

The CSI: Effect



Presented By: Kenneth Stecker
Traffic Safety Resource Prosecutor
Prosecuting Attorneys Association of Michigan


A Special Thank You to Oakland County Chief
Assistant Prosecuting Attorney Paul Walton

2009 Lifesavers Conference
Nashville, Tennessee



Nielsen Ratings September 1 – 8, 2008

1. "NBC Sunday Night Football," NBC, 18.35 million viewers.
2. "NBC NFL Thursday Special," NBC, 13.53 million viewers.
3. "Sunday Night NFL Pre-Kick Show," NBC, 13.34 million viewers.
4. "Fox NFL Sunday-Post Game Show," Fox, 12.91 million viewers.
5. "Deal or No Deal," NBC, 10.96 million viewers.
6. "America's Got Talent" (Tuesday), NBC, 10.77 million viewers.
7. "America's Got Talent" (Wednesday), NBC, 10.25 million viewers.
8. "60 Minutes," CBS, 10.08 million viewers.
9. "Football Night in America," NBC, 10.03 million viewers
10. "Bones," Fox, 9.74 million viewers.
11. "The OT," Fox, 8.99 million viewers.
12. Republican Convention Coverage (Thursday), NBC, 8.66 million
14. "NCIS," CBS, 8.17 million viewers.
15. "Two and a Half Men," CBS, 7.83 million viewers.
16. "House," Fox, 7.75 million viewers.
17. "CSI: Crime Scene Investigation," CBS, 7.27 million viewers.
18. "Big Brother 10" (Sunday), CBS, 7.20 million viewers.
19. "Hole in the Wall" (Preview), Fox, 7.15 million viewers.
20. "America's Toughest Jobs," NBC, 7.14 million viewers.



The FBI Training Network Presents
"The CSI Effect – Fact or Fiction"

Fiction

- No statistical data
- "Sore losers"
- Healthy juror skepticism
- Show favors prosecutors

The influence of TV programs like CSI is having a growing impact on court decisions. Panelists are representatives from the forensic video, legal, digital video and entertainment communities. Learn what you can do to help separate fact from fiction in the minds of the jury.

MARICOPA COUNTY ATTORNEY'S OFFICE
ANDREW B. THOMAS, COUNTY ATTORNEY

- 38% suffered at least one "CSI" acquittal or hung jury
- 70% voir dire on "CSI" (type shows)
- 72% believe that "CSI" has caused some jurors to believe that they have an "expertise" gained from watching "CSI"

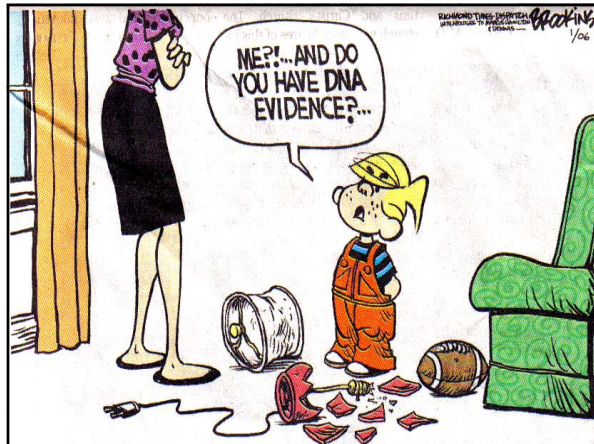
CNN.com WITH FREE VIDEO

- "Does watching the forensic shows like 'CSI' make people better jurors?"
- 6,247 internet responses
- 35% responded "Yes" = (4.2 jurors)

Meet real crime w ■ Criminalists say many gizmos shown on the 'CSI' programs create unrealistic expectations.

LOS ANGELES — A 23-year-old criminalist who works for the LAPD's Scientific Investigations Unit says he has seen a lot of "CSI" shows. He says the shows have created unrealistic expectations for what he does for a living.

"We get calls from detectives saying, 'I know you can do this because I saw it on 'CSI.' " said Steve Johnson, commander of the LAPD's Scientific Investigations





(AP) When Tammy Klein began investigating crime scenes eight years ago, it was virtually unheard of for a killer to use bleach to clean up a bloody mess

QUOTE from Officer in charge

Jermaine McKinney is led to his arraignment to the Trumbull County, Ohio courthouse earlier this month. He allegedly used bleach to get blood off his hands to avoid leaving a blood trail. (AP)

"They're actually educating these potential killers even more. Sometimes I believe it may even encourage them when they see how simple it is to get away with on television."



CSI:
CRIME SCENE INVESTIGATION

Episodes

Kiss-Kiss, Bye-Bye



Nick reviews the security tapes and using enhancement discovers that the victim was handing an airline boarding pass to his driver.

Under the Influence

CSI team enlarges a digital photo taken by a bystander to reveal the image of the victim and her attacker reflected in the eye of another bystander.



Mikrosil

A casting material (Mikrosil) is injected into homicide victim's stab wound to cast a mold of the murder weapon.



Chemical Analysis

Suspect's hair is tested to reveal his involvement with explosives.



Air sample is collected at a crime scene and tested to determine the brand of perfume worn by the killer.

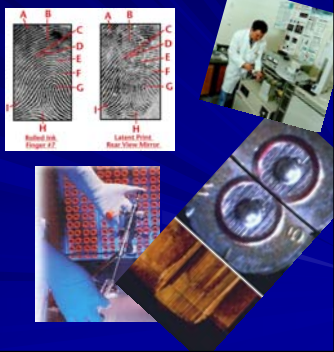
Misleading viewers – the CSI Effect

- Forensic results are available immediately
- Every jurisdiction has access to state-of-the-art forensic testing
- No fiscal or manpower limits
- Every crime scene has physical evidence suitable for testing
- Every criminalist is an expert in all forensic sciences
- Criminalists are all brilliant, intuitive and good looking
- Forensic evidence is foolproof
- Scientists get the opportunity to personally confront the suspect with their findings – and then get the suspect to confess.



Managing the CSI: Effect

- Know what scientific testing is available
 - Lab tours
 - Library
 - Specialization
 - PAAM/NCDA training
 - E-journal
- Training
 - Police Departments
 - Prosecutors



Managing the CSI: Effect

Collect and preserve more physical evidence



Managing the **CSI:** Effect Know what TV is teaching your jurors



Managing the **CSI:** Effect Voir Dire

- "Do you watch 'CSI', 'Cold Case' or any of the other TV programs depicting crime scene investigations and scientific or forensic evidence of crime?"
- "What do you think of those shows? What do you like about them?"
- "Do you think that they realistically portray the scientific tests they show?"
- "Do you think we should consult Hollywood for an accurate understanding of real-world forensic science or police work?"

Voir Dire

- "Do you understand the difference between those fictional shows and real life? Between actors playing a role and real police officers and scientists? Between entertainment and real police work?"
- "Did you know that William Petersen, the actor who plays Gil Grissom on 'CSI', went to Congress to lobby for money to fund the backlogged crime labs across the country, and told Congress that real-life crime scene investigation is very different from the fictional world of his TV show?"
- "Did you know that in 2004 the show 'CSI' won the entertainment industry's 'Saturn Award' for best 'science fiction' TV show? Did you know that 'CSI' shared that award with 'Buffy The Vampire Slayer', and beat out 'Smallville' (about young Superman) and 'Star Trek: Next Generation'?"

Voir Dire

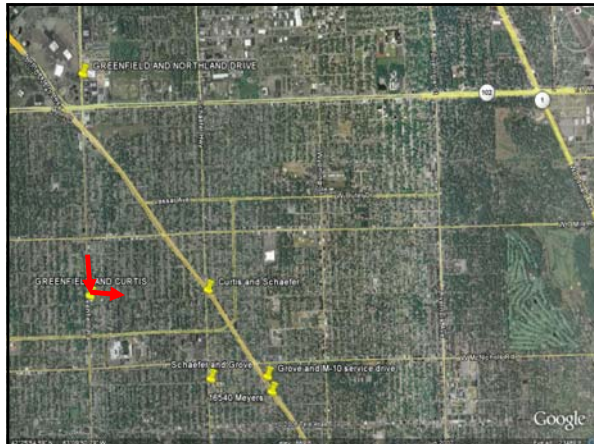
- "Do You believe that in real life fingerprints can be found in every surface, in every case?"
- "Do you understand that the law requires me to prove the defendant's guilt beyond a reasonable doubt, but it does not require me to present any specific type of evidence, including scientific evidence?"
- "There are many types of evidence: Direct, circumstantial, eye-witness, confessions, fingerprints - do you understand that the law does not prefer one type of evidence over another?"
- "Is there any particular type of evidence you would need to see before you could find a person guilty of a crime?"
- "Do you understand that in real life there isn't always scientific evidence like there is on 'CSI' TV?"
- "If the evidence of guilt in this case is strong enough, would you be able to vote guilty even if no scientific evidence was available?"

Managing the **CSI:** Effect Court Room Presentation

Visual aids

- Photographs
- Video
- PowerPoint
- Computer animation







Intoxication

To prove that the defendant operated a motor vehicle while intoxicated, the prosecutor must also prove beyond a reasonable doubt that the defendant was operating the vehicle with a bodily alcohol level of 0.08 grams or more per 100 milliliters of blood. (Criminal Jury Instructions 15.3)

STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
Michigan State Police
Laboratory Report

Reference: 00000000	Case No: 00000000	Officer: 00000000
Name: Sheriff, A. Franch	Case No: 00000000	Officer: 00000000
Address: 00000000000000000000	Case No: 00000000	Officer: 00000000
Name: 00000000000000000000	Case No: 00000000	Officer: 00000000
Address: 00000000000000000000	Case No: 00000000	Officer: 00000000
Name: 00000000000000000000	Case No: 00000000	Officer: 00000000

LABORATORY REPORT

Reference: 00000000

Evidence Received:

- 1 - Sealed Michigan State Police Specimen Bag (757500) containing:
- 1 - Tube with serum, 2 ml, blood
- 1 - Tube with serum, 2 ml, blood

Additional examinations will be conducted on the submitted specimens. Results of those examinations will follow at a later date.

MICHAEL J. FRANCH
LABORATORY SUPERVISOR

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LABORATORY SUPERVISOR

Michigan State Police Laboratory
3000 State Street
Lansing, Michigan 48206
Phone: (313) 286-1000

Managing the **CSI:** Effect



- Closings
- Jury Instructions
- Speak with jury
- Contact experts after trial



