responses when asked about a jury member's interpretation of forensic evidence. Jury members like forensic evidence and are persuaded by the evidence presented in trial. Jury members tend to place greater weight on forensic evidence when it is presented. One trial judge noted that jury members will depend on forensic evidence unless they are confused by what evidence is being presented to them. The coroner recalled "Juror expectations are high. You don't need all that stuff in your cases.

This quote from the coroner is significant because his recognizing similar trends other respondents noticed as well regarding jury expectations with forensic evidence. Similar to several of the trial judges, the coroner believes jury members do anticipate forensic evidence. He has his own opinion on forensic evidence. He does not view a lack of forensic evidence to be a serious matter. He does not believe it is necessary for the prosecution to have forensic evidence and analyses to present to the jury.

In terms of what types of forensic evidence are more or less persuasive for jury members, respondents shared similar responses as well. Several of the respondents viewed fingerprints and DNA evidence as more persuasive types of evidence for jury members. Other respondents also

noted the type of forensic evidence which is more or less persuasive is based on the circumstances to the case itself. Some respondents thought any type of forensic evidence can be persuasive, but it depends on the case. Lastly, one respondent thought a jury member's persuasiveness is not based solely on forensic evidence, unless the jury member does not understand the forensics behind the evidence.

The respondents also presented unanimous responses with two questions in relation to jury members and their expectations to forensic evidence. All the respondents thought jury members understood the importance of forensic evidence. Several of the respondents believed jury members place too much emphasis on forensic evidence. The public defender viewed a jury member's anticipation of forensic evidence as, "If anything, actually I think jurors probably put too much stock into wanting to have that evidence."

This quote is similar to what the district attorney and several of the trial judges recalled about jury members and their expectations for forensic evidence. The public defender appeared to recognize the trends among jury members that they tend to place emphasis on forensic evidence. The trial judges, the district attorney and also the public defender were noticing jurors' desire for forensic evidence. He may not believe this expectation to be an issue in the courtroom or for his job as a public defender. He may not see this as an issue at all. I was curious to ascertain his opinion on whether he believed the CSI effect existed.

Similarly, a trial court judge saw a jury member's desire for forensic evidence as problematic. He elaborated by saying jury members understand forensic evidence with, "I think they do, but I also think their demand that it be in every case or the belief it should be in every case is an issue." This trial judge has a concern for jurors' demand for forensic evidence. This

statement is significant because I sense the trial judge considers jurors to have certain standards and opinions regarding forensic evidence. The trial judge may be aware of the CSI effect since he has noticed jurors are expecting forensic evidence on a regular basis.

Likewise, the respondents thought jury members anticipate forensic evidence. The coroner noted how juries do expect evidence for all crimes. In addition to this anticipation of forensic evidence, respondents believed jury members anticipated certain types of evidence for a particular crime. A trial judge noted if there was a shooting case, jury members would expect bullets and a gun to be introduced as evidence. The district attorney discussed that for rape cases, juries tend to expect DNA evidence and for burglaries, juries tend to expect fingerprint evidence.

There were some consistencies and split decisions when discussing the alleged CSI effect with the respondents. All of the respondents were aware and familiar with the alleged CSI effect. Everyone except for one trial court judge thought the alleged CSI effect existed in Pennsylvania courts. The trial court judge noted in the interview the published scientific studies which claim the CSI effect is not an issue in the courtroom. Lastly, the respondents were split as to whether they thought the alleged CSI effect is problematic in the courtroom. Slightly more than half of the respondents thought the alleged CSI effect was in fact a problem while the remaining respondents did not see the phenomenon as a major issue impacting the courtroom. The list below summarized the above findings along with a few of my experiences when inquiring about the CSI effect.

1. Familiar with the CSI Effect: All nine respondents were familiar with an alleged CSI effect. One trial judge discussed the alleged phenomenon, but was unaware that it was

called the CSI effect. I considered his answer to the question “Are you familiar with the CSI effect?” as a “yes” response. I was more concerned with whether the respondents knew about or observed the phenomenon. The name of the “CSI effect” did not matter to me as much as their understanding of the phenomenon. The remaining respondents have heard of name the “CSI effect” before.

2. **Exists in Pennsylvania Courts:** I encountered all the respondents believing the CSI effect exists in PA courts, with the exception of one trial judge. I further inquired as to why the trial judge has this opinion regarding the CSI effect. I found it peculiar that only one respondent had a conflicting opinion. The trial judge referenced how there are scientific studies which suggest the CSI effect does not exist in the courtroom. I wondered if the trial judge had observed the phenomenon in the courtroom, but did not consider it to be a phenomenon, but rather more of a standard court process to address during jury instructions.
3. **Problematic in the Courtroom:** The respondents were candid in their responses as to whether they believed the CSI effect was problematic in the courtroom. Either the respondents believed the CSI effect is a major concern or they were adamant the CSI effect was not a hindrance which impacted courtroom operations. More than half of the respondents believed the CSI effect was a hindrance observed in the courtroom. Several of the respondents provided detailed justifications for their opinion on whether the CSI effect is an issue.

Regardless of the respondents’ views regarding the CSI effect, I noticed major themes with the interviews. The respondents referenced elements of the CSI effect before I addressed the alleged phenomenon in my interview guide. When discussing the alleged CSI effect, the

respondents all referenced the prosecution in their answers. The theme emerged of the alleged CSI effect impacting the prosecution the most as compared to other criminal justice practitioners. The public defender further elaborated by describing the CSI effect as a phenomenon which does not impact him on a regular basis. He said, "I think that it's much more of a prosecutor's concern than a defense attorney's concern."

This statement is important because it supports the theme of the CSI effect impacting the prosecution. The public defender revealed he was familiar with the CSI effect. However, he did not consider the phenomenon to be a burden for his job as a public defender. He considered this phenomenon to be something the prosecution has to contend with rather than public defenders in general.

In addition, a trial court judge also described the CSI effect as impacting the prosecution the most. He said, "There is a CSI effect and prosecutors have to deal with it. No doubt about it." The trial judge noted how the CSI effect is present, but it is not always applicable in each case he oversees. He noted this is a reoccurring phenomenon that criminal justice practitioners cannot expect it to disappear. The CSI effect is a phenomenon that must be addressed in the courtroom. This statement further demonstrates trial judges are aware of the CSI effect.

The respondents viewed the prosecution as having to deal with this phenomenon on a regular basis whether it is during the voir dire process or preparing for their cases. One trial judge thought the CSI effect created a burden for the prosecution and as a result, proving their cases has become much more of a challenge. The trial judge noted, "The CSI effect plays a role in making it more difficult for the prosecution to prove their case. They do not have the money or manpower like on TV."

This quote revealed the trial judge considers the CSI effect a relevant trend. He acknowledged the CSI effect occurs in the courtroom by further elaborating on his response. He discussed how he often converses with juries after the verdicts were announced. He revealed how jury members have said to him they believed the prosecution should have presented more evidence during the trial. In these instances, the jurors viewed the prosecution as having a weak case. The jury members would tell him about their desire to have more evidence presented. The trial judge demonstrated how the CSI effect can potentially hinder the prosecution. Based on his observations, jurors are expecting more evidence during trial.

Similar to the trial court judge's opinion, the public defender noted how a lack of forensic evidence also presents challenges for the prosecution. He noted, "You have forensic evidence so infrequently in most of these cases, that I think it ultimately handicaps the Commonwealth's cases because jurors are expecting more than what they are being presented with." The public defender's statement is significant because it reiterates what the district attorney revealed about her experiences with forensic evidence. She admitted the prosecution does not always have forensic evidence. The public defender also concurred with the district attorney. He shared a comparable opinion to several of the respondents by discussing how jurors expect forensic evidence and may have unrealistic expectations with the quantity of forensic evidence actually presented.

Respondents noted that the prosecution must address this phenomenon in voir dire. In addition, the alleged CSI effect has created the added burden for the prosecution of explaining negative evidence to the jury. The prosecution has to discuss the forensic dramas on television to the jury and explain to them to not expect forensic evidence the way it is presented on

television. One trial court judge gave a detailed description of the voir dire process performed by the prosecution for the selection jury members. He said,

“They will ask questions like all right ladies and gentlemen, in this case you’re not going to hear the type of evidence you normally see or watch on television. It’s going to be witnesses who testify about different circumstances and things that happened. You’re not going to see any fingerprints. You’re not going to see any DNA. You’re not going to see all the fancy things you see on television. Is there anyone who could not reach a fair and impartial verdict because of the lack of forensic evidence?”

The statements the trial judge made confirmed the prosecution has to address the CSI effect. The trial judge further explained the CSI effect is usually discussed during the jury selection process to prevent jurors having misguided views regarding forensic evidence. These statements suggest the CSI effect could be problematic if not addressed appropriately. The fact the phenomenon is referenced in voir dire revealed the prosecution is aware of the CSI effect.

The public defender had a similar view of the prosecution handling the CSI effect. He also acknowledged the prosecution has to deal with the phenomenon during the voir dire process. He elaborated on the voir dire process by noting, “During jury selection, you’ll hear prosecutors specifically ask questions to the jurors or make comments basically saying, look this is not television and because it’s only a very minor case we don’t do forensic tests and offer forensic evidence in every single case, so don’t expect it.”

This quote is substantial because the public defender corroborated what the trial judge revealed above. The public defender considered the CSI effect to exist in PA courts due to the questioning asked during the jury selection process. He also acknowledged the prosecution does

not always have forensic evidence or utilize forensic analyses. The fact the prosecution addresses this phenomenon is suggesting the prosecution is aiming to combat jurors from having unrealistic expectations with forensic evidence.

The respondents who considered the CSI effect to be problematic noted jury behaviors during trial regarding the presentation of forensic evidence. A trial court judge recalled the expectations jury members have with forensic evidence. Jury members want to see forensic evidence. He elaborated with, “We have jurors saying if you don’t have that, we aren’t going to be able to find him guilty. They actually believe that.”

This statement is important because the trial judge believes the CSI effect is negatively impacting courtroom operations. He further elaborated by revealing he thinks the CSI effect causes jurors to consider themselves experts with forensic evidence. He is suggesting jury members are expecting a certain level of forensic evidence during trial. This statement exemplified a potential negative impact from the CSI effect.

The coroner also considered the CSI effect to be problematic in the courtroom. He revealed how the CSI effect has impacted his job. The coroner recalled how attorneys will attack him when he testifies. Defense attorneys will ask him why did not run a certain test. The coroner then has to explain he believed running an analysis was not necessary. He has noticed changes in the way he does his job now as a result of the CSI effect.

Since some jury members have a heightened expectation for forensic evidence, the prosecution has to take the added step into explaining why they do not have forensic evidence to present to the jury. A trial court judge elaborated on this process by stating, “So jurors sort of come in half expecting to see forensic evidence, and you do notice the response to that by the

prosecutors who go out of their way to explain why there is no forensic evidence in a particular case.” This statement is important because the trial judge emphasized how the prosecution must take additional steps to explain negative evidence to the jury. This trial judge further discussed how jury members like when forensic evidence is presented. He noted the prosecution now has to address the lack of forensic evidence due to scripted television shows. He believed jurors without question are influenced by these scripted television shows. The trial judge is suggesting the CSI effect is emerging in the courtroom.

The respondents who viewed the alleged CSI effect as not being problematic instead viewed the phenomenon as something positive to have emerged in the courtroom. One trial court judge explained this by saying, “I think it’s good in some respects because if the Commonwealth is going to put someone in jail, you should exhaust what’s capable.” This statement has significance because the trial judge is presenting an alternative opinion for the CSI effect. He does not consider the CSI effect a hindrance for the prosecution. Instead, it drives the prosecution to fully prepare for trial and verify the burden of proof is represented.

Several of the respondents believed if the prosecutor addresses this issue and is fully prepared to present their case, then the CSI effect will not hinder the prosecution. A trial court judge said, “A good prosecution can address this in their questioning.” Likewise, the public defender noted, “I don’t think it’s problematic. It’s something that a seasoned prosecutor should be able to address well enough.” These statements were essential in justifying the respondents’ explanations for the CSI effect not being an issue. Both these respondents had comparable opinions on the CSI effect. They substantiated their opinions by stating it is the responsibility of the prosecution to speak to the CSI effect. They are maintaining the stance of as long as the prosecution deals with the phenomenon then case outcomes will not be impacted. These

opinions are suggesting that the CSI effect may not be a reason to justify the prosecution to losing a case if it is handled appropriately.

Another trial court judge explained if the prosecution has a strong case and is ready for trial, then the CSI effect will not be an issue. His explanation was as follows:

“I think it’s used as a crutch by those that are law enforcement to bitch and complain about something new. I don’t see it as problematic. If you got a solid case, your lay person is going to understand that. If you do not have a solid case and you don’t go into that next level to bring in forensics stuff, don’t try to use a television show as your excuse for not doing your job.”

These statements have major significance because the trial judge is defending the CSI effect as not problematic for courtroom operations. He considers the CSI effect as an excuse used by the prosecution. He is suggesting that as long as the prosecution is thorough and fully prepared for trial, then the CSI effect is not an issue. The trial judge further explained his reasoning behind the CSI effect. He used to work as a public defender before becoming a trial judge. I noticed he has similar views to the public defender I interviewed. The trial judge’s opinion is suggesting he is looking at the CSI effect from a public defender’s perspective which is the CSI effect should not be problematic if handled appropriately. Despite the opposing views on whether the CSI effect is problematic, the respondents confirmed this is a phenomenon that is impacting the prosecution the most in the courtroom. Also, the prosecution has to contend with this phenomenon on a regular basis.

## **Chapter 5: CONCLUSION**

There were limitations with this qualitative study. First, one district attorney and one public defender were included in the respondent population. While these respondents provided detailed accounts of their experiences in the courtroom, interviewing multiple district attorneys and public defenders will bolster perceptions regarding jury decision-making and the existence of the CSI effect. Additionally, the study was conducted in one county in Pennsylvania. My findings may not be consistent with other qualitative studies which explored the CSI effect in different counties or states.

The respondents may have interpreted the wording of one of my questions differently. The question “Do you think the CSI effect is problematic in the courtroom?” may have confused the respondents. They may not have understood what I meant by “problematic.” I used this question to ascertain if the respondents believed the CSI effect had a negative impact on courtroom operations and as a result influenced case outcomes. The respondents could have interpreted “problematic” in regards to just courtroom operations or only to case outcomes. In addition, the respondents could have interpreted “problematic” as criticism for the CSI occurring in the courtroom. The respondents are then admitting the CSI effect is an issue.

In order to combat any ambiguity with the wording of the CSI effect being “problematic” in the courtroom, additional questions should be considered when asking about the CSI effect. For example, the researcher could ask respondents how the CSI effect has changed the operations of the courtroom. This question would be asked when ascertaining if the respondents believed the CSI effect exists. Another question could ask respondents if additional steps are taken during trial to address the CSI effect. These questions will further reveal how the CSI effect is addressed in the courtroom. Also, these questions will assist in preventing respondents from being mistaken by the meaning of “problematic” in the courtroom.

This study revealed a familiarity of the CSI effect among the respondent population. The six trial court judges, one district attorney, one public defender, and one county coroner in Dauphin County, Pennsylvania interviewed for the study were all conscious of the CSI effect. With the exception of one trial judge, the remaining respondents believed the CSI effect existed in Pennsylvania courts. The respondents did not reach a general consensus as to whether the CSI effect was observed to be a problem in the courtroom. Either the respondents believed the CSI effect was an issue which affected the operations of the courtroom or the respondents believed the CSI effect was not problematic if the prosecution tackled this issue in the courtroom and properly prepared for their cases in the Commonwealth. Respondents noted how the prosecution is most impacted by the CSI effect. The prosecution frequently references the CSI effect to jury members during the jury selection process to prevent this phenomenon from influencing case outcomes. The prosecution has to overcome the obstacles presented by the CSI effect, while the CSI effect does not impact the public defender's cases.

Future research is necessary to further explore the alleged CSI effect. Additional respondents can include criminal justice practitioners in different counties across Pennsylvania to investigate if other criminal justice practitioners in Pennsylvania believe this phenomenon exists. Another alternative design study is to interview multiple district attorneys and public defenders to compare and contrast their views regarding the CSI effect. This study design will allow the researcher to determine if district attorneys and public defenders have similar or conflicting views as to whether they believe the CSI effect can be problematic in the courtroom. Studies of the CSI effect can be conducted outside of Pennsylvania to determine if this phenomenon occurs in other cities and states. In addition, semi-structured interviews can be designed to explore if the CSI effect is more of an issue that impacts court processes or case outcomes. This interview

design will determine if respondents believe the CSI effect is more of a court process rather than being “problematic.” Respondents may not consider the CSI effect a major issue, but instead a court process that is regularly addressed as part of courtroom operations.

Another major consideration for future research is to utilize actual jurors as the respondent population. By having jurors as the respondent population, the researcher will be able to garner their perspectives on forensic evidence. A study involving jurors will reveal if the presence or lack of forensic evidence played a role in jury deliberations. The researcher could contact jurors by asking a trial judge after trial is over to converse with jurors and ask them to participate in a study inquiring about their interpretations of forensic evidence.

Future research can also include surveying the voir dire questions that a district attorney utilizes during jury selection. This will allow the researcher to determine if the district attorney includes questions involving the mass media in jury instructions. Likewise the analysis of the jury instructions will reveal if scripted television shows are also addressed. If the above issues are included in jury instructions, the CSI effect is controlled during the jury selection process. The researcher could further examine if the CSI effect has a negative impact on courtroom proceedings even if the district attorney does control it during jury selection.

Additionally, policy implications should also be considered. If criminal justice practitioners are noticing the CSI effect in the courtroom, then steps must be taken to counteract and prevent the CSI effect from influencing case outcomes. For example, jurors need to be educated during the jury selection process about the realities of a criminal trial. Jurors should understand that scripted television shows like *CSI: Crime Scene Investigation* are fiction and they should not use these television shows for the basis of jury deliberations. Similar to what

several of the respondents revealed, the fact the prosecution may not always have forensic evidence to present should be expressed to jurors. Educating jurors about what to expect during a criminal trial will assist in combating the CSI effect in the courtroom. Also, jury instructions could be crafted in such a manner that they control the CSI effect.

Likewise to educating jurors, trial judges can also play a role in combating the CSI effect. The trial judges could provide specific instructions to jury members regarding forensic evidence and analyses. They can aid the prosecution by reiterating to jurors that it is common to not have forensic evidence presented during trial. They could instruct the jury that scripted television shows should not be a component to jury deliberations. By addressing the CSI effect, trial judges can also assist in preventing and controlling the phenomenon in the courtroom.

For the purposes of this study, the research question was answered. The respondents were fully aware of the alleged CSI effect and almost all of the respondents thought the CSI effect existed in Pennsylvania courts. Additional studies on the CSI effect will add to the growing body of scientific studies conducted on the phenomenon. The CSI effect is still a relatively new phenomenon which is mostly referenced only through anecdotal accounts. While there are scientific studies published which investigated the CSI effect, there is still no clear answer as to whether the CSI effect exists and has a negative impact on courtroom operations. Further research will facilitate in answering these questions.

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## **Appendix A: Interview Guide for Pennsylvania Trial Court Judges**

### **Introduction:**

Hi. My name is Kristin Agnew, and I am a graduate student at the Pennsylvania State University. I am researching the role that forensic evidence plays in jury decisions. Rather than try to interview jurors, who may not even be aware of what is influencing them, I would like to hear your professional insights into what you have observed.

### **Demographics:**

What is your geographic location for presiding over cases?

How many years of experience do you have as a trial court judge?

What types of cases have you presided over?

Do you handle jury trials?

Do prosecutors or defense attorneys ever use forensic evidence in your courtroom?

### **Content:**

#### **Types of Forensic Evidence**

If so, what kinds of forensic evidence are offered in your courtroom?

Is luminol a common test used for blood detection in your experience?

Is DNA analysis often presented as evidence?

Are lie detectors admissible in court?

Are fingerprints frequently submitted as evidence?

Do you often observe trace evidence, including hair and fibers, submitted as evidence?

Is glass a common type of trace evidence discussed in the courtroom?

Are bullet fragments frequently presented as forensic evidence?

### **Forensic Evidence and the Courtroom**

What do you find to be the most credible type of forensic evidence used in the courtroom?

What do you find to be the least credible type of forensic evidence used in the courtroom?

Is there any type of forensic evidence that you will not allow into evidence? Why?

Is there any type of forensic evidence which is often dismissed as evidence? Why?

### **Jury Members and Forensic Evidence**

What have you observed about jurors' interpretation of forensic evidence?

Are there any types of forensic evidence which are more or less persuasive for jury members?

Do jury members appear to understand the importance of forensic evidence?

Do jury members anticipate certain types of forensic evidence for a particular crime?

Can you recall any examples...?

### **The CSI Effect**

Are you familiar with the CSI effect?

Do you have an opinion concerning the CSI effect?

Do you think the CSI effect exists in Pennsylvania courts?

If so, do you think the CSI effect is problematic in the courtroom?

What else would you like to tell us?

## **Appendix B: Interview Guide for Pennsylvania District Attorneys**

### **Introduction:**

Hi. My name is Kristin Agnew, and I am a graduate student at the Pennsylvania State University. I am researching the role that forensic evidence plays in jury decisions. Rather than try to interview jurors, who may not even be aware of what is influencing them, I would like to hear your professional insights into what you have observed.

### **Demographics:**

What is your geographic location for prosecuting cases?

How many years of experience do you have as a District Attorney?

What types of cases have you prosecuted?

Have you been involved with jury trials?

Have you ever used forensic evidence in your cases?

### **Content:**

#### **Types of Forensic Evidence**

If so, what kinds of forensic evidence have you presented in the courtroom?

Is luminol a common test used for blood detection in your experience?

Is DNA analysis often presented as evidence?

Have you presented DNA analysis as evidence?

Are lie detectors admissible in court?

Have you submitted fingerprints as evidence?

Have you ever submitted trace evidence including hair and fibers as evidence?

Is glass a common type of trace evidence discussed in the courtroom?

Have you ever submitted bullet fragments as forensic evidence?

### **Forensic Evidence and the Courtroom**

What do you find to be the most credible type of forensic evidence used in the courtroom?

What do you find to be the least credible type of forensic evidence used in the courtroom?

Is there any type of forensic evidence that a judge will not allow into evidence? Why?

Is there any type of forensic evidence which is often dismissed as evidence? Why?

### **Jury Members and Forensic Evidence**

What have you observed about jurors' interpretation of forensic evidence?

Are there any types of forensic evidence which are more or less persuasive for jury members?

Do jury members appear to understand the importance of forensic evidence?

Do jury members anticipate certain types of forensic evidence for a particular crime?

Can you recall any examples...?

### **The CSI Effect**

Are you familiar with the CSI effect?

Do you have an opinion concerning the CSI effect?

Do you think the CSI effect exists in Pennsylvania courts?

If so, do you think the CSI effect is problematic in the courtroom?

What else would you like to tell us?

## **Appendix C: Interview Guide for Pennsylvania Public Defenders**

### **Introduction:**

Hi. My name is Kristin Agnew, and I am a graduate student at the Pennsylvania State University. I am researching the role that forensic evidence plays in jury decisions. Rather than try to interview jurors, who may not even be aware of what is influencing them, I would like to hear your professional insights into what you have observed.

### **Demographics:**

What is your geographic location for representing defendants?

How many years of experience do you have as a public defender?

What types of cases have you been involved in?

Have you been involved with jury trials?

Have you ever presented forensic evidence in the courtroom?

### **Content:**

#### **Types of Forensic Evidence**

If so, what kinds of forensic evidence have you presented in the courtroom?

Is luminol a common test used for blood detection in your experience?

Is DNA analysis often presented as evidence?

Have you presented DNA analysis as evidence?

Are lie detectors admissible in court?

Have you submitted fingerprints as evidence?

Have you ever submitted trace evidence including hair and fibers as evidence?

Is glass a common type of trace evidence discussed in the courtroom?

Have you ever submitted glass as evidence?

Have you ever submitted bullet fragments as forensic evidence?

### **Forensic Evidence and the Courtroom**

What do you find to be the most credible type of forensic evidence used in the courtroom?

What do you find to be the least credible type of forensic evidence used in the courtroom?

Is there any type of forensic evidence that a judge will not allow into evidence? Why?

Is there any type of forensic evidence which is often dismissed as evidence? Why?

### **Jury Members and Forensic Evidence**

What have you observed about jurors' interpretation of forensic evidence?

Are there any types of forensic evidence which are more or less persuasive for jury members?

Do jury members appear to understand the importance of forensic evidence?

Do jury members anticipate certain types of forensic evidence for a particular crime?

Can you recall any examples...?

### **The CSI Effect**

Are you familiar with the CSI effect?

Do you have an opinion concerning the CSI effect?

Do you think the CSI effect exists in Pennsylvania courts?

If so, do you think the CSI effect is problematic in the courtroom?

What else would you like to tell us?

## **Appendix D: Interview Guide for Pennsylvania County Coroners**

### **Introduction:**

Hi. My name is Kristin Agnew, and I am a graduate student at the Pennsylvania State University. I am researching the role that forensic evidence plays in jury decisions. Rather than try to interview jurors, who may not even be aware of what is influencing them, I would like to hear your professional insights into what you have observed.

### **Demographics:**

What is your geographic location for investigating deaths?

How many years of experience do you have as a coroner?

What types of cases have you been involved in?

Have you been involved with jury trials?

Have you ever presented forensic evidence in the courtroom?

### **Content:**

#### **Types of Forensic Evidence**

If so, what kinds of forensic evidence have you presented in the courtroom?

Is luminol a common test used for blood detection in your experience?

Is DNA analysis often presented as evidence?

Have you presented DNA analysis as evidence?

Are lie detectors admissible in court?

Have you submitted fingerprints as evidence?

Have you ever submitted trace evidence including hair and fibers as evidence?

Is glass a common type of trace evidence discussed in the courtroom?

Have you ever submitted glass as evidence?

Have you ever submitted bullet fragments as forensic evidence?

### **Forensic Evidence and the Courtroom**

What do you find to be the most credible type of forensic evidence used in the courtroom?

What do you find to be the least credible type of forensic evidence used in the courtroom?

Is there any type of forensic evidence that a judge will not allow into evidence? Why?

Is there any type of forensic evidence which is often dismissed as evidence? Why?

### **Jury Members and Forensic Evidence**

What have you observed about jurors' interpretation of forensic evidence?

Are there any types of forensic evidence which are more or less persuasive for jury members?

Do jury members appear to understand the importance of forensic evidence?

Do jury members anticipate certain types of forensic evidence for a particular crime?

Can you recall any examples...?

### **The CSI Effect**

Are you familiar with the CSI effect?

Do you have an opinion concerning the CSI effect?

Do you think the CSI effect exists in Pennsylvania courts?

If so, do you think the CSI effect is problematic in the courtroom?

What else would you like to tell us?