



National District Attorneys Association
99 Canal Center Plaza, Suite 510, Alexandria, Virginia 22314
703.549.9222 / 703.836.3195 Fax
www.ndaa.org

**SENATE JUDICIARY COMMITTEE HEARING ON
“IMPROVING FORENSIC SCIENCE IN THE CRIMINAL JUSTICE SYSTEM”**

Question for the Record for

Scott Burns

**Executive Director
National District Attorneys Association (NDAA)**

Question from Senator Klobuchar:

“Many people in the criminal justice system have identified what has come to be known as the “CSI effect”—that is, where jurors expect sophisticated scientific evidence because that is what they have seen on TV shows like CSI.

I know from my time as a prosecutor that forensic evidence is not available in many run-of-the-mill cases. These cases—such as auto theft or assault cases—often do not yield any forensic evidence. Can you comment on this? Is there a way to counter the unrealistic expectations that juries may have developed in recent years?”

Yes, Senator Klobuchar, the “CSI” affect remains a constant issue that America’s prosecutors must address. As you accurately state, juries across the country have this notion that DNA evidence, fingerprints or some type of forensic evidence must be a part of the state’s case if the burden of proof beyond a reasonable doubt is to be met.

What prosecutors are doing (and it’s probably the same thing you did as a prosecutor) is address the issue at the very beginning of the case (in the jury selection process) as well as in the opening statement. NDAA and the individual state prosecution associations incorporate this issue in trainings nationwide, especially when training new and inexperienced prosecutors. It is not uncommon for a prosecutor to say to the jury, either in voir dire or the opening statement “I am not an actor and this case will not be resolved in an hour; in fact, unlike your favorite crime show, there is no DNA evidence in this case nor will you have fingerprint evidence, blood spatter or ballistics...this is an assault case”. That said, prosecutors are also doing everything possible to present evidence to juries that takes advantage of new technology and more and more videos (everybody has a camera in their phone) and pictures are being used as evidence, as is evidence from social media sources (Facebook, MySpace, twitter, emails and texts) that has greatly enhanced prosecutors ability to prove the requisite elements of a case.

Thank you, Senator Klobuchar, for your continued support for America’s prosecutors and for your keen understanding of technical prosecutorial issues.