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Seanette Ting

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Exploring the CSI Effect: A Qualitative Study of the Effects and Impact of
Television Crime Shows in the Courtroom

By
Seanette Ting

Dr. Tracy Scott
Adviser

Department of Sociology

Dr. Tracy Scott
Adviser

Dr. Timothy Dowd
Committee Member

Dr. Ursula Goldenbaum
Committee Member

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Seanette Ting

Dr. Tracy Scott

Adviser

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Abstract

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The rise in popular crime scene investigation shows has led many to believe that juries now demand forensic evidence in criminal cases (Podlas, 2005). Named the “CSI Effect,” this refers to the raised and oftentimes unrealistic expectations of forensic evidence by juries as a result of *CSI: Crime Scene Investigation* and other shows involving crime and the legal system (Shelton, 2006; Tyler, 2006). The purpose of this study is to explore how the CSI Effect is perceived by the attorneys and judges involved in jury trials. By employing semi-structured, in-depth interviews, I explore how the CSI Effect is impacting the courtroom from the perspective of the prosecution and judges. Through the research I build on existing literature and look to further expand the scope in which the CSI Effect is viewed. The results show that the CSI Effect primarily creates expectations of evidence, attorneys, and police. This leads to prosecutors addressing these expectations through voir dire and manipulation tactics, and can lead to role strain. While this supports existing literature suggesting that the CSI Effect creates expectations and can lead to wrongful acquittals, my research focuses on how the CSI Effect affects not only the jury, but the attorneys as well.

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Introduction

On televisions across the world, a happy scene will be shown taking a terrible turn in the introductory minutes of *CSI: Crime Scene Investigation*. While viewers are sometimes given clues about the murder or other violent crime, they will be left guessing when it comes to the true perpetrator and motive. Blue lights, fingerprints and bullet casings under magnifying glasses pervade the screen as the opening credits roll. In the next scene, a well-dressed team exits a Hummer in suits and sunglasses, ready to begin investigating. Amidst false leads and dead-end clues, the team will manage a confession or other method of definitively turning a suspect into the perpetrator in a tidy forty-five minutes. In this world of *CSI* and other crime scene investigation shows such as *NCIS*, *Bones*, and *Criminal Minds*, technology is at one's fingertips and the information is there if only one is clever enough to find it. It is these ideas that people fear are corrupting our criminal justice system.

There have been incredible developments in the scientific field in the last fourteen years since the pilot episode of *CSI* aired in 2000. In a rapidly modernizing world, new technologies have advanced not only science but also nearly every aspect in which society conducts everyday life. But what technologies have assimilated into daily life, and what has changed it? Arguably, one of the century's most innovative and influential inventions is that of the television. Blamed for various societal issues from stifling creativity to the rise in obesity, television has received its fair share of unfavorable criticism. Yet, television can also conversely serve as a major source of news and information, rapidly disseminating up-to-date information about current events from local to world affairs. In addition to these ideas, we are universally familiar with the notion that television can also portray "reality" in a way that is discrepant from true life. Because the pres-

ence of scientific technology is so prevalent in crime scene television shows such as *CSI*, it is argued that the public is falsely led to believe that forensic technology and evidence is readily available in most, if not all, criminal cases. With the widespread growth and popularity of such shows, this has the potential to affect millions of perceptions, creating flawed perspectives of forensic technology throughout the country-- and throughout juries. Perhaps most importantly, it is widely argued that this discrepancy distorts the public perception of how crimes are solved and what kind of technologies are available, thus biasing our jury pool and how they affect evidence interpretation within the court. This is the core of the CSI Effect.

Throughout this thesis, I seek to explore the existence and impact of the CSI Effect in our criminal court system. Specifically, I will look at how the CSI Effect is perceived by the attorneys and judges involved in jury trials. I will begin by exploring the existing literature addressing the CSI Effect, creating a working definition and evaluating the influence of television on daily life. I will then explore the theoretical framework of cultivation theory as a way to further explicate how the CSI Effect potentially influences various layers of the court system. I will summarize the existing literature in three categories: arguments for the existence of the CSI Effect, arguments against the existence of the CSI Effect, and arguments that the CSI Effect has a positive influence on our courts. I will then detail my research questions, explain my methods, and present the results of my in-depth interviews with Assistant District Attorneys and other actors within the courtroom. In my discussion I look back to the previous literature to corroborate with my findings and untangle new emerging trends within the CSI Effect.

Literature Review

Defining the CSI Effect

The attraction to the criminal justice system has manifested itself in various forms of entertainment, specifically television. Portraying modern innovations within scientific technology, crime shows expose the public to many different circumstances in which crimes are committed, and various ways in which it can be solved. Many times in these shows, the use of forensic evidence plays a crucial role in solving the case. Many times in the literature, it is primarily argued that this falsely leads the public to believe there is widespread accessibility to forensic and other types of evidence. This has driven some people to believe this CSI Effect has negative effects in the courtroom. Prosecutors claim their burden of proof is noticeably higher because juries expect forensic evidence; defense attorneys claim that juries are too quick to convict with forensic evidence alone. Yet despite such accusations, the community is only just beginning to explore whether or not the CSI Effect even exists.

What is the CSI Effect? Despite lacking a standardized definition, there appears to be a strong mutual understanding of what it is in the literature. According to various existing literature, the CSI Effect can effectively be summarized in a combination of three elements. First, the CSI Effect is the raised and oftentimes unrealistic expectation of forensic evidence by juries (Shelton, 2006; Tyler, 2006). Secondly it is believed that the CSI Effect inherently creates a higher burden of proof for prosecutors because there is an increased demand for forensic evidence in criminal cases (Podlas, 2005). Lastly, this definition can then be extended to assert that this raised level of expectation can lead to wrongfully acquitting guilty defendants not because of a lack of evidence, but a lack of specifically forensic evidence. (Shelton, 2006; Tyler, 2006; Cole

& Dioso-Villa, 2011). There are, of course, many obstacles in establishing this causal relationship. In fact, it is still being debated how the CSI Effect actually affects behavior in the courtroom; while there is plenty of anecdotal evidence suggesting it does, a strong empirical foundation is wanting (Podlas, 2006). Before we can address any of these concerns, we will have to look to the influence of television on the public in general.

The Influence of Television

Looking at existing literature, there is ample evidence to suggest that television aids in shaping public perceptions. One sociological theory that links the influence of media directly to reality is the cultivation theory. This theory states that the more people are exposed to and actively watch television, the more likely they are to believe it is an accurate portrayal of reality (Gerbner & Gross, 1976). Hayes & Levett (2011) point to the cultivation theory as a way of explaining the CSI Effect. By this logic, television watching would shape jury beliefs about the world (Gerbner & Gross, 1976). This theory would further assert that jurors who see state-of-the-art evidence on television tend to expect the same in real trials (Tyler, 2006). One research study looked specifically into the effects of television on perception of crime, law enforcement, and danger. The researchers found that frequent television viewers were more likely to give “television answers” that resembled the unrealistic situations on televisions, rather than the “real” answers that more closely resembled reality, which were more commonly cited among non-frequent viewers. In further support of the cultivation theory, frequent viewers of television believed there was a higher likelihood of becoming involved in violent events than those that did

not as frequently watch television (Gerbner & Gross, 1976). Clearly, television is more than simply entertainment.

Whether the public chooses to acknowledge it or not, television directly affects our worldview of how things are seen and interpreted. In fact, it has been found that there is a significant positive relationship between frequency of watching television and perception of crime seriousness. Gebotys et. al (1988) discovered that those who frequently watched television news were more likely to say that crime is more serious than those who did not watch television news as frequently. Paired with the statistic that violent crimes are overrepresented in the media, thus dramatizing the public view of the true frequency of violent crime, this positive relationship supports the idea that television actively shapes the way we see society. There were also consistent results that the media depictions of serious crimes affected public perception of less serious crimes as well. This study further suggested that television viewing was a more influential factor of perception of crime than other factors, such as gender or personal history with crime, contrary to previously conducted studies in which television was not as widespread. With Gebotys' study, it can be inferred that television plays an influential role in reality and actively shapes its interpretation of the events within it. Furthermore, it not only affects how we interpret our everyday life— it affects how we interpret crimes.

The Growth of Crime Scene Investigation Shows

Television crime shows have experienced incredible success in the past fifteen years. Since the launch of “*CSI: Crime Scene Investigation*” on CBS in October of 2000, it has been named the world’s most watched television show five times to date, most recently in 2012 (*Huff-*

ington Post, 2012). It has had an estimated 73.8 million viewer audience in 2009 alone, and spurred multiple spinoff series such as *CSI: Miami* and *CSI: New York*. During the *CSI* season finale in 2005, over 35 million viewers tuned in (Sparborth, 2005). With the recent renewing of their contract in March of 2014, the original *CSI* will be returning for its fifteenth season on air. With its massive reach, it merits further investigation into the repercussions of subjecting our justice system to the setting of entertainment. If anything, the potentiality for the widespread consequences of the CSI Effect further pushes the question, how does the show affect society's behavior?

There are several examples that suggest crime scene investigation shows have altered the way people interpret tangential fields. In one facet, interest in the forensic field has exploded in the past ten years. In 1999, West Virginia University had four forensic science undergraduates. By 2004, just four years after the air of *CSI*, West Virginia had 400 students in their forensic science program (Heinrick, 2006). It is argued that this glamorization of the field sparked a widespread interest throughout the public. In another facet, there is evidence that the public's perception of investigative officers' exists not only in courtrooms, but also in everyday life. Laura Huey (2010) found through a series of qualitative interviews that a majority of the investigative officers she interviewed have experienced unrealistic demands of police work due to an exaggerated portrayal of the field and its capabilities on television. There have been multiple claims supporting the idea that "glamorized" depictions of improbable police work has left real officers feeling like they cannot meet public expectations (Reiner, 2005; Perlmutter, 2000). Huey said that although media create a positive image of investigators on television, police officers often feel a sense of "role strain" in which there is a discrepancy between actuality and idealization. This re-

sults in negative stressors such as frustration or anxiety when their capabilities do not reach the expectations the public has due to media exposure.

Preconceived Notions

In reviewing the expanse of literature covering the CSI Effect, several recurring themes suggest that there is a similar understanding that the CSI Effect impacts jurors. How, specifically, does this affect jurors in the courtroom though? After an extensive review of previous studies, Brickell (2008) hypothesizes this emerges in two ways. First, she said that in cases with forensic evidence present, people tend to hold it above other evidence. Secondly, in cases without available forensic evidence, jurors tend to be more skeptical of other evidence. These are two key ways in which people fear that the CSI Effect is inhibiting the integrity of the justice system. By weighing the importance of evidence by their own opinions rather than the court's standards, this could ultimately change verdicts based on these expectations.

More pointedly, these expectations appear to boil down to portrayals in *CSI* creating preconceived notions in the public. More specifically, people believe that they are 'experts' after watching crime scene investigation shows and follow many of the social norms that they see on television. Whether directly or indirectly, the *CSI* television show tells us many different things. It tells us that that if an investigation is performed thoroughly and accurately, then we should be able to find clear evidence. It tells us that good interrogators will discover a motivation or obtain a confession, and lastly it tells us justice will be served to those who are guilty. After all, this is what happens in every *CSI* show aired; why should jurors expect any less in real courts? This discrepancy is difficult for avid watchers to internalize, illustrating that even though people may

understand there is a difference between television and reality, they still expect to see some aspects from the show play out in the courtroom (Brickell, 2008).

Should the CSI Effect prove to take a significant role in the behavior of juries, it would not mark the first time television has impacted attitudes within the courtroom. *CSI* is not the earliest show to delve into solving crimes and uncovering the truth; the question of “whodunnit” traces back far beyond the 2000 premiere of *CSI*. In 1957, a dramatized, fictional court show called *Perry Mason* quickly gained incredible popularity. Because Mason and the witnesses would not fit into the same frame otherwise, the show portrayed attorneys directly walking over and addressing the witness. This did not happen in real courts, but studies later found that people began to expect this type of behavior and thought that attorneys were not addressing witnesses properly if they did not employ this practice (Gohner, 2004). As a result, attorneys began walking towards the stand more often to directly address witnesses. In the 1980s, there was an increase of television shows that showed a single judge’s court handling a series of ten to fifteen minute cases, such as *The People’s Court with Judge Wapner*. After watching the show, people became used to the quick and concentrated trials portrayed on television (Dumble et. al., 1989). This study found that juries serving on real trials were frustrated by the length of the procedures and the lack of excitement (1989). With these studies coupled as evidence, *CSI* and other modern crime scene investigation shows may also create expectations that are met with exasperation when real courts fail to meet them.

Potential Effects and Explanations

In creating these allegedly raised levels of expectation, people think they are “experts” on crime and courtroom procedures due to their exposure to high tech investigative practices on television. In Heinrick’s article, “Everyone’s an Expert,” he delves into the idea that juries create their own burdens of proof based on what they know or think they know (2006). Since their only exposures to crime and trials are usually through television, they take comfort in what they “know” produces the truth rather than other evidence put up by the court. Suddenly, circumstantial evidence seem lackluster when compared to forensic evidence linking the defendant to the crime on television. This can mean demanding forensic evidence when it is not necessary (Heinrick, 2006).

Supporting this idea, another study found there has been a trend of jury demand for “expensive and often unnecessary DNA tests, handwriting analyses, gun shot residue testing, and other procedures that are not pertinent to the case,” (Heinrick, 2006). For example, this study discussed how a jury justified acquitting a man for the attempted murder of his girlfriend because the blood on the sheets was not DNA-matched to the victim, even though the blood was consistent with her injuries. The man then returned and murdered his girlfriend shortly after being released from jail. In another case, a coat splattered with blood was admitted as evidence but the jury acquitted on account that the coat had not been tested for the owner’s DNA, even though the defendant admitted it was his. In a potentially troubling movement, television has taught the viewer what DNA is, but unfortunately not the circumstances it should be used in. The use of forensics can be foregone in a case for many reasons (Heinrick, 2006). These procedures are both expensive and time intensive, and investigations must decide how they want to spend their resources of time and money when considering putting together their strongest case.

Another concept closely ties with the idea that jurors are more often finding themselves “experts” on cases and investigations. Because of the lack of significant difference in demand for forensic evidence in determining guilt between those that watch *CSI* and those that do not, Shelton et al. (2006) attributed the CSI Effect to the “tech effect”. This refers to the fast-paced technological advances our society has made in the past three decades, creating a social phenomenon making technology the norm and causing us to expect technology to simplify our life. DNA went from an obscure scientific term to a household name that even children now use (Gutheil, 2000), showing on a small scale that technology is not alone in influencing our worldview— science has done the same.

Numerous studies have shown that as a society, we place higher value and attribute more prestige to occupations in the sciences, specifically physicians, engineers, and those in the medical field (Duncan, 1961; North, 1949). Based on various factors including desirability of the job, helping others, and salary, occupational prestige is meant to encompass the collective idea of how a society perceives an occupation. Because of the prestige associated with the scientific field, science may be seen as superior in at least some ways. Even from a young age in school, we are taught that science produces certainty and absolute answer, while other subjects do not necessarily produce such certainty (Duncan, 1961). In math and science classes, there is one correct answer; however in English and social studies, there could be many different ways to approach a problem. Thus even from the educational system we are socialized to believe that science produces the truth, which can inevitably influence our perspective and how we interpret the events around us.

Unfortunately, *CSI* not only advocates for certainty in forensics, it also creates the image that witnesses and victims can, and often are, unreliable sources for information (Tyler, 2006). The stars of each show are the beacons of truth and justice, and generally seem to possess a profound distrust of the civilians they encounter. Knocking down doors and bugging phone lines, the investigators often do not trust anyone other than their team. To thicken plots and create suspense, in *CSI* the true events of the crime are often unexpected. Not only this, witnesses are seen lying because of personal reasons, innocent people are confessing to crimes to protect others, and perpetrators are seen setting false clues. These dramatic twists emphasize to the public that they can rarely trust all the motivations, actions and circumstances that surround the crime (Tyler, 2006). Consequently, and sometimes for this reason alone, prosecutors are condemning the show for erasing the often-needed credibility of the victim and witnesses.

Putting Aside Preconceived Notions

Can people put aside their preconceptions when faced with a real case? If so, then asking jurors to disregard information seen on television can thwart the CSI Effect. However, research suggests that jurors cannot separate their preconceptions from their evaluation of the case. Often-times, jurors do not have enough experiences within the investigative or legal field to know the differences between what is an accurate portrayal of procedures and what is created for entertainment (Mann, 2006); the lines between television and reality are blurred to viewers. *Law and Order* has created a sub-series called “Ripped from the Headlines” where they take true stories and dramatize them for the show, dubbing them “Based on a true story” (Mann, 2006). When

producers are actively creating episodes to reflect reality and glamorizing them for entertainment, it is understandable that the public will harbor misconceptions.

Interestingly, studies have been conducted on jurors' abilities to disregard specific information based on their reaction to inadmissible evidence. In order to keep it from clouding their judgments, they have to compartmentalize separate information. It has been shown that instructions to ignore inadmissible evidence are often fruitless (Lieberman & Arndt, 2000). When a judge says phrases such as, "Disregard the last statement" or "Denied," jurors have already heard and internalized the question or statement. Psychologists have found that because the information is often related to the case, and especially if it contains interesting information, it is difficult for jurors to isolate the statement from influencing their thoughts on the case. In fact, other studies have suggested that determining evidence to be inadmissible actually draws attention to them, conversely increasing the influence of such evidence on jurors (Lieberman & Arndt, 2000).

The court system is aware of these biases. They address the issue of public preconceptions through the jury selection process called *voir dire*, in which both sides are seeking unbiased and fair-minded jurors. During this process, judges and attorneys will oftentimes ask if they watch *CSI*, and if the show will influence them in court. Jurors tend to say no, stating that they will give the case their unbiased judgment. However, studies have shown that jurors who state they are unbiased are still largely influenced by their prior biases (Sue et al., 1975), suggesting that biases may be largely difficult to identify. It is still being debated whether this is because jurors intentionally choose not to admit their influences or because of an actual inability to distinguish between prior bias and their own judgment. Regardless, many worry about what kind of impact this has on the jury system.

Arguments for the Existence of the CSI Effect

Despite the lack of strong empirical support conducted for the CSI Effect, many professionals in the legal field firmly believe that it manifests itself in court (Maricopa County, 2005; Tyler, 2006; Hayes & Levett, 2011). In a study conducted by the Maricopa County Attorney's Office, they found that there was a significant influence of the CSI Effect on juries, and over one-third of attorneys believed they had lost a case due to the effect (Maricopa County, 2005). Researchers have found judges saying that the Effect "definitely exists," and jurors are expecting not only for crime scenes to "drip" with forensic evidence, but also for investigators to be able to locate it (Lawrence-Turner, 2008). A separate more recent survey has suggested that even most judges believe *CSI* has increased jury demand for forensic evidence, and has also made it more difficult to find guilty verdicts (Cole and Dioso-Villa, 2011). These raised expectations are signs that the CSI Effect has pervaded the courtroom, but the extent in which it has is still being debated.

Attorneys have caught on to this trend of increased jury desire for scientific evidence.

The CSI Effect has even become a weapon used in court:

"[T]his Judge in a number of trials in the last several years or so has witnessed defendants increasingly. . . taking advantage of [the CSI effect] by asking witnesses about tests they know were not conducted and contending in closing argument that the failure to test raises reasonable doubt. They are taking appropriate advantage of a different kind of proof expectations with which some jurors come into the courthouse in the last several years as a result of these programs. It would be naïve *not* to recognize and acknowledge all of this. This does not mean the Court finds that there is a CSI Effect but, in fact, it means that there is enough of a possibility of it that it cannot be ignored." (*State v. Cooke*, 2007)

Should these allegations be true, the American criminal justice system appears to have a problem on its hands. If *CSI* is creating concerns that are potentially impairing the court system's abilities to uphold justice, then we as a nation should find other ways of entertaining ourselves. There are also arguments, however, delineating that the CSI Effect simply affects expectation—but not verdict (Brickell, 2008). Some researchers also believe that the Effect is good, creating more educated jurors and holding the prosecution to its appropriate burden. We will explore these as arguments against the belief that the CSI Effect disrupts the threshold for justice.

Arguments Against the Existence of the CSI Effect

Despite the vast amount of literature and studies conducted in the past ten years, there are those that believe *CSI* or the CSI Effect has not changed our court systems in any significant way. While there seems to be a general consensus that media affects expectation in some way, there is often no further deduction. Some even find the CSI Effect irrelevant; one survey found that those adolescents who frequently watch crime shows actually tend to have lower levels of true legal knowledge (Carlson, 1985). This correlation strongly disputes a different claim that *CSI* has created better informed jurors. In a synthesized evaluation of three different studies, Brickell (2008) makes an argument that verdicts have not been impacted by the popular television series. She states that of the three studies she analyzed, the only commonality is that there is no significant link between the juror's amount of television watched and their tendencies to acquit or convict defendants. She then asserts that what people believe to be the CSI Effect can be explained by other external factors other than television.

Other actors that have conducted research in this area also agree with Brickell. A similar phenomenon that emerged in the 1990s can also be employed in explaining the perceived additional weight given to scientific evidence other than the influences of *CSI*: the “white coat syndrome”. This was the belief that juries automatically give more weight to expert testimony because of their occupational legitimacy (Vidmar, 2005). This could, of course, cause issues by skewing verdicts in favor of the most compelling expert witnesses. However, studies against the white coat syndrome show that juries often focus on the evidence rather than the witness, and do not necessarily create greater bias than other evidence would (Brickell, 2008). It seems apparent then that at least in some regards, juries are capable of evaluating evidence based on merit than on the form in which evidence is presented.

Donald Shelton, a circuit judge in Washtenaw County, created an empirical study of Michigan jurors to delve into the influence of *CSI* on jurors. According to the findings (2006), they claimed that increased demand for scientific evidence did not translate into the need for that evidence to prove guilt. In fact, they found that regardless of previous expectations, the presence or absence of scientific evidence did not appear to have any significant effects on the verdict of the cases. Therefore, though jurors have elevated expectations for scientific evidence, it did not affect the likelihood of changing the juror’s verdict (Shelton et al., 2006). There were two exceptions to this explanation. One exception was that when given only circumstantial evidence, respondents were more likely to acquit than convict unless there was also a witness put on the stand. If there was a witness as well as circumstantial evidence, it neutralized the likelihood of acquitting over convicting. The other exception was that in rape cases, 26.5% of participants stated that they would not convict without forensic evidence to support the allegation of rape.

Researchers found this odd because forensic evidence and DNA matching shed no light on whether or not the sexual intercourse was consensual or rape (Cole & Dioso-Villa, 2006). Often-times, defendants of rape cases will plead innocent not because they claim the absence of sex, but because they claim the event occurred consensually. In cases such as this, the presence of DNA tells us little about what happened other than sexual intercourse. More powerfully, the study found no significant differences between levels of demand for scientific evidence from those that watched *CSI* to those that did not watch *CSI*. Brickell agrees with Shelton's claim that the CSI Effect is actually the "tech effect" as mentioned earlier, in which the demand for scientific evidence can be explained by the rise in exposure to technology in everyday life.

A Positive Influence?

Anthony E. Zuiker, the creator of the *CSI* television series, was quoted in an interview saying, "The CSI Effect' is, in my opinion, the most amazing thing that has ever come out of the series. For the first time in American history, you're not allowed to fool the jury anymore," (Zuiker, *CBS*, 2005). While many would find this to be an extreme take, it clearly refers to the idea that *CSI* is creating better, more well-informed jurors. The idea that *CSI* flashes a spotlight on the legal and investigative professions can certainly spark interest in the public, probing them to look further in the field or think more critically about cases. In an interview with *CBS* in 2005, Zuiker says his creative team "strives for accuracy on the show, knowing that it affects perspectives around the country. 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." Zuiker further

battles criticism that the show has led people astray, saying that we should give television viewers more credit for common misconceptions.

"Our job really is to make great television, first and foremost. And so, we have to, quote, 'sex it up.' I think Americans know that DNA doesn't come back in 20 minutes. I think Americans know that there's not some magical computer that you press and the guy's face pops up and where he lives. You think America knows that the time sheets when you're doing one hour of television have to be fudged a bit. Americans know that. They're smart." (Quote from Zuiker, *NPR*, 2011)

Another argument that *CSI* is creating positive ripples through the legal community is that because juries expect more, both prosecution and defense attorneys are now prepared to present more (Heinrick, 2006). In essence, the argument is that because of allegedly raised expectations, the attorneys are creating more thorough, well-investigated cases. Little research has been conducted to investigate the merits of this claim.

Conclusion of Literature Review

Most of existing literature supports the notion that *CSI* affects jurors' expectations and perceptions of evidence, also supporting the cultivation theory that any exposure to television would do so. The current debate centers on the extent the CSI Effect manifests itself, and more importantly if it affects the outcome of verdicts and consequently the integrity of the criminal justice system. The difficulty in analyzing this phenomenon is that although much anecdotal evidence exists, there is little empirical evidence concerning the CSI Effect (Podlas, 2006). Despite the many nuances, the CSI Effect seems to spark two major sides; one of them accusing the Effect of being harmful to our criminal justice system by interfering with justice, and one side asserting that the Effect either has no influence or is actually fostering smarter, more well-informed

jurors. To make things even more unclear, there is little empirical indication that the CSI effect has affected verdicts. So what is truly happening within the CSI Effect?

Legal actors in the criminal justice system have a unique perspective and a vested interest in this phenomenon. I seek to further explore the CSI Effect by exploring the perceptions of this among current legal actors. Building on the understanding of the relationship between the CSI Effect and verdicts, through my interviews I also specifically explore perceptions about how the Effect has changed the courtroom and its procedures through raised expectations and misconceptions portrayed through television. I will also look at the resulting attitudes of attorneys that deal with these changes, and the implications that may have for the courtroom.

Research Questions

Research Question 1: What are attorneys' & judges' perceptions of the CSI Effect, its impact on jurors, and its consequences for trials? How do prosecutors and judges think the CSI Effect impacts various juror expectations in the courtroom?

Research Question 2: What are prosecutors' and judges' strategies for addressing perceived consequences, and what obstacles are there in overcoming jurors' expectations?

Research Question 3: What are the general attitudes towards the CSI Effect? Are they positive or negative, and how?

Research Question 3a: Are there any trends in the differences of these attitudes?

The research questions emerge from the desire to more deeply understand what is happening behind the CSI Effect in addition to raised expectations by the jury. RQ 1 is strongly driven by existing literature, while RQ 2 and 3 seek to explore beyond the existing literature and draw a more comprehensive picture of how the CSI Effect is truly affecting our courtrooms.

Hypothesis

Based on current understandings supported by literature, in my interviews I expect to find the belief that there is a heightened demand for evidence, and I want to further explore exactly what this entails. Because of what the CSI Effect alleges to do, I expect prosecutors will find this movement harmful to the deliverance of justice. Also, in addressing this, I believe I will find ways in which attorneys have changed their own behavior in reaction to the CSI Effect. Because this is a relatively new social phenomenon in which little empirical research exists, my thesis is both an expansion of literature and an exploratory account of other emerging effects resulting from the CSI Effect.

Methodology

Research Design

To approach this multi-layered topic, I conducted eighteen semi-structured, in-depth interviews of various actors in the jury trial system. Because of the exploratory nature of this thesis, I employed in-depth interviews to better understand what is happening behind this effect. A few interviews were conducted simultaneously at the conveniences of the participants, but most of them were conducted individually. Twelve interviews were with Assistant District Attorneys (ADAs), because I am especially interested in the prosecution's perception of perceived effects and how they consequently cope with them. I also interviewed two district court judges, one defense attorney, and three former jury members of criminal jury trials to approach the perceived

impacts of the CSI Effect from different angles. I am also looking to see if any trends emerge that might corroborate patterns found in past research.

My interviews with ADAs and the defense attorney focused on whether they have experienced the CSI Effect in their trials, how this has affected their cases, and how they address it in the courtroom. In my interviews with district court judges, I focused on their experiences with the CSI Effect as a more “neutral” party in the court. Because judges oversee many cases at a time, they were also asked if they have noticed any trends or differences in jury or attorney behavior that may be linked to the CSI Effect. In talking to former jury members of criminal cases, I primarily explored their perceptions of the trial process, how evidence was evaluated and what kind of weight to give certain kinds of evidence (See Appendix C).

Sample Population

The population of my study consisted of eighteen interviews. I conducted interviews with twelve Assistant District Attorneys, two district court judges, one defense attorney, and three former jury members. Their names have been replaced with pseudonyms in order to maintain confidentiality. They will be referred to by their title and pseudonym in the analysis (for example, “Prosecutor Abbott” or “Juror Felder”). With attorneys, judges, and jury members I sought to further explore the extent of the CSI Effect from multiple angles. Due to the exploratory nature of this research, I conducted purposive sampling since the purpose of the research is to gain understanding of a complex social phenomenon rather than discover representative trends of the general population.

The ADAs were chosen out of a District Attorney's Office in a large metropolitan Midwestern city. I chose this office for two primary reasons. The first was due to the office's convenient proximity in location. Secondly, I interned at the District Attorney's office during the summer of 2013, and knew that attorneys would be helpful and willing to be interviewed. I reached out to another District Attorney's Office as well, and interviewed one attorney from that office. All participants interviewed were male or female, and all prosecutors and judges have spent at least one year trying criminal cases using jury trials. The attorneys handled a variety of cases including sex crimes, felonies (such as assault and battery, homicides, burglaries), gang crimes, and domestic violence crimes, among other crimes. ADAs are generally part of a "team" that specializes in one type, but they also handle an assortment of cases at any given time.

Data Collection

I began recruiting by emailing the administrative assistant to the ADAs for permission to interview the ADAs (See appendix A). She granted permission, and advised that I come by the offices and interview at the conveniences of the attorneys. Thus, while I was in the area I visited the office on four different occasions, interviewing attorneys when they had some spare time or before they left the office for the day. I did not provide any incentives, and interviews were given on a voluntary basis.

Interviews for Assistant District Attorneys were conducted in various locations as determined at the preference and convenience of the participant. I did this because I wanted to make sure that they would feel comfortable speaking and so I did not cause more inconvenience than necessary. They all occurred in private settings on or near the District Attorney's offices and the

courtroom. A few times, attorneys called over their other coworker into the office and I would interview them simultaneously. Only one attorney found it easiest to be interviewed over the phone.

Many of the ADAs were familiar with the district court judges, and through those connections I was able to interview two of them, as well as one of their acquaintances who is a public defender. The two judges were friends that happened to be together at the time of our scheduled interview, and I also interviewed them simultaneously. Lastly, from snowball sampling I found three participants who had previous experience as jury members in criminal cases. Because it was through snowball sampling, two of them resided out of town. After reaching out to them via email, their interviews were conducted separately over the phone.

Before all interviews, I obtained a verbal agreement of consent to be interviewed and recorded on a voluntary basis, and let them know they could end the interview at any time (See appendix B). The interviews were semi-structured, open-ended questions to foster independent answers and generally lasted between 15 and 35 minutes. The interview guides were helpful for the semi-structured nature of the interview, but oftentimes the questions would be generated by our conversation as well.

Analysis

Following the series of interviews, I transcribed the audio recordings and began coding using the MAXQDA program, a qualitative software analysis program. All geographic locations and personally identifiable information were excluded from transcriptions. In creating initial codes, I first looked to my interview guides which were driven by the research questions to de-

velop deductive themes. These included more descriptive categories such as definitions of the CSI Effect, affected cases, issues with evidence, *voir dire*, and perceived expectations of the jury. After going through the interviews, I developed other inductive themes from the data itself (Miles & Huberman, 2013). While the initial codes focused on the relationship between the respondent's experiences in a criminal trial and television influences, the inductive codes showed further attitudes concerning the burden of proof and the attitudes towards the CSI Effect.

I created sub-codes for issues with evidence, breaking these down into general evidence, DNA evidence, and fingerprint evidence. I also divided "expectations" into expectations of attorneys, evidence, and police. After creating all the deductive and inductive codes from the transcriptions, I went back through the interviews to ensure that I was encompassing all the patterns and nuances I may have missed through the initial read-through.

Results

After the transcription and coding of my interviews, I found several trends in the data that address my research questions. I found patterns in the prosecutors' and judges' perceptions and attitudes towards the CSI Effect and how they believe the CSI Effect impacts various juror expectations in the courtroom. These perceptions may also be affecting how trials are conducted and how legal actors are responding to the CSI Effect.

Definition of the CSI Effect

By looking at the interpretations of the CSI Effect, it appears there is a general understanding of *what* the CSI Effect is: an increase in jury demand for scientific evidence due to

crime investigation television shows falsely portraying the ease and availability of such information. The prosecution seemed to strongly agree that the CSI Effect was not only real, but was manifesting itself in juror opinions in the courtroom. When I began talking to Prosecutor Brown, he beat me to my question: "If your thesis is that it affects trials, you're absolutely correct. There's no question about it." He effectively summarized,

"People who watch television or shows like CSI... see crimes being solved in 30 minutes! Then they see this scientific stuff going on, people are in labs looking at blood samples, looking at DNA, they're looking at fingerprints, they're doing all kinds of fancy things to capture and prosecute those people on television. And so when these people come to court... they're expecting to see these types of things."

In my interviews, the CSI Effect was universally cited as the discrepancy between crime scene television and solving crime in real life that led to the raised expectations in the courtroom. In the following three subsections addressing jury expectations, I seek to answer the first research question: What are attorneys' & judges' perceptions of the CSI Effect, its impact on jurors, and its consequences for trials? How do prosecutors and judges think the CSI Effect impacts various juror expectations in the courtroom? While examining my transcriptions in light of research question 1, these expectations were aimed at three different areas: evidence, attorneys, and police. I expand on this further in the results but in sum, prosecutors found that expectations towards types of evidence, behavior of attorneys, and investigative practices of police are due to the discrepancy between how it is portrayed on television and how it plays out in real life. As Prosecutor Abbott stated, "That's not how it is in the real world, and so that disconnect is huge." Through three different classes of expectations, I interpret how these most dominantly perceived consequences of the CSI Effect play a role in the courtroom.

Expectations of the Evidence

The most cited expectation was that of evidence. Because of the prevalent use of available DNA and other forensic evidence in CSI, prosecutors strongly believe that this has translated to an elevated demand for forensic evidence in real life cases as well, and it seems to be on an upward trend. As one judge put it, "I think when I started out, if you have an officer on the stand say that he saw it, you're good. But now they want more... they want even more than that," (Judge Emerson). It seems that a main component of the expectation of evidence is the misled belief that forensics is achievable in almost all criminal cases. Illustrating this, Prosecutor Cole said in an interview, "People have come to have an expectation that when someone walks into a room, they're just dripping DNA all over the place." In fact, all fifteen interviews conducted with prosecutors, judges and a defense attorney yielded responses concerning the increase in juries' demand for scientific evidence.

This expectation of the frequency of this type of evidence sometimes frustrated prosecutors. They said things like, "Now everyone expects us to have DNA. Every single case. DNA on everything. That's not going to happen," (Prosecutor Neal) and yet another said, "You're not going to have DNA on everything, and you're not going to be able to tie it back to someone every time," (Prosecutor Kloss). It is clear that jurors not only have expectations about evidence, but they are also making clear their expectations to the court. One attorney told of a case in which an eyewitness testimony to the crime was not enough for a conviction.

"After the jury acquitted this man [the defendant] even though the witness said, 'Yes he was the one that shot at my car', one of the jurors came up to me... and said "I know they could have tested that shell casing for his fingerprints". No they can't. Let me tell you why. Fingerprints are 99% water. What happens inside of a gun? An explosion. There is heat, there is smoke, any kind of fingerprints that were on there

burned off! There is no point in checking the shell casing for a fingerprint. You're not going to find it. ...It's mundane to us but we have to make this point in every trial because it's not mundane to them. This is the first time these people are hearing this stuff. All they know is what they see on TV." (Prosecutor Neal)

An aspect I found interesting was the depth in which prosecutors found juries to expect forensics in their evidence; on several occasions, they cited that jurors would appear in disbelief, shedding light that their 'expectation' may be rooted deeper than it appears:

"Jurors watch these shows and then come downtown, and a police officer that was out during a sleet storm trying to find fingerprints in the dark in January of 2012 is telling them, 'I couldn't find any fingerprints.' And you can see the looks on their faces, they're sitting there thinking 'What the hell do you mean you couldn't find any fingerprints?'" (Prosecutor Abbott)

From this prosecutor's quote, it shows jurors do not simply expect scientific evidence and become disappointed when they do not see any; they feel *entitled* to it, and can seem almost angry when attorneys do not present any. Other prosecutors also cited examples of the unprecedented levels of expectation. "They wanted so much more out of my doctor than what he could testify to, like they wanted pictures of her fractures inside of her head and it's really not necessary," (Prosecutor Janson). Attorneys consistently adopted a tone of frustration when talking about expectations of evidence, ranging from mild undertones to blatant comments.

This frustration appears to stem from a prominent issue with the nature of DNA and other forensic evidence: even if it is present, most of the time the results yielded are inconclusive. *CSI* gives the impression that any presence of DNA or fingerprints will create results, but this is far from the truth. Prosecutors noted that there are many other misconceptions as well, and the interviews revealed a few of the false ideas people believe when coming into court. For example, contrary to popular belief DNA can only be obtained off the mitochondria from the root of a hair,

not any given strand. DNA and fingerprints depend heavily on the individual's biological makeup and how easily an individual leaves behind skin cells. Also, dusting for fingerprints can often prevent the evidence from being subjected to DNA testing as well, and vice versa; this means that investigators can not test for both fingerprints and DNA, and therefore, they must make decisions based on which test they believe will create results. In sum, prosecutors cite many factors that would contribute to creating the less-than-perfect conditions that juries may not be aware of. Since jurors are often only exposed to the ideal conditions portrayed on *CSI*, where fingerprints are found on bullet casings and any strand of hair can identify a perpetrator, attorneys are well aware that people can get false impressions of what truly happens "behind-the-scenes":

"The show doesn't take into account real life situations, the fact that maybe that CSI worker or that forensic examiner just pulled a 36-hour shift because there was a double homicide and he's tired. It maybe doesn't take into account that at that murder scene, yes there was other material there, but it poured down raining and it degraded it. None of that is ever shown in your *CSI: Miami*, it's always perfect conditions and then they have someone zoom in and see, like, a hair in the grass in a wheat field. That's almost impossible in real life...whether it be organic material like hair follicles, degradation happens very quickly." (Prosecutor Janson)

Throughout the interviews, prosecutors gave examples of expectations that appeared beyond the scope of an investigational team's normal capabilities. They believed that *CSI* not only unfairly portrayed how *frequently* scientific evidence can be found, but also how much this type of evidence could *prove*: "That's another problem, that jurors believe that the mere presence of DNA along gives them the answer they want," (Prosecutor Gunter). In other words, jurors believed that with the expectation of scientific evidence came the expectation of discovering the truth. Prosecutor Loren complained, "There's this amazing expectation that there's going to be DNA everywhere or some hologram that captured exactly what happened." Jurors believed that,

like in television, scientific evidence will create the certainty to prove someone's guilt or innocence. However, attorneys point out this is not always the case. As mentioned before, in rape cases the presence of DNA means that a sexual act was performed, but does not provide any information about consent. A gang unit prosecutor explained that in many gang-related cases involving shootings, guns are passed around many times. Simply because one's DNA was found on the gun does not mean he was the one who used it to shoot:

“Let's say, Mr. Cole loaded the magazine, so his DNA might be on the rounds, he gives the gun to me, I give it to Loren, Loren goes out and shoots up a 7-11. So let's say he drops the gun and we find it, and we find Cole's DNA on the gun and no DNA on the bullets. Now the jury thinks that Cole fired the weapon. They don't think about how much these things are passed around.” (Prosecutor Gunter)

Attorneys and judges both point out that forensic evidence does not always create the solid foundation for truth like it appears on television. Prosecutors have also found that juries who are heavily influenced by this desire for scientific evidence can be unreasonable, and complained about the requests for scientific evidence when they did not see it necessary. Comments that hinted frustration concerning this unreasonableness included, “If, especially in domestic violence, a man punches a woman in the eye, no we're not going to collect DNA on that,” (Prosecutor Neal). Still another said,

“Then you get the jurors that want to see it no matter what: a simple drug case, drugs in the pocket. They want us to test for DNA when it does not matter at all. We're not going to waste time and effort to do that when it's in his pocket.” (Prosecutor Gunter)

A judge recapped a separate case that played out in his court, saying, “This guy has a bag of rocks that he throws, well it was obvious it comes from him, there's no one else there. People will say, ‘Well did you get fingerprints off it?’ Well I saw him do this. I don't need fingerprints!” (Judge Felder). Though not all jury members have these types of expectations, at-

torneys claim that they get these types of challenges more often than they should. They even felt silly having to explain why they did not collect certain types of evidence: “So we did not take fingerprints in that case, because we saw him in the car and we caught him jumping out of the car,” (Prosecutor Brown). Prosecutors seemed to strongly link the CSI Effect to this unreasonable demand to have everything double-checked by forensic testing; their burden of proof is beyond a reasonable doubt, they said in response, not beyond *all* doubt.

Expectations of Attorneys

Along with the increased demand for scientific evidence, prosecutors felt that the CSI Effect increases demand for a strong attorney performance as well. Attorneys felt that they were expected to perform to a higher level in two different ways. First, they felt that they were expected to “connect-the-dots” with the existing evidence and be able to explain *why* things happened. One attorney felt that a side effect of the CSI Effect is that people expect to know the truth, or at least near the truth, including the procession of why things played out the way they did. She illustrated in one case,

“They were still really hung up on the fact that they didn’t specifically know what happened to [the victim]. They knew she obviously died from a form of affixation, some form of strangulation, but they didn’t know if he covered her face with a pillow, they didn’t know if he did it with his hands around her neck, if he sat on her chest, they didn’t know. I think that ‘not-knowing’ is what the CSI thing does to us. It makes us think that at the end of the hour, you’ll be able to know why he did it, where he did it... They want to have all their questions answered, because that’s what CSI shows do. If they don’t have a confession they somehow can be like, ‘Oh it’s because he wanted her money and they dated 30 years ago,’ and they have all these reasons. And our jury doesn’t get a reason. In that murder case... we didn’t know why he killed her. We could never tell them. But they were so bothered as to why he did it...And we never could answer that...There will be questions, always.” (Prosecutor Janson)

This illustrates an unexpected obstacle that attorneys have run into regarding the CSI Effect. Even though in some cases they can use scientific evidence to prove what happened, it is often difficult to make the gap as to *why* the crime happened. Once again, *CSI* proves superior by explaining not only the crime but also the motives behind crimes. In real life and without interaction with the defendant, attorneys struggle with the pressure of being able to present both what and why the crime occurred.

Secondly, attorneys felt that they were expected to put on a performance that would impress the jury. This includes presenting state-of-the-art evidence, and it also meant creating a dramatic atmosphere with impressive evidence and intense cross-examinations. One input from a prosecutor explained,

“They expect there to be a smoking gun or for it to be more like a show...It’s really about not just the defendant but the State entitled to a fair trial. This victim is entitled to justice as well, and I think sometimes they expect us to be actors.” (Prosecutor Ingle)

Across my interviews, prosecutors feel a strong obligation to do their job well and uphold justice for the State, and believe that expectations resulting from the CSI Effect are interfering with this; they sometimes felt judged whenever they do not present scientific evidence, and some further felt that juries discounted other evidence if attorneys could not produce “real” evidence to support it. Some cited that juries seemed unimpressed with questioning of witnesses, since they generally never resulted in confessions or dramatic information. Although attorneys are doing their job, they feel that juries do not appreciate it since courtroom procedures generally lack the dramatized atmosphere that entertainment television portrays.

There is suggestive evidence that attorneys have reacted to this expectation by acting more like television attorneys. When asked if she saw anything in court that reminded them of television, one jury member said, “The way the lawyers acted. They were really overly dramatic, I felt like they were trying to really play to the jury and it wasn’t a very dramatic case,” (Juror Weber). Even though this is suggestive, I believe that if I interviewed more jury members this particular attorney reaction to the CSI Effect may be more prevalent than previously thought.

Expectations of the Police

When considering the expectations of the police, it generally comes indirectly from the juries since they are expecting more from investigations of evidence. However, raised expectations of the police appear to be coming directly from the prosecutors as well. It seems that now, in reaction to juries’ demands, attorneys are putting higher expectations on the police because they in turn want to put more evidence on trial. This appears to happen in two ways. In the first way this appears, prosecutors noted that they now tell investigation departments, “if it is available, you need to do it.” Because it is so expensive, testing was limited to what was believed would yield probable results. Now in a chain reaction of the CSI Effect, because jurors are expecting it, prosecutors are also expecting it. When describing the questions the department faces when deciding what to test, one explained,

“They have to pick and choose when and where and what cases they do tests on...[but when] the jury hears that they didn’t test certain items, they just don’t care to think about the fact that the police department can’t test everything.” (Prosecutor Cole)

In essence, prosecutors no longer want to argue with the jury about why they did not test certain evidence, and as a result they too want everything tested.

In the second way police expectations appear to manifest in the court, attorneys sometimes deflect the blame of lack of evidence on the police department. Even though scientific evidence is difficult to secure in many cases, attorneys would make it clear they were not responsible for gathering the information. When asked about the investigative process, one prosecutor simply said, "The police almost always make all those decisions at the time of the report of the crime," (Prosecutor Abbott). Closely tied to this, attorneys were frustrated that they were seen as the "investigators" in the first place; whenever attorneys receive the charge packet giving the details of the crime, investigations are already underway by the police. In *CSI* and other crime investigation shows, one team handles the entire case from investigation to trial, when in reality it is passed on to multiple departments. Many prosecutors find this discrepancy between television and real life worrisome:

"I watched *Miami*, *CSI*, and *NCIS* and of course what killed me about *NCIS* is that... all their forensics are performed by that one woman, the goth chick. Come on, you can't be a competent firearm and tool examiner and also be a forensic DNA expert. You can't do those part-time and remain cutting-edge competent in each discipline, and so that troubles me." (Prosecutor Abbott)

This prosecutor draws on yet another side effect of the CSI Effect: the pressure to perform. Investigators on *CSI* and other shows handle a case from start to finish. In real life, attorneys are simply given the information and make a case from that. This results in them deflecting some responsibilities to the departments that handle them, putting a strain on not just the attorneys presenting the cases, but the police departments creating the evidence that juries want to see.

Addressing Expectations

The second part of my research explores Research Question 2, strategies that prosecutors and judges use to address perceived consequences, and the obstacles in overcoming jurors' expectations. The primary way in which these expectations are addressed is through the jury selection process called *voir dire*, an old French term that translates to "to see that which is true". During this pre-trial event, the defense and prosecution have an opportunity to question a panel of potential juries. Afterwards, attorneys from each side alternate in dismissing jurors one at a time until there are 12 jurors left. This becomes the official jury. In the words of an attorney,

"The point of *voir dire* is to evaluate the juror... to see if they have any biases or prejudices that might affect how they can perform the duties of this case. And we call it selecting jury but in my opinion what we're really doing is looking for bad people to knock off, hoping that the people that are left will at least be fair minded, intelligent people." (Prosecutor Abbott)

Prosecutors claim *voir dire* is the best time to address expectation because it is the only time during a trial that attorneys are allowed to ask questions about things unrelated to the case. Some prosecutors noted that the consequences of the CSI Effect are the first thing they address in the process. They ask questions such as "Do you realize that's a TV show? That that's not true?" Still others will use examples to get their point across.

"Oftentimes I'll use, I know this is so ridiculous but it works because people are so media-saturated, I'll use the Batman example...there's a scene where there was a gunshot and it hit the wall, like a concrete cinder block, and Batman like, saws out that cinderblock that this bullet defect was in, and he takes it back to his lab and he does a mold of it and out of the mold he pulls a molded bullet out, and on there his computer could make out a fingerprint. It's ridiculous!" (Prosecutor Janson)

It seemed that humor was a tactic to bring up misconception, both to lighten the mood while dispelling preconception and to create rapport with the jury. But the most important part of bringing

up the CSI Effect is to make jurors *aware* of their possible preconceptions in hopes that they will isolate their expectations from what is presented. A prosecutor explained his approach as such,

“I ask them... how many of you think there’s a blue neon mood light around the coroner’s table at the officer of the chief medical examiner? And if you’ve seen *CSI: Miami* they only hire model-grade, attractive people, they drive \$125,000 custom Hummers to the crime scene, and then the M.E. [medical examiner] has that blue light around her stainless steel autopsy table. And we talk about that, and some of them start laughing because they get the joke and they realize how ridiculous it is and they’re nodding their heads and that’s wonderful.” (Prosecutor Abbott)

Throughout my interviews, the primary way in which attorneys address the CSI Effect is simply that— addressing it. There is also one other way in which prosecutors attempt to dodge any grudges that *CSI* viewers may hold against cases without scientific evidence: expert witnesses. Prosecutors cited that they have more and more frequently employed expert witnesses to explain the science behind why such evidence was not found in that particular case. Jurors seem to be more satisfied with this, and Prosecutor Gunter explained they do this to help “educate” the jury:

“So the jury understands that it’s not just we didn’t do it and we don’t care about it, but that we’re not going to get it... they want to hear from the expert at least knowing that we’ve thought about DNA.” (Prosecutor Gunter)

In this way, attorneys are using expert witnesses such as detectives, medical examiners, and ballistics experts to educate juries that the gaps in evidence are not due to investigative faults, but the nature of the evidence itself. Prosecutors address this in hopes that juries will not find the case short of the burden, “beyond a reasonable doubt,” because of the lack of forensics. However, prosecutors also acknowledge that sometimes their efforts are in vain; one stated, “As much as you say that, I feel like there’s always that element in the back of their mind where they’re still expecting it,” (Prosecutor Janson). But regardless, by addressing expectations of the jury and

misconceptions portrayed through the show, prosecutors are hoping to break down those expectations.

While prosecutors have many opinions about the CSI Effect, they acknowledge that there are other reasons that could contribute to the jury behavior in the courtroom. Prosecutor Neal says that people “don’t trust the government like they used to, they just don’t trust people’s word like they used to,” believing that this lack of trust has bled over into the courtroom and created skeptical jurors. Multiple prosecutors cited that the overall higher levels of education paired with more widespread access to information through the Internet is another contributing factor. Judge Felder named an alternative effect, saying that because of the increased levels of education and information people can identify with one another better. This not only includes the defendant, but the families and everyone involved, and he believes that juries are making the effort to ensure they are convicting the right person.

This appeared to be the resounding theme when talking to jurors. When looking at the three juror opinions, they did not give strong viewpoints about evidence in the courtroom. All three of them did not receive scientific evidence in their trials, and they seemed fine with the presentation of the facts of the case. One stated, “People would come around and tell you stories, you know this happened, this happened... and it was fine, you know you get used to it,” (Juror Shoeman). They were also aware of attorney’s concerns linked to the show. One juror said she was asked, “Do you watch those shows? Does that affect your opinion of the legal system?” In fact, all three jurors took note that attorneys were looking out for potential “*CSI*”-related biases in the jury selection process. Supporting Judge Felder’s idea that people are relating to others, attorneys asked them questions specifically about their life experiences, trying to gauge how that

might influence judgment. Furthermore, relating to this idea of identifying with others, Juror Shoeman expressed disappointment in the prejudices of the courtroom. He served on a grand jury where they saw multiple cases a day for two weeks, and noted that most defendants they prosecuted were African-American. He commented how it seemed like the crimes they judged were targeted at these populations. After saying that many of the grand jury's cases concerned crack cocaine, he said, "I think that is very unfair because obviously the other form of cocaine is for people with other resources, and crack is for people with more limited resources." So while jury opinions may be affected by the prevalence of crime scene investigation shows and media, it may also be due to other more natural contributing factors.

Manipulation

Throughout this analysis, it has been clear there are many obstacles in overcoming juror expectations. This includes both "real life" limitations such as time, manpower, resources, less than ideal conditions to obtain forensic results, and the lack of limitations on technology and insight on TV. Prosecutors are feeling the pressure, there is evidence they are pushing back in another way. Even though none claimed that the CSI Effect was a good thing, an interesting way I found attorneys are combatting the CSI Effect is using manipulation tactics to make the Effect work in their favor. Prosecutors are seeing that juries want a show, and they are coming to court more prepared to give one. While on one hand it could mean better cases, on other hand it could simply mean more dramatized cases. One prosecutor described her strategy in court with a case described below,

"I saw a juror had a shirt that had a Wounded Warriors logo on it. I thought okay, in my closing, I said these cops are the city's finest, they do a job that we wouldn't do

for a million dollars and they do it for a lot less, they risk their lives every day so we can sleep under the blanket of freedom that they provide! I told them all that and they convicted him! They gave him five years for shoving a cop. You have to know your audience, as best you can... half the time you hit it and half the time you don't." (Prosecutor Neal)

Though some may frown on her purposeful manipulation of the jury, they are not the only ones attempting to make the CSI Effect work in their favor. The defense has picked up on increased juror expectations for evidence, and capitalizes on this when they see the prosecution has no strong scientific evidence:

"Believe me, if there's something that could have been done, the defense is going to talk about it...And we have to remind the jury in closing arguments, they wanna know why no fingerprints, we've given you our answers, you get to decide whether you accept that explanation or not. And let me tell you, if we had fingerprints, you'd be asking me, 'Well why didn't you have something else?'...It's a game with a moving target." (Prosecutor Abbott)

Prosecutors greatly fear that this alone can create the "reasonable doubt" that is needed for a jury to acquit the defendant. Since they feel manipulated themselves, this can perhaps help bridge the gap in explaining why prosecutors feel the need to manipulate the jury.

Attitudes Towards the CSI Effect

The third section of my results will address the third research question: What are the general attitudes towards the CSI Effect? Are they positive or negative, and how? I found two patterns in answering this question. First, I found that attitudes were strongly tied to the perception of the burden of proof. In general, I found that if the respondent believed the CSI Effect raised the burden of proof, it was negative. However, if the respondent believed that the CSI Effect enforced the existing burden of proof, it was positive. Secondly, work roles also played a crucial

role in how the perceived effects of the CSI Effect were viewed. I will interpret this by considering differences in roles that judges and prosecutors play in the courtroom and how that may affect their perception of the Effect.

When looking at interview responses in terms of work roles, there existed distinct differences between judges' and attorneys' attitudes towards the CSI Effect. Specifically, judges were much more likely to find the CSI Effect a positive influence on the courtroom than prosecutors. Judges mentioned positive impact of the CSI Effect was that it created better, more well-informed jurors, but both judges believe that juries have been doing fine: "I think the jury has been doing a good job of finding the truth, and that's what a jury trial is for. To find the truth," (Judge Emerson). Where judges focused on in terms of the "benefits" of the CSI Effect was not with the jury, but with the prosecution. Both judges firmly believed that the CSI Effect was good because it was holding prosecutors to their burden. They did not find it was raising the burden, but that it was making sure prosecutors were meeting the *correct* burden. Both judges expressed that prosecutors needed to "do work" to adequately prove their case. The following quote clearly illustrates this.

"I am always under the belief that... if they [the jury] acquit them based on sloppy work from the police, either the police need to do a better job next time or the prosecutors do, sometimes they aren't doing their job because they go to trial like they're doing a prelim [preliminary hearing], and that's their fault." (Judge Emerson)

This belief was strongly tied to opinions concerning the burden of proof. This is tied to both the desire for prosecutors to prove their cases "beyond a reasonable doubt," and also seemed to be connected with their understanding and outlook on the court system. In terms of their work roles, judges inherently play a different part in the court system. They act as a

neutral third party, ensuring that both sides get a fair trial. Both judges strongly believed in the integrity of the system, including jurors: “When you serve on a jury you’re taking a person’s liberty away. It has to be more than just you know because someone said it’s true, and even more than because a police office says it’s true,” (Judge Felder). The defendant does not have to prove anything concerning his innocence; the prosecutors are the only party required to prove their case. Judges are very aware of this, and this contributes to their outlook on the implications of the CSI Effect. One judge noted that they remind juries that the burden is always on the state, and “The person [defendant] is entitled to be proved by his accuser beyond a reasonable doubt,” (Judge Felder). This clearly shows loyalty to the integrity of the system influencing attitudes towards the CSI Effect. As Judge Emerson simply stated, “If [attorneys] are not doing their job then so be it... it’s a good thing! Yes, it’s a really good thing.”

Prosecutors, on the other hand, take a more indignant attitude when talking about the consequences of the CSI Effect. One attorney blatantly stated, “CSI was the worst thing that ever happened to prosecution,” (Prosecutor Neal). This is because instead of believing like the judges that the CSI Effect holds prosecutors to their correct burden, they believe that it raises their burden by making it more difficult to convince juries beyond a reasonable doubt. Once again, the attitude towards the CSI Effect is tied to opinions of how it affects the burden of proof. They express attitudes of weariness and frustration, and find jurors’ raised expectations unreasonable. “We tell them that it’s a TV show and they can’t expect us to provide entertainment value for them when we’re doing serious stuff,” Prosecutor Rider said. In yet another interview, a prosecutor explained,

“The fact of the matter is you’ve got the rise of entertainment media like CSI and all this stuff...which yes, in a perfect world everybody’s going to be perfect at collecting evidence and things like that. But that’s not the world that we live in. We live in an imperfect world where there’s too much crime and too few people to take care of it, and so entertainment media makes them set the burden overly high because they think it can be done, in a methodical, almost OCD way.” (Prosecutor Janson)

Throughout the interviews, I repeatedly find that prosecutors perceive a strong CSI Effect on their juries, citing frustration because of the limitations of reality that are not accounted for in crime scene investigation shows. Prosecutor Neal explicitly said, “You have to let these people know there’s a reason why it’s not like television, television is fantasy. In the real world, this stuff takes time and costs money.” Prosecutors cited numerous different reasons why forensic evidence fails to be as manageable as it is on television, and feel they battle the harbored expectations of jurors: “It’s a downfall, I mean it hurts us in the end because they have this huge expectation of what we can prove,” (Prosecutor Kloss).

In terms of their work roles, judges and prosecutors inherently assume different parts in the court system. Judges act as a neutral third party, ensuring that both sides get a fair trial. They oversee cases and control certain aspects of what can be asked or presented in the courtroom. As a result, they seem to have a much more neutral take on the CSI Effect and its consequences, acknowledging its complications but also considering it an overall positive influence on both jurors and prosecutors. Prosecutors work towards proving their burden and winning their cases. Thus they have a different view, and taking account of their role in the courtroom can help explain why they find the CSI Effect to be a negative phenomenon.

Discussion

My results focus on the perceived consequences of the CSI Effect, how legal actors address the CSI Effect, and general attitudes towards the CSI Effect. Overall, my findings support the existing literature that crime scene investigation television has impacted jury perceptions of the court and evidence, which in turn offers some support for the cultivation theory. However, my analysis also shows possible new directions for this area of research. In this discussion, I will first explain how my findings contribute to and support previous literature and tentatively expand it. Then, I elaborate on my findings in the context of current legal actors and jurors, and discuss more specifically how the CSI Effect may be changing the courtroom. By doing this, I explore attorney expectations about jurors and the CSI Effect.

Through analysis of the interviews, I found strong support that the understanding of the CSI Effect is the raised and oftentimes unrealistic expectations of forensic evidence by juries (Shelton, 2006; Tyler, 2006); every interviewed prosecutor and judge referred to this same effect and believed that it was influencing juries in the courtroom. I also found support that the CSI Effect creates a higher burden of proof due to the increased demand for forensic evidence in criminal cases. However, there lacked consistent patterns in both literature and my research about how much it affects verdicts, and this merits further investigation. In a simultaneous interview, one prosecutor said, "I don't think I've ever had a case come back where the jury didn't convict someone because of expectations that they've had," (Prosecutor Monroe) to which Prosecutor Draper immediately responded, "Oh, I have." Even judges who both felt the CSI Effect was a positive influence on the courts, admitted, "I've seen a lot of not guilty verdicts, a lot of not guilty

verdicts [*sic*] in recent years,” (Judge Emerson). Thus, though the CSI Effect seems to exist, it remains vague on how specifically how the CSI Effect may influence verdicts.

Throughout the interviews, prosecutors clearly expressed frustration concerning growing demand for scientific evidence, and all but one cited a case in which they believe the CSI Effect created a higher burden of proof. Because of this evidence, it is logical to assume this also creates support for the cultivation theory, which states that people are influenced by television in shaping their beliefs about reality (Gerbner & Gross, 1976). Through this we can more concretely illustrate how television is more than just entertainment, reaching into our perception of reality and how we view crime.

A major recurring theme in the conducted interviews was role strain of prosecutors to “perform” up to *CSI* standards. Like Huey (2010) found, the exaggerated portrayal of the field and its capabilities on television creates unrealistic demands that the public expects police to meet. Prosecutors interviewed would heavily agree that dramatized roles on television affect how juries see them, and sometimes this leaves them feeling that they cannot meet public expectations. This results in a number of consequences, including frustration and leading attorneys to directly addressing expectations in *voir dire*. Stemming from this frustration of “playing a game with a moving target” (Prosecutor Abbott), prosecutors feel justified in manipulating the jury to use the CSI Effect as a weapon and combat the raised expectations associated with the CSI Effect.

While it appears that juries are demanding more, whether due to CSI, tech effect, greater education, or something else, there is limited evidence that it significantly affects verdicts. This supports Brickell (2008), that the CSI Effect only influences expectations. In my findings, I be-

lieve the more significant role of the CSI Effect that other literature has not examined is the role it takes with *attorneys*, specifically the prosecution. In my results, though suggestive, I found that at least some prosecutors are changing their persona and presentation in the courtroom to mimic those on television, creating their own “dramatized” cases. Prosecutors also address the CSI Effect in *voir dire*, and create opinions about juries based on this phenomenon. Supporting Heinrick (2006), both judges noted that the CSI Effect can also be a positive change as police and prosecutors put together more solid cases in preparation for a more critical jury. Just as it is supported by literature, both judges believe it is a good thing that jurors are holding the state to their burden rather than simply accepting what attorneys are presenting. Additionally, through my interviews I found support for Heinrick (2006) that jurors sometimes demand forensic evidence when it is not necessary. Prosecutors complained about this, but it also led to an increased trend of *them* sometimes demanding forensic evidence when it is not necessary in order to appease the jury. So, what is the true “Effect”? Either jurors still expect to see some aspects from the show play out in the courtroom (Brickell, 2008), or attorneys believe that jurors expect to see some form of the show play out in the courtroom.

I am not suggesting that this effect is black and white, but rather a gray combination of these two forces. My research sought to further explore the CSI Effect and examine why there is only a vague understanding of its effects in the courtroom and its consequences. Though extremely suggestive, by analyzing the CSI Effect not from the perspectives of jurors but from the State, I believe there is an indirect effect that may be affecting courts even more than juror expectations.

There are limitations to my research and the conclusions that can be drawn from it. This qualitative research is exploratory and not a comprehensive investigation of all aspects of the CSI Effect. Thus, we must consider other explanations that may contribute to the CSI Effect other than *CSI* and other crime investigation shows themselves. One contributing factor, as mentioned in the literature review, may be that of the “tech effect” (Shelton et al., 2006) which is the overall rise in expectation of technology to be involved in our lives. Since this possesses a looser scope than the CSI Effect, it would not be possible to discern the difference in my study. Other studies have suggested that general trends of education, other media, or attitudes towards authority and the government may account for these changes. My research loosely supports these explanations, but does not delve into other explanations for the CSI Effect.

Like many qualitative studies, the greatest limitation on my research is that of generalizability; it is possible that my sample of interviewees is not representative of the greater population. Even though my research is helpful in supporting existing literature and creating suggestive areas that merit more investigation, my research does not take into account the entire prosecutor, jury, and judicial population. A way to improve upon this research project would be to create a more representative interviewee sample, and add a quantitative component through surveys; though much literature on this topic exists, there is not nearly enough empirical evidence to explore this trend quantitatively. Another potential limitation to my research is interviewer bias. Though I asked objective questions, it is still possible the process may have been affected by interviewer biases. In terms of general room for expansion and further research, it would be interesting to see if there are trends in how different roles may influence perception of the CSI Effect. A researcher can include both prosecution and defense attorneys to analyze both sides, and inter-

view judges on a more wide scale. By accounting for the major actors in the courtroom, we can surely form a more comprehensive picture of the true underpinnings of the CSI Effect.

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Appendix

A) Interview Recruitment Email

Assistant District Attorneys

Hello ADAs!

This is Seanette Ting, I was a summer intern for the District Attorney's office this past summer. I really enjoyed the office, and glad I got to meet many of you. I am a senior this year at Emory University in Atlanta, and I am writing my thesis on the "C.S.I. Effect" and how the public is influenced by the exaggeration of forensic science in crime scene shows on television.

I learned about this effect in the course of my internship at the office, and it sparked my interest. I'm looking to explore more into this phenomenon, and how it might affect jury decisions. This is on a completely voluntary and confidential basis, and I would really appreciate if you would consider being interviewed!

If you have any further questions or concerns, please do not hesitate to contact me at (405) 243-7408.

Best,

Seanette Ting

Former Jury Members

Hello!

My name is Seanette Ting, and I am a senior this year at Emory University in Atlanta, and I am writing my thesis on the "C.S.I. Effect" and how the public is influenced by the exaggeration of forensic science in crime scene shows on television.

I learned about this effect in the course of my internship at the office, and it sparked my interest. I'm looking to explore more into this phenomenon, and how it might affect jury decisions. This is

on a completely voluntary and confidential basis, and I would really appreciate if you would consider being interviewed!

If you have any further questions or concerns, please do not hesitate to contact me at (405) 243-7408.

Best,

Seanette Ting

B) Informed Consent

Emory University Consent to be a Research Subject

Title: Undergraduate Honors Thesis, "Exploring the CSI Effect: A Qualitative Study of the Impact of Television Crime Shows on Jury Expectation"

Principal Investigator: Dr. Tracy Scott, Sociology Department

Funding Source:

Introduction

You are being asked to be in a research study. This form is designed to tell you everything you need to think about before you decide to consent (agree) to be in the study or not to be in the study. **It is entirely your choice. If you decide to take part, you can change your mind later on and withdraw from the research study.**

Before making your decision:

- Please carefully read this form or have it read to you
- Please ask questions about anything that is not clear

You can take a copy of this consent form, to keep. Feel free to take your time thinking about whether you would like to participate. By signing this form you will not give up any legal rights.

Study Overview

The purpose of this study is to explore if and how watching television crime shows affects the public's perception of crime and forensic evidence.

Procedures

If you agree to participate, I will interview you once for approximately one hour at a mutually agreed upon location. The questions will be about your jury experience and how the prevalence of crime investigations shows may have impacted it. I will tape record the interview with your consent. These voice recordings will be transcribed and immediately destroyed.

Risks and Discomforts

There are no foreseeable political, social, or personal risks associated with participation in this interview.

Benefits

This study is not designed to benefit you directly. This study is designed to learn more about the "CSI Effect" phenomenon, and how it may play out in court. The study results may be used to help others in the future.

Compensation

You will not be offered payment for being in this study.

Confidentiality

Certain offices and people other than the researchers may look at study records. Emory employees overseeing proper study conduct may look at your study records. These offices include the Emory Institutional Review Board and the Emory Office of Research Compliance. Emory will keep any research records we create private to the extent we are required to do so by law. A study number rather than your name will be used on study records wherever possible. Your name and other facts that might point to you will not appear when we present this study or publish its results.

Voluntary Participation and Withdrawal from the Study

You have the right to leave a study at any time without penalty, and you may request your information not be included in the study at any time. You may refuse to do any procedures you do not feel comfortable with, or answer any questions that you do not wish to answer.

Contact Information

Contact Seanette Ting at (405)243-7408:

- if you have any questions about this study or your part in it, or
- if you have questions, concerns or complaints about the research

Contact the Emory Institutional Review Board at 404-712-0720 or 877-503-9797 or irb@emory.edu:

- if you have questions about your rights as a research participant.
- if you have questions, concerns or complaints about the research.
- You may also let the IRB know about your experience as a research participant through our Research Participant Survey at <http://www.surveymonkey.com/s/6ZDMW75>.

Consent

Please, print your name and sign below if you agree to be in this study. By signing this consent form, you will not give up any of your legal rights. We will give you a copy of the signed consent, to keep.

Name of Subject

Signature of Subject

Date

Time

Signature of Person Conducting Informed Consent Discussion

Date

Time

C) Interview Guide

Assistant District Attorneys

General Bio

- How long have you been trying cases? Have you tried criminal cases in which a jury was used to reach a decision?)
- Do you enjoy watching television? What kinds? Do you watch any crime investigation shows, such as CSI or NCIS? (How many?)

Experiences in Court

- What kind of evidence are you most likely to use, if available? Why?
- Do you watch the popular “CSI” television shows?
- Have you heard of the “CSI” Effect?

- What kind of evidence are you most likely to use, if available? Why?
- Do you watch the popular “CSI” television shows?
- Have you heard of the “CSI” Effect?
- Have you ever had to address the CSI effect, directly or indirectly, in trial?
 - Do you have any specific instances you can think of?
 - Do you ever think your cases have been affected by the CSI effect? If so, how?
 - Do you know of any other instances in which the CSI Effect has come into play in court, whether it was a colleague or in literature?
- Have you ever attended a seminar or course that addresses this effect?

Former Jury Members

- Do you watch “CSI”, “NCIS” or other popular crime television shows?
- In criminal cases, is forensic evidence necessary to prove “beyond a reasonable doubt” that a crime was committed? In other words, can you prove “beyond a reasonable doubt” a crime was committed without forensic evidence?
- Do you enjoy watching television? What kinds? Do you watch any crime investigation shows, such as CSI or NCIS? (How many) Examples...
 - Bones
 - Cold Case
 - Cold Case Files
 - Cold Squad
 - Criminal Minds
 - Crossing Jordan
 - CSI

- Forensic Files
- NCIS
- Numb3rs
- Without a Trace

Experiences in Court

- How many juries have you been a part of? Have you been a part of a criminal case in which a decision was reached?
- What was the case about?
- Do think it was the fair or correct decision?
- Did the prosecutor or defense ever address the CSI effect, directly or indirectly, in trial?
 - Did anyone talk about CSI or any other television show experience during deliberations?
- Do you watch “CSI”, “NCIS” or other popular crime television shows?
- What did you think of the evidence presented?
 - Good or bad? Why?
- Was there anything you saw in court that reminded you of CSI, or any other crime show? Was there anything in CSI or other crime show that you didn’t see in court?