



### E5 Juror Expectations for Scientific Evidence in Criminal Cases: Empirical Studies of the “CSI Effect” Myth

Donald E. Shelton, JD, PhD\*, PO Box 8645, 101 East Huron, Ann Arbor, MI 48107; and Gregg Barak, PhD, and Young S. Kim, PhD, Eastern Michigan University, Department of Sociology, Anthropology, and Criminology, Ypsilanti, MI 48197

After attending this presentation, attendees will learn that the results of two empirical juror studies do show increased juror expectations and demands for scientific evidence but do not support the simplistic accusation that “CSI” and similar television programs are the cause of those heightened expectations. Attendees will be presented with the suggestion of a larger cultural “tech effect” on jurors and to the suggestion that law enforcement and forensic scientists must adapt to the increased juror expectation generated by that phenomenon.

This presentation will impact the forensic science community by revealing the nature and extent of juror expectations for scientific evidence and confronting ways in which the forensic science community must adapt to those heightened expectations and demands.

The so-called “CSI effect” has many meanings but its most popular connotation, called the “prosecutor version,” is that jurors are wrongfully acquitting criminal defendants when the prosecution does not present the sophisticated (and perhaps non-existent) types of forensic science evidence featured on popular crime scene investigation television programs. Prosecutors blamed jurors when they lost cases. The news media picked up on these complaints, accepted them as factual, and quickly labeled it the “CSI effect.” The mass-media-created CSI effect was repeated again and again, almost always in the context of blaming the television programs for what prosecutors claimed was a *crisis* of misguided juror demands for scientific evidence. But is it true?

The presentation focuses on two large empirical studies of Michigan jurors in diverse jurisdictions, finding that this “prosecutor version” of the so-called CSI effect cannot be substantiated empirically. In the first study, 1,027 persons called for jury duty in Washtenaw County, Michigan were surveyed as to their television watching habits, their expectations for scientific evidence in certain types of criminal cases, and their likelihood of conviction in several evidentiary scenarios. In the second study 1,219 jurors were surveyed in Wayne County (Detroit), Michigan. The survey was similar but also included questions designed to test the earlier suggestion of a “tech effect” as the cause of juror expectations and demands.

Statistical analyses of the survey results reveal that modern jurors do have high expectations that the prosecutor will produce scientific evidence and that, in some cases, jurors will demand such evidence before voting to convict. However, there is no significant statistical relationship between those factors and the television viewing habits of the jurors. It is suggested that the increased expectations and demands arise from a much greater cultural shift toward the awareness and use of technology, described as the “tech effect.” Analysis of the separate, and then the merged, data from the two studies supports the suggestion of this “tech effect” based on cultural changes, rather than any direct impact from viewing certain specific or genre television programs.

It is suggested that while the prosecutor version of the CSI effect is a myth, there are indeed increased juror expectations that arise from the combination of the tech effect, the general media portrayal of forensic evidence, and the misperception of attorneys and judges that the CSI effect really does exist. Possible justice system responses to that combined effect will be explored.

It is suggested that the legal system, and in particular the role of forensic sciences in the criminal justice system, must adapt itself to modern juror expectations rather than blaming jurors for “unreasonable” expectations and demands for forensic science evidence. In our legal system, jurors decide what is proof beyond a reasonable doubt and jurors have decided that what is “reasonable” to expect from the prosecution in a criminal case is very different from what was considered reasonable just a few years ago. To meet those expectations, the government will have to expend a significant amount of resources and energy, both before and during trial, and the cost and methods for meeting those expectations will be discussed.

#### CSI Effect, Jurors, Evidence