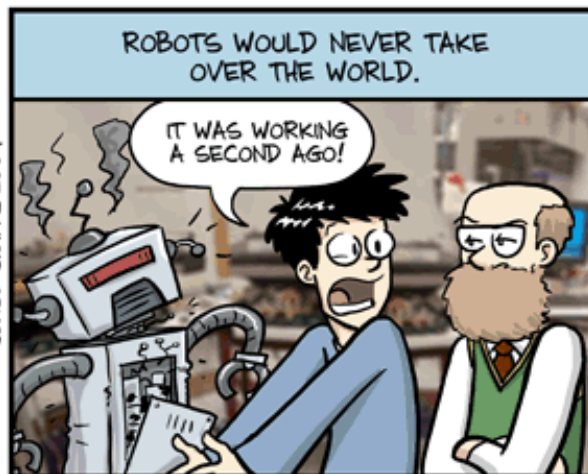
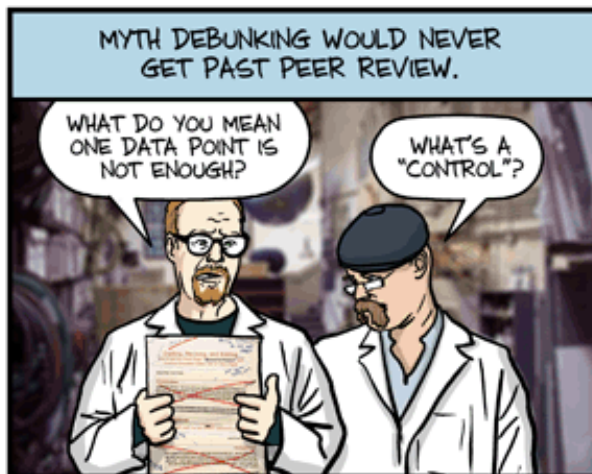


# Hollywood Profiling:

The impact of the *CSI Effect* on the use of forensic science in New South Wales.

IF TV SCIENCE WAS MORE LIKE REAL SCIENCE



JORGE CHAM © 2009

WWW.PHDCOMICS.COM

Dr Jenny Wise

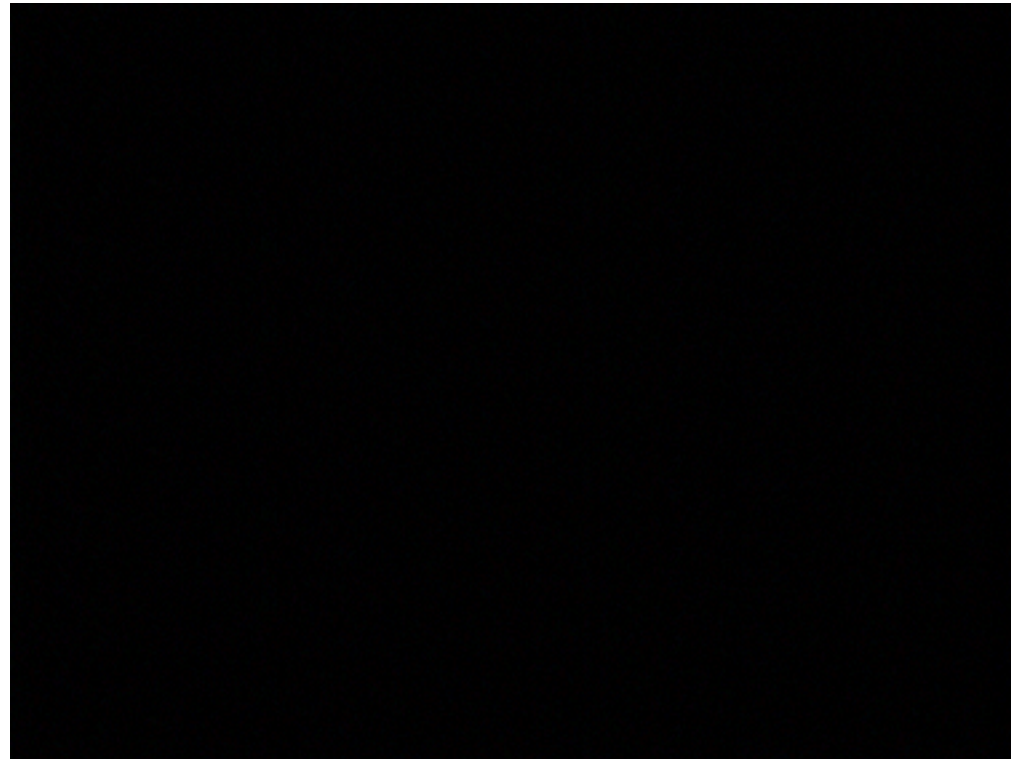


# Planet Toys - CSI





# FSC: Forensic Science Camp



<http://www.as.edu.au/forensics/Home.html>



# FSC: Forensic Science Camp

“We can put you right in the middle of the action for 5 exhilarating days in a crime solving situation that is so realistic that you will forget that its [sic] only a game. You will be a detective, you will interview witnesses, you will order medical and scientific tests, you will search the criminal databases, you will test the physical evidence yourself in the laboratory. You will request search warrants. You and your colleagues will sift through the evidence, pursue ‘red herrings’, argue your point of view, and when and if you crack the case you will make a formal application backed by solid evidence to convince a Judge that your suspect should stand trial. The grand finale of the 5 day camp will be a court trial and you will be up to your eyes in it playing a role such as expert witness, accused or defence barrister”

(<http://www.as.edu.au/forensics/Home.html>).

# Accuracy of *CSI: Crime Scene Investigation*

- “The technology is real and the science is real – that’s really our watermark ... We do not make up the science.” Elizabeth Devine, criminalist (cited in Frey 2004)
- 40% of the forensic science depicted on *CSI* simply does not exist (Thomas Mauriello cited in DiFronzo and Stern 2007: 526)



<http://flowtv.org/2007/11/technofetishized-tv-csi-bones-and-regenesis-as-science-fiction-television/>

# Methodology

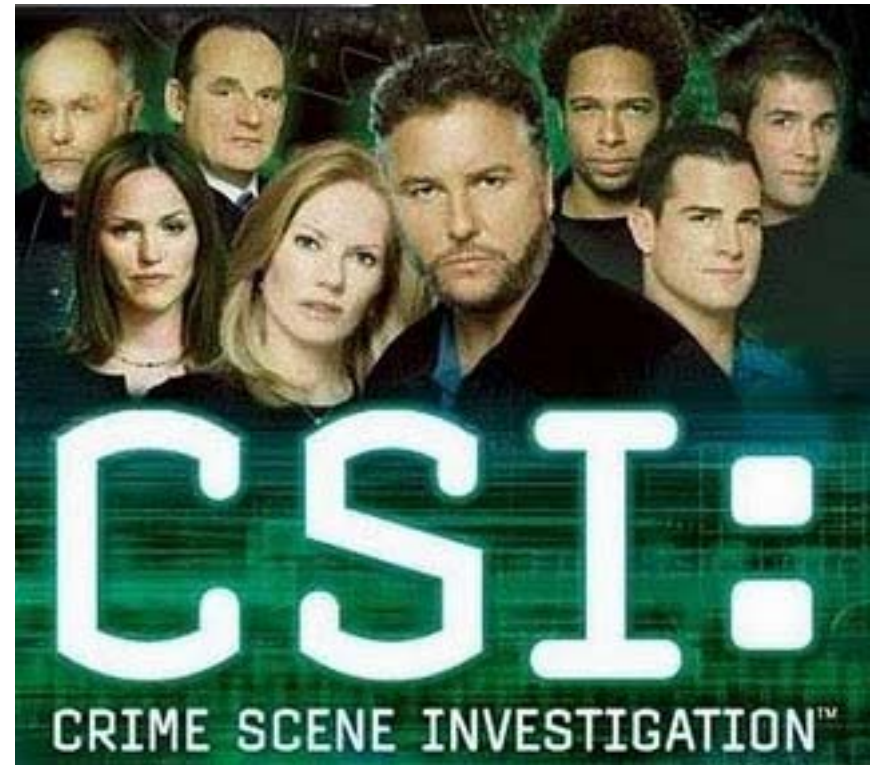


<http://flowtv.org/2007/11/technofetishized-tv-csi-bones-and-regenesis-as-science-fiction-television/>

- NSW criminal justice system
- Interviews with:
  - Police
  - Forensic Biologists
  - Scene of Crime Officers (SOCOs)
  - Prosecutors
  - Defence Lawyers
  - Judicial Officers
- 2006-2007

# The *CSI Effect*

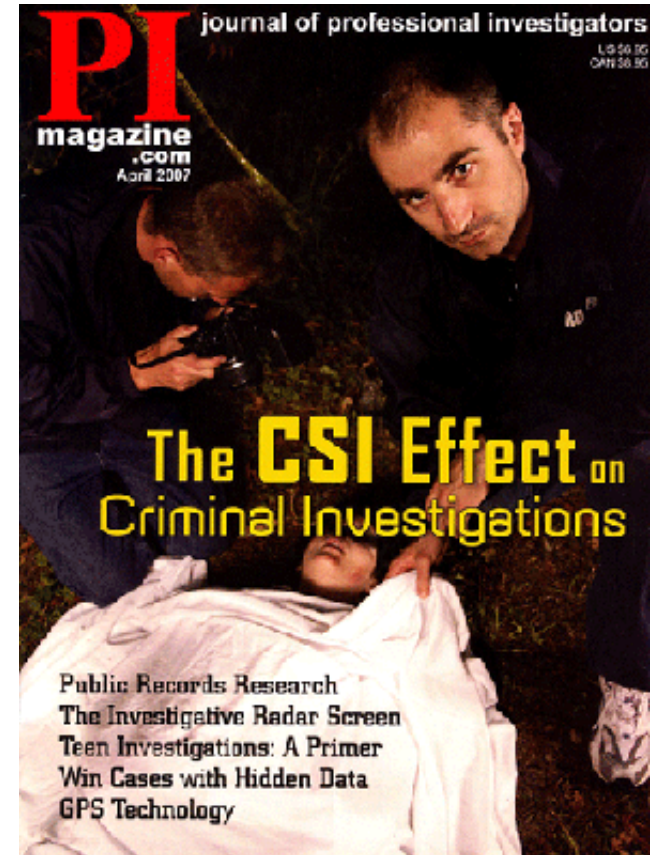
- Early 2000s
- *CSI Effect* – used to describe instances where jurors convict if forensic evidence is present, or where they refuse to convict if there is an absence of forensic evidence



<http://bugsandmovies.blogspot.com/2010/11/csi-las-vegas-beware-with-aureobasidium.html>

# The *CSI Effect*

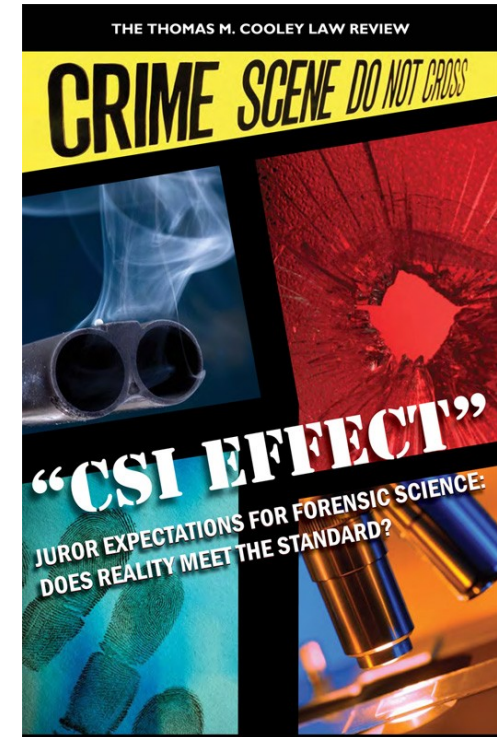
“Ever since the hit television show *CSI: Crime Scene Investigation* and its spin-offs appeared on television in 2000, prosecutors and law enforcement personnel have speculated that this show (and other forensically focused shows) has given jurors heightened expectations about the evidence to be presented at trial. This so-called CSI effect includes the increased and unrealistic expectation that crime scene will yield plentiful samples that can be analysed by near-infallible forensic science techniques and will be presented as such in the courtroom. The popularity of these shows has been said to have detrimentally influenced jury deliberations as discussed anecdotally in the world media” (Holmgren and Fordham 2011: s63).



<http://www.practicalhomicide.com/Research/PIMag0707.htm>

# Disputing the *CSI Effect*

- 2006 Podlas:
  - conducted a mock jury study of 306 American undergraduate and graduate students
  - frequent viewers of *CSI* were influenced by the same factors as those people who rarely watched *CSI* - no *CSI Effect*
- 2006 Shelton, Kim and Barak:
  - surveyed 1027 Americans who had been called for jury duty during 2006
  - The results indicated that while jurors did expect to see forensic evidence presented at trial, it was not directly related to watching specific crime television programmes such as *CSI: Crime Scene Investigation*.



<http://lawreview.tmc.cooley.edu/Default.aspx?pageId=117292>

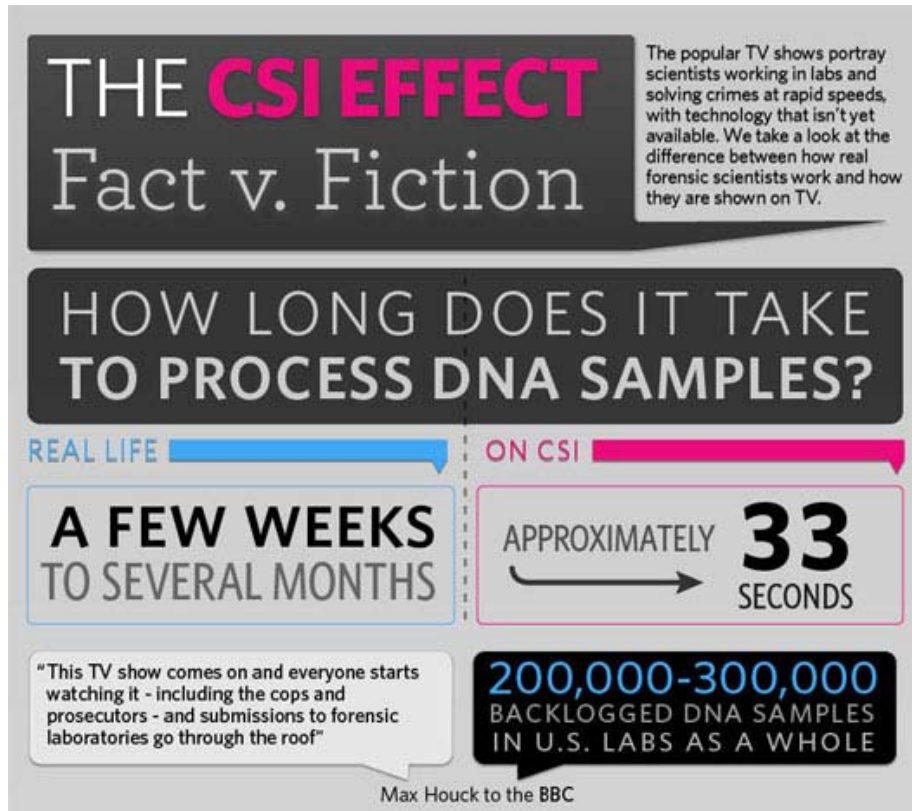
# A different understanding of the *CSI Effect*?

The MYTH OF CSI:  
Is Forensic Science the  
Panacea of Justice?  
[www.the-CSI-effect.com](http://www.the-CSI-effect.com)



- Holmgren:
  - survey of jury-eligible college students at Mount Royal College in Canada
  - 79% of the women, and 68% of the men watched crime-related television programs
  - jurors did not purely change their verdict based on the presence of forensic science at trial
  - 71% of respondents learned about forensic techniques from media sources such as newspapers, news and crime television shows
  - 76.2% of respondents' believed that a DNA match was the best piece of evidence in any type of case
  - 73.1% of the respondents stated “they would find it difficult to convict someone of a crime if there was not any forensic evidence available” (Holmgren and Fordham 2011: s65).

# A “tech effect”?



<http://www.antilogic.co.za/design/the-csi-effect-infographics/>

“... may have more to do with a broader ‘tech effect’ in popular culture rather than any particular ‘CSI effect’. In other words, if there is a media effect on juror expectations, it is an ‘indirect’ effect and part of a larger transformation occurring in popular and technological cultures” (Shelton et al 2006: 333).

# Anecdotal evidence of the *CSI Effect*

- “A prince George’s County jury would not convict a man accused of stabbing his girlfriend to death because a half-eaten hamburger, recovered from the crime scene and assumed to have been his, was not tested for DNA” (Stockwell 2005).
- “... it’s one thing to hear the jury foreman in the Robert Blake trial declare that the has-been actor had been found not guilty of shooting and killing his wife because there was “no GSR” (that’s gun shot residue, for you non- “CSI” fans) on his hands to nail him beyond reasonable doubt. The guy was up on a murder charge, after all. But the forensic frenzy materialized in our not exactly earth-shattering firearm and drug possession case ... “I don’t understand why we don’t have more evidence,” complained one of my fellow jurors. “Why didn’t they try to get fingerprints from the car? And off the keys.” “Why didn’t they try to get some DNA, or hair or something, off the jacket?” demanded another” (Smardz 2005).

# Evidence of the *CSI Effect* in NSW

- “Juries are rapt, when they’re watching DNA experts, their attention is as focused on the DNA expert as it was on the victim. Their eyes aren’t wondering. I love it; I love calling DNA experts because it’s a really juicy moment in the trial. They think they are getting the *CSI* treatment” (Prosecutor 2).
- “There is an expectation that it will be very helpful, back to *CSI* and all those kind of things. The problem with those shows is that they misrepresent the reliability of DNA, as they do with all the other scientific stuff they get into. And sometimes you need to work a lot harder than you ought to, to try and explain how juries can and can’t use it ... So when you want to start picking through the detail of the DNA analysis people can become exasperated, because DNA doesn’t lie” (Defence Lawyer 4).
- “I think juries expect it [DNA] to be there. As a result of watching *CSI* — shows like that — I really do and because the defence now make much of the fact, of the absence of DNA and where one would expect it, that is something we have to meet” (Prosecutor 1).
- “Most television shows that deal with DNA, simply deal with it as virtually 100% identification and don’t really go into the issues that it can involve ... I think it will remain quite difficult to get the true effect of DNA across to juries” (Judicial Officer 4).

# Impact on courtroom practices

- “Because there is an expectation from the public that DNA will be called, DNA evidence will be produced in any contested criminal matter to prove the prosecution case. Thank you *CSI*” (Defence Lawyer 1).
- “If you haven’t got evidence that goes to a DNA style of evidence it’s amazing how many defence counsel will raise that as a submission in closing statements to the jury, to the effect of ‘and you haven’t even got DNA evidence’. So immediately people think, ‘yeah I saw that series of *CSI* and I know they can do it’ and I think it’s a real cheap trick” (Prosecutor 2).

# Impact on courtroom practices

“Another factor for both the defense and the prosecution to consider is that 73.1% ( $n=442$ ) of those surveyed said that if they were a juror, they would find it difficult to convict someone of a crime if there was not any forensic evidence available. For example, 284 women (75.3%) and 158 men (69.2%) agreed that they would have difficulty convicting someone if forensic evidence was not available” (Holmgren and Fordham 2011: s66).



# Impact on investigations

<http://www.textually.org/tv/archives/2010/04/025893.htm>

“A few months ago, a crime scene investigator from the Los Angeles County Sheriff’s Department was dusting for fingerprints at the scene of a residential burglary. The victim of the crime was not impressed, however. ‘That’s not the way they do it on television,’ she told the investigator” (Lovgren 2004) .

# Impact on Investigations

- “People start to interview the witnesses themselves, and then saying, ‘well, you didn’t ask this question.’ ... that has become a real big problem where people don’t leave us to do the investigation and they are starting to do investigations on their own” (Major Crimes Investigator cited in Huey 2010: 57).
- “ ‘Well aren’t you going to ...?’ because that [technique] figured prominently in some episode they saw” (Forensic Identification Officer cited in Huey 2010: 57).



- “I’ve noticed that since the show [CSI] ... these are the perceptions that people have: I should be walking to the edge of the room, peering in, seeing one hair to the exclusion of all the others that are on the carpet, realize its significance ... And I do have to explain to people, because if I don’t get down on my hands and knees and search for the burglar’s hair, then I’m not doing my job!” (Forensic Ident Officer cited in Huey 2010: 58).

<http://express-advocate-gosford.whereilive.com.au/news/story/vandals-trail-of-damage->

# Role Strain

- Huey (2010: 65) found that nine of the 31 police detectives interviewed found that the increased workload and the questioning of their expertise led to feelings of frustration or role strain.
- “... because often you’ll go to a scene and the detective will be leaning on your SOCOs or me to collect and they’ll want door handles swabbed and this swabbed, and that swabbed. And they think it’s this magic bullet, you just hold onto the swab and the DNA jumps on it ...” (Scene of Crime Officer).



<http://www.smh.com.au/articles/2003/09/16/1063625037554.html?from=storyrhs>

# Impact on laboratories

- “...a lot more easier if they didn't watch CSI [laughs], ‘cause we do get a lot of CSI style questions, CSI style requests. We do get swabs off glove marks because they think well maybe he has touched his face and then when he has touched his face he has transferred his DNA onto the counter, which might be fine, but 50 other people have touched that counter without gloves and with a lot more DNA to leave. It comes into that side of things where they don't really understand and that it's not the last person to touch it as to who's DNA your getting. It is whatever DNA happened to be on that item at that time and that's not the thing - 'well can't you tell us if they were the last ones to touch it', or last ones to wear it? So forensic awareness would be great ...” (Forensic Scientist 3).
- “I've had police on the phone saying to me 'I was watching *CSI* and they did this, they got DNA for something ridiculous ...” (Forensic Scientist 4).



<http://flowtv.org/2007/11/technofetishized-tv-csi-bones-and-regenis-as-science-fiction-television/>

“sexy, fast, and remarkably certain”

(Roane 2005)



[feed://wishwashy.blogspot.com/feeds/posts/default?alt=rss](http://feed://wishwashy.blogspot.com/feeds/posts/default?alt=rss)

# Physical aesthetics of *CSI*



<http://www.tv.com/news-briefs-jorja-fox-just-cant-stay-away-from-csi/story/18869.h>

“But you only have to watch some of these programs, I despair at them. I don’t watch them but my wife watches them and my daughter loves watching them to. And I couldn’t handle it; once you know a bit more about the sciences of these programs you can see how it is all choreographed. I recall at one stage I came out in the kitchen where my wife was watching the show [CSI] and there was the scene, it was in a crime scene and it was in a very darkened place and there was a very sort of soft lighting there ...

And there was this forensic scientist taking some swabs at the crime scene and she was quite an attractive woman and she was wearing what appeared to [be] very tight slacks. She was showing a fair bit of mid-drift with a singlet top with either Miami or CSI on it and she was beautifully made-up. And it was only a couple of days ago that I was looking at a crime scene video of a murder of a little girl at the [Place name removed] and there were two middle aged men wearing dirty blue overalls taking exhibits from this caravan [laughs] so do you know what I mean?" (Defence Lawyer 2).



<http://www.fanpop.com/spots/csi-miami/images/2615344/title/csi-miami-7x09-power-trip-promotional-photo-photo>

<http://www.smh.com.au/news/national/61-year-old-found-hacked-to-death/2008/01/02/1198949821997.html>



# Conclusion



<http://www.aboveaverageart.com/2010/09/>

“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”

(Anthony Zuiker cited in CBS news March 21 2005).