



## Review

## Crime scene investigation (as seen on TV)

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## ABSTRACT

A mysterious green ooze is injected into a brightly illuminated and humming machine; 10 s later, a printout containing a complete biography of the substance is at the fingertips of an attractive young investigator who exclaims “we found it!” We have all seen this event occur countless times on any and all of the three *CSI* dramas, *Cold Cases*, *Crossing Jordans*, and many more. With this new style of “infotainment” (Surette, 2007 [13]), comes an increasingly blurred line between the hard facts of reality and the soft, quick solutions of entertainment. With these advances in technology, how can crime rates be anything but plummeting as would-be criminals cringe at the idea of leaving the smallest speck of themselves at a crime scene? Surely there are very few serious crimes that go unpunished in today’s world of high-tech, fast-paced gadgetry. Science and technology have come a great distance since Sir Arthur Conan Doyle first described the first famous forensic scientist (Sherlock Holmes), but still have light-years to go.

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Unfortunately the described utopia is far from the case. As recently as December 8th, 2008, citing a report issued by the FBI, the Associated Press announced that homicide clearance rates in the United States (the ratio of number of homicides known to be committed to the number of homicides solved) have dropped nearly 30% to 63% from 91% in 1963. Of course this is a reflection of many things including a

population explosion, street, drug, and gang-related homicides, and many other hard-to-trace murders. However, one would like to believe that with the advances in biometrics; including identification technologies ranging from fingerprints to DNA and iris recognition, accompanied by the fact that cameras, phones, and videos are everywhere that criminals would not have a chance. Wrong. Crime remains an unfortunate, yet integrated part of American culture, not as hopelessly interwoven as the media would have us believe, but regardless, a part of life (or at least the evening news).

The media today has influenced and interacted with crime, criminals, and the criminal justice system in a manner that is so

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complex that entire careers are spent trying to separate and identify which breeds which. The media would also have us believe that with the technology currently available, most crimes can be easily solved. In recent years, the success of TV shows such as *CSI*, *NCIS*, *Criminal Minds*, and the numerous other scientifically based crime-solvers has given the public an extremely skewed view of the resources available to law enforcement personnel, dramatically increased the expectations of would-be jurors, judges, and attorneys, given criminals insight as to what and how “not to do” things, as well as initiate and perpetuate numerous basic myths about the reality and limitations of forensic science. These shows have had so much success that a new term was coined based on the title of the most popular of them all; “The CSI Effect” [4]. This term has become commonplace in respected news arenas such as CNN, National Geographic, USA Today, CBS News, US News and World Report, and many others [4]. Criminal drama television shows have become so prevalent in popular culture today that the *San Diego Tribune* reported that “... during one week in September 2005, there were 63 homicides on forensic television shows during prime time viewing hours [7:00 pm to 10:00 pm] on the six broadcast networks.” [9].

It is beyond the scope of this text to conduct an original study, but it will delve into each of the aforementioned areas of the CSI effect, exposing some of the more predominant, damaging, and also valuable lessons that the media has brought into our everyday lives through the production and popularity of criminal forensic television.

## 1. CSI effect in the courtroom

### 1.1. Jurors

The primary and initial coining of the phrase “CSI Effect” originated as a description of an unknown and uncharacterized phenomenon that the court system was faced with. Nearly all definitions of the effect stem from and refer to the impact that CSI and related shows have on the ability of trial juries to objectively hear testimony and make decisions without biasing those decisions on information obtained outside the courtroom proceedings. Robbers [9] describes it as “... the phenomenon in which jurors hold unrealistic expectations of forensic evidence and investigation techniques, and have an increased interest in the discipline of forensic science ...”. Numerous instances of the CSI effect regarding jury members have been identified in courtrooms across the nation. Stevens [12] does an excellent job of summarizing a few of these incidents:

- *Phoenix Arizona: Jurors in a murder trial noticed that a bloody coat introduced as evidence had not been tested for DNA. They alerted the judge. The tests were not needed because the defendant had acknowledged being at the murder scene. The judge decided that TV had taught jurors about DNA tests, but not enough about when to use them.*
- *Richmond Virginia: Jurors in a murder trial asked the judge whether a cigarette butt found during the investigation could be tested for links to the defendant. Defence [sic] attorneys had ordered DNA tests but had not introduced them into evidence. The jury’s hunch was correct – the tests exonerated the defendant, and the jury acquitted him.*
- *Wilmington Delaware: Federal researchers studying how juries evaluate scientific evidence staged dozens of simulated trials. At one point, a juror struggling with especially complicated DNA evidence lamented that such problems never come up on ‘CSI’.*

Obviously these represent only a fraction of the instances in which previous “knowledge” gained by jurors from television had predetermined their views of the important, possible, and

applicable tests, procedures, and therefore altered their expectations. The true number of times that these types of views have biased or at least influenced juror decisions can never be quantified. One study attempting to quantify the effect ended finding a difference between jurors that commonly viewed criminal drama programming and jurors whom did not, but the difference was not large enough to be statistically significant. Part of the results of this survey done in Washtenaw County, Michigan was grouped by viewing habits. As a result of this grouping, it was found that “watching CSI and related programs may marginally increase the expectation of scientific evidence in certain types of cases.” [11]. These certain types of cases were those more serious crimes of rape, murder, or some other type of sexual misconduct. In these cases, 26.5% of test subjects would not convict a person without some type of scientific evidence [2]. Another study done using mock trials given to students at Arizona State University also found a non-statistically significant difference. In one particular case, 29% of non-CSI viewers said they would convict, whereas only 18% of CSI viewers would have convicted the defendant [10].

Jurors also may tend to think that they have a solid and true understanding of the nature and type of forensic evidence presented to them by attorneys. It should be noted that the science behind many forensic methods has taken years to develop, some of which is admittedly still lagging in validation studies, but is nevertheless an extremely complex process that simply cannot be learned nor understood by watching television, no matter how true-to-fact the show is. On the other side of the argument, some researchers contend that it is not an ignorant and naïve juror that has been tainted; it is a simple general mistrust of juries and the current criminal justice system. It is true that to date, no hard empirical study has been conducted that positively proves that television shows like CSI have a distinguished effect on juror’s decisions [2], but many resembling those mentioned above have provided some evidence to the fact that even though currently unquantifiable, the effect that these type of television shows have on potential jurors can be far-reaching and unavoidable.

### 1.2. Prosecutors

Juries are not the only courtroom entity that this effect has reached. Prosecutor’s tactics, approaches and entire cases have been altered by this type of phenomena. Prosecutors can now be burdened as a result of the CSI effect “... creating greater expectations about forensic science that cannot be delivered.” [10]. Prosecutors are faced with questioning witnesses and convincing newly “informed” jurors of the appropriate applications of the techniques and methods of identification they have come to see so often on their favorite shows. On top of having to not only sift through and present the evidence at hand, assistant district attorneys across the nation are now finding themselves spending hours explaining to a jury why a particular piece of evidence is not present or does not apply. Again, Stevens [12] supplies a good synopsis of a few examples:

- *Arizona, Illinois, and California: Prosecutors now use ‘negative evidence witnesses’ attempting to assure jurors that it is not unusual for real crime science investigators to fail finding DNA, fingerprints, and other evidence at crime scenes.*
- *Dakota County, Minnesota: Prosecutors were told by the jury that they were disappointed in the fact that a computerized reenactment had not been constructed.*
- *Hennepin County, Minnesota: Prosecutors are now explaining to potential jurors that real life is not like a television show. For instance, substantial evidence towards conviction does not necessarily mean DNA evidence. Because of ‘CSI’ shows, some prosecutors contend that more jurors believe every crime scene yields forensic*

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