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Believe me, believe me not : investigating the possibility of a dual standard in the evaluation of alibi and eyewitness evidence

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BELIEVE ME, BELIEVE ME NOT: INVESTIGATING THE POSSIBILITY OF A DUAL
STANDARD IN THE EVALUATION OF ALIBI AND EYEWITNESS EVIDENCE

By

Sami El-Sibaey, B.Sc., University of Toronto at Scarborough, Toronto, June 2007

A thesis

presented to Ryerson University

in partial fulfillment of the requirements for the degree of

Masters of Arts

in the Program of

Psychology

Toronto, Ontario, Canada, 2009

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The present study investigates the hypothesis that alibi evidence is interpreted as an excuse and so perceived and reacted to negatively. Participants read case summaries that included incriminating eyewitness and exculpatory alibi evidence, the latter labelled as an 'alibi', 'excuse' or 'statement', completed questionnaires evaluating their perceptions of the honesty and credibility of witnesses, and provided a ruling for the case (guilty/not guilty). The alibi evidence was provided before or after the eyewitness evidence. It was expected that ratings for the 'alibi' and 'excuse' would be lower than those for the 'statement'. Though there were no significant main effects of label or order or an interaction found, ratings of the testimony do imply that evaluations of alibi honesty/credibility and accuracy are not utilized in the formation of a verdict. The results are discussed in the context of using the 'excuse hypothesis' as an explanation for the underutilization of alibi evidence.

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Each year for the past seven years, approximately 15 individuals in the United States of America have been exonerated of crimes they did not commit (The Innocence Project, 2009). Though Canadian records are not as exhaustive as their American counterparts, data from the Association in the Defence of the Wrongly Convicted (AIDWYC) suggests that the discovery of such cases is on the rise in Canada as well (AIDWYC, 2008). The incidence of wrongful convictions, both in the United States and Canada, has sparked interest in its causes and consequences from legal and psychological researchers. Particularly, eyewitness testimony has been an issue of concern in the field of psychology and the law for decades (e.g., Burke & Turtle, 2003; Wells, Small, Penrod, Malpass, Fulero & Brimacombe, 1998). Although studies have traditionally focused on the effects, uses and accuracy of incriminating eyewitness testimony (e.g. Sanders, 1984; Wells et al. 1998), more recent research has aimed to expand the investigation to include exculpatory eyewitnesses such as alibi corroborators (e.g. Culhane & Hosch, 2004; Olson and Wells, 2004). Much of the interest in eyewitness testimony stems from inquiry into the causes of wrongful convictions, as it has been demonstrated that faulty eyewitness evidence is the primary factor leading to these erroneous convictions (Garret, 2008). An analysis of 40 of these wrongful convictions cases also reveals that a “weak alibi” is an important contributing factor (Wells et al., 1998). An alibi is a plea on the part of the suspect for a crime that proves, or attempts to prove, that he or she was at another location at the time the crime was committed. Given that many alibis involve corroborating evidence, that is, a defendant presenting an alibi may have another individual able to back up (or refute) that alibi (Turtle and Burke, 2003 as cited in Burke and Turtle, 2003), an interesting challenge arises. While the term “eyewitness” is generally reserved for a witness to the crime (someone who can place a suspect at the scene), it is important to stress that an individual who identifies a suspect

elsewhere (i.e., an alibi witness) is also providing a form of eyewitness testimony for the Defense. Thus, it becomes a matter of interest to investigate eyewitness testimony from both perspectives. Particularly, it may be of interest to investigate what factors mitigate the evaluation of alibi evidence, especially in the presence of contradicting eyewitness evidence. Hogarth and Einhorn (1992) for example note that in decision making situations where there is contradictory evidence, a recency effect is usually the strongest determinant of which piece of evidence will be most influential. In other words when confronted with contradictory evidence decision makers will often rely on the last, or most recent piece of information presented to them in order to make a decision. In the context of a trial where both eyewitness and alibi evidence are being presented, this would suggest that the alibi evidence should exert a strong influence on jurors since the Crown presents its case and any eyewitness evidence first and the Defense presents any alibi evidence last. Data from the innocence project case files however suggests that this may not be the case as the majority of trials containing both types of evidence produced guilty verdicts, primarily due to eyewitness identification. Recent research in the field of alibi evidence further highlights this incongruity as well and indicates that the nature of the alibi evidence is a strong mediator of order effects, even to the extent that having no alibi evidence can sometimes lead to a better outcome for the Defense than having an alibi that is perceived as weak. This and other research pertaining to the nature of alibi evidence will be discussed in greater detail shortly (e.g. Dahl, Brimacombe, & Lindsay, 2009; Olsen and Wells, 2004).

One might expect an eyewitness who testifies to the absence of a defendant from a crime scene (or, in other words, an alibi corroborator) to have an equal but opposite effect to one who testifies to a defendant's presence. For example, there appears to be no immediate reason why a person who testifies to seeing a person at a specific location and time should be perceived as

more honest, or believable, than someone who testifies to seeing that same person across town. Research indicates, however, that the results are not quite that clear cut. The study of alibi evidence has taken a similar path to that of eyewitness evidence, mainly in that the two types of evidence have a similar foundation; both require an individual to provide an identification of a person at a specific time and location. However, there are some rather fundamental differences that need to be considered when evaluating both types of evidence. Primarily, alibi evidence is often viewed with far more skepticism than eyewitness evidence because it is assumed that it can be easily fabricated after the facts of the case have been presented and because in the vast majority of cases where alibi evidence is presented, it is provided by a relative or friend of the defendant (Burke & Turtle, 2003). In addition to investigating the attributes of eyewitness and alibi evidence on their own, effects highlighting the interaction between the two are also becoming more prevalent in the field.

The remainder of the chapter will encompass a critical review of contemporary literature regarding the study of eyewitness and alibi evidence. While this will include a discussion of the current state of eyewitness research, the focus of the review will be on the use and evaluation of alibi evidence within the context of this research. Though later studies have focused on alibi evidence as a variable in its own right, a theoretical framework for understanding how alibi evidence is perceived and evaluated, and why, is still not clear. For this reason, the review will also include a discussion of current research on the attribution of responsibility and the uses and misuses of excuses in negotiating responsibility under the premise that alibi testimony may be interpreted as an excuse and so follow similar trends. The review will conclude with a brief summary of the literature followed by a discussion of the proposed research question and hypotheses investigated in this thesis.

Eyewitness Testimony

Research on eyewitness testimony focuses mainly on the witnesses' cognitive and perceptual ability to identify the perpetrator of a crime and on the procedural biases that identification practices can produce. These factors are generally referred to by Wells et al. (1998) as system and estimator variables. System variables are those that can be manipulated to ensure that the procedures used to gather the eyewitness evidence are as unbiased as possible. These are usually factors controllable by the criminal justice system and include the structure of a lineup, or the instructions given to a witness prior to viewing a lineup in order to minimize bias (i.e. instructions that the perpetrator may not be present in the lineup). Estimator variables are those that can affect the witnesses' ability to effectively recall a specific incident such as the lighting at the time of the crime, the distance of the witness from the incident or the presence of a weapon. These variables are often not easily altered procedurally.

In addition to the witness' cognitive and perceptual ability, demographic and character traits of the witness have been issues of interest as well. Such a perspective is mainly based in attribution theories that address how certain perceived traits of the witness affect perceptions of his or her believability and credibility. Burke and Turtle (2003), for example, demonstrated that a witness described as 'poor' was perceived as less credible than a witness described as 'rich' in a bank robbery scenario. More generally, the immediate fact that any defendant is suspected of having committed the crime may prime a decision maker to activate certain schemas relating to criminals and the kind of individuals that would be more likely to appear in court. This can be particularly detrimental to the Defense's case as it may become quite difficult to influence individuals who enter a trial with strong preconceptions of guilt or innocence on the part of the

defendant. Einhorn and Hogarth (1978), for example, in an examination of confidence and accuracy in clinical judgment, note that individuals are often over confident in their judgments, even when these judgments are fallible. This confidence leads to a confirmatory cycle in which evidence supporting one's views is sought out and evidence disconfirming it is ignored or underutilized. In other words, the volunteers in their study displayed an inflated conception of their ability to choose correctly and were cognitively inclined to seek out information that confirmed the legitimacy of their choice, rather than to conduct a balanced evaluation of information both for and against their choice.

In the case of a jury member attempting to make a decision, having a preconception of a witness, through exposure to media or a belief in their motivation to lie (as a factor of their relationship to the defendant, for example), can greatly influence that witness' effectiveness. In fact, even simply being associated with the trial may lead to the formulation of negative perceptions. Wegner, Wenzlaff, Kerker and Beattie (1981), for example, manipulated the phrasing of a newspaper headline regarding an individual's involvement in a crime by constructing headlines that denied, questioned, or directly asserted that person's involvement. Their results indicate that headlines questioning an individual's relationship to a crime (e.g., Is Bob Talbert linked with the Mafia?) yielded negative perceptions of that person, in the mind of the reader, equal to headlines in the form of a direct incriminating assertion (i.e., Bob Talbert is linked with the Mafia). While headlines in the form of denials (i.e., Bob Talbert not linked with Mafia) did differ significantly from neutral headlines, negative perceptions of these headlines were also not significantly lower than negative ratings for direct assertions. Thus, in the case of a defendant and the witness on his/her behalf, it seems that associations with a crime, even in an indirect manner, already create an aura of negativity around the credibility of their testimony.

It is widely noted in the field, however, that jurors often greatly overestimate an eyewitness's ability to recall an event accurately and so they place an unwarranted weight on, and belief in, eyewitness testimony (Loftus, 1979). Ironically, evidence from cases with wrongful conviction suggests that this view only seems to hold true for an eyewitness to the crime and not an eyewitness for the defendant. In other words, while evidence from the wrongful conviction and eyewitness research indicates that eyewitness testimony for the Crown or Prosecution can be pivotal in influencing jury judgments towards guilt, this same research also indicates that eyewitness testimony for the Defense, in the form of an alibi corroborator, is often ignored, underutilized, or discredited. This contrast in the perception of what is, in essence, two forms of the same kind of evidence merits an investigation into the qualities of eyewitness and alibi testimony that can influence such judgments.

The Alibi Witness

The state of alibi research today is very similar to where research on eyewitness testimony was in the 1970s. Some early research included alibi evidence only as part of a larger study of eyewitness evidence (e.g. Lindsay, Lim, Marando & Cully, 1986) but more recently it has been studied as a variable in its own right (Burke & Turtle, 2006; Culhane & Hosch, 2004; Olson & Wells, 2004). A primary issue of concern has been to investigate what exactly constitutes a good or bad alibi. To this end, Olson and Wells (2004) proposed a taxonomy for alibis that aims at investigating qualities of the evidence itself, in addition to the influence an alibi provider can have by means of demographic and personal characteristics mentioned earlier. They stated that an alibi defense can be in the form of person evidence (e.g. someone's testimony on behalf of the defendant); physical evidence (e.g. physical proof of the defendant's presence

elsewhere at the time of the crime such as security footage or a receipt); or a combination of the two. Furthermore, both types of evidence can vary in their ease of fabrication.

Person evidence is more likely to be perceived as fabricated when provided by a relative than when presented by a stranger as it may appear that the former has motivation to lie for the defendant (Culhane & Hosch, 2004). In the brief history of alibi research, relatedness has proven to be one of the most detrimental factors to an alibi defense's effectiveness. For example, Culhane and Hosch (2004) found that alibi corroboration from a neighbor produced fewer guilty verdicts than testimony from a girlfriend or no testimony at all. In addition, cases that include a confident corroborator/eyewitness always produce more guilty verdicts than those that do not. Thus, it seems that corroborating alibi testimony can have an impact on a verdict though this impact is largely dependent on the relation of the corroborator/witness to the defendant and is strongly mediated by the presence of an eyewitness. This is of particular importance when considering that a large majority of cases where alibi evidence is presented also include eyewitness testimony (Burke & Turtle, 2003).

Physical evidence can range in its quality and believability. Describing the contents of a TV show the defendant claims he or she was watching at the time of the crime, for example, is far simpler than providing security camera footage from a grocery store.

Olson and Wells' study varied the quality and type of alibi evidence in a 3 (physical evidence: none, easy to fabricate, difficult to fabricate) x 4 (person evidence: none, motivated familiar other, non-motivated familiar other, non-motivated stranger) mixed factorial design. Their results were quite compelling. They found that there was a clear interaction between person and physical evidence on perceptions of the believability of alibi evidence. In fact, the type of person evidence only affected believability when there was no physical evidence present.

That is, a corroborator only affected the believability of an alibi when there was no physical evidence present in the case. Generally, witnesses portrayed as relative strangers were more effective in increasing ratings of believability for the alibi. Physical evidence always increased believability and this impact increased with the presentation of evidence that was more difficult to fabricate. However, even cases that produced the highest believability ratings (those with a stranger corroborating and difficult to fabricate physical evidence) only produced a believability rating of 7.4 out of a maximum of 10. This not only highlights the extent to which a defendant, guilty or not, has a lot to overcome, but it also underscores the importance of studying alibi evidence in its own right and in concert with eyewitness testimony.

Although the impact that person and physical evidence can have on the effectiveness of an alibi defense is becoming clearer, little is known about the underlying causes of these effects. That is, why are alibis perceived in a generally negative light, despite instances where the evidence in support of them is relatively clear/solid? We do know that in trials containing both alibi and strong eyewitness testimony, there seems to be a tendency for juries to reach a guilty verdict. This suggests that eyewitness testimony takes precedence over alibi testimony, despite the fact that, by law, it is to be considered 'just another piece of evidence' (Gooderson, 1977). The legal system is designed to apprehend guilty individuals, however, and so it could logically follow that incriminating evidence (e.g., eyewitness testimony) takes precedence in a particular trial over exculpatory evidence (e.g., an alibi corroborator). However, cases involving wrongful convictions indicate that the ratio may represent a biased decision making process as opposed to simply being a consequence of the statistical prevalence of guilty individuals in criminal trials (e.g. Burke & Turtle, 2006; Wells et al., 1998; McAllister & Bregman, 1989).

Furthermore, research by Saks, Werner and Ostrom (1975; 1978) indicates that prior to hearing the evidence for and against a defendant, jurors can assume the defendant to be innocent, or at least, innocent until proven guilty. However, they stress, a juror can presume innocence under the conditions of their study, but may not, in fact, presume innocence in the complex setting of criminal trial. Saks et al. used an information integration model and utilized final guilt judgments and responses to self-report questionnaires in calculating what assumptions of guilt must have been prior to the trial process and the exposure of jurors to various pieces of evidence. According to their model, a juror's final decision is a weighted average of an initial opinion and trial evidence, both in terms of its quality and quantity. Saks et al. found that judgments of guilt increased with increasing numbers of evidence presentations (all for the prosecution in their studies). In other words, as the quantity of evidence supporting a defendant's guilt increased, jurors adjusted their judgments of guilt accordingly. This observation led to the implication that jurors enter their evaluation process with predisposed conceptions of the guilt or innocence of a suspect and the probability that someone brought to trial is 'guilty as charged', which can be influenced by the volume of evidence presented in support of guilt or innocence. Additionally, Their findings, together with the observation from the innocence project cases, that eyewitness testimony is often most persuasive, imply that though jurors are open to accepting the innocence of a defendant, their hypothesis, of guilt or innocence, may be revised at early stages of a trial, such as when the Crown is presenting its evidence. In other words, while jurors may not be operating through a guilty bias, a guilty hypothesis is more likely to form before an innocence hypothesis since evidence of guilt, presented by the Crown, is available before evidence of innocence, presented by the Defense. In essence, jurors may, as Saks et al, suggested, have the option of presuming innocence, but not actually use it in real courtroom situations. As mentioned

earlier though, the formulation of a hypothesis often introduces other influences to the decision making process, such as the utilization of the confirmation bias and the underutilization of evidence contradicting the hypothesis.

Hogarth and Einhorn's (1992) Belief-Adjustment model however still implies that the recency effect should play a role in further revising any hypotheses regarding guilt or innocence made by jurors. Research on the influence of the order of presentation of alibi and eyewitness evidence on judgments of guilt (e.g., Dahl et al., 2009) however indicates that alibi evidence presented last is only conducive of hypothesis revision if it is very strong. Eyewitness evidence on the other hand always influenced judgments in their study, regardless of its order of presentation or the presence of alibi evidence, with the exception of cases containing strong alibi evidence presented last. This suggests that, despite the similarities in the nature of eyewitness and alibi evidence, these two types of information exert different influences on the decision making process. These influences are the subject of current research on eyewitness and alibi evidence and their interaction. Though some theoretical propositions are available, such as Olson and Wells' taxonomy of alibi evidence, a clear understanding of the informative qualities of alibi evidence is still not clear. Thus, while current research does shed some light on the properties that give an alibi a strong or weak image, it is still not entirely clear how these properties contribute to the influence of alibi evidence on decisions in a criminal context, especially with the presence of other kinds of evidence. As mentioned earlier, data generally indicates that eyewitness evidence tends to trump alibi evidence in cases where both types are presented, yet even these findings vary between studies.

From a theoretical standpoint, one may expect that eyewitness and alibi evidence should have equal and opposite effects. Thus, while eyewitness evidence increases the probability that a

suspect is the culprit, alibi evidence should decrease that probability in a similar manner. Naturally, these influences are dependent on the prior probability of a suspect actually being the culprit; however, theoretical implications are possible even if this probability is not known. In fact, Wells and Lindsay (1980), using a Bayesian model of information gain, reached similar conclusions regarding the informativeness of eyewitness identifications and non-identifications. Based on their observation that identifications and non-identifications were completely exhaustive of witness behavior in an identification task (they can only do one or the other), and the assumption that the probability of identifying a suspect, given that the suspect is the culprit, is always greater than the probability of identifying the suspect given that he/she is not, Wells and Lindsay showed that if an eyewitness identification increases the probability of a suspect being the culprit then a non-identification should decrease that probability. They further demonstrated that the informativeness of identifications versus non-identifications is determined by the probability of obtaining one versus the other, with the less frequent of the two being more informative. Wells and Lindsay used this model to argue that eyewitness non-identifications are underutilized in criminal investigations even though their results indicated that non-identifications were actually more informative than identifications since they were less frequent. Naturally, familiar arguments in the form of the confirmation bias came to light in discussing why this underutilization may happen but this study may also shed some light on the investigation of the informativeness of alibi evidence. Though a comparison cannot be made between the probabilities of obtaining alibi and eyewitness testimony, since the two are not complimentary probabilities, a similar model to Wells and Lindsay's can be used to determine the diagnosticity of having a corroborated alibi versus not having one, based on a slight reinterpretation of the study.

While Wells and Lindsay's model considered 'identifications' as those made at the scene of the crime, their model can be interpreted in terms of 'identifications' elsewhere to shift the analysis to that of alibis. This could provide an interesting framework for understanding how alibi evidence is useful at reducing perceptions of guilt, or the probability that the suspect is the culprit. Some modifications are necessary however. While Wells and Lindsay indicate that an identification will shift the probability of the suspect being the culprit upwards and a non-identification will shift this probability downward, the inverse is true when interpreting the analysis in terms of alibi evidence. Thus, the presence of a corroborated alibi should shift the probability down, and its absence should shift the probability up. In addition, the primary assumption here is that the probability of obtaining a corroborated alibi, given that the suspect is not the culprit, is always greater than the probability of obtaining a corroborated alibi, if the suspect is the culprit. This assumption presents the first barrier to this reinterpretation, especially considering the general skepticism, as mentioned earlier, that alibi evidence is easy to fabricate and often perceived incredulously, in general. Allowing for the assumption however would imply that the informativeness of corroborated alibis is dependent on their relative frequency as compared to the absence of alibis. Though there are no studies that directly address this issue, once more theoretical implications can be made. On the one hand, if alibi corroborators are present more frequently than situations without an alibi, this provides a possible explanation for their underutilization; they are less informative. On the other hand, if the presence of alibi corroborators is less frequent than their absence, this raises important issues similar to those concerning the use of non-identifications in trial settings and others discussed earlier.

The observation that eyewitness evidence usually takes precedence over alibi testimony may not always be the result of a valid choice by jurors or judges resulting from the fact that in

cases with both types of evidence, eyewitness testimony is often more truthful. Rather, there may be cognitive and social influences that for one reason or another increase the appeal of eyewitness evidence, decrease the appeal of alibi testimony, or achieve both, regardless of the veracity of either type of evidence. As noted previously, the majority of wrongful conviction cases included eyewitness evidence and a portion of those included alibi evidence; these cases exemplify situations where an alibi is likely true and eyewitness identification false, yet jurors apparently tend to make errors in judging which type of evidence to believe. This can be partially explained by the aforementioned idea of confirmation bias whereby decision makers enter the trial with preconceptions regarding the guilt of the defendant and therefore add more weight to evidence supporting this view than evidence that does not. Bayesian probabilities can also shed some light on the intricacies of the decision making process in evaluating these contradicting pieces of evidence. Alternatively, the perception of alibis as excuses (as they are commonly interpreted in a non-legal sense) and the notion that they may be used merely as a tool to deter blame from the defendant also provides an interesting mode for determining their effectiveness in a trial. Pivotal to this research is the issue of attributing responsibility.

Attributing Responsibility and the Role of Excuses

According to Schlenker, Britt, Pennington, Murphy and Doherty (1994), attributions of responsibility are based on three linkages. The first involves a connection between the person's identity and an event and is referred to as 'personal control'. This refers to a person's ability to control the outcome of an event. Thus, when a person is deemed to have intentionally produced an outcome (as does occur when an eyewitness identifies a suspect as a culprit) this link is strong. In contrast, this link is weakened when the outcome of an event is deemed random or beyond the control of the person. The second linkage, prescription clarity, relates a set of

prescriptions relevant to an event to that event itself. The prescriptions of an event entail any rules, scripts or goals that are pertinent to that event. A member of a dance ensemble for example is expected to follow certain steps in order to complete a dance successfully.

Alternatively, a member of society is expected to follow certain rules and laws in order to uphold law and order. Thus, this link is weak when the description of rules or criteria on how to behave for a certain occurrence are unclear or absent. The final linkage, personal obligation, relates the person's identity to the prescriptions of the event. The dancer above, for example, possesses specific skills and training that aid him/her in correctly following the prescriptions of a particular dance. In turn, these characteristics strengthen the responsibility link between the person and their ability to meet the prescriptions. An individual lacking the training or physical ability to dance on the other hand would create a weak link between their identity and the prescriptions of the dance. Similarly, a member of society, by virtue of their citizenship, establishes a link between their identity and the laws of their government.

Excuses play the role of reducing responsibility by "representing alternative casual interpretations that lessen the responsibility by disassociating fundamental aspects of the self from an incident." (Tyler & Feldman, 2007, p.662). In other words, by using an excuse that weakens the linkages mentioned above, one can reduce their perceived responsibility for a particular event. Namely, this can be achieved by providing an excuse that: 1) places the outcome of an event out of the control of an individual, 2) claims that the prescriptions were not provided or unclear, or 3) suggests that the prescriptions for the event do not apply to the individual by virtue of their attributes or duties (or lack thereof). In addition, an excuse may act to completely dissociate an individual from an event. In the context of a criminal case, the crime represents the event of interest, descriptions of a suspect and other evidence from the case

implicate an individual, and the law dictates the prescriptions for an event. Thus, an individual who matches the description of a suspect and is deemed to have control over the occurrence of the crime as a result of the evidence may be attributed responsibility for the crime. In turn, any exculpatory evidence that is given acts to weaken this linkage of responsibility and may, essentially, be interpreted as an excuse.

Tyler and Feldman (2007) note that excuses can be very effective at reducing responsibility linkages based on Schlenker et al's. "triangle model of responsibility" but are also quick to warn that the positive or negative effects experienced thereafter are largely due to whether the excuse itself can maintain its validity. This is mainly to say that though excuses can be effective in reducing one's perceived responsibility for an event, the quality of the excuse can also play a role in the development of character evaluations towards the excuse provider and future reactions to that person by excuse receivers. According to Tyler and Feldman's model, three factors that are pivotal for this maintenance are the believability of the excuse, it's providing an indication for future correction, and it's being conveyed in a manner that portrays good will and a concern for others on the part of the excuse user. Thus, individuals who provide excuses that seem farfetched or fabricated, devoid of any indication of a change of behavior or thought in the future, and/or selfish and self-centered, invoke negative character evaluations from others. In short, the model posits that the validity of an excuse (as determined by the three criteria mentioned above) influences character evaluations of the excuse provider, which in turn influences positive and/or negative reactions to that person. Additionally, Tyler and Feldman found that individuals who provided excuses that failed to meet these criteria were rated more negatively and suffered greater negative repercussions than excuse providers who were able to maintain the validity of their excuse. They also found that in cases with a strong linkage of

responsibility, the use of a weak excuse was actually more detrimental than using no excuse at all. This provides an interesting model to investigate the underlying causes of the generally negative perceptions of alibi evidence and its interactions with eyewitness evidence, especially considering that similar trends have been observed in alibi research. If alibis are indeed perceived as excuses, this model may shed some light on the situations in which alibi testimony can be helpful, insignificant, or detrimental. For example, as noted by the model, in a case where there is strong physical evidence linking a suspect to a particular crime, the use of a weak alibi may seem more incriminating and lead to results worse than those with no alibi defense. In other words, if an alibi is low in believability, its perceived validity may be compromised and this may lead to negative perceptions of the alibi provider which in turn may affect the trial outcome. In turn, the same may apply for alibi testimony that portrays the defendant as self-centered or that shows no indication of reform or a constructive future lifestyle. Though this idea is contradicted by research by Golding (2000), which indicates that the presence of strong alibi testimony can reduce guilty verdicts even in the presence of DNA evidence (a form of evidence generally perceived as very strong), the general consensus still remains that alibi evidence is often trumped by eyewitness testimony and that weak alibi evidence (e.g. the defendant states they were home alone) often fares worse, though not always significantly, than a control condition (e.g. Culhane & Hosch, 2004; Olson & Wells, 2004; Lindsay et al, 1986).

Investigating Alibis as Excuses

The purpose of the proposed research is to establish a framework for understanding the social and perceptual attributes of alibi evidence, especially in light of the theoretical perception that alibis are often perceived as excuses. While previous research indicates that eyewitness evidence is generally perceived as an honest (and highly credible) attempt to portray the truth,

this seems to only hold true for those eyewitnesses in favour of the Crown and not those in favour of the defence, in the form of alibi corroborators. In fact, this research also indicates that alibi evidence is rarely capable of negating the effects of an eyewitness and that even in its most persuasive forms, still induces some scepticism. Curiously, the literature also implies that there are cases where using no alibi at all produces more positive outcomes for a defendant than using a weak or invalid one. These results suggest that the introduction of alibi evidence to a case may not produce the most immediately obvious results (i.e. the dissociation of a suspect from a crime) but rather that its interaction with the different aspects of the case can be quite complex and counterintuitive. The present study explores the possibility that jurors perceive alibi evidence in general as a type of 'excuse' and as therefore less worthy of consideration. Tyler and Feldman (2007) suggest that excuse users can sometimes suffer negative consequences, particularly when their excuses are perceived as "weak" or low in believability. Given that the term 'alibi' can sometimes be synonymous with an 'excuse' (Oxford English Dictionary, 2003) this finding may be relevant to the perception of alibi evidence in court. Although the term excuse itself may entail some internalized responsibility on the part of the excuse user, it is referred to in this context as a tool used to negate responsibility. In other words, our understanding of an excuse may often coincide with the notion of providing a reason, or explanation for action but this is more an example of a justification. The primary difference here between a justification and an excuse relates to the internalization of responsibility. When one justifies action, one accepts responsibility but denies any negative evaluations associated with one's actions (e.g. a parent justifying why they hit their child); in this case giving reasons and explanations is highly applicable. When someone gives an excuse, on the other hand, they admit that a certain action was negative in nature (i.e. the murder of an innocent shop owner) but don't accept

responsibility (e.g. an athlete excusing his/her team's loss by virtue of their own absence) (Austin, 1956). In essence, the presentation of an alibi would represent the ultimate excuse in its denial of any responsibility, by virtue of dissociating the excuse user from the action or event.

It is hypothesized that when labelled an 'alibi' or an 'excuse', this type of evidence may be viewed more negatively than when the same information is described in more neutral terms. In turn, this may result in higher perceptions and judgments of guilt. Further, as a result of the negative connotation of alibi evidence, it is hypothesized that this effect will be stronger when alibi evidence is presented before eyewitness evidence. If alibis are in fact perceived as excuses, and if this perception induces negative feelings and reactions, then an early exposure to this type of evidence should immediately induce a negative perception of the suspect. The excuse model also provides a compelling explanation for varying results on the effect of presentation order on alibi evidence. Hogarth and Einhorn (1992) note that in cases with contradictory evidence, the recency effect plays a strong role in determining the effect of different pieces of information on judgements. In the context of a trial containing both alibi and eyewitness testimony, two highly contradictory pieces of evidence, this would suggest that, all other influences being equal, the evidence heard last should have the greatest effect. In other words, presenting alibi evidence last should decrease perceptions of guilt and presenting eyewitness evidence last should increase them. Considering that in real cases the Crown presents its evidence first and the Defense last, real cases containing alibi evidence seem to contradict this trend. Naturally, there are several other impactful pieces of evidence in a real case in addition to the alibi and eyewitness testimonies yet even studies that control for this evidence show similar effects as well. Dahl et al (2009) for example demonstrated that order effects only happen when an alibi is deemed strong. The excuse model may shed some light on understanding when order effects may be a factor as it

not only holds merit in aiding the interpretation of what makes an alibi good or bad, but has implications on potential reactions to alibi evidence. In turn, understanding not only what makes an alibi strong or weak but also when it is interpreted as one or the other and how these interpretations affect juror decision processes may provide further evidence in understanding the utilization and underutilization of alibi evidence and its interaction with other forms of evidence.

Summary

The evaluation of evidence is an intricate and cognitively taxing process which makes it all the more important to build a more thorough understanding of the psychological processes that facilitate decisions in this context. This is the case because data, both anecdotal and experimental, indicate that the veracity of evidence and its modality, as either evidence for guilt or evidence for innocence, are often not the only factors that influence a guilty/not guilty decision; it is often the case that other social, cognitive and psychological factors also have a strong influence on these decisions. Research on alibi evidence for example often indicates that this form of evidence is often underutilized and perceived through skeptical eyes, especially in the presence of eyewitness testimony, despite its high potential for proving innocence. What this interaction specifically highlights is that eyewitness evidence in support of guilt appears to be stronger than eyewitness evidence in support of innocence, despite the similarities in the nature of these two types evidence. In turn, this puts a spotlight on the importance of evaluating how a fact finder's perceptions of evidence, that may at times be somewhat dissociated from the veracity of the evidence itself, play a role in his/her decision process. The current study hypothesized that the perception of alibis as bad excuses is a major contributor to their underutilization and the negative aura that surrounds this type of evidence. In order to test this hypothesis, participants read a short case summary of a hypothetical crime containing

contradictory alibi and eyewitness testimonies. The alibi evidence was labeled as either a 'statement', an 'alibi' or an 'excuse' in order to test whether these labels would affect participants' perceptions of the honesty and credibility of the witnesses and their final ruling in the case (i.e., guilty or not guilty). It was hypothesized that labeling the evidence as an alibi or excuse would lead to more negative evaluations of the witnesses and the suspect than labeling this same evidence as a statement.

Method

Participants

One hundred participants (62 women, 38 men) were recruited from the research pool for undergraduate Introductory Psychology students at Ryerson University. Participants' ages ranged from 18 to 47 years with an average age of 22.02 years of age ($SD = 4.993$). The study was advertised on the online participation program, SONA, under the title "Evaluating Evidence in a Criminal Investigation". Each participant received 1 course credit for their participation in the study.

Design

Participants were randomly assigned to one of six conditions in a 2 (order: eyewitness first vs. alibi first) X 3 (label: statement, alibi, excuse) between-subjects factorial design. The independent variables (IVs), order and label, involved manipulations in criminal case summaries participants were required to read. The case outlines a crime involving a murder and robbery in which the only material evidence available is the testimony of an eyewitness who claims she saw a suspect at the scene of the crime shortly before it occurred and an alibi witness who corroborates the suspect's testimony that he was at a gas station across town at the time in question. For the first IV, order, participants were exposed to either the eyewitness or alibi account first. For the second IV, label, the alibi evidence was presented as either an "alibi", an "excuse" or simply as a "statement". The dependent variables of interest (DV) were participants' ratings of the honesty of the statements of the suspect, eyewitness, and alibi corroborator in addition to ratings of the likely accuracy of the eyewitness and alibi corroborator and a rating of the guilt of the suspect as well as a binary guilty/not guilty judgment. Participants were also

asked to complete the Just World Scale (JWS) (Rubin & Peplau, 1975), the Right Wing Authoritarianism Scale (RWA) (Altemeyer, 1981), and the Knowledge of Eyewitness Identification Scale (KEI) (Yarmey & Jones, 1983). Study packages, which included a consent form, the crime summary and post-summary questionnaire as well as the personality measures mentioned above were made for all conditions and stored in random order at the study location. Participants were presented with the package only after the study procedures had been explained and consent was obtained in order to ensure random assignment and to avoid any experimenter bias.

Measures

Participant gender and age were recorded for exploratory purposes. Additionally participants completed the JWS, RWA, and KEI. The JWS is a 20 item, 6 point Likert-type (-3 to 3) scale designed to assess the extent to which an individual believes in a fair, just world. For example, this belief includes notions such as “people get what they deserve”, and “people deserve what they get”. Scores on the JWS range from -60 to 60. Higher scores indicate a stronger belief that the world is just. The RWA is a 30 item, 9 point Likert-type (-4 to 4) scale designed to measure attitudinal and behavioural tendencies for authoritarianism. Primarily, this scale gives an indication for 3 main factors: 1) Authoritarian submission: a high degree of submissiveness to the authorities who are perceived to be established and legitimate in the society in which one lives, 2) Authoritarian aggression: a general aggressiveness directed against deviants, outgroups, and other people that are perceived to be targets according to established authorities, and 3) Conventionalism: a high degree of adherence to the traditions and social norms that are perceived to be endorsed by society and its established authorities. Scores on the RWA range from -120 to 120. Positive scores, especially those above 60, indicate an adherence to

authoritarianism. The KEI is a 16 item multiple choice scale. It consists of questions that assess whether the evaluation of eyewitness testimony is based on common sense and provides a measure of the knowledge of the participant about issues that enhance or deter eyewitness identification.

The post-summary questionnaire was created by the experimenter specifically for this study. Most questions were presented on a 7 point Likert-type scale (1 to 7). The questionnaire also included open-ended questions regarding any impressions of the evidence in the case and of the case in general. Additionally, participants were asked to select either a guilty or not guilty verdict for the case and to provide percentage estimates of the number of suspects brought to trial who are actually guilty and the number of cases taken to trial that produce guilty verdicts. Questions addressed include impressions of the guilt and honesty of the suspect, the honesty and accuracy of the eyewitness and alibi corroborator and the strength of the evidence in the case. For a full review of the post-summary questionnaire please refer to Appendix C. The main variables of interest on the post-summary questionnaire were the guilty/not guilty decision, judgments of the likelihood of guilt, and judgments of the accuracy and honesty of the eyewitness and alibi corroborator.

Procedure

Participants were tested in groups of up to four. They were notified however that even though they were completing the task in a group setting, the task was an individual task. Thus, they were asked to refrain from discussing the case or their responses with other participants. Informed consent was obtained from participants on the day of their participation after a description of the task and experimental procedure. Participants were also provided with a document to clearly

outline the study risks, benefits, and procedures and asked to sign the document to indicate their informed consent to participate. Once the consent form was collected, participants were informed that the study package contained two booklets. The first contained the crime summary and the post-summary questionnaire. The second contained a group of surveys pertaining to their attitudes towards crime and the law in general. Participants were asked to read through the case summary carefully and, while doing so, to imagine that they were members of a jury trying to evaluate the evidence in order to make a decision regarding the case. They were asked to complete the booklet containing the case summary and post-summary questionnaire before moving on to the second booklet. Participants were also instructed that once they had completed the first booklet and moved on to the survey package, not to reference the case or change any of their responses on the post-summary questionnaire. The experimenter visited the room at 20 minute intervals to address any questions throughout the course of participation. Participants were allowed as much time as they required to complete the study. Once the study was completed, the experimenter collected the study package for filing and data entry. Participants received both a written and an oral debriefing outlining the purpose of the study. They were informed that the aim of the study was to investigate whether the presentation of evidence had an effect on participants' perceptions of the suspect and witnesses and, ultimately, on their verdict. Additionally participants were queried about their reactions to the case and the evidence provided. In particular, they were asked whether they had noticed or paid attention to the different labels assigned to the suspect's statement (i.e. alibi, excuse, statement). The experimental design was also outlined to participants and time was given to address any questions they wished to ask. Participants were also informed that their credit had been granted and thanked for their participation. They also received a written debriefing form outlining the

purpose of the study and hypotheses as well as contact information for the experimenter in case of any future inquiries.

Results

This section presents the results of the data analysis on participant responses. First, an analysis of the effect of the label of the evidence and order of presentation on judgements of 'likelihood of guilt' is evaluated. Following this, the effects of label and order of presentation on verdict are investigated. Subsequent analyses include an evaluation of differences between guilty and not guilty voters across several items on the post-case questionnaire (Refer to Appendices F & G) followed by an evaluation of differences on the personality measures administered.

Label and Order of Presentation

Ratings for 'likelihood of guilt' were subjected to a 2 (order: alibi first, eyewitness first) X 3 (label: statement, alibi, excuse) independent groups ANOVA. There was no main effect for label of evidence, $F(2, 94) = .730, p = .485, \text{partial } \eta^2 = .015$. No significant results were attained for presentation order either, $F(1, 94) = 1.191, p = .278, \text{partial } \eta^2 = .013$. The interaction also was not significant, $F(2, 94) = .351, p = .705, \text{partial } \eta^2 = .007$.

Guilty Verdicts across Label Group and Order

A contingency table analysis was performed to determine whether participants in each group differed in their inclination to produce guilty verdicts. Differences in the number of guilty verdicts produced by the statement ($N=6$), alibi ($N=6$) and excuse ($N=4$) groups were not significant, $\chi^2(2, N=100) = .443, p = .801$.

Table 1

Verdict Count by Label of Evidence

Verdict	Label			Total
	Statement	Alibi	Excuse	
Guilty	6	6	4	16
Not Guilty	29	27	28	84
Total	35	33	32	100

For order, differences in guilty verdicts between participants who read the alibi evidence first (N=10), and those who read the eyewitness evidence first (N=6) were not significant, χ^2 (1, N=100) = 1.389, $p = .239$.

Table 2

Verdict Count by Order of Presentation

Verdict	Order		Total
	Eyewitness First	Alibi First	
Guilty	6	10	16
Not Guilty	45	39	84
Total	51	49	100

Verdict

Additional t-tests were conducted to investigate differences between participants who produced guilty and not guilty verdicts across other variables investigated in the study. Participants who deemed the suspect guilty (GV) found the suspect significantly less honest ($M = 4.00$, $SD = 1.414$ on 7 point scale) than those who deemed him not guilty (NG) ($M = 4.98$, $SD = 1.220$), $t(98) = -2.874$, $p < 0.01$. Additionally, GV participants ($M = 4.88$, $SD = 1.204$) found the evidence against the suspect to be stronger than those who deemed him not guilty ($M = 2.75$, $SD = 1.387$), $t(98) = 5.781$, $p < 0.01$. GV participants ($M = 5.00$, $SD = 1.033$) also believed that

there was a significantly higher likelihood that the suspect did commit the crime than NG participants ($M = 3.31$, $SD = 1.249$), $t(98) = 5.113$, $p < 0.01$ and viewed the eyewitness as significantly more accurate ($M = 5.25$, $SD = 1.125$) than NG participants ($M = 3.48$, $SD = 1.391$), $t(98) = 4.746$, $p < 0.05$. Ratings for the honesty of the eyewitness ($M_G = 5.25$, $SD = 1.000$, $M_{NG} = 4.69$, $SD = 1.735$) and the accuracy ($M_G = 4.63$, $SD = 1.258$, $M_{NG} = 4.69$, $SD = 1.414$) and honesty ($M_G = 5.06$, $SD = 1.181$, $M_{NG} = 5.65$, $SD = 1.207$) of the alibi witness did not differ significantly between GV and NG participants. However, GV participants did have a significantly higher perception of the average person's ability to successfully identify a stranger ($M_1 = 4.88$, $SD_1 = 1.025$, $M_2 = 3.77$, $SD_2 = 1.510$), $t(98) = 2.755$, $p < 0.01$, and believed that a higher percentage of suspects brought to trial are actually guilty ($M_1 = 67.88$, $SD_1 = 13.451$, $M_2 = 58.67$, $SD_2 = 20.453$), $t(98) = 2.275$, $p < 0.05$.

Participants who gave guilty verdicts found the suspect less honest and believed that the evidence in the case was generally stronger than those who gave not guilty verdicts. These participants also attributed a higher likelihood of guilt to the suspect. The average rating for likelihood of guilt in the 'guilty' group was 5 ($SD = 1.03$) out of a possible 7. Furthermore, the average rating for the strength of evidence against the suspect was 4.88 ($SD = 1.20$) out of 7. The corresponding values for the 'not guilty' group were 3.31 ($SD = 1.242$) and 2.74 ($SD = 1.381$) for likelihood of guilt and strength of evidence respectively.

Personality Measure

The mean score on the RWA across all participants was -47.18 ($SD=36.835$) with scores ranging from a high of 88 to a low of -116. There was a significant difference in scores on the RWA between guilty ($M=-26.31$) and not guilty ($M=-51.31$) voters, $t(98) = 2.540$, $p < .05$.

The mean score on the JWS across all participants was -1.19 with scores ranging from a high of 35 (of a maximum 60) to a low of -31 (of a maximum -60). There were no significant differences in scores on the JWS between guilty ($M=.19$) and not guilty ($M=-1.45$) voters.

The mean score on the KET was 7.36 correct answers out of 16 questions, or 45.4%, across all participants with a high score of 14 out of 16 and a low score of 2 out of 16. No significant differences in scores on the KET were observed between guilty ($M=6.38$) and not guilty ($M=7.55$) voters although this difference did approach significance.

Discussion

Manipulating the presentation of alibi evidence as a statement, alibi or excuse, did not have an effect on the participants' perceptions of the guilt of the suspect in the crime summary or on their willingness to give a guilty verdict. In addition, presenting the alibi evidence before the eyewitness evidence, or vice versa, did not have an effect on participants' perceptions of the guilt of the suspect or influence verdict. Though the independent variables did not produce the hypothesized effects, additional analysis did indicate that there were significant differences on other measures between participants who gave a guilty verdict and those who deemed the suspect not guilty. Participants who deemed the suspect guilty believed that he was being less honest about his alibi and that the evidence against him in the case was stronger. Additionally, these participants believed that there was a higher likelihood that the suspect was guilty and rated the eyewitness account as more accurate than participants who gave a 'not guilty' verdict. It was also observed that those who gave a guilty verdict generally had a stronger perception of people's ability to successfully identify strangers and also believed that a higher percentage of suspect's brought to trial are actually guilty. While these results can be interpreted as indicating that this variety of factors is contributing to the formation of a guilty verdict, it is also possible that participants attempted to maintain a consistent point of view throughout the questionnaire after giving a guilty or not guilty verdict. This may be particularly relevant since participants were asked to provide their verdict early in the post-case questionnaire. In other words, participants who indicated that they believed that the suspect was guilty may have been inclined to maintain a consistent view throughout the remainder of the questionnaire or even motivated to justify their original judgment.

Labeling the Alibi Evidence

The results of the study did not support the hypothesis that labeling alibi evidence as an 'alibi' or 'excuse' would produce a more negative perception of this evidence and lead to higher perceptions and judgments of guilt than labeling this same evidence as simply a 'statement'. The theoretical basis for this hypothesis stems from the assumption that alibis may be interpreted as excuses. As discussed earlier, this implies that an alibi statement, especially one deemed weak, may contribute to negative perceptions of the alibi user and in turn lead to harsher reprimands. Though the results do not entirely negate the relationship between alibis and excuses, they do highlight that illuminating this hypothesized relationship by labeling the evidence differently in a case summary may not be sufficient in manipulating levels of bias towards alibi evidence. One possible explanation for this result is that participants simply did not notice the different labels. The manipulation was fairly subtle and noticing the different labels and other changes in the text of the case summary would have required a careful and precise review by participants. Alternatively, it may not matter what label the evidence was attributed, but merely that it possess the nature of an alibi. If bias against alibi evidence is as strong as the literature suggests, it may have been the case that exposure to an alibi, regardless of its form or label, may immediately trigger bias. This would in turn imply that there should not be differences across groups who are exposed to the alibi evidence under different labels. If this is the case, the addition of a control group, with no alibi or an alibi of a different nature (e.g., "I was home alone"), would have allowed for an interesting comparison group to better identify if the perception of an alibi as an excuse is detrimental. Though this was not addressed in this study, previous research does indicate that using no alibi, or an alibi that someone was home alone, does sometimes produce more favorable outcomes for a suspect than using a more elaborate alibi (e.g. Burke & Turtle,

2003). These results also translate to the research on excuses, referenced earlier, which also indicates that using no excuse is sometimes more favorable than using an excuse that is more elaborate or deemed 'weak'.

Personality Measures

Participants generally demonstrated low to moderate noncompliance to authority, as quantified by the RWA, which may be due to the younger demographic captured in the study. However, significant differences were observed between guilty and not guilty voters. While average scores for both groups were negative, and so indicative of noncompliance, the significant difference between the two groups still implies that higher adherence to authority does seem to have an effect on participants' inclination to make guilty or not guilty votes given an ambiguous case. This not only has implications with regard to jury selection and potential biases that may be introduced at that stage of a trial process but also raises the question of the potential influence authority figures may have on jurors in real trial scenarios. Although it is generally assumed that measures provided by the RWA represent steady character traits, it has been observed that the presence of an authority figure can greatly influence decision making processes in individuals at a lower authority level (e.g. Milgram, 1965; Blass, 1999). Additionally, it has also been noted that the proximity of an authority figure to a potential "learner" can also have an effect on that learner's decision making process. This is not to say of course that the legal system is exerting pressure on individuals to produce guilty verdicts however it is still the case, as mentioned earlier, that the criminal justice system is designed to apprehend guilty individuals. In turn a juror's proximity to an authority figure whom they believe to be responsible for apprehending guilty individuals may increase his/her adherence to that authority figure and to the law in general, which, in this case, also seems to imply that they

may be more inclined to provide a guilty verdict, even if, as with participants administering electric shocks to one another under the pressure of an authority figure (see Milgram, 1963), he/she does not entirely understand why.

Participants generally demonstrated neutral attitudes regarding the Just World Hypothesis and scores on this measure did not seem to imply any influence on judgments or perceptions of guilt even though it was anticipated that participants who gave not guilty verdicts would be more inclined towards the belief that the world is not a just place. From a theoretical standpoint this measure remains of interest in terms of better understanding the relationship between perceptions of a just world and acceptance of the notion of wrongful convictions. While a comprehensive comparison of scores on the JWS and subjective ratings for the likelihood of an innocent individual going to trial may shed some light on the issue, such a comparison is beyond the scope of the current study. Additionally, the current findings indicate at least, that just world belief, as a personality construct, does not seem to influence judgments of guilt or innocence. This relationship may still be worthy of future investigation however, especially considering that average scores in this study were close to zero and different influences may be observed in individuals with higher or more extreme scores.

Knowledge of the intricacies of eyewitness evidence, like a belief in a just world, also seemed to have no correlation with verdict, although differences between guilty and not guilty voters did approach significance in a direction implying that increased knowledge may lead to a higher likelihood to produce a not guilty verdict, at least for the case presented in this study. Of course, differences in knowledge about eyewitness testimony should have no direct effect on verdict, except in what differences this knowledge presents when it comes to evaluating such evidence. In other words, while this measure does not provide a direct representation of a

possible bias, it may shed some light on the inclination to accept, refuse, or overlook certain kinds of evidence. Of particular interest with regard to the knowledge tested in this measure is its applicability to both alibi and eyewitness testimony. While both an alibi corroborator and an eyewitness to a crime fall prey to the same influences that affect memory and recall of a specific individual, place and time, it may still be worthwhile to further investigate whether these effects apply, or are at least perceived equally, for both types of eyewitness. Additionally, though the difference was not significant, its directionality does speak for the potential importance of expert testimony in court regarding the accuracy and value of eyewitness testimony, in addition to the fact that this must be addressed with regards to both an eyewitness for the Crown and one for the Defense. Furthermore, as was the case with average scores on the JWS, participants generally scored at around 50%. Again, investigating a higher range of scores may shed some more light on the potential impact and importance of this measure in influencing decisions in a legal context; although performance at 50% and lower on this test is typical of student populations.

Order Effect

Although researchers have suggested that the order of presentation of evidence has an effect on the perceptions of that evidence, the current research failed to replicate this finding. Hogarth and Einhorn (1992) suggested that the recency effect would have an impact in situations with contradictory evidence, such as having contradictory eyewitness and alibi accounts. Dahl (2009) extended this finding to indicate that the recency effect only held true when the contradictory evidence was probative in nature. More specifically, they found that alibi evidence had strong influences in perceptions of guilt and arrest decisions only when the alibi evidence was strong and appeared after the eyewitness evidence. Weak alibi, or strong alibi evidence presented prior to the eyewitness evidence did not show this trend. The current research failed to

demonstrate this effect. In fact, participants in this study rated the alibi provider and corroborator as generally more honest and credible when the alibi evidence appeared first, although this did not affect their ratings of guilt or verdicts. While Dahl et al. (2009) suggest that the recency effect cannot entirely account for the effectiveness of alibi evidence (since there are differences between strong and weak alibis), that participants find early exposure to alibi evidence more appealing (and yet this does not affect verdict) suggests that there is more at play in their decision making process than their perceptions of the evidence or a recency effect. As suggested by Hogarth and Einhorn (1992), this implies that it is important to investigate whether investigators are taking a step by step approach to evaluating the evidence, and thus are being influenced by the evidence at different stages of exposure, or whether they take an end of sequence approach and evaluate the evidence only at the time of the final decision, in which case primacy and recency effects may play a larger role.

Verdict and Attitudes toward Evidence

Previous research has suggested that alibi evidence is often overwhelmed by the presence of eyewitnesses and that this evidence in general is perceived negatively by investigators. As mentioned earlier for example Burke and Turtle (2003) as well as Culhane et al (2004) demonstrated that the use of no alibi at all can sometimes be more favorable than using a weak, or even a corroborated alibi. Olsen and Wells (2004) also noted that in their research, the highest rating obtained for the believability of an alibi was a seven out of a possible ten. These findings and others from studies with similar paradigms suggest that alibi evidence is usually very hard to come by and that its effectiveness, even in the best of circumstances, is sometimes suspect. Although the present research failed to address these points directly, it was observed that participants who gave guilty verdicts found the suspect less honest and believed that the evidence

in the case was generally stronger than those who gave not guilty verdicts. These participants also attributed a higher likelihood of guilt to the suspect. Interestingly, the average ratings for likelihood of guilt in the 'guilty' and 'not guilty' groups indicate that it seems that in this case, only an above average belief that the suspect was guilty was sufficient in producing a guilty verdict. This raises some questions regarding participants' interpretations of guilt 'beyond a reasonable doubt'. While one may expect a higher threshold than the average to establish belief beyond a reasonable doubt, it may be the case that the forced decision in this case allowed for a convenient cutoff at the average. In other words, being forced to provide a verdict of either guilty or not guilty, participants may have been swayed by any influence that placed them slightly above or below the average. Most interesting however was a lack of significance in differences between perceptions of the witnesses. While participants who deemed the suspect guilty did find the eyewitness more accurate than those who found him not guilty, there were no differences in these participants' ratings of the alibi evidence. Thus, participants' perceptions of the accuracy and honesty of the alibi provider and corroborator seemed to play little effect in their final decisions regarding the case. This may in turn be an indication that evaluations of the alibi evidence did not play the expected role in the study and that judgments were more strongly influenced by impressions of the eyewitness testimony.

Limitations and Future Directions

That impressions of eyewitness testimony play a larger role in the decision process is consistent with previous research which indicates that alibi evidence is often overshadowed by the presence of eyewitness testimony and also provides a possible explanation for the discrepancies between findings in this study and others with respect to order effects. It is also important to note that another limitation of this study is the low proportion of participants who

gave guilty verdicts. Though the case was designed to be as ambiguous as possible, a lack of direction for the crime summary may have disposed participants to err on the safe side and indicate that the suspect was not guilty. Furthermore, if the theoretical basis of the study holds true and alibis are in fact perceived as excuses, the label of the evidence may be irrelevant and negative perceptions of the evidence may be triggered automatically. This would of course require more direct testing and careful manipulations. Additionally, even though participants were asked about their reactions to the label of the evidence during debriefing, a formal manipulation check for label was not administered. Such a check would have been extremely helpful in identifying if participants even noticed the label of the alibi and, if they did, whether this affected their perceptions of the evidence. More thorough manipulation of the alibi evidence within the confines of the excuse literature may for example provide a clearer evaluation of the similarities and differences between these phenomena. Additionally, it is important to note that while some excuses reduce linkages of responsibility by undermining the gravity of an event or a person's knowledge of its prescriptions, an alibi does so by completely dissociating the individual from the event and entirely severing the link of responsibility. This void, in turn, may be a source of strong dissonance for fact finders and criminal investigators who are motivated to find a guilty culprit since accepting this evidence will place them in a position that requires a complete reevaluation of the case. Wells et al. (1998) for example note that even in a target absent lineup, investigators and witnesses still feel compelled to, and do, select an individual from a lineup. It appears then that the drive to associate a guilty party with a crime is rather strong and this may explain why investigators may be resilient to accept or utilize any evidence that removes this link; particularly non-physical or suspicious evidence, as is often the case with alibi testimony.

Conclusions

The current research requires substantial development but expands on the literature by providing a very plausible theoretical basis for understanding the integration of alibi evidence within a criminal trial setting. While previous literature does indicate that alibi evidence is often underutilized and overshadowed by eyewitness testimony, this study provides a framework, based in psychological literature, for understanding why and when these effects may occur. Though there are clear records of the uses and misuses of alibi evidence, a strong theoretical basis is needed in order to drive efforts towards recommendations for policy change and the avoidance of miscarriages of justice. Furthermore, the study provides a framework over which further research on alibi evidence and its interaction with other types of evidence can be built. While it is a fair assumption to believe that alibis are interpreted as excuses, they are after all defined as such in common encounters, understanding how thoroughly this perception translates can shed some light on the uses and misuses of alibi evidence in criminal investigations. Other factors that are important to consider as well include participants' inclination to consider certain types of evidence and what factors influence this. If, for example, alibis are ignored because of their nature, understanding this nature may provide guidelines for the utilization of this defense in a more useful manner. Naturally this also provides a potential for the abuse of alibi evidence but it is important to note that this type of evidence is often evaluated within the context of several other kinds of evidence. Thus, the interaction of alibi evidence with other types of evidence is also of great concern.

The current study failed to demonstrate that labeling alibi testimony as a 'statement', 'alibi' or 'excuse' would affect judgments of guilt and verdicts in a hypothetical crime scenario. Additionally, whether participants viewed the alibi evidence before or after eyewitness testimony had no effect on verdicts or judgments of guilt. The study did, however, demonstrate that

evaluations of alibi evidence seem to hold little weight in influencing judgments of guilt and verdicts and this seems to be primarily mediated by evaluations of eyewitness testimony. Thus, when eyewitness testimony is found highly believable and credible, participants find a suspect guilty and when the evidence is found less believable and credible; the suspect is found not guilty. The notion that alibis are interpreted as excuses still holds some theoretical relevance in understanding how this type of evidence is evaluated by fact finders and how this evaluation can lead to the misuse or underutilization of alibi evidence. Therefore, the theoretical link between alibis and excuses provides a relevant psychological construct that can help guide future research in understanding how alibi evidence interacts with other types of evidence, like eyewitness testimony, to affect verdicts and evaluations of evidence. This knowledge can in turn help drive efforts for policy change and the future avoidance of miscarriages of justice.

Appendix A: Crime Summary (Eyewitness First)

Please carefully read the following summary of a criminal investigation of a case involving a robbery and murder. Imagine yourself in the role of a jury member, required to make a decision regarding the guilt or innocence of the defendant. Once you have read the case summary, please complete the Post-Case Questionnaire carefully. Thank you in advance for your participation. Your help is greatly appreciated.

Case Summary

At 10:37 pm on the night of October 2, 2008, Toronto Police received a 911 call from Ron Thomas, the owner of a local convenience store. Mr. Thomas reported that a man had just attempted to rob his store and he had been shot after a scuffle during the attempted robbery. Mr. Thomas stated that he was badly injured as a result of the incident. Police and Emergency Medical Service (EMS) vehicles were immediately dispatched. Upon their arrival at 10:42 pm, Police found Mr. Thomas unresponsive at the scene. He was taken to hospital but died shortly thereafter.

Evidence teams collected several fingerprints from the site. The cash register was found open and an investigation of the store transactions revealed that the last recorded sale was completed at 10:25 pm by a credit card belonging to a Ms. Mona Jones. The records also indicated that \$875 was missing from the register. Ms. Jones was contacted by police in order to obtain any information she might have about the events leading up to the crime. She stated that she was the only patron at the store at the time and had stopped there to buy some milk on her way back home from work. She did note, however, that as she was leaving the store a man was just entering the premises. She described him to police as a white male, approximately 24 years of age, about 6 feet tall, with a lean build. When further questioned about this individual, Ms. Jones recalled that as he walked into the store he asked her for the time. He then proceeded into the store and she continued on her way.

Following up on their lead, police conducted a search of their database in an attempt to identify possible persons of interest that live around the location of Mr. Thomas' store. Their search produced a list of names of individuals known to police and that matched the description they were given by Ms. Jones. Police attempted to initiate contact with each of these persons of interest for questioning. Andrew Johnson, a 23 year old white male from Toronto, and one of the individuals identified by the system, was located at his home at around midnight on October 3, 2008. During their interview with Mr. Johnson he appeared to be intoxicated and his responses to questions from the arresting officer became vague and incoherent. Mr. Johnson became a suspect to the crime when became uncooperative in answering any questions relating to Mr. Thomas' store. He was taken to the city jail and fingerprinted and photographed. A warrant was issued to search Mr. Johnson's house. Police found a box in Mr. Johnson's bedroom containing \$320 in cash. Mr. Johnson's vehicle was also impounded and searched. Police found a six pack of beer in the trunk with two bottles missing. They also found driving gloves and a pair of sunglasses in the glove compartment in addition to a plastic bag under the passenger seat containing four lighters and maps of Niagara Falls, Hamilton and Windsor.

On the morning of October 4, 2008, Ms. Jones was contacted by police and asked to try to make an identification of the person she saw at the store. She was presented with 6 photos

(including Mr. Johnson) and asked if the person she saw at the store was in the line-up. Ms. Jones identified Andrew Johnson as the person she saw at the convenience store.

Mr. Johnson was then brought to the station for questioning. Mr. Johnson was told that he was suspected in the robbery and murder of Mr. Thomas and that he needed to be very clear about his whereabouts the previous evening. Mr. Johnson provided, as part of his *statement/alibi/excuse**, that he had left Toronto for Niagara Falls at around 7 pm on the night of October 2 in order to attend a local fireworks display. He also *stated/claimed* that he stopped at a small gas station on his way back to ask for directions to the highway. When asked about the \$320 found at his apartment, Mr. Johnson *stated/claimed* that he likes to keep a fair amount of cash available at his apartment in case of emergencies.

On October 4, 2008, police, after determining the location of the gas station, dispatched two officers to verify Mr. Johnson's alibi. Police discovered that the gas station was a privately run business owned by a Mrs. Nelly Kutler. Mrs. Kutler was asked about her business and stated that the station hours were from 8 am until 11 pm daily. She mentioned that she is usually the attending clerk but sometimes steps out and leaves her son to attend to the station. When asked if she was working the previous night she stated that she was the only attendant at the station from 4 pm to 11 pm and that she closed down the station herself that night. When asked if any customers had visited the station between the hours of 10 and 11 pm, Mrs. Kutler stated that business was slow and not many customers visited the station near closing time. She recalled a young man who walked in and asked for directions and then picked up a complementary tourist guide on his way out. When asked to elaborate on her description of the young man, Ms. Kutler described him as a young white male, in his early twenties, with very skinny arms. When asked if she could identify this man, Mrs. Kutler stated that she probably could if she saw him again. Police presented Mrs. Kutler with a 6-photo lineup containing Mr. Johnson's picture. Mrs. Kutler identified Mr. Johnson as the person who was at her gas station on the night of October 2. No other evidence was presented for the case. None of the fingerprints collected at the scene matched those of Mr. Johnson or any other leads provided by the database. Considering the evidence available, Mr. Johnson remains the primary suspect in the murder and robbery of Mr. Thomas.

*terms not italicized in study version. Terms correspond to what was read in the statement, alibi and excuse conditions respectively.

Appendix B: Crime Summary (Alibi First)

Please carefully read the following summary of a criminal investigation of a case involving a robbery and murder. Imagine yourself in the role of a jury member, required to make a decision regarding the guilt or innocence of the defendant. Once you have read the case summary, please complete the Post-Case Questionnaire carefully. Thank you in advance for your participation. Your help is greatly appreciated

Case Summary

At 10:37 pm on the night of October 2, 2008, Toronto Police received a 911 call from Ron Thomas, the owner of a local convenience store. Mr. Thomas reported that a man had just attempted to rob his store and he had been shot after a scuffle during the attempted robbery. Mr. Thomas stated that he was badly injured as a result of the incident. Police and Emergency Medical Service (EMS) vehicles were immediately dispatched. Upon their arrival at 10:42 pm, Police found Mr. Thomas unresponsive at the scene. He was taken to hospital but died shortly thereafter.

Evidence teams collected several fingerprints from the site. The cash register was found open and an investigation of the store transactions revealed that the last recorded sale was completed at 10:25 pm by a credit card belonging to a Ms. Mona Jones. The records also indicated that \$875 was missing from the register.

Police conducted a search of their database in an attempt to identify possible persons of interest that live around the location of Mr. Thomas' store. Their search produced a list of names of individuals known to police that may have been involved in the crime. Police attempted to initiate contact with persons of interest for questioning. Andrew Johnson, a 23 year old white male from Toronto, and one of the individuals identified by the system, was located at his home at around midnight on October 3, 2008. During their interview with Mr. Johnson he appeared to be intoxicated and his responses to questions from the arresting officer became vague and incoherent. Mr. Johnson became a suspect to the crime when he became uncooperative in answering any questions relating to Mr. Thomas' store. He was taken to the city jail and fingerprinted and photographed. A warrant was issued to search Mr. Johnson's house. Police found a box in Mr. Johnson's bedroom containing \$320 in cash. Mr. Johnson's vehicle was also impounded and searched. Police found a six pack of beer in the trunk with two bottles missing. They also found driving gloves and a pair of sunglasses in the glove compartment in addition to a plastic bag under the passenger seat containing four lighters and maps of Niagara Falls, Hamilton and Windsor.

On October 4, 2008, Mr. Johnson was brought to the station for questioning. Mr. Johnson was told that he was suspected in the robbery and murder of Mr. Thomas and that he needed to be very clear about his whereabouts the previous evening. Mr. Johnson provided, as part of his *statement/alibi/excuse**, that he had left Toronto for Niagara Falls at around 7 pm on the night of October 2 in order to attend a local fireworks display. He also *stated/claimed* that he stopped at a small gas station on his way back to ask for directions to the highway. When asked about the \$320 found at his apartment, Mr. Johnson *stated/claimed* that he likes to keep a fair amount of cash available at his apartment in case of emergencies.

Police, after determining the location of the gas station, dispatched two officers to verify Mr. Johnson's statement. Police discovered that the gas station was a privately run business

owned by a Mrs. Nelly Kutler. Mrs. Kutler was asked about her business and stated that the station hours were from 8 am until 11 pm daily. She mentioned that she is usually the attending clerk but sometimes steps out and leaves her son to attend to the station. When asked if she was working the previous night she stated that she was the only attendant at the station from 4 pm to 11 pm and that she closed down the station herself that night. When asked if any customers had visited the station between the hours of 10 and 11 pm, Mrs. Kutler stated that business was slow and not many customers visited the station near closing time. She recalled a young man who walked in and asked for directions and then picked up a complementary tourist guide on his way out. When asked to elaborate on her description of the young man, Ms. Kutler described him as a young white male, in his early twenties, with very skinny arms. When asked if she could identify this man, Mrs. Kutler stated that she probably could if she saw him again. Police presented Mrs. Kutler with a 6-photo lineup containing Mr. Johnson's picture. Mrs. Kutler identified Mr. Johnson as the person who was at her gas station on the night of October 2.

On October 4, 2008, Ms. Mona Jones was contacted by police in order to obtain any information she might have about the events leading up to the crime and to provide an official statement. When asked if she had been at Mr. Thomas's store between the hours of 10 and 11 on the night of October 2, she stated that she had stopped there to buy some milk on her way back home from work. When asked to elaborate on her experiences that night, she stated that she was the only patron at the store at the time. She did note, however, that as she was leaving the store a man was just entering the premises. She described him to the police as a white male, approximately 24 years of age, about 6 feet tall, with a lean build. When further questioned about this individual, Ms. Jones recalled that as he walked into the store he asked her for the time. He then proceeded into the store and she continued on her way. When asked if she could identify this man, Ms. Jones indicated that she would likely recognize him if she saw him again. Ms. Jones was presented with 6 photos, including one of Mr. Johnson, and asked if the person she saw at the store was in the line-up. Ms. Jones identified Andrew Johnson as the person she saw at the convenience store.

No other evidence was presented for the case. None of the fingerprints collected at the scene matched those of Mr. Johnson or any other leads provided by the database. Considering the evidence available, Mr. Johnson remains the primary suspect in the murder and robbery of Mr. Thomas.

*terms not italicized in study version. Terms correspond to what was read in the statement, alibi and excuse conditions respectively.

Appendix C: Post Summary Questionnaire

- 1) What is your age? ____ Years.
- 2) Are you: ____ Male. ____ Female.

Please answer the following questions as best as you can given the limited information available.

- 3) How truthful do you think Mr. Johnson (the suspect) is being regarding his whereabouts on the evening in question?

1 2 3 4 5 6 7
Not very truthful Very truthful

- 4) How confident are you in your judgment for question #3?

1	2	3	4	5	6	7
Not very confident						Very confident

- 5) Overall, how strong do you think the evidence is against Mr. Johnson (the suspect)?

1 2 3 4 5 6 7
Not very strong Very strong

- 6) Please indicate below what you think is the single most important factor, if any, which suggests that Mr. Johnson (the suspect) might be guilty?

[illegible]

- 7) Please indicate below what you think is the single most important factor, if any, which suggests that Mr. Johnson (the suspect) might be innocent?

- 1 2 3 4 5 6 7
- Not very likely Very likely

- | | |
|--------|------------|
| Guilty | Not Guilty |
|--------|------------|

- | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-----------------|---|---|---|---|---|-------------|
| Not very likely | | | | | | Very likely |

- | | | | | | | |
|-------------------|---|---|---|---|---|---------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Not very truthful | | | | | | Very truthful |

- | | | | | | | | |
|-----------------|---|---|---|---|---|---|-------------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Not very likely | | | | | | | Very likely |

- | | | | | | | |
|-------------------|---|---|---|---|---|---------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Not very truthful | | | | | | Very truthful |

- 1 2 3 4 5 6 7
Not very likely Very likely

Appendix D: Consent Form

Ryerson University Consent Agreement Standards in Evaluating Evidence

You are being asked to participate in a research study. Before signing this consent form, it is important that you read the following information. You may ask as many questions as necessary to be sure that you understand what the study entails.

Investigators:

Sami El-Sibaey, Graduate Student
Tara Burke, Ph. D.

Purpose of the Study: The purpose of this study is to examine how individuals determine the guilt or innocence of a suspect in a hypothetical crime scenario. We are hoping to recruit 200 students at Ryerson to participate in this research. All first year Psychology students are eligible to participate.

Description of the Study: If you decide to participate in the research, you will be asked to read a case summary of a hypothetical criminal case then answer some questions about your thoughts after reading the case. This study will take place in the lab and will take approximately 60 minutes to complete.

What is Experimental in this Study: None of the procedures or questionnaires used in this study are experimental in nature, in the sense that they have all been used by other researchers and found to be useful procedures and questionnaires. From a technical or procedural point of view, part of this study is considered “experimental”, because by following the procedure described above, the study examines the impact of one variable (called the “independent variable”) on another variables (called the “dependent variable”). More information about the independent and dependent variable will be provided at the end of the session.

Risks or Discomforts: Occasionally people feel uncomfortable when answering questionnaires that ask about attitudes toward controversial social issues (e.g., affirmative action). We do not believe that the questionnaires provided examine such controversial issues. However, if any aspect of this study makes you feel uncomfortable, you may choose not to answer certain questions, or to withdraw from the study at any time.

Benefits of the Study:

We anticipate that you will benefit from this study by learning about ways that psychology can contribute to the legal system. When the session is over, we will describe the purpose and hypotheses of the study to you in more detail. Also, once we have analyzed the data, you are welcome to ask about the results.

Confidentiality: Your responses in this research will be anonymous, because you will not put your name or student number on the questionnaires. Rather, the questionnaires will be identified by number only. You will be asked to sign only this consent form (if you decide to participate), and it will be filed separately from your questionnaire. The data from this study will be held in a locked lab room, to which only investigators and associated personnel will have access.

Incentives to Participate: You will receive a 1% participation mark to use towards your introductory psychology course at Ryerson.

Voluntary Nature of Participation: Participation in this study is voluntary. Your choice of whether or not to participate will not affect your grades or academic status or your future relations with Ryerson University. If you decide to participate, you are free to withdraw your consent and to stop your participation at any time without penalty or loss of benefits to which you are allowed. Should you withdraw from the study, you will still be given up to 1 mark (provided that you have not already received the maximum allotted for research participation of 3%).

Questions about the Study: If you have any questions about the research now, please ask. If you have questions later about the research, you may contact:

Sami El-Sibaey, sami.elsibaey@ryerson.ca

Dr. Tara Burke, 416-979-5000, ex. 6519

If you have any questions regarding your rights as a human participant in this study, you may contact the Ryerson University Research Ethics Board for information.

Research Ethics Board
c/o Office of Research Services
Ryerson University
350 Victoria Street
Toronto, ON M5B 2K3

Agreement: Your signature below indicates that you have read the information in this agreement and have had a chance to ask any questions you have about the study. Your signature also indicates that you agree to be in the study and have been told that you can change your mind any time during the study and withdraw from it. You have been given a copy of this agreement.

You have been told that by signing this consent agreement, you are not giving up any of your legal rights.

Name of Participant (please print)

Signature of Participant

Date

Appendix E: Debriefing Form

Debriefing

The present study explores the possibility that jurors perceive alibi evidence in general as a type of 'excuse' and as therefore less worthy of consideration. In several cases involving both eyewitness and alibi evidence, eyewitness evidence often holds more precedence in a trial, even in cases where it is later found out to be false. This can potentially occur because eyewitness evidence seems more appealing; alibi evidence seems less appealing, or a combination of the two. This study tries to examine one aspect that may make alibi testimony less appealing; namely, that it is interpreted as a bad excuse and people generally react negatively towards those who give them bad excuses. While all participants in this study read the same case summary, the alibi evidence was presented under a different label for different participants. Some read a "statement" from Mr. Johnson about his whereabouts, some read an "alibi" and some read an "excuse". This statement/alibi/excuse was sometimes presented before the eyewitness account and sometimes after.

It is hypothesized that when labeled an 'alibi' or an 'excuse', alibi evidence may be viewed more negatively than when the same information is described in more neutral terms, like a statement. In turn, participants who read an "alibi" or "excuse" will rate Mr. Johnson as significantly less credible than participants who read a "statement". Further, we expect this effect to be more apparent for the participants who read the alibi evidence first. Assuming a high probability of guilt for a suspect in trial, juries often underutilize evidence that contradicts this hypothesis (Einhorn and Hogarth, 1978). Therefore, they will underestimate the credibility of an alibi and alibi corroborator.

The results will help us to understand the assumptions individuals have about the credibility of exculpatory alibi evidence. This information may allow us to help real fact finders, like jurors, understand the frailties of human memory and decision making and how faulty assumptions about memory and previous biases and beliefs may lead to errors within the justice system itself.

If you know of others who will be participating in this experiment, please refrain from discussing it with them. We do not want our future participants to be aware of the procedures and expected findings.

Thank you for participating in our research. If you have any questions about this study, please contact:

Sami El-Sibaey or Tara Burke, Ph.D.
Department of Psychology
Ryerson University
416-979-5000, ex. 2190
sami.elsibaey@ryerson.ca

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Appendix F: Means and T-Tests for Variables of Interest by Verdict

Variable of Interest	G/NG	N	Mean	t	df	Sig.
Honesty of Suspect (1-7)	Guilty	16	4.00	-2.874	98	<.01
	Not Guilty	84	4.98			
Strength of Evidence (1-7)	Guilty	16	4.88	5.781	98	<.01
	Not Guilty	84	2.74			
Likelihood of Guilt (1-7)	Guilty	16	5.00	5.113	98	<.01
	Not Guilty	84	3.31			
Accuracy Eyewitness (1-7)	Guilty	16	5.25	4.746	98	<.01
	Not Guilty	84	3.48			
Honesty Eyewitness (1-7)	Guilty	16	5.25	1.784	35.059	Ns
	Not Guilty	84	4.69			
Accuracy Alibi witness (1-7)	Guilty	16	4.63	-.173	98	Ns
	Not Guilty	84	4.69			
Honesty Alibi witness (1-7)	Guilty	16	5.06	-1.804	98	Ns
	Not Guilty	84	5.65			
Successful ID ¹ (1-7)	Guilty	16	4.88	2.755	98	<.01
	Not Guilty	84	3.77			
Percent Guilty ²	Guilty	16	67.882.275		30.254	<.05
	Not Guilty	84	58.67			
Wrongful Conviction ³ (1-7)	Guilty	16	4.06	-8.47	98	Ns
	Not Guilty	84	4.40			
Guilty Verdict ⁴	Guilty	16	67.501.943		98	Ns
	Not Guilty	84	56.66			
Right Wing Authoritarianism	Guilty	16	-26.312.540		98	<.05
	Not Guilty	84	-51.31			
Just World Belief	Guilty	16	.19	.469	98	Ns
	Not Guilty	84	-1.45			
Knowledge of Eyewitness testimony (# correct of 16 Questions)	Guilty	84	6.38	-1.937	98	Ns
	Not Guilty	16	7.55			

1. How likely do you think it is, generally, that a person can successfully identify a stranger s/he encountered 24 hours prior to having to identify them?
2. In your opinion, what percentage of suspects brought to trial are actually guilty?
3. How likely do you think it is that someone innocent will go to jail?
4. In the context of your common knowledge and beliefs, what percentage of cases that go to court do you think produce guilty verdicts?

Appendix G: Means and T-Tests for Variables of Interest by Order

Variable of Interest	Order	N	Mean	t	df	Sig.
Honesty of Suspect (1-7)	Eyewitness First	50	5.04	2.058	98	<.05
	Alibi First	50	4.51			
Strength of Evidence (1-7)	Eyewitness First	50	2.92	-1.363	98	Ns
	Alibi First	50	3.35			
Likelihood of Guilt (1-7)	Eyewitness First	50	3.43	-1.180	98	Ns
	Alibi First	50	3.75			
Accuracy Eyewitness (1-7)	Eyewitness First	50	3.61	-.991	98	Ns
	Alibi First	50	3.90			
Honesty Eyewitness (1-7)	Eyewitness First	50	4.67	-.603	98	Ns
	Alibi First	50	4.86			
Accuracy Alibi witness (1-7)	Eyewitness First	50	4.24	-3.325	98	<.01
	Alibi First	50	5.10			
Honesty Alibi witness (1-7)	Eyewitness First	50	5.29	-2.171	98	<.05
	Alibi First	50	5.80			
Successful ID ¹ (1-7)	Eyewitness First	50	3.82	-1.046	98	Ns
	Alibi First	50	4.14			
Percent Guilty ²	Eyewitness First	50	58.92	-5.25	98	Ns
	Alibi First	50	61.00			
Wrongful Conviction ³ (1-7)	Eyewitness First	50	4.45	.784	98	Ns
	Alibi First	50	4.22			
Guilty Verdict ⁴	Eyewitness First	50	56.08	-1.142	98	Ns
	Alibi First	50	60.78			

1. How likely do you think it is, generally, that a person can successfully identify a stranger s/he encountered 24 hours prior to having to identify them?

2. In your opinion, what percentage of suspects brought to trial are actually guilty?

3. How likely do you think it is that someone innocent will go to jail?

4. In the context of your common knowledge and beliefs, what percentage of cases that go to court do you think produce guilty verdicts?

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