

Empirical Study Clarifies Rumored “CSI Effect”

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Many lawyers and journalists have suggested that the continuing popularity of television programs like *CSI: Crime Scene Investigation* have impacted the way jurors who frequently watch those shows decide cases. In particular, the concern has been that regular CSI watchers will: (1) demand more from the prosecution in terms of scientific evidence, and (2) wrongfully acquit guilty defendants when scientific evidence is not available. For that reason, some prosecutors have focused on identifying prospective jurors in voir dire who watch CSI and other, similar crime shows.

However, one recent study suggests that where serious crimes are involved the “CSI effect” is not limited to jurors who watch crime shows and, therefore, is not truly a “CSI effect” at all. Instead, the authors conclude that “[r]ather than any direct

‘CSI effect’ from watching certain types of television programs, . . . juror expectations of and demands for scientific evidence are the result of broader changes in popular culture related to advancements in both technology and information distribution. . . . These increased expectations and demands of jurors therefore could be more accurately referred to as the ‘tech effect’.”

A Michigan Circuit Judge and two Eastern Michigan University criminology professors administered surveys to 1,027 persons who had been summoned for jury duty in Michigan state court. The surveys were completed when the potential jurors were waiting for jury duty, before they had been selected to sit on a case or exposed to any voir dire. The survey measured television viewing habits and expectations regarding the likelihood that scientific evidence would be presented by the prosecution in certain types of criminal cases.

The survey then presented thirteen case scenarios with differing levels of scientific evidence and asked the respondents to indicate the likelihood that they would find the defendant guilty given the evidence described.

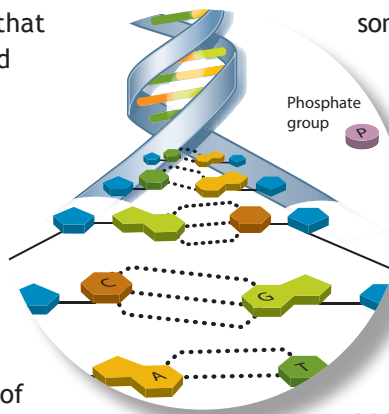
The study found that about 42% of the survey respondents watched CSI on occasion, often, or regularly. Further, a substantial proportion of respondents (46%), expected to see some kind of scientific evidence in every criminal case. As the seriousness of the charge increased, so did the expectation for scientific evidence.

For example, 74% of respondents expected some type of scientific evidence in cases of murder or attempted murder. Similarly, 73% expected scientific evidence in cases of rape or other criminal sexual conduct. Jurors who watched CSI were only slightly more likely than non-watchers to expect to see scientific evidence. And, even that finding applied only in certain types of cases. Overall, the results suggest that most jurors, not just those who watch CSI and similar shows, expect to see some type of scientific evidence in trials of serious crimes.

The results also did not show that jurors who watch crime-related television programs were any more likely than other jurors to demand scientific evidence as proof of guilt. Further, only in cases where the prosecution had otherwise relied exclusively on

circumstantial evidence and in cases of sexual assault did a meaningful percentage (42% for circumstantial evidence cases, and 26% for sexual assault cases) of the survey respondents require scientific evidence as a prerequisite for finding guilt.

Source: Donald E. Shelton, et al., *A Study of Juror Expectations and Demands Concerning Scientific Evidence: Does the “CSI Effect” Exist?* 9 VANDERBILT J. OF ENT. & TECH. LAW 331 (2006).



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