

The Perceived Impact of Crime Scene Investigation Shows on the Administration of Justice

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This research explores the perceived impact of criminal investigation shows upon the administration of justice in one jurisdiction. The authors used the mail survey technique to ask judges their perceptions of the impact of shows like *CSI* in their courtrooms. The judges surveyed perceived these shows having an impact on the administration of their courts, and a majority did not view this impact as positive. They did not, however, indicate that the shows' perceived impact required an affirmative change in the administration of their courts, nor did they perceive a substantial impact upon convictions. A majority of respondents also perceived an impact of these shows on attorney behavior and jury selection. While there may not be a *CSI* effect in actual jury decision making, there may be a perceived impact upon the actions of some members of the courtroom workgroup.

Keywords: CSI Effect, Attitudes, Justice, Judges, Jury

INTRODUCTION

The captivating television shows focused on criminal investigations and forensic techniques may not only be providing viewers with entertainment but may also be leading them to have certain expectations about criminal cases and the administration of justice. Some authorities even maintained that such shows may impact the operation of the civil justice system (Robben, 2005). The print media and some criminal justice actors have labeled the potential impact of these shows the "CSI effect" (Lovgren, 2005; Roane, 2005; Rincon, 2005; Boyle, 2005; Ebro, 2005; ABC, 2005; CBS, 2005; Hanson, 2005; Willing, 2006). Specifically, it is hypothesized that such shows may create expectations in minds' of jurors regarding the use and necessity of forensic evidence. In reaction to these media-generated beliefs, courtroom actors create practices designed to cater to a jury member's expectations of best practices rather than the actual logical dictates of a case. The potential impact of *CSI* has not escaped the show's creator, Anthony E. Zuiker, who observes, "'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" (CBS, 2005). The potential impact of these shows has also

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been commented upon by print media in the United Kingdom and Canada (Hooper, 2005; Blizzard, 2006).

Some anecdotal evidence suggests that those who sit on juries watch these shows. A jury consultant in one recent case noted that “a survey of the 500 people in the jury pool found that about 70% were viewers of CBS' *CSI* or similar shows such as Court TV's *Forensic Files* or NBC's *Law & Order*” (Willing, 2006). CBS reported that at least half of the jurors in the Robert Blake case reported watching shows like *CSI* on a regular basis (CBS, 2005).

Popular media has long found criminal justice issues a fertile area for episodic stories. It has also been asserted in the past that media representations have impacted the criminal justice system. For example, the television show *Perry Mason* was said to have led to lawyers approaching witnesses during questioning, a practice the show used to fit both actors into a frame at the same time (Lennard-Goehner, Lofaro, and Novack, 2004). Yet, due to their overwhelming popularity and replication, the potential impact and perceived accuracy of *CSI* and other similar shows may be even more profound. The popularity of *CSI*, and the genus in general, is evidenced by very strong ratings, the numerous spin-offs, and copycat shows across broadcast and cable television programming. More than forty million people watch the *CSI* brand of shows each week in the United States alone (Cohen, 2006). In 2005 there were twenty-two scripted “crime” shows on network schedules and nine more on cable channels (for example: *CSI*, *CSI Miami*, *CSI: New York: Without a Trace*, *Cold Case*, *Bones*, *48 Hours Mystery*, *Law and Order*, *Law and Order: SVU*, *The Closer*, *Crossing Jordan*, *Numbers*, *Medium*, and *Monk*). The original *CSI* series is also available in syndicated release and on DVD for viewing.

Moreover, the alleged *CSI* effect highlights a more specific issue than the general impact of the media upon criminal justice. The concern here is that the portrayal of forensic science in criminal investigations creates expectations regarding the necessity and infallibility of science in solving crime. Not only are the protocols of criminal investigations used, as in the past media, but they are paired with the esoteric power of science.

Potential Viewer Misconceptions

Cognitive psychologists have long maintained that people do not perceive the world neutrally. Rather, we experience reality through the lenses of our prior experiences and expectations. One potential source of cognitive expectations is television.

The basis of a potential *CSI* effect flows from a variety of misconceptions about the functionality of forensic science in the administration of justice as evidenced in the plot lines of such shows. One such misconception may be the myth of the infallibility of forensic science. The substantial potential for human error to affect evidence is not frequently explored in these shows, nor the sad reality that many crimes are very difficult to solve. Indeed, the majority of story lines resolve their complex crimes at the end of each episode (Willing, 2006). These shows certainly do not raise the idea that forensic analysis may be unsound and unproven scientifically or that experts in the field could be unreliable (Roane, 2005). The underlying strength of the science is that relied upon by the investigators is never challenged, nor is the expertise of those

conducting the tests generally examined.

Criminal investigation shows may also greatly distort the true nature of the daily life of forensic scientists. Examiners are often portrayed in unrealistic settings. On television, the job of the forensic worker is often associated with flashy or expensive cars like the Hummer and fashionable clothes (Boyle, 2005). Discrete and distinct criminal justice roles may also be unrealistically blended. Rarely in real life would an examiner engage in interrogations or the deployment of deadly force (Channel 3000, 2005). Yet, the collection, analysis, interrogation, and apprehension roles are frequently conflated in plot lines. Moreover, the fact that due to educational and certification issues examiners often specialize in one relatively narrow area of forensic science is rarely shown. Rather, on crime shows forensic experts are masterful “Jacks of all trades” (Volante and Smith, 2005).

These dramas may also misrepresent the complexity of forensic evidence- gathering, glossing over issues concerning evidence collection in adverse circumstances, degradation of evidence, and the potential for compromised crime scenes (Hanson, 2005). Yet another misconception fueled by shows like *CSI* involves the frequency and import of forensic evidence in the average criminal case. These dramas over emphasize the role forensic evidence is likely to play in the average case. The power and impact of eye witness and circumstantial evidence is usually not recognized. Nor is the ability of forensic evidence to eliminate and exonerate suspects highlighted (Hanson, 2006).

Distortions of the speed of the forensic process may also be propagated. *CSI* and similar shows provide unrealistic examples regarding the speed with which forensic results are obtained. Typically, results are returned quickly to the shows’ investigators in order to solve the mystery at hand, yet it has been estimated that there is a backlog of between 200,000 and 300,000 DNA samples awaiting analysis in laboratories across the United States (Rincon, 2005). Under good circumstances it may take one to two weeks to receive a DNA analysis from a state crime laboratory (Clark and Helsel, 2005). Many states have reported a substantial backlog in the analysis of DNA samples. For example, Virginia reported a six- to eight-month backlog on DNA testing for all but the most important of investigations (Ebro, 2005).

Both prosecutors and defense attorneys have claimed that the shows aid their opponents (Willing, 2006). Anecdotal evidence from prosecutors suggests that they believe juries want to see all evidence subjected to substantial forensic examination, whether warranted or not in a specific case. Defense counsels on the other hand have averred that juries have come to believe that scientific evidence is perfect and thus trustworthy in establishing guilt (Rincon, 2005).

Police have reported that citizens observing their investigatory techniques have attempted to correct the officers’ actions based upon what the citizen has seen on television (Lovgren, 2005). Victims and their families may also question the extent and speed of forensic analysis (Rincon, 2005). Some police and prosecutors have asserted that they must change the way they investigate and present their cases due to the impact of shows like *CSI* (Roane, 2005). For example, prosecutors may more frequently use Power Point and video presentations. Prosecutors may also put forth “negative evidence” to explain to jurors that forensic evidence is not always collectable (Massie, 2005). Or at the very least the state may have to use experts to carefully

explain to jurors why they did not logically collect forensic evidence in a particular case (Volante and Smith, 2005; Stockwell, 2005).

The *voir dire* process may also be altered to ensure that those jurors who are unduly influenced by shows like *CSI* are screened from jury service (CBS, 2005). Attorneys and judges may well be more careful in the jury selection process (Volante and Smith, 2005). These adaptations could result in longer trials and an increased use of expert witnesses to aid the jury in understanding the presence or absence of physical evidence (Post, 2006).

Citizens may demand higher-end forensic tools, investigation, and techniques for common crimes. Prosecutors and police may find that they have to practice “defensive investigations” employing forensic analysis that is not based on the logic of the case but rather given to satisfy the citizenry who sit as the fact-finders (Lennard-Goehner et al., 2004; Robben, 2005). Such a practice would drive up costs for departments and jurisdictions since the cost for a single DNA test may be thousands of dollars (Volante and Smith, 2005). This practice would also logically increase the workload on crime laboratories and thus could potentially create or exacerbate backlogs (Clark and Helsel, 2005). Moreover, many jurisdictions simply do not have the resources to supply these services (Roane, 2005; Hanson, 2005). Though the potential for a *CSI* effect has received much print media attention, as with many criminal justice issues, media coverage of the issue has outpaced the ability of social science research to examine this issue in detail. This study seeks to aid in the discussion regarding the potential perceived impact of shows like *CSI* on the administration of justice (Tyler, 2006).

LITERATURE REVIEW

Crime dramas have maintained a prominent role in American television for over fifty years (Eschholz, Mallard, and Flynn 2004). Researchers have contended that the media is the primary method by which the average person learns about the criminal justice system (Roberts and Doob, 1986; Surette, 1998; Mastro and Robinson, 2000; Dowler, 2003). Yet, the world the media portrays is often different from actual world of crime and criminal justice (Papke, 1999; Weitzer and Kubrin, 2004). The impact of these representations upon views of consumers has been hypothesized in the seminal “cultivation thesis” (Gerbner and Gross, 1976). The logic behind this hypothesis is that information about the criminal justice system communicated to viewers via television impacts the way television consumers perceive social reality. In the area of criminal justice, prolonged exposure to television “cultivates” perceptions about crime, criminals, and the adjudication of cases (Mastro and Robinson, 2000). That is, consumed media can contain distortions that after prolonged exposure, can gradually shift attitudes and beliefs of viewers to reflect the stereotypes or inaccuracies represented (Tamborini, Mastro, Chory-Assad, and Huang 2000).

Researchers have examined the portrayal of minorities on television (Tamborini et al., 2000; Dixon and Linz, 2000; Dowler, 2004). Some researchers found a relationship between depictions of crime and violence in media and fear of crime by those who consume the media (Gerbner and Gross, 1976; Hawkins and Pingree, 1981; Gordon and Heath, 1991; Chiricos, Eschholz, and Gertz, 1997; Chiricos, Padgett, and Gertz, 2000; Eschholz, 2002; Weitzer and

Kubrin, 2004). Television consumption has been examined in an effort to determine its impact upon to a variety of social issues related to crime. Research has shown the relationship between television consumption and the perception of crime as a serious public policy issue (Gebotys, Roberts, and DasGupta, 1988; Lowry, Nio, and Leitner 2003). Television consumption has been found by Dowler (2002b) to have a complex relationship with citizen's perceptions of police effectiveness. Similarly, media consumption appears to influence viewer's attitudes toward gun control issues (Dowler, 2002a). Last, Gilliam and Iyengar (2000) found that television news consumption was related to support for punitive measures in crime control.

As noted above, a growing body of anecdotal accounts has been found in the print media concerning the impact of shows like *CSI* upon the administration of justice in the United States. Only two research studies directly related to this point were located in our search. The first, a study conducted by the Maricopa County Attorney's office in 2005, appears to confirm some of the concerns about the impact of crime scene investigation shows. The study asked 102 prosecutors about the potential impact of shows like *CSI* upon juries and trials. The results revealed that jurors often asked questions demonstrating knowledge about types of evidence that were not introduced at trial. The study also found that 80 percent of prosecutors believe that defense attorneys use the expectations created by crime shows to their advantage. A majority of the prosecutors reported that they had changed their jury selection techniques because of the impact of crime shows upon possible jurors (Maricopa County, 2005).

In the second study, Podlas (2006) conducted a survey vignette study of a convenience sample of 291 college students in the northeast. The first portion of the instrument surveyed the respondents on their television viewing habits, including criminal justice-related shows like *CSI*. Those who viewed criminal investigation shows were no more likely to select forensic reasons for judging a hypothetical defendant not guilty than infrequent/nonviewers. Podlas concludes "the results do not support the hypothesis that *CSI* viewers are influenced by *CSI*-marked reasons any more than non-viewers may be" (Podlas, 2006, p.461).

While these studies do provide insight, it is fair to say that there is an absence of recent research regarding this issue and thus the true impact of these dramas on the administration of justice is unknown. Moreover, the potential of a perceived cognitive impact may be as important to the criminal justice system as an actual cognitive impact. For example, the Podlas study sought to understand the actual impact of these shows on potential juror decision making. This decision-making research does, however, avoid the concerns regarding the accuracy of criminal justice actors' (judges and attorneys) opinions about the impact that shows like *CSI* have on jurors. Assuming, the Podlas findings are correct and generalizable, the impact of shows like *CSI* on potential juror decision making appears to be nonexistent. However, if prosecutors and defense attorneys are convinced of the shows impact, they may well change their actions based on this perception regardless of the actual impact on potential jurors. Thus, while it may be that the shows do not actually impact the decision-making process of those viewers who watch them, criminal justice actors may believe that the shows do have an impact and may alter their actions in the administration of justice.

Since the potential for a "CSI effect" has received substantial print media attention and a review of the criminal justice literature did not reveal a substantial presence of published peer-

reviewed empirical research on the issue, we sought to examine this issue from one perspective. The current research seeks to aid in exploring the potential perceived impact of shows like *CSI* on the criminal justice system in one jurisdiction.

METHODS

The researchers sought to explore the perceived impact of *CSI* and its progeny upon the behaviors of the criminal justice actors and thus the criminal justice system. Due to their authoritative role in the administration of justice, judges were selected for the study. As an umpire of sorts, it was felt that judges could, without bias, observe jurors, prosecution, and defense counsel with regard to their actions during the adjudication process. Thus, while other courtroom actors arguably have a greater role in shaping the adjudication, judges may have a better vantage point to report upon behavior.

The researchers drafted a short two-page survey consisting of open and closed-ended questions. The survey questions were created from the anecdotal concerns regarding the potential “CSI effect.” The survey was circulated to a small group of criminal justice actors to gather feedback on specific topics and wording. The survey was then submitted to and approved by the university’s Human Subjects Committee.

The researchers identified Circuit Court judges in Kentucky as judges most likely to deal with substantial criminal issues. The mailing addresses for all circuit court judges in the state were obtained and a database was created. All 133 judges at this level were mailed a survey. Additionally, each mailing contained a letter of invitation from the researchers, a letter of support from a prominent circuit court judge, a self-addressed stamped return envelope, and an informed consent statement approved by the Human Subjects Committee at the university.

The survey instrument was broken down into two major areas. The survey first asked basic demographic questions concerning the length of service, race, and gender of the judges. Judges were also asked to classify their jurisdictions as rural, urban, suburban, or other. The researchers also asked for the frequency of criminal hearings and trial cases the judges adjudicate in court in one month. The second portion of the instrument presented a series of fourteen statements. Judges were asked to indicate on a Likert scale whether they strongly agreed, agreed, disagreed, or strongly disagreed with the statements presented. This scale was selected for its ability to supply information regarding a respondent’s attitudes and or perceptions. The questions focused on the potential impact that shows like *CSI* may have upon the administration of justice. A short space for comments was provided at the end of the survey. This section was included to allow for any limitations inherent in the Likert scale, for the specific phrasing of questions, or to allow respondents to provide any unstructured feedback to the researchers regarding the topic in general.

After the initial mailing of the survey and supporting documentation, the population was mailed a reminder postcard. A total of fifty-eight responses were received, which represents a 43.6 percent response rate. The mail survey technique typically returns between ten to fifty percent response rate (Neuman, 2000). While, the response rate for this effort is typical of mail survey research, the small overall sample size of fifty-eight creates substantial limitations on

higher order statistical analysis. Due to this limitation, the results are presented only in a descriptive percentage format.

The sample of respondents was overwhelmingly white and male (93.1 percent and 77.6 percent respectively). Almost one fifth (19 percent) of the respondents indicated that they were female. There was little representation of African Americans (1.7 percent) among the respondent pool and no representation for Latinos. A few respondents (5.1 percent) did not provide any specific racial data.

The “type of jurisdiction” demographic question asked respondents to classify their jurisdictions as “rural, urban, suburban or other (mix of urban and rural).” Just over half (53.4 percent) of the respondents classified their jurisdictions as rural. Urban jurisdictions accounted for 31 percent of the responses, with suburban areas accounting for just under 7 percent (6.9 percent). Approximately 5 percent of respondents indicated a community that was “Other - - mix of rural and suburban.” A small percentage (3.4 percent) did not provide a description of their community. Initially, the respondent pool may appear skewed; however, Kentucky is a rural state, and many of the governmental structures may still be dominated by the white-male population.

The average length of service for our respondents was 12.36 years. The respondents indicated a range of service from zero to twenty-eight years in the judiciary. In describing the number of criminal cases adjudicated in a month respondents indicated an average monthly caseload of 77.24, with a range of zero to four hundred.

RESULTS

The results are presented in tabular form. Table 1 explores the perceived general impact of shows like *CSI* upon courtroom proceedings. According to our findings, almost 60 percent (58.6 percent) of our respondents either strongly agreed or agreed with the question, “Shows like *CSI* have had an impact upon the administration of justice in my court.” These results indicate that judges do believe that shows like *CSI* impact their criminal justice system. Yet just over one third of respondents strongly disagreed or disagreed with the idea of the shows’ impact.

Almost 80 percent of respondents (79.3 percent) strongly disagreed or disagreed to the statement, “I have had to change the way I administer my court since shows like *CSI* have become popular.” When considering these questions in concert it appears that, although a majority of judges think that *CSI*-like shows have had an impact on criminal justice, a majority also have not felt the need to change the way their courtrooms are administered.

When asked about the perceived impact of shows like *CSI* upon obtaining a conviction, a slight majority (53.4 percent) strongly agreed or agreed with the statement, “I believe that the popularity of shows like *CSI* has made it harder to convict defendants.” Although it appears that a slight majority of respondents perceive that shows like *CSI* have had an impact upon convictions, it is important to remember that almost half of respondents perceived no impact upon conviction. When judges were asked about the perceived impact of the technology shown in shows like *CSI* upon obtaining convictions, a substantial majority of respondents did not

perceive an impact. Almost 90 percent (89.6 percent) of judges disagreed or strongly disagreed with the statement, “I believe that the technology shown in shows like *CSI* has made it harder to convict defendants.”

Question twelve asked if the respondents thought that shows like *CSI* have had a positive effect on the administration of justice in their court. Responses were overwhelming negative. More than three quarters of respondents (77.6 percent) strongly disagreed or disagreed with this proposition. Interestingly, no respondents circled “strongly agree” to this notion. Although the judges we surveyed did perceive these shows as having an impact on the administration of their courts, a majority did not view this impact as positive. The respondents did not indicate that the shows’ perceived impact required an affirmative change in the administration of their court, but they did indicate mixed views regarding a potential impact upon convictions.

TABLE 1
Perceived Impact on General Courtroom Proceedings

Shows like *CSI* have had an impact upon the administration of justice in my court

Strongly Agree	Agree	Disagree	Strongly Disagree	NA
8.6%	50.0%	29.3%	5.2%	6.9%

I have had to change the way I administer my court since shows like *CSI* have become popular.

Strongly Agree	Agree	Disagree	Strongly Disagree	NA
1.7%	13.8%	67.2%	12.1%	5.2%

I believe that the popularity of shows like *CSI* has made it harder to convict defendants.

Strongly Agree	Agree	Disagree	Strongly Disagree	NA
15.5%	37.9%	32.8%	3.4%	10.3%

I believe that the technology shown in shows like *CSI* has made it harder to convict defendants.

Strongly Agree	Agree	Disagree	Strongly Disagree	NA
0%	5.2%	51.7%	37.9%	5.2%

I believe shows like *CSI* have a positive effect on the administration of justice in my court.

Strongly Agree	Agree	Disagree	Strongly Disagree	NA
0%	10.3%	63.8%	13.8%	10.3%

n=58

Table 2 shows the findings for questions relating to perceived impact of *CSI*-type shows on forensic evidence issues. When asked about a perceived increase in the use of forensic evidence, a majority (67.2 percent) of respondents strongly disagreed or disagreed with the statement, "I have seen an increased use of forensic evidence since shows like *CSI* have become popular." However, just over a quarter of respondents did perceive that the use of forensic evidence has increased. Similarly, more than 70 percent of respondents (72.4 percent) disagreed or strongly disagreed with the statement, "I have seen an increased use of expert witnesses since shows like *CSI* have become popular." Again, however, just over one fifth of the judges did agree or strongly agree to a perception of increased use of expert witnesses since the advent of shows like *CSI*. It may be that in certain types of jurisdictions, shows like *CSI* have an impact on the use of both forensic evidence and expert witnesses.

Three quarters (75.8 percent) of respondents strongly agreed or agreed with the statement, "I have observed an increase in the jury's expectations for forensic evidence since shows like *CSI* have become popular." Judges appear to see an increased desire for forensic evidence on the part of the fact finders. But when considering this question with question five, a majority indicate a perceived increase in demand, but a majority has not seen an actual increase in the use of forensic evidence.

Question 11 focused on the state of the forensic arts in the judges' jurisdictions in comparison to the techniques portrayed in shows like *CSI*. Almost 90 percent (89.7 percent) of respondents strongly disagreed or disagreed with the statement, "I believe that forensic tactics/techniques used in shows like *CSI* fairly represent the tactics/techniques used in my jurisdiction." Only about 5 percent of judges agreed with the statement. This suggests that respondents perceive a difference between the forensic abilities presented in shows like *CSI* and those available for investigatory use in their parent jurisdictions.

The last question in Table 2 asked the judges to respond to the statement, "I believe that shows like *CSI* have distorted the public's perception of time needed to obtain forensic results." Almost 45 percent (44.8 percent) of the respondents agreed with the statement, and more than a third (36.2 percent) strongly agreed. Those who disagreed or strongly disagreed accounted for just over ten percent of respondents. These results indicate that judges across the state perceive that shows like *CSI* have created some false expectations in the minds jurors with regard to the time needed for forensic results.

It appears from these questions that a majority of respondents perceive an impact of shows like *CSI* upon jury expectations for forensic evidence. Moreover, respondents did indicate a belief that shows like *CSI* distort the perceived image of technology that is actually available and the time forensic testing actually takes. Yet, a majority of responding judges did not perceive an increase in the use of forensic evidence or expert witnesses since shows like *CSI* have become popular.

TABLE 2
The Perceived Impact on Forensic Evidence Issues

I have seen an increased use of forensic evidence since shows like CSI have become popular.

Strongly Agree	Agree	Disagree	Strongly Disagree	NA
1.7%	25.9%	63.8%	3.4%	5.2%

I have seen an increased use of expert witnesses since shows like CSI have become popular.

Strongly Agree	Agree	Disagree	Strongly Disagree	NA
1.7%	19%	67.2%	5.2%	5.2%

I have observed an increase in the jury's expectations for forensic evidence since shows like CSI have become popular.

Strongly Agree	Agree	Disagree	Strongly Disagree	NA
22.4%	53.4%	19%	0%	6.9%

I believe that forensic tactics/techniques used in shows like CSI fairly represent the tactics/techniques used in my jurisdiction.

Strongly Agree	Agree	Disagree	Strongly Disagree	NA
0%	5.2%	48.3%	41.4%	5.2%

I believe that shows like CSI have distorted the public's perception of time needed to obtain forensic results.

Strongly Agree	Agree	Disagree	Strongly Disagree	NA
36.2%	44.8%	5.2%	5.2%	8.6%

n= 58

Table 3 analyzes the responses for the questions concerning the impact of criminal investigative shows on attorneys and their case presentations. In response to the statement, "I have observed changes in the way cases are presented by the state since shows like *CSI* have become popular," judges were split. Slightly more than 48 percent (48.3 percent) strongly agreed or agreed with the statement. But almost 45 percent of judges strongly disagreed or disagreed with the idea. This implies that respondents are evenly split on their perception of the

impact of shows like *CSI* on the manner in which the state presents its cases. About half of the respondents do perceive that the state has changed its methods, while the other half of respondents do not perceive a change in the state's behavior with regard to case presentation.

In assessing the impact of shows like *CSI* on defense counsel behavior a majority of judges (60.3 percent) strongly agreed or agreed with the statement, "I have observed changes in the way cases are presented by the defense counsel since shows similar to *CSI* have become popular." However, approximately one third (31 percent) of respondents strongly disagreed or disagreed with this statement. The results indicate that a majority of respondents do perceive a change in the way defense counsel presents cases since shows like *CSI* have become popular.

The last issue focused upon jury selection. Sixty-two percent of respondents strongly agreed or agreed with the statement, "I have seen changes in the process of jury selection since shows like *CSI* have become popular." But just under a third (32.7 percent) of the judges strongly disagreed or disagreed with this idea. It appears that a majority of responding judges have seen changes in the way juries are selected since shows like *CSI* have become popular. This seems to lend some support to one of the findings in the Maricopa County survey, where a majority of prosecutors reported that they changed their jury selection techniques due to the impact of crime shows (Maricopa County, 2005).

TABLE 3
Perceived Impact on Attorney Behavior and Jury Selection.

I have observed changes in the way cases are presented by the state since shows like *CSI* have become popular.

Strongly Agree	Agree	Disagree	Strongly Disagree	NA
5.2%	43.1%	43.1%	1.7%	6.9%

I have observed changes in the way cases are presented by the defense counsel since shows similar to *CSI* have become popular.

Strongly Agree	Agree	Disagree	Strongly Disagree	NA
8.6%	51.7%	29.3%	1.7%	8.6%

I have seen changes in the process of jury selection since shows like *CSI* have become popular.

Strongly Agree	Agree	Disagree	Strongly Disagree	NA
17.2%	44.8%	31.0%	1.7%	5.2%

n=58

The last source of results for this research came from the comments section at the end of the survey instrument. About one third (21) of respondents availed themselves of the opportunity to provide comments. Four judges commented that they do not personally watch

criminal investigation shows. Two judges indicated that they perceived no effect while four perceived a substantial and negative impact on the administration of justice in their courtrooms. Of the twenty-one judges who did send comments, eleven of them commented upon the impact of shows like *CSI* is during the jury selection phase of trial. Some respondents indicated that both defense and prosecution ask potential jurors about their viewing habits regarding criminal investigation shows. This information helps explain the above finding regarding a perceived impact up attorney behavior in jury selection. Future researchers may wish to focus on specific behaviors in the jury selection process to understand any potential *CSI* effect. Additionally, the authors received phone call from one participant after his survey was returned. The judge indicated that in the past he had not perceived any *CSI* effect and completed his survey with this view. Yet the week after the survey was returned he witnessed an acquittal he attributed to the impact of shows like *CSI*.

DISCUSSION

This research represents an attempt to understand the perceived impact of shows like *CSI* from the perspective of circuit court judges. Generally, the judges we surveyed did perceive these shows as having an impact on the administration of their courts, and a majority did not view this impact as positive. They did not, however, indicate that the shows' perceived impact required an affirmative change in the administration of their courts. It may be that the perceived impact is small in nature, and thus judges feel that change in the way they administer their courtrooms is not necessary; or it may be that the changes judges perceive any perceived changes are beyond their ability to remedy.

Respondents indicated mixed views regarding potential impact upon convictions. Almost 90 percent (89.6 percent) of judges disagreed or strongly disagreed with the statement, "I believe that the technology shown in shows like *CSI* has made it harder to convict defendants." Yet, a slight majority (53.4 percent) strongly agreed or agreed with the statement, "I believe that the popularity of shows like *CSI* have made it harder to convict defendants." Most judges do not seem to perceive the impact of the technological representations in criminal investigation shows as affecting significantly on convictions. However, a slight majority do perceive some "general" impact upon convictions. It appears that judges do not perceive technological representations as having an impact but, rather, some respondents perceive a more global, diffuse impact of the popularity of criminal investigation television upon convictions. Future research should seek to tease out specifically what issues about these shows are perceived to have an impact on convictions.

A majority of responding judges did not perceive an increased use of forensic evidence or expert witnesses since shows like *CSI* have become popular. Judges, however, appear to see an increased desire for forensic evidence on the part of the fact finders since the advent of these shows. Interestingly, it appears that while the judges perceive an increased demand, they do not view this demand as being met with an increase in the use of forensic or expert witness evidence. This may be explained by the nature of the sample. The research took place in Kentucky a rural state with limited funding for its criminal justice system. Due to monetary concerns, judges may perceive a desire for more forensic evidence but this perceived desire is trumped by fiscal limitations in state and local budgets. It may also be that judges detect the increased expectation of use for forensic evidence, yet, due to legal constraints, an actual increase in the use of forensic

or expert witness testimony is not occurring in their courtrooms. Thus, any potential “CSI effect” may be mitigated by legal and monetary constraints. Interestingly, if budgetary issues restrict increased use of forensic evidence and expert witnesses, the potential impact of shows like *CSI* could be greater in areas where resources are more plentiful. In order to better understand the potential impact upon the use of forensic evidence, researchers should examine this issue in the context of county and state budgets.

The respondents did perceive that these television shows created unrealistic representations as to the state of the forensic art in their jurisdiction, as well as to the speed of forensic testing. Yet, as noted above, the respondents did not uniformly indicate the perception that criminal investigation shows impact convictions. If this perception regarding convictions is accurate the lamentations of many prosecutors regarding a *CSI* effect upon convictions are of variable concern. Many respondents, however, did perceive an impact upon convictions, it may be that in certain types of cases, jurisdictions, or legal issues criminal investigation shows are perceived to impact convictions. Future research should seek to survey both defense counsel, prosecutors, and judges to determine if there are demographic, extra-legal, or specific legal variables that may relate to a perceived “CSI effect.”

About half of the respondents do perceive that the state has changed its methods, while the other half of respondents do not perceive a change in the state’s behavior with regard to case presentation. This would appear to somewhat confirm the notion of a change in prosecutorial behavior due to shows like *CSI*, as reported in the Maricopa County study. There it was reported that a majority of the prosecutors reported that they had changed their jury selection techniques due to the impact of crime shows (Maricopa County, 2005).

With regard to defense behaviors, the results indicate that a majority of respondents (60.3 percent) did perceive a change in the way defense counsel presents cases since shows like *CSI* have become popular. Thus, a large portion of respondents do perceive a change in both defense and prosecution behavior. A majority of responding judges have also seen changes in the way juries are selected since shows like *CSI* have become popular, a finding that supports prior research. Taken together, the responses would seem to indicate that a substantial number of judges do perceive that there has been a change in the behavior of lawyers, both for the state and the prosecution, since shows like *CSI* have become popular. Assuming these perceptions are accurate, in some cases the behavior of courtroom workers has changed due the shows like *CSI*. Thus, while there may not be a “CSI effect” in actual jury decision making, there may be an impact upon the actions of some members of the courtroom workgroup in certain instances. It should also be noted that while respondents perceived changes in attorney action, over all they did not feel the need to alter the way their courtrooms are administered. Judges may not feel any perceived changes are within their legal or practical power to address, or it may be that these perceived changes in attorney behavior are minor. One area for future research would be to survey, in detail, both defense and prosecution counsel regarding any specific changes in the manner in which they present their cases and in how they select juries. As noted above this research should seek to understand if particular factual or legal issues are related to any changes in lawyer behavior.

While this study resulted in some interesting findings, substantial limitations do apply.

First, the jurisdiction selected is primarily a rural area with a few medium-sized metropolitan areas. Thus, the ability to compare this jurisdiction to larger urban areas is rather limited. Second, while the entire population of circuit court judges in the state was surveyed and the response rate was acceptable for a mail survey, a majority of judges did not respond. Moreover, since the survey was anonymous there was no way to determine if the survey was representative of the population of state circuit court judges as a whole. Last, due to a very small sample size, the use of sophisticated statistical models was not possible. The data are only reported in percentage form. Future research should seek larger, more sophisticated data sets that will allow higher-order statistical analysis.

CONCLUSION

This research represents a small step in understanding the perception of possible “CSI effect.” Our sample of judges did believe that these shows had an impact on their courts but did not feel that they had to change the manner in which their courts were administered. While judges did perceive an increased demand for and distorted perception of forensic evidence since these shows have become popular, they did not perceive an increased use of forensic evidence. Last, a substantial number of judges did perceive an impact of shows like *CSI* upon the behavior of defense and prosecution counsel in a general sense as well as in the area of jury selection. From this research it appears judges in one jurisdiction do perceive that shows like *CSI* to some degree have an impact on the administration of justice. Yet judges do not feel the need to react to this impact by changing courtroom practice. It may be that the “CSI effect” is, in reality, more of a nuisance for those who engage in the administration of justice than a substantial factor in criminal justice processing. Or it may be that the “CSI effect” is substantial in only certain types of cases involving certain issues.

Research that is focused on the impact media has upon citizens and the criminal justice system is not new. This research, however, represents a very early step in understanding any possible effect of shows like *CSI* upon the criminal justice system. Its findings indicate that more research is needed to better understand if, when, and how shows like *CSI* impact the behavior of judges, attorneys, and jurors.

ENDNOTE

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