

The CSI Effect on Today's Judicial System

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ABSTRACT

Researches have affirmed that criminal programs brought with them both positive and negative effects on the public and legal system. This study discusses the various impacts of the CSI series on the court system and the manner in which investigations are performed. According to prosecutors, jurors and journalists, watching televised programs such as Criminal Scene Investigation (CSI) primarily affects the criminal justice system by causing a wrongful acquittal. Other notable effects include increased jury's expectations concerning evidentiary proof, increased legal burden from "beyond a reasonable doubt" to "beyond any and all doubt", criminal immunity to forensic evidence and emergence of popular legal culture among others.

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Introduction

The CSI effect refers to the hypothetical effect of the commonly recognized CBS crime drama known as Criminal Scene Investigation (CSI) (Byers & Johnson, 2009). CSI first appeared on the television network in 2000 and emerged as the second most watched program in 2004. The program garnered approximately 26 million viewers. With the advent of television, legal scholars and practitioners contemplated on the effects of the CSI program. This was hugely driven by the increased popularity of the CSI program across other television networks. The American Bar Association and the Supreme Court acknowledges that television produces various effects on public perception of the legal system. Various reports such as the 2004 USA Today and US News & World Reports commented on the CSI's effect on the jury's verdict across America (Asimow, 2009). These reports pointed out that believing the CSI television dramas will affect the jurors' way of examining criminal trial evidences, hence affecting the delivery of justice. Currently, anecdotal evidence and surface appeal justify these claims since there are no empirical proofs to validate otherwise (Campbell & Ohm, 2007). In addition, if the CSI programs contribute substantially to the pop cultural framework that influences perceptions of the legal system and juror process, then it is necessary to investigate the claims. In light of this, the study discusses the various impacts associated with the CSI programs.

Discussion

CSI programs increased the jury's expectations concerning evidentiary proof, which consequently increased prosecution's burden (Asimow, 2009). The large coverage provided to the CSI programs by the media is the ultimate cause of this impact. Observably, every time a crime is solved using a forensic test in a typical CSI episode, the tests

frequently determine the identity of the lawbreaker. This normally exaggerates forensic science, which creates irrational expectations in the jurors' minds. As a result, jurors acclimatize to the condition that all crimes are solvable by using forensic evidence, which exists as guilt in every crime. Jurors expect forensic proofs in each case because of the success in previous deployment. This forces them to require forensic evidence before convicting criminals. In cases where forensic evidence does not exist, jurors might conclude that there is no appropriate evidence to validate the verdict of guilt. Occasionally, lack of forensic evidence justifies acquittal (Campbell & Ohm, 2007).

Additionally, the CSI programs have generated unreasonable expectations concerning forensic evidence (Dutelle, 2011). The jurors accustomed to watching the CSI series will force police investigators to follow the CSI script. In circumstances where evidence portfolio differs from the CSI script, the jurors will tend to be more critical than their predecessors would. Essentially, jurors highly expect the forensic evidence to be irrefutable, which is frequently possible (Campbell & Ohm, 2007). Some investigators also referred the evidence in the CSI television programs as slam-dunk evidence that is forcefully used to justify guilt. With the high expectations, the juries expect the same slam-dunk evidence as in the dramas; this poses a detrimental problem to the criminal justice system. The CSI's notion, "it is possible to collect useful forensic evidence" as depicted by television programs is defective (Asimow, 2009). Forensic evidence is frequently tampered with and cannot be used at trial. Only under few circumstances such as availability of powerful tools like the DNA evidence, forensic evidence might be an appropriate method of justifying offense (Innes & Wright, 2007). This implies that criminal justice might make wrong decisions when relying on such fabricated forensic evidences.

The alleged CSI effect increases the people's burden (Shelton, 2008). Normally, the prosecution has the responsibility of justifying the defendant guilty "beyond a reasonable doubt." According to the crimi-

nal justice system, evidence dismisses moral conviction, but guilt and the extrapolation of guilt is the only one thing, which can be drawn from facts (Pyrek, 2007). Additionally, for the prosecution to perform its duty, the evidence needs to omit any hypothesis of innocence. As a result, the juror's refusal to convict without absolute forensic evidence heightens the legal burden from "beyond a reasonable doubt" to "beyond any and all doubt." Some homicide investigators expressed their fears that criminals will be acquitted if the criminal justice system tolerates the impacts of the CSI programs (Kim, Barak, & Shelton, 2009).

The CSI effect has made prosecutors obtain convictions through using evidence that provides any reasonable doubt (Kiely, 2006). Despite legal reporters approximating the mathematical level of guilt to mean more than ninety per cent inevitability, firsthand studies indicate that jurors require approximately seventy per cent to perform their jurisdiction responsibility. However, if the jurors are less inclined to prosecute, the so-called CSI effect will effectively increase the prosecution's responsibility (Dutelle, 2011).

Forensic evidence is rather seductive, and in coincidence with the CSI, it becomes overwhelming (Dutelle, 2011). For example, the CSI depicts forensic evidence as foolproof. This implies that forensics identifies lawbreakers with a lot of ease, but never shows how easily it incriminates people. With such absolute confidence, jurors might strongly believe that crime scene evidence is automatically accurate or more conclusive than it appears (Campbell & Ohm, 2007). In addition, the jurors are more hesitant to accept that forensic evidence might face some alterations such as human error or educated guess.

Televised CSI programs also influence people's views regarding forensic tests (Ackerman, 2010). Such views include importance, appropriateness, and weight of scientific evidence. Most importantly, the CSI programs show the amount of expectations of such evidences and

amount of forensic evidence recovered from any crime scene. All these have influence on people's perceptions concerning serious cases such as rape and murder. On television, there is abundant evidence to pinpoint a lawbreaker and analyze results that provide definite answers. As a result, few cases in these programs go unresolved (Campbell & Ohm, 2007). The public also expects the number of resolved cases to increase as perceived by the CSI programs. The public expects to see the highly rated professionalism in dealing with legal matters on television implemented in real life. Overwhelmingly, the defense attorneys and lawyers have to deal with such perceptions and high expectations of public.

Lawyers engage in educating judges about the truth and appropriate applications of certain methods of forensic laboratory abilities (Byers & Johnson, 2009). The criminal justice system not only has the responsibility to explain the existing evidence, but also explains why certain evidence is missing. Some state prosecutors are using the "negative evidence witness" to clarify that not every crime scene yields forensic evidences such as fingerprints and DNA (Byers & Johnson, 2009). Lawyers are facing judges with extremely exacerbated expectation in forensic proofs, judges who expect "yes" or "no" answer without any gray area of "similar" or "maybe." Moreover, prosecutors and lawyers are assessing potential judges during judges' selection to pinpoint those that are excessively influenced by the CSI programs. The resultant effect is trials that take longer time leading to delayed justice. Majority of the prosecutors walk away with acquittals in what were once regarded as routine cases (Kiely, 2006).

The jurors have to manage potentially deceptive forensic evidences (Byers & Johnson, 2009). The spread of the effect upon judges forces them to ensure that trials are fair in order to deliver justice to the concerned parties. The CSI may be a formidable foundation of biasness, and jurors must frequently concentrate on instructions to avert this impact. Judges are getting knowledgeable about forensic science

and laboratories in order to identify the creeping circumstances of the CSI effect in courtrooms.

Televised CSI programs have made criminals immune to the CSI effect (Innes & Wright, 2007). Criminals also watch the CSI programs, and there is a high likelihood that they will change their crime techniques. Despite the CSI programs not being precisely accurate in their depiction of forensic science, many practices shown on television have some grounds in real life. Criminals who are active viewers of the CSI series learn how to cover their trails efficiently. In the CSI movies, as a way of creating and developing plot of the movie, many criminals clean crime scenes by bleaching, to destroy DNA, and wearing gloves to avoid leaving fingerprints. In the movie, this affects collection of forensic evidence. However, the media forget that such actions are implementable in real life. In the real world, where these actions have repercussions, crime scenes are cleaned using the same techniques as in the CSI movies. This infers that law enforcement officers have to increase their effort and provide physical evidence for examination (Campbell & Ohm, 2007). This strains the existing resources to collect, store, and track and examine additional samples. Many forensic laboratories are currently experiencing backlogs due to the influx of samples.

Defense attorneys now have more complicated lives than before the advent of criminal scene investigation (Campbell & Ohm, 2007). The life complications brought by the CSI have both positive and negative effects. On the positive side, they benefit from the judges' ill-advised belief that sciences can solve any crime. With such a belief among the judges, an absence of scientific evidence will probably constitute a considerable doubt and a basis for acquittal. On the negative end, they find extremely difficult to explain the fictions of the CSI television programs (Byers & Johnson, 2009). This creates an undisputable march between the trace of evidence found at the crime scene and examples such as fingerprints and DNA among other forensic evi-

dence stored in the database.

Forensic science displayed in the movies united probability, mathematical aspect, and criminal justice system (Asimow, 2009). In the real world, scientists deal with probabilities but not likelihood, and the manner of calculating these probabilities seems complex. The calculation methods are mostly understood by other scientists and might sometimes appear like a myth in the courtroom. Fingerprint experts may claim that there is 80 per cent probability of obtaining the match, if the accused left a mark and one in several billion chances if someone else left it. Mostly, DNA provides a higher quality of information that can identify the potential criminal than other forms of forensic evidence. However, DNA experts are still working with probabilities and not certainties (Campbell & Ohm, 2007). All the reality checking done to identify criminals results in trials that take extremely longer time. Additionally, cases that would have resulted in quick convicted are ending on acquittals.

Law enforcement officials have reported that citizens viewing the investigatory practices in the CSI shows attempt correcting their actions based on their acquired knowledge (Shelton, 2008). Criminals and their relatives may also demand to know the extent and speed of forensic examination as always depicted in the movies. As a way of dealing with such issues, some police officers and prosecutors have pointed out that it is necessary to change the current investigatory techniques on cases due to the effect of programs such as the CSI (Shelton, 2008). For example, the prosecutor might present “negative evidence” to elucidate to the judge that scientific evidence is not frequently collectable. They might also often use PowerPoint and video presentations as a way of changing the investigatory techniques.

Another effect of the CSI on the criminal justice system is the distortion of the speed of forensic analysis process (Shelton, 2008). The CSI and other investigatory television shows normally provide fictitious

examples concerning the speed of conducting forensic analysis and obtaining forensic results. In the CSI show, fictional investigators obtain results quickly in order to solve the mystery at hand. Under normal situations, the process of the DNA analysis might take about two weeks, but the CSI movies have shaped people's perceptions that the process can take shorter time (Asimow, 2009). This prompts investigation officers to search for crude methods to obtain results faster; hence, they might end up altering the process. The entire criminal justice process might convict the accused basing on wrong forensic evidence.

CSI shows have also distorted the true characteristics of daily life of a forensic scientist (Ackerman, 2010). In the shows, forensic scientists are frequently depicted on the background of unrealistic scenes. The shows further associate the job of a forensic scientist with expensive cars such as Hummers and trendy clothes. The distortion extends to criminal justice roles, which are fictionally blended. In real life, forensic examiners hardly get involved in interrogations or deployment of the deadliest force (Asimow, 2009). Additionally, the roles such as analysis, collection, apprehension and interrogations of a forensic worker are combined in plot lines. In real life, the roles are distinguished and sometimes performed by different individuals who specialize in different areas of forensic research. The CSI shows normally depict scientists as "jacks of all trades."

Criminal investigations shows might pervert the complexity of forensic collection of evidence, interpretation of issues regarding evidence collection in adversative situations, degradation of evidence and likelihood of comprised crime scenes (Asimow, 2009). Television shows like the CSI fuel the misconception of frequency and import of scientific evidence in an average criminal legal suit. Frequently, the dramas over-stress the role played by scientific evidence in an average criminal case. As a result, the CSI shows rarely do not consider the ability and impact of eyewitnesses and situational evidence in identifying

the criminals (Dutelle, 2011).

Active CSI viewers might demand expensive forensic tools and investigation methods for average crimes committed (Pyrek, 2007). This prompts the police and prosecutors to perform defensive investigations by deploying falsified scientific analysis to satisfy citizens' demands. Defensive investigations increase both departmental and jurisdiction costs and workload on forensic labs. The latter might potentially accelerate backlogs. Notably, many jurisdictions frequently do not have sufficient resources to meet higher-end citizen's demands. Falsified forensic analysis is extremely detrimental in the delivery of justice since it increases the likelihood of wrong conviction due to wrong identification of the criminal (Byers & Johnson, 2009).

Criminal investigation shows have increased people's awareness of and interest in the investigatory field. Many people look forward to the jury responsibility, and some commentators have affirmed that the CSI fanatics, just like judges, might analyze expert scientific and professional testimony (Asimow, 2009). Currently armed with a better understanding of the role of the crime scene investigator, judges might effectively follow and understand expert witness testimony. According to the CSI developer, there is a profound educational value in these shows due to the emergence of well-informed judges. Thanks to the CSI program (Campbell & Ohm, 2007).

The CSI shows on television have led to the emergence of the popular legal culture (Asimow, 2009). Despite the fact that only few individuals have had an access to courtrooms: millions are continuing to enter courtrooms virtually through television. Initially, before one became a plaintiff, one had to confess at trial. Examples of other criminal investigation series that promote legal culture include Perry Mason, The People's Court and Law and Order among others. Perry Mason series showed that a true criminal confesses at trial (Byers & Johnson, 2009). Law and Order proved that prosecutors never act

with low certainty of guilt. The People's Court demonstrated that jurors oppose depraved defendants. In addition, the enhanced authority obtained by this pop cultural representation increases personal experience to draw upon. As a result, the CSI programs create an understanding of law and justice and the entire legal process (Asimow, 2009).

The proponents of the CSI effect strongly believe that the CSI programs equip its fans with profound expectations concerning the cohesion of scientific evidence (Ackerman, 2010). This implies that when viewers accustomed to the CSI shows become judges they will expect some forensic proof, as a requirement for conviction, from the prosecution. Such judges might also wrongfully acquit under circumstances where there are no forensic evidences, or it is irrelevant.

Regular viewing of the CSI shows such as Law and Order influences judges into considering real cases through a misguided prism of fiction (Byers & Johnson, 2009). This might tilt jurors to make wrong conclusions that are in contrary to justice. Court trials have frequently demanded plaintiffs to traverse the delicate consciousness of the law fact-finder. However, presently, successful trial attorneys must fully navigate beyond the fixed opinions and prejudgment that judges frequently have prior to the court hearing (Asimow, 2009). This demands the judges to dislocate themselves from the exaggerated notions of crime scene investigations and forensic evidence. Apparently, the reality depicted by the CSI shows is disagreeable, the plot is unplanned, and no expert actors deliver the crime scenes.

Forensic analysis, in the CSI shows, leads to a single, objective and exact answer (Asimow, 2009). However, in real life situations, forensic results are only beneficial as the experts who retrieve and test evidence make conclusions. For instance, different technicians can assume DNA differently if it is unknown to the average citizen and is not disclosed in the CSI. This is worrying as forensic evidence rarely

resembles science. This implies that it is not an apparent mechanical and concrete indicator of inevitability to be relied upon by the judges (Asimow, 2009). The scientific community has not experimentally proved numerous methods deployed in real life police forensic investigation. Additionally, various legal scholars questioned if real science agrees courtroom science that includes dog sniffing, ear prints, fingerprints, hair analysis and handwriting identification. Nevertheless, the CSI and its world of fantasy suggest that real science supports courtroom science (Asimow, 2009). In addition, judges usually associate scientific evidence with truth or impartiality. This implies that forensic evidence is likely to tip the scales of justice in favor of people. Hence, notwithstanding considerable doubt, the jury is most likely to convict.

The depiction of characters in the CSI shows suppresses concerns for human error while exaggerating the professional status of crime scene investigators (Ackerman, 2010). The criminal investigation team never keeps a personal motivation to involve in wrongdoing or infringe the standards of their career. Forensic professionals in the real world have to come under scrutiny. Many crime scene investigators, forensic scientists, and crime reconstruction professionals lie and forge credentials, and formulate evidence (Dutelle, 2011). An example is a forensic “star” that attested in various lawsuits and faked test outcomes. This fraud might lead to the imprisonment of 203 to 335 years.

The CSI shows have affected the way of educating forensic scientists, which in turn affects the criminal justice system (Byers & Johnson, 2009). Formerly an undergraduate degree in science would earn an individual a place to pursue Master’s. The increased popularity of the CSI shows caused an increase in the demand for graduate programs and undergraduate courses in forensic science. As evidenced in 2004, forensic programs at University of California and Florida International University doubled in size due to the CSI effect. The increased popu-

larity of forensic programs implies that there will be more applicants for crime scene investigation and laboratory technicians. As a result, the criminal justice system receives fresh-from-college applicants to meet forensic demands (Asimow, 2009). However, there are concerns that these applicants are not adequately prepared for the real world forensic work. Most of them decide to pursue forensic courses after getting convinced by watching the CSI shows. Inadequately prepared forensic scientists pose a threat to the criminal justice system because they are most likely to analyze reports poorly. Thus, might lead to wrong decisions (Campbell & Ohm, 2007).

Conclusion

The CSI shows have various impacts on the criminal justice system. The large coverage provided to the CSI shows by the media is the critical cause of these impacts. The CSI programs increase the jury's expectations concerning evidentiary proof, which consequently increases prosecution's burden. As a result, jurors who are accustomed to The CSI will force police investigators to follow the CSI script. The CSI effect has made prosecutors obtain convictions through using reasonable doubt. The show normally provides fictitious examples concerning the speed of conducting forensic analysis and obtaining forensic results. Forensic science displayed in movies linked probability and criminal justice system. Law enforcement officials have reported that citizens viewing the investigatory practices in the CSI shows attempt correcting their actions based on their acquired knowledge. The proponents of the CSI effect strongly believe that the CSI programs equip its fans with profound expectations concerning the cohesion of scientific evidence.

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