

Utjecaji i izazovi CSI efekta - hrvatski primjer

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DIGITALNI AKADEMSKI ARHIVI I REPOZITORIJI

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Influences and challenges of the CSI effect - Croatian example

Summary

In the Republic of Croatia, the impact of 'CSI' series on the judicial system (the so-called CSI effect) has not been investigated so far up to now. The aim of this study was to examine the impact of the CSI effect on the operation of the judicial system in the Republic of Croatia. An online survey among 104 lawyers was conducted. The results were the following: respondents believe that crime TV series did not influence the way investigations are conducted, their behaviour, court decisions and the way they communicate with the public. They feel that public expectations have changed in part due to crime TV series, but they also think that they have not influenced their behaviour or the decision-making of the courts. They also believe that crime TV series have partly influenced criminal behaviour and state that such series also partially simplify the ways in which the police conduct investigations. Regarding the way of understanding the operation of the judicial system, the respondents believe that crime TV series make it difficult to understand the Croatian legal system and do not accurately portray court proceedings. Respondents stated that crime TV series do not accurately show the availability and value of clues collected at the crime scene. We can conclude that the general attitude of the respondents is that crime TV series have no influence on themselves or the courts, but they believe that such series still leave a mark on the public which, under their influence, creates a misperception about the way the legal system works and functions.

Keywords: *crime TV series, lawyers, courts, investigation, legal system.*

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1. INTRODUCTION

The popularity of crime TV series is sufficiently evidenced by the fact that the crime TV drama 'CSI' ('Crime Scene Investigation'), which was first broadcast in October 2000, was rated as the most watched drama on television. Speaking of numbers, according to research conducted continuously by Nielson Television (2004) during 2004 and 2005, crime TV series were the second most watched type of TV program in the United States with an average number of viewers of 26.4 million. In support of their popularity is the fact that after the first season of the 'CSI' series aired, numerous other versions of the same or similar series were created on other television networks, and 'CSI' was called the most popular television program in the world.

Given the above, it can be concluded that the interest of the media and the public in the functioning of the criminal justice system has lasted for a long time, and this can be best seen in recent years, along with their great impact on informing and misinforming people. The way in which crime and criminal acts are portrayed in these series also affects the perception of law and the penal system in real life. Gharaibeh (2005) concluded, based on his research, that with the rise of technology, the importance of the media will only grow even more. Likewise, Baskin and Sommers (2010) state in their research that, with the rise of crime and justice topics in the media, the CSI effect has taken hold of the public, in the way that watching such television shows has changed attitudes about expectations and decision-making and the use of scientific evidence in court.

1.1. What is the CSI effect?

There are several definitions by which the CSI effect could be explained. The CSI effect can be described as an exposure to television programs showing forensic science, which result in a change in the way jurors evaluate forensic evidence. Aronson, Wilson, Akert (2002) state that the hypothesis most frequently investigated, regarding the CSI effect, suggests that shows like 'CSI' display an unrealistically high standard of forensic science and thus increase jurors' expectations, leading to a situation where jurors are more prone to acquittal and prosecutors face a greater burden of proof. Cole and Dioso Villa (2007) state that the CSI effect is actually a publicity effect, ie they believe that the media, through their influence, lead to potential jurors having distorted views. Furthermore, they believe that these distorted views affect jury verdicts because cases in which convictions would be handed down, now, under the influence of the 'CSI' and other crime series, result in acquittals.

For example, Stinson, Patry, and Smith (2006) state that the CSI effect can be described using the following four assumptions: 1) legal professionals adjust their behaviour to meet jurors' expectations due to the occurrence of 'CSI' series and movies; 2) jurors are more likely to acquit a defendant if they are fans of 'CSI' series and films because they expect qualitatively and quantitatively better scientific evidence; 3) 'CSI' series and films have aroused students' interest in enrolling in forensic studies, courses and colleges; 4) due to the occurrence of 'CSI' series and movies, criminals can learn how to evade justice more easily and stay unpunished.

Stinson, Patry, and Smith (2007) examined 127 of a total of 180 forensic and legal officers who attended a regional conference on the investigation of fatal cases. The results obtained from the research showed that the respondents mostly agree that 'CSI' series influence

people's perception of the police and forensic investigations. Shelton (2006) collected 1,027 opinions of randomly surveyed jurors for the purposes of his research. The survey data show that 46% expected to see some kind of scientific evidence in each criminal case, 22% expected to see DNA evidence in each criminal case, 36% expected to see fingerprints in each criminal case, 32% expected to see laboratory evidence of ballistic or other firearms in each criminal case. Also, the survey found that more respondents expected DNA evidence in cases such as murder and attempted murder (46%) and rape (73%) than in other types of crime. Greater number of respondents emphasized that they expected evidence of fingerprints in cases of robbery and burglary (71%), any case of theft (59%) and in crimes involving the use of weapons (66%). A study in Maricop County (2005) reported that 38% of lawyers reported losing a case due to the CSI effect; 45% of lawyers claim that jurors relied too heavily on scientific evidence, that are not real in everyday life, to make their decisions, due to the influence of 'CSI' series and movies, and 72% of lawyers said jurors who were 'CSI' fans influenced other jurors when making their decision.

Apart from the above, some authors have investigated the influence of 'CSI' series on students' enrollment in forensic programs, and it has been shown that series have some influence on the choice of studies among students (Slak et al., 1986). Taking into account the shown impact of the CSI effect, the aim of this study was to investigate the attitudes of people employed in the judicial system, ie to find out whether crime series affect them and their work and if they do, to what extent and where is this impact most evident, also, their views on the impact of such series on people and their understanding of the work of the judicial system of the Republic of Croatia were examined. This is the first research of its kind in the Republic of Croatia.

2. MATERIALS AND METHODS

The research was conducted using an online survey questionnaire. The questionnaire contained twenty questions, four of which were general demographics about gender, age, profession and occupation, and the other sixteen questions were about their attitudes related to the impact of crime series both on themselves and on the people exposed to them.

The questions contained in the questionnaire were related to the impact of crime series in their work, the way of communication with the public, the way investigations are conducted in their cases, the impact of science and technology on the way they work and the attitude on the availability of evidence at the scene, the impact of series on people and on their experience of the legal system, the impact on the victims of the crime, the work of courts, criminal behaviour and similar. Responses were rated according to a Likert scale of 1-5 with 1 indicating that the respondent completely disagreed with the statement, while 5 indicated that the respondent fully agreed with the statement.

The survey was conducted in the period from July 1, 2020 to August 31, 2020. The respondents were people employed in the judicial system of the Republic of Croatia, ie lawyers and trainee lawyers. The survey was sent electronically to randomly selected and publicly available e-mail addresses, found on the website of the Croatian Bar Association (<http://www.hok-cba.hr/>). After conducting the survey, a database was created with all the collected samples, which were then statistically processed. The level of statistical significance was set at $p < 0.05$. The survey

was approved by the Ethics Committee of the University Department of Forensic Sciences, University of Split on 1 July 2020, ed. no. 2181-227-05-12-20-0003; class: 024-04 / 20-03 /.

3. RESULTS

The survey was sent to 850 addresses, and a total of 104 people responded to the survey (12.24%). A total of 104 people were interviewed, of which 59 were female and 45 were male. The average age of all respondents is 42.1. The average age of the surveyed males was 41.7, and of the females 41.8.

All the respondents were of the legal profession, of which the largest number pointed out that they were a lawyer or a trainee lawyer by profession. As for the occupation, they all stated that they are law graduates or masters of law.

When we talk about the impact of technology on the way they work, most respondents, regardless of gender or age, fully or partly agreed (97%) that changes in science and technology have affected how they do their job. The response frequencies are shown in Figure 1.

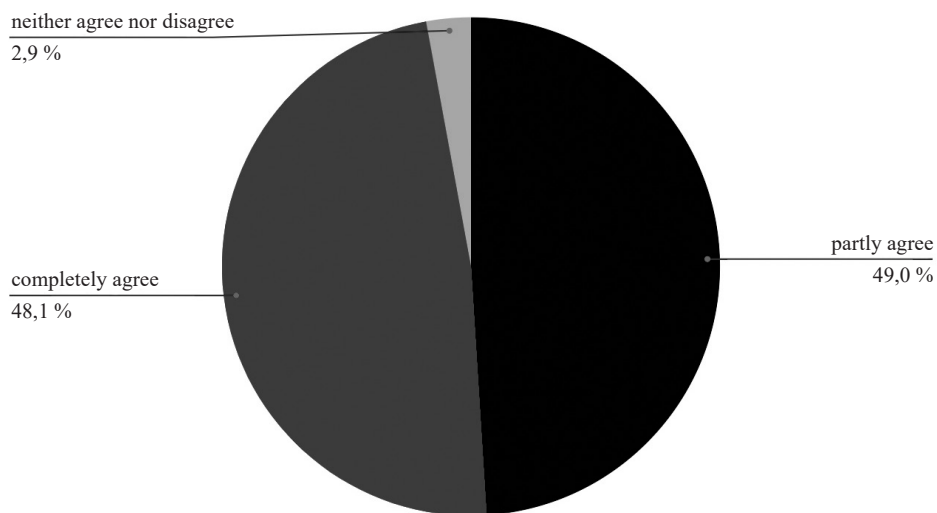


Figure 1 Attitudes about the impact of science and technology

Table 1 shows respondents' views on whether crime series have changed the way investigations are conducted.

| Possible answers | Women N (%) | Men N (%) | Total N (%) |
|----------------------------|-------------|-----------|-------------|
| Completely agree | 2 (3.4) | 0 (00.0) | 2 (1.9) |
| Partly agree | 13 (22.0) | 12 (26.7) | 25 (24.0) |
| Neither agree nor disagree | 22 (37.3) | 7 (15.6) | 29 (27.9) |
| Partly disagree | 6 (10.2) | 8 (17.8) | 14 (13.5) |
| Completely disagree | 6 (27.1) | 18 (40.0) | 34 (32.7) |

Table 1 Average responses on the impact of crime TV series on the way investigations are conducted

When asked whether they believe that crime TV series have influenced the way they conduct investigations, most respondents agreed that crime TV series have not influenced the way they conduct their investigations, with 40% of males completely disagree with this statement. While females mostly neither agree nor disagree with the stated statement (37.3%).

Respondents were asked about the impact of crime TV on the way they communicate with the public (Figure 2). The majority of respondents agreed that the way of communicating with the public has not changed under the influence of such series, and therefore the overall average score is quite low, i.e. 2.45, with 33.7% of respondents that completely disagree with this statement, and 31.7% neither agree nor disagree.

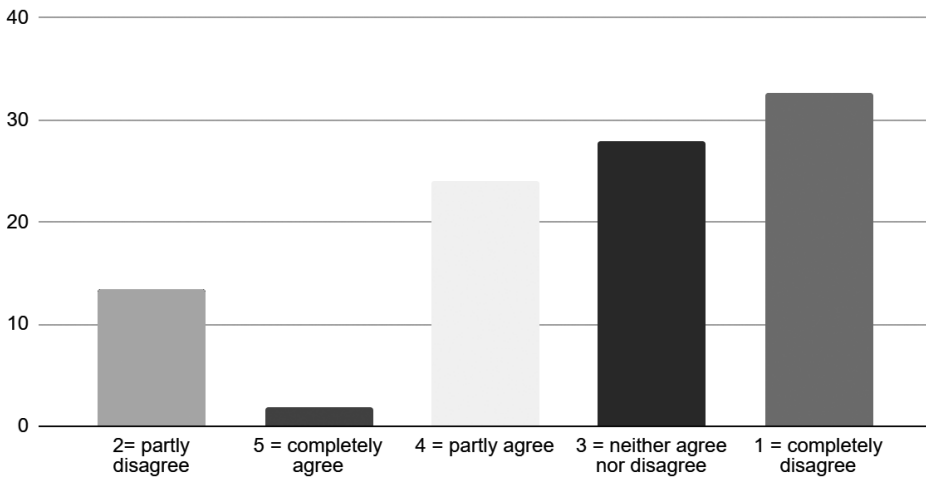


Figure 2 Frequency of lawyers' responses to the impact of crime TV series on the way they communicate with the public

Figure 3 shows the responses as to whether public expectations have changed as a result of the series. Figure 4 shows respondents' views on the impact of crime series on crime victims and their expectations of the police.

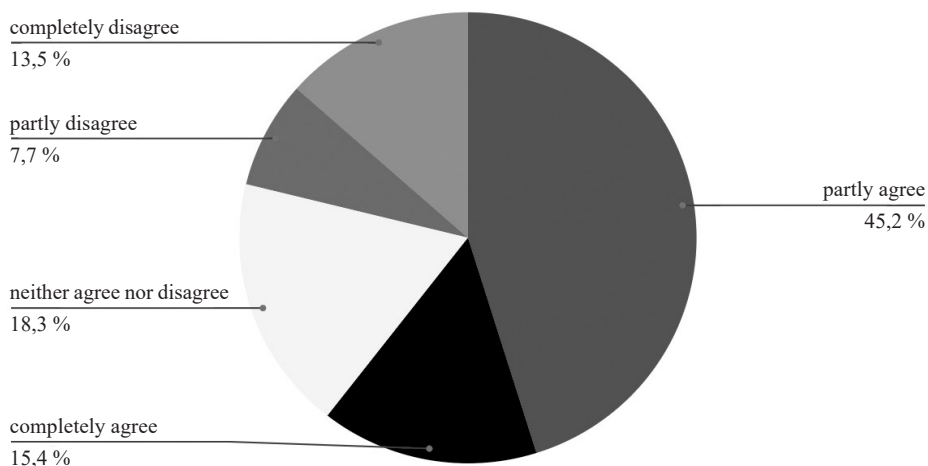


Figure 3 Attitudes about changing public expectations due to CSI series

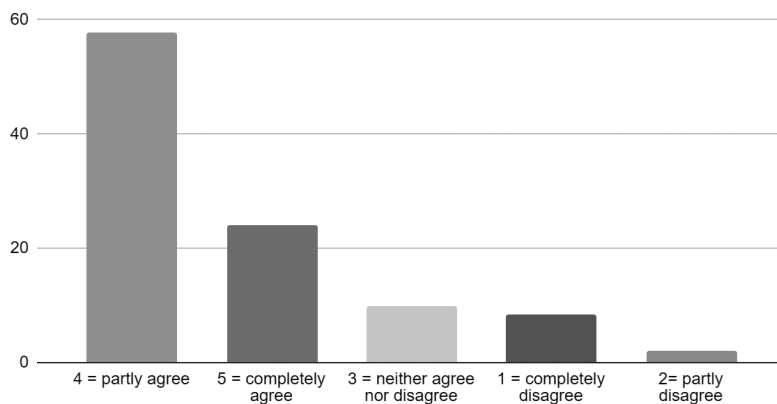


Figure 4 Respondents' attitudes about the impact of crime series on crime victims and their expectations of the police

Regarding the attitudes of the respondents regarding the impact of crime TV series on the crime victims and their expectations from the police, the majority of the respondents completely (24%) or partly agree (57.7%) with the stated statement.

Almost half of the respondents do not think that public expectations influenced the behaviour in individual cases (Figure 5).

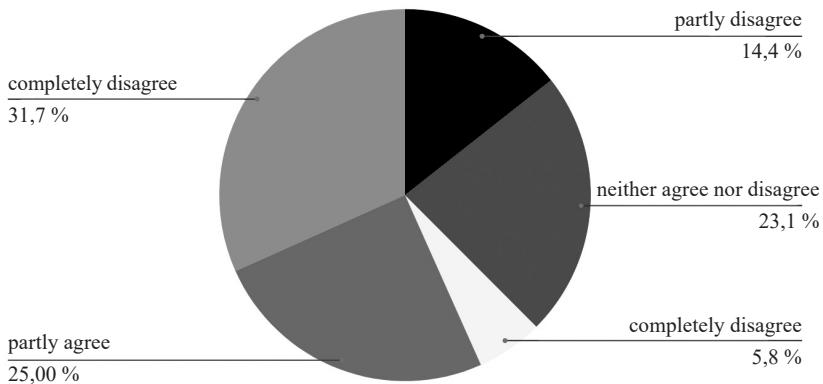


Figure 5 Attitudes related to the influence of the public on the lawyers' behaviour

Table 2 shows the responses to the claim that crime series influence how courts make their decisions.

| Possible answers | Women N(%) | Men N (%) | Total N (%) |
|----------------------------|------------|-----------|-------------|
| Completely agree | 1 (1.7) | 1 (2.2) | 2 (1.9) |
| Partly agree | 1 (1.7) | 5 (11.1) | 6 (5.8) |
| Neither agree nor disagree | 14 (23.7) | 11 (24.4) | 25 (24.0) |
| Partly disagree | 14 (23.7) | 6 (13.3) | 20 (19.2) |
| Completely disagree | 29 (49.5) | 22 (48.9) | 51 (49.0) |

Table 2 Influence of crime TV series on court decisions

Regarding the influence of crime TV series on criminal behaviour of the total number of respondents, most of them partly agree with this statement (43.3%) and 29.8% of them neither agree nor disagree.

Figure 6 shows the answers to the question of whether crime series influence criminal behaviour.

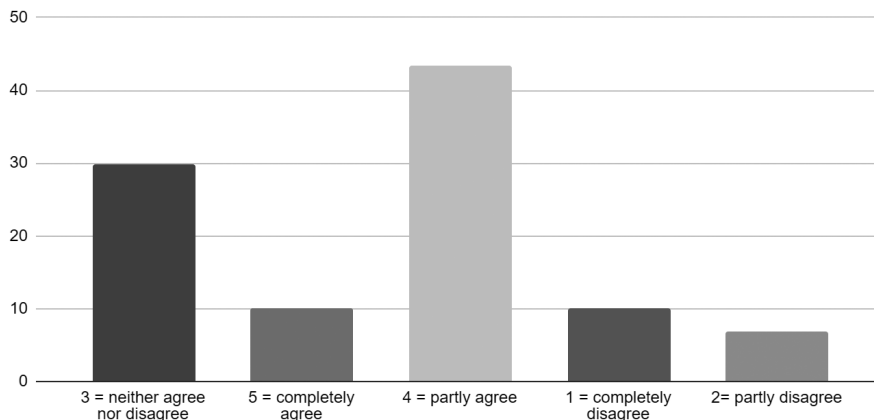


Figure 6 Influence of crime TV series on criminal behaviour

Table 3 shows the frequencies of attitudes related to the impact of crime TV series on police investigations and the justice system.

| Question: | Men | Women | Total | P (M and F) |
|--|------|-------|-------|-------------|
| 9. Crime TV series can be useful during a police investigation | 3,00 | 2,76 | 2,89 | 0,30 |
| 10. Crime TV series ('CSI') simplify the ways in which the police conduct investigations | 3,24 | 3,30 | 3,27 | 0,38 |
| 11. Criminal TV series ('CSI') simplify the way the legal system works | 2,81 | 2,91 | 2,86 | 0,25 |

Table 3 Influence of crime TV series on usefulness during police investigations, respondents' attitudes about simplifying the work of the legal system in crime series and respondents' attitudes about the impact of 'CSI' series on the understanding of the legal system

Figure 7 shows the answers to the question of whether series like 'CSI' make it difficult to understand the Croatian judicial system.

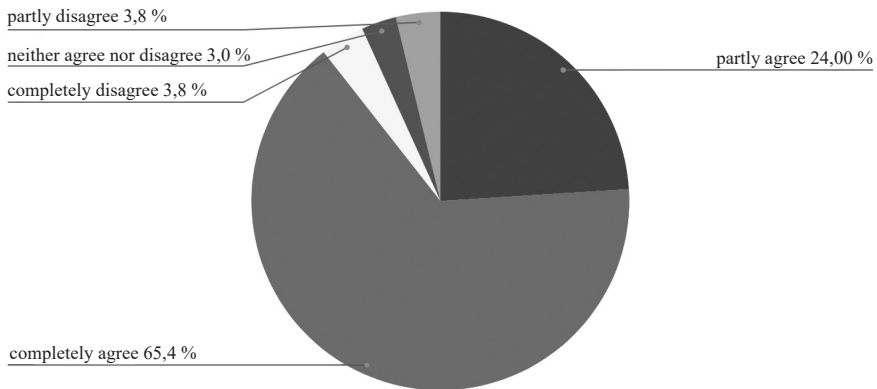


Figure 7 Respondents' attitudes about the impact of the 'CSI' series on the understanding of the legal system

Figure 8 shows the answers to the question of whether 'CSI' series help in understanding the Croatian judicial system.

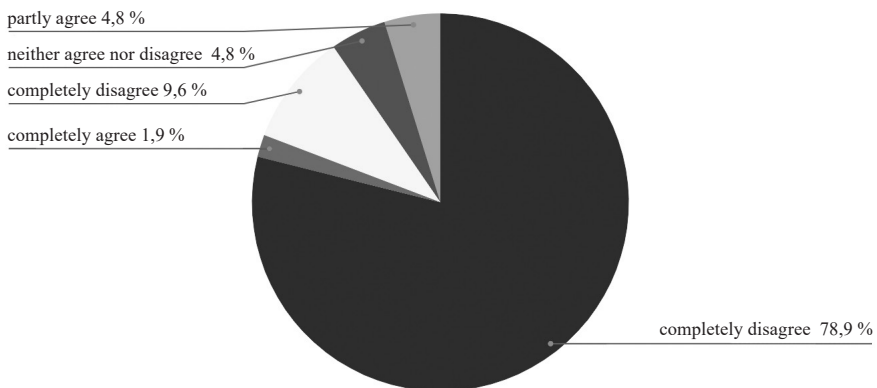


Figure 8 Attitudes of respondents about the impact of 'CSI' series on the understanding of the Croatian judicial system

Table 4 shows the answers to the question of whether crime series portray the trials accurately.

| Possible answers | Women N (%) | Men N (%) | Total N (%) |
|----------------------------|-------------|-----------|-------------|
| Completely agree | 2 (3.4) | 1 (2.2) | 3 (2.9) |
| Partly agree | 4 (6.7) | 4 (8.9) | 8 (7.7) |
| Neither agree nor disagree | 8 (13.5) | 7 (15.6) | 15 (14.4) |
| Partly disagree | 11 (18.6) | 8 (17.8) | 19 (18.3) |
| Completely disagree | 34 (57.6) | 25 (55.5) | 59 (56.7) |

Table 4 Respondents' attitudes about the accuracy of the presentation of court proceedings in CSI-series

Figure 9 shows respondents' answers as to whether 'CSI' series represent accurately the diagnostic value at the scene.

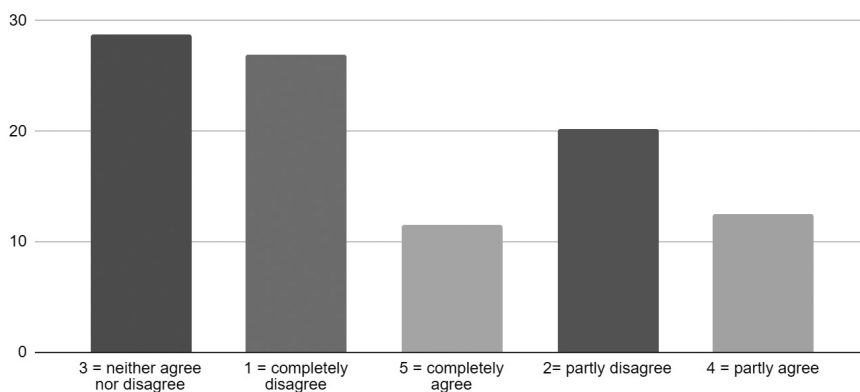


Figure 9 Respondents' attitudes about whether 'CSI' series reflect accurately the availability of evidence at the crime scene

Table 5 shows respondents' answers as to whether 'CSI' series represent accurately the diagnostic value at the scene.

| Possible answer | Women N (%) | Men N (%) | Total N (%) |
|----------------------------|-------------|-----------|-------------|
| Completely agree | 8 (23.7) | 4 (8.9) | 12 (11.5) |
| Partly agree | 11 (18.5) | 2 (4.4) | 13 (12.5) |
| Neither agree nor disagree | 13 (22.1) | 17 (37.8) | 30 (28.8) |
| Partly disagree | 13 (22.1) | 8 (17.8) | 21 (20.2) |
| Completely disagree | 14 (23.7) | 14 (31.1) | 28 (26.9) |

Table 5 Respondents' attitudes about whether 'CSI' series show accurately the availability of evidence at the scene

4. DISCUSSION

The aim of the research was to get a clearer picture of the impact of crime TV series on people employed in the judicial system of the Republic of Croatia, more specifically lawyers and trainee lawyers. In addition, attitudes related to the impact of these series on the general public, and thus their expectations from the judiciary, were explored. A total of 104 people were interviewed, out of which 59 participants were female and 45 were male. Comparing the responses by gender, no statistically significant differences in responses were observed.

The results of this study showed that changes and improvements in science and technology have led to changes in the way of working and the majority of respondents, regardless of their gender or age (97%) said that they fully or partly agree with this thesis. We also concluded that this issue could indicate the complexity of the impact of technology because lawyers indicated that technology affected their work, but not the way investigations were conducted. One of the hypotheses was that public expectations would influence the behaviour of people employed in the judicial system. The obtained results did not match the expected. It should also be taken into account that with this type of issue there is a possibility of an extremely negative perception of any type of influence on the judiciary. Most of the respondents agreed that the way of communicating with the public has not changed under the influence of such series, and therefore the overall average score is quite low, i.e. 2.45. A total of 60% of respondents agreed that public expectations had changed. Likewise, most respondents agreed that the influence of the public, as well as crime TV series, often manifests itself on the victims of the crime themselves, who create the perception of how the justice system should work and operate and expect it to be applied to specific case in real life. Regarding the attitude of respondents on the impact of crime TV series on criminal behaviour, the answers of most respondents match, so the overall average score of this question is 3.35, and therefore it can be concluded that respondents believe that potential perpetrators of crimes, by watching crime TV series, can gain enough knowledge that could help them in committing these same acts. More than 50% of respondents agree with this statement. Given the low average score, and based on previous research, we can conclude that those in charge of conducting investigations generally believe that crime TV series are not useful during the investigation because the public, by watching the series, gains a perception of how police investigations should be conducted, what usually does not correspond to reality. Crime TV series also show the police doing their jobs, and how accurate such series are and whether they simplify the way the police do their jobs was also examined with a questionnaire. The overall average score for this question is 3.27, and it can be concluded that the respondents neither agree nor disagree with this statement. Furthermore, previous research has shown that crime TV series often emphasize the infallibility of the police during police investigations, which in reality is not the case because there are many limitations that investigators face, such as lack of economic and human resources and many others. Most respondents disagree with the claim that crime TV simplifies the ways the legal system works. Thus, the overall average score with which they rated this question is 2.86. Also, the attitude of the respondents about the influence of crime TV series on the way of understanding and interpreting the legal system was examined. This was examined through two allegations, where one relates to the fact that crime TV series make it difficult to understand the Croatian legal system. Almost all respondents agreed with this statement, which is confirmed by the high average score of 4.42. The second claim was that crime TV series help people to understand better the way the legal system of the Republic of Croatia

works, and most respondents disagreed, what is confirmed by the overall average score, which is very low. In this group of questions, we should take into account that most of the crime TV series we watch are American TV productions, and therefore it should be emphasized that the Anglo-Saxon legal system is applied in America, which is different from the one we apply in Croatia. Respondents were asked about their position regarding the accuracy and precision of the presentation of court proceedings in crime series. The majority of respondents did not agree with this statement, ie they believe that crime TV series do not show in a realistic way what actually happens in court proceedings, almost 90% of them answered that they partly or completely agree that the series do not show real court proceedings. This view also coincides with previous research conducted by Stinson, Patry, and Smith (2007) which states that real-life crime scenes rarely contain the amount of evidence shown in crime TV series. Also, it should be said that crime TV series do not show the performance of administration at all, probably due to the very interesting nature of the series, which takes a significant part of the investigator's time. When it comes to the way evidence is collected and made available at the scene, crime TV series often know how to simplify the procedures that occur when gathering and processing evidence. As for the diagnostic value of evidence found at the scene, in most cases, crime TV series give evidence greater value than it actually is.

As the survey was conducted according to a study already conducted by Stinson, Patry, and Smith (2007), the results of this study were compared with a previously published study. In the previous survey, respondents disagreed with the claim that crime TV series affect the way they do their job, which coincides with the results of our survey. Half of the respondents stated that crime TV series influenced the way they communicate with the public, while in this research less than 10% of the respondents think so. Almost all respondents, or 92% of them, stated that crime TV series affected both the expectations of the public and the crime victims, who under the influence of these series had certain expectations from the police, primarily referring to the time required for conducting investigations and resolving criminal offenses. As many as 97% of respondents agreed with the statement that crime TV series influence how courts make their decisions (in our survey 60% generally agree or completely agree). Also, a large number of them agreed that such series affect criminal behaviour. Regarding the question of the usefulness of crime TV series in conducting investigations, 89% of respondents agreed that such series were useful during police questioning (and in our survey less than 10% of respondents). Respondents, as many as 97% of them, believe that the series simplify the ways in which the police conduct their investigations, while in this survey this issue is the one in which respondents have a very divided opinion: only 44.3% agree or mostly agree with the statement. Also, all respondents agreed that the series simplify the way the legal system works. 72% of respondents agreed that crime TV series portray trials at least partially accurately, while in this survey 56.7% of respondents disagree with the statement. Regarding the availability and diagnostic value of evidence, 84% of them stated that they believe that the series are somewhat accurate in presenting them, while in this study 40.4% disagree with the statement. There are several other researches that deal with this topic. For example, Mudassar and Rahman (2017) in their research addressed the impact of crime TV series on children's behaviour. Such series are often shown in prime time and therefore it is not uncommon to lead to a negative behavioral outcome, especially in children who are in the developmental phase and are more likely to adopt negative behavioral characteristics and therefore call the media a risk factor. Brown and Hamilton (2016), based on their research, found that there are significant links between children and watching television with crime content. They state that by the age of eighteen, the average American adolescent had seen

more than 200,000 crimes including 40,000 dramatized murders. As the biggest problem, they point out that most violence is glorified or considered justified, and the media do not sufficiently present the real outcomes of violence. Morgan & Shanahan (1999) in their research also point out as the biggest issue that the public finds it very difficult to separate the social reality that is present in the media, from the real world. Robbers (2008) confirms the thesis and states that “popular media interfere with criminal proceedings”, this conclusion is based on a study involving 290 prosecutors, defense lawyers and judges from different parts of America. The survey found that as many as 80% of respondents reported participating in at least one case in which forensic television series influenced jury decisions, and that at least 70% of respondents believed such decisions were the result of forensic television shows. Vicary and Zaikman (2017) conducted research on whether there is a link between watching crime TV series and forensic knowledge, or whether such shows can help individuals acquire forensic knowledge that might be relevant to them in committing crimes. Researchers state that they do not believe that people who are more exposed to crime TV series have more knowledge of forensics than those who do not follow them or follow them to a lesser extent, and it can be concluded that such series cannot greatly influence potential offenders. Hayes-Smith and Levett (2011) investigated whether there was a link between watching crime TV series and a decision, that is, a conviction made by the court, all based on false cases that contained various forensic evidence. The results show that people who watch crime TV series on a daily basis were less confident in their decision in the event of a conviction when it was made on the basis of little or no forensic evidence, compared to those who watched less such television content. In his paper, Chin (2016) made an analysis of several papers whose main topic was the CSI effect and its impact. He states that if the CSI effect exists, it is probably quite small and considers it negligible. He also believes that all the measures taken against the CSI effect do not actually benefit, that is, they only prolong the effect. Finally, de Moares (2015) states in his research that the public is already tired of forensic dramas, and this fact is confirmed by the fact that the last season of the original ‘CSI’ series attracted only half of the total number of viewers of the first season.

Considering that this is the first study of the CSI effect in the Republic of Croatia, future research should increase the sample and include other people or services that perform the same or similar tasks in order to make the sample larger and the results more reliable. Further conclusions could be obtained by comparing the Anglo-Saxon and European legal systems and comparing them with the answers of the respondents.

5. CONCLUSION

In conclusion, the results of the research show that crime TV series did not affect the changes in the way investigations are conducted, the behaviour of lawyers and their way of communicating with the public. When we talk about public expectations, the results indicate that they have changed in part due to the influence of crime TV series. Also, the results indicate that crime TV series have partly influenced criminal behaviour, and partially simplify the ways in which the police conduct their investigations, while to a lesser extent they simplify the way the legal system works. The results indicate that lawyers believe that crime TV series make it difficult to understand the Croatian legal system and do not accurately portray court proceedings, as well as the exact availability and value of clues (evidence) at the crime scene.

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Sažetak

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Utjecaji i izazovi CSI efekta - hrvatski primjer

U Republici Hrvatskoj utjecaj CSI serija na pravosudni sustav (tzv. CSI efekt) do sada nije istraživao. Cilj ovoga istraživanja bio je ispitati utjecaj CSI efekta na rad odvjetničkog sustava u Republici Hrvatskoj. U istraživanju je primijenjena online anketa na koju su odgovorila 104 odvjetnika. Pokazalo se sljedeće: ispitanici smatraju kako kriminalističke televizijske serije nisu utjecale na način provođenja istraga, njihovo ponašanje, odlučivanje sudova te način na koji oni komuniciraju s javnošću. Smatraju kako su se očekivanja javnosti dijelom promijenila uslijed kriminalističkih TV serija, ali također misle da ona nisu utjecala na njihovo ponašanje kao i na odlučivanje sudova. Također, smatraju kako su kriminalističke TV serije djelomično utjecale na kriminalna ponašanja te navode kako takve serije, isto tako, djelomično pojednostavnjuju načine na koje policija provodi istrage. Što se tiče načina shvaćanja rada pravosudnog sustava, ispitanici smatraju kako kriminalističke TV serije otežavaju shvaćanje hrvatskog pravnog sustava te ne prikazuju precizno sudske procese. Ispitanici su naveli kako kriminalističke televizijske serije ne prikazuju točno dostupnost i vrijednost tragova prikupljenih na mjestu događaja. Možemo zaključiti kako je općeniti stav ispitanika da kriminalističke TV serije nemaju utjecaj na njih same kao ni na sudove - ali su mišljenja kako takve serije ipak ostavljaju trag na javnosti koja pod njihovim utjecajem stvara pogrešnu percepciju o načinu rada i funkcioniranju pravnog sustava.

Glavne riječi: kriminalističke TV serije, odvjetnici, sudovi, istraga, pravni sustav.