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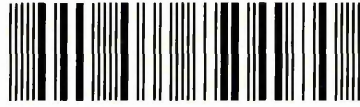
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AN INVESTIGATION INTO DECEPTIVE ALIBI WITNESS TESTIMONY

Hannah Elizabeth Fawcett

A thesis submitted in partial fulfilment of the requirements of Sheffield
Hallam University for the degree of doctor of philosophy

July 2012



Whilst registered as a candidate for the above degree, I have not been registered for any other research award. The results and conclusions embodied in this thesis are the work of the named candidate and have not been submitted for any other academic award.

ABSTRACT

'Weak' alibi evidence is the second leading cause of false convictions although psychological research on this issue is scarce. Understanding the factors contributing to the provision of false alibi witness testimony will highlight whether judicial instructions about alibi witness evidence are required to ensure fair investigations and trials. Utilising experimental and quasi-experimental research this thesis represents the first systematic investigation into the influences upon alibi witness deception.

Study 1 set out to explore the factors influencing perceptions of deceptive alibi witness evidence in order to highlight the variables requiring further analysis later in the thesis. The study found that perceptions of false alibi evidence acceptability were influenced by an interaction between the type of deceptive evidence provided by the alibi witness (lie, false confession, evasion, omission) and the alibi witness' perceptions of the defendant's guilt (guilty, innocent, unsure of guilt). A qualitative content analysis supported these quantitative findings and also suggested that perceptions of the criminal justice system, knowledge of legal sanctions and the relationship between defendant and alibi witness were important in alibi evaluations. These factors were investigated further in the subsequent studies.

Although study 1 highlighted the importance of deception type in alibi witness deception, the alibi research to date has examined solely alibi witness lies meaning there is no existing measure of alibi witness deception types that could be utilised in the thesis. Thus study 2 details the development of the False Evidence Questionnaire (FEQ) which found that alibi witness deception to consists of two factors; Omissions and Commissions. This supported the significant effect of deception type found in study 1. To further explore the role of attitudes to the criminal justice system in alibi witness deception study 2 also developed a multifaceted questionnaire; the Attitudes towards the Police and Courts Questionnaire (APCQ), to improve on previous one-dimensional measures of attitudes to the criminal justice system. The APCQ had five factors; Police Institution, Court Functioning, Punishment, Treatment of the Accused, Personal Safety. The structures of the FEQ and APCQ were demonstrated to be reliable and have a strong theoretical underpinning.

Study 3 revealed that the APCQ Police Institution factor and participant age significantly predicted both the Commissions factor of the FEQ. Moreover, the APCQ Police Institution factor, participant age and the APCQ Court Functioning factor also predicted FEQ Omissions. These findings suggest that by improving perceptions of the police, false alibi witness evidence may be discouraged. Study 4 explored whether the significant effect of age could be attributed to increased awareness of legal sanctions amongst older adults. However, the study found that FEQ Omissions and Commissions are not influenced by punishment awareness illustrating that educating the public about the sanctions for false alibi evidence is unlikely to deter this behaviour. Study 5 used a mock police interview to gain a more ecological valid measure of the relationship between alibi witness and defendant upon alibi witness honesty. This revealed a significant association between unmotivated alibi witnesses (individuals with no/limited prior relationship to the defendant) and honesty in

mock police interviews. Surprisingly, motivated alibi witnesses (individuals with an existing relationship with the defendant) were not found to have a significant association with either honesty or deception in the interviews. These findings support the conceptualisation of alibi witness deception as an altruistic act influenced by estimations of reciprocation likelihood. The study also found alibi witness intended honesty and actual honesty in the police interview were correlated, therefore validating the use of prospective questionnaire methods as utilised in studies 3 and 4. The final study demonstrated that although alibi witness motivation had a significant effect on mock juror perceptions of alibi witness honesty, this bias did not affect perceptions of defendant reliability or case verdicts. Nonetheless, judicial directions may be necessary to counteract juror scepticism towards motivated alibi witnesses.

The thesis represents a unique development in the understanding of deceptive alibi witness evidence, the findings of which direct implications for criminal justice practice as well as future alibi research.

ACKNOWLEDGEMENTS

I couldn't have completed this thesis without the help of a whole host of people. My thanks go firstly to my supervisors for encouraging me to start the PhD and supporting me along the way. I also wish to thank Adam Wilson for his legal know-how which was invaluable in creating the study materials. My research assistants Kirsten, Kirsty, Bryony, Emily, Lisa and Hannah were fabulous, as was Geoff's help with the Chapter 7 data collection. The PhD students at Hallam were wonderful in supporting me through this process. In particular, Dave Moore was a great help with the stats and always managed to cheer me up when things got stressful, and Sophie Taylor was always a smiley face. More recently, the psychology team at Teesside has been great in helping me find time to work on the PhD and encouraging me when things got stressful. Since starting this project I have faced immense challenges, both personally and professionally, and my family have been there supporting me every step of the way. In particular I wish to thank my big brother whose pride in me was a huge motivator, and my mum for giving up her holiday to proof read the thesis. Last but certainly not least I wish to thank Ian for always knowing the right thing to say and keeping me focused on 'The Plan'.

PUBLICATIONS ARISING FROM THE THESIS

Journal Articles

Fawcett, H. (2009). On False Alibis. *Forensic Update*, 97, 31- 34.

Conference Presentations

Fawcett, H., Garner, I. & Walkington, Z. (2009). *Understanding the provision of false alibis*. Presentation given at the Annual Conference of the European Association of Psychology and Law, Italy 2nd-5th September, Sorrento, Italy.

Fawcett, H., Garner, I. & Walkington, Z. (2010). *Juror reactions to alibi evidence*. Presentation given at the Annual Conference of the European Association of Psychology and Law, 15th-18th June University of Gothenburg, Sweden.

Fawcett, H., Garner, I. & Walkington, Z. (2010). *An analysis of mock-juror reactions to alibi evidence*. Presentation given at the Annual Conference of the Psychology Postgraduate Affairs Group Annual Conference, 21st-23rd July, Sheffield Hallam University, Sheffield.

Fawcett, H., Garner, I. & Walkington, Z. (2012). *The suspect-alibi witness relationship*. Presentation given at the Annual Conference of the European Association of Psychology and Law, University of Cyprus, Cyprus, 10th-13th April.

Academic Seminars

Fawcett, H., Garner, I. & Walkington, Z. (2008). *Alibi witnesses: assessing motivations for and reactions to false alibi evidence*. Presentation to psychology department Sheffield Hallam University, 19th November, Sheffield, UK.

ABBREVIATIONS AND SPECIALIST TERMINOLOGY

Abbreviations

ANOVA	Analysis of Variance
APCQ	Attitudes towards the Police and Courts Questionnaire
BPS	British Psychological Society
CJS	Criminal Justice System
CPIA	Criminal Procedure and Investigations Act 1996
FEQ	False Evidence Questionnaire
ECR-R	Experiences in Close Relationships-Revised questionnaire (developed from Brennan, Clark, & Shaver, 1998)
JBS	Juror Bias Scale (Kassin & Wrightsman, 1983)
MANOVA	Multivariate Analysis of Variance
NEO-FFI	NEO Five Factor Inventory (Costa & McCrae, 2010)
PCA	Principle Components Analysis
STAI	State Trait Anxiety Inventory (Spielberger, 1983)

Specialist Terminology

Defendant: The term *defendant* is used to collectively refer to suspects and defendants throughout the thesis. The exception to this is where the terms *suspect* and *defendant* are both explicitly used in the same sentence.

Alibi: A defence under section 6A(3) of the Criminal Procedure and Investigations Act 1996 (CPIA) that the suspect/defendant was in a particular place at a particular time that meant that s/he was not, or unlikely to have been, at the place where an offence was committed at the time it is alleged to have been committed.

Alibi Witness and Defence Witness: Throughout the thesis the term *alibi witness* is used interchangeably with the term *defence witness* to collectively refer to:

- individuals who are interviewed by the police or that testify in court about the suspect's/defendant's whereabouts at the time of the alleged crime.
- individuals who conceal from the police and/courts information that implicates the suspect/defendant in a crime.
- individuals who give false information to the police/courts which is intended to divert suspicion from the suspect/defendant.

Motivated Alibi Witness: An alibi witness who has a prior relationship with the defendant who could be perceived by others to have a motivation to lie for the defendant. For example; the parent, sibling, child, spouse or friend of the defendant.

Unmotivated Alibi Witness: An alibi witness who has either no relationship, or a limited relationship, with the defendant prior to the case. These individuals would be perceived by most people to have no personal motivation to lie for the defendant. Examples of unmotivated alibi witnesses include; strangers, colleagues and shop assistants.

Timely Alibi: A timely alibi is an alibi defence which involves the presentation of an alibi witness during the police investigation into the offence, allowing police to interview the alibi witness, and assess the authenticity of the alibi story.

Ambush Alibi: An alibi witness who does not come to vouch for the defendant's innocence until the case is in court. The delay in providing this evidence prevents police investigation of the alibi witness' story and thus allows the alibi witness to *ambush* the court.

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CHAPTER 1: THESIS AIMS AND OBJECTIVES

False alibi evidence has the potential to allow guilty suspects to evade conviction or cause innocent individuals to be falsely convicted. On this point Connors, Lundregan, Miller and McEwen (1996) concluded that of the 28 American cases in which advances in DNA analysis led to innocence project assisted exonerations, seven involved “weak” alibi evidence. Weak alibi evidence was classed as alibis supported by a *motivated* individual, such as a relative of the defendant, or alibis having no corroboration at all. Subsequent examination of further American DNA exoneration cases prompted Wells, Small, Penrod, Malpass, Fulero and Brimacombe (1998) to conclude that weak alibi evidence was second only to mistaken eyewitness testimony in producing false convictions. More recent experimental research generally reveals a negative bias amongst mock jurors regarding alibi evidence in general and specifically towards motivated alibi witnesses (witnesses testifying on the behalf of the defendant). It is therefore clear that juror biases about weak alibi witness testimony are hindering the administration of justice (Wells et al., 1998).

Complexities in the recording and charging of this offence mean that the occurrence of deliberately false alibi witness testimony is unknown. This is compounded by the lack of academic alibi research (Granhag, Strömwall & Jonsson, 2003). This is remarkable given the vast body of eyewitness testimony research (Loftus, 1979; see also Kassin, Tubb, Hosch & Memon, 2001; Wells & Olson, 2003), The Innocence Project DNA exonerations data (Connors et al., 1996; Wells et al., 1998) and the plethora of research examining suspect deception (Vrij, 2000, 2008; see also Granhag & Strömwall, 2004; Klaver, Lee, Spidel, & Hart, 2009). Despite the potential for alibi witness deception to validate guilty suspects’ denials, little research has examined corroborating alibi testimony. Research into alibi witness deception would not only bridge a gap in the research literature, but reveal whether the negative alibi bias held by alibi evaluators is warranted or requires challenging.

Reporting of real life false alibi cases illustrate very negative public reactions to deceptive alibi witnesses. For example public outcry against Maxine Carr was so severe that she was forced to take a new identity to ensure her safety and in an analysis of press reporting, Jones & Wardle (2008) found that Carr was more vilified than the murderer her false alibi sought to protect. Individuals that have conversely reported an offender to the police rather than conceal their offences have been similarly vilified. In a high profile case, Carol Saldinack reported her sons to the police when she discovered they had attacked a man on a night out. The fact that she did not conceal their offence provoked the media to ask 'was Carol Saldinack right to turn her two sons in to the police?' Saldinack later received a Pride of Britain Special recognition award for her actions, illustrating the view that her conduct was extraordinary. Thus real life cases illustrate the complex manner in which defence witnesses are viewed by the general public, and the need for further research in this area.

The alibi research conducted to date has focused upon two key components of alibi evidence; who people think would corroborate their false alibi (Culhane, Hosch & Kehn, 2008; Olson & Charman, 2011; Olson & Wells, 2004a), and the effect of alibi evidence upon police (Dahl, Brimacombe & Lindsay, 2009; Dahl & Price, 2011) and juror (Golding, Stewart, Yozwiak, Djadali & Sanchez, 2000; Allison, Matthews, Michael & Choi, 2009; Mathews & Allison, 2010; Shpurik & Meissner, 2004) alibi evaluators. However, very little is known about the factors that contribute to alibi witnesses engaging in deception, as research from the alibi witness perspective is lacking. There is an obvious need to develop a more thorough understanding of the dispositional and situational features of deceptive alibi witness testimony to establish whether the negative alibi biases indicated in the research literature are valid, or whether judicial instructions are required to ensure a fair investigation and trial (Burke, Turtle & Olson, 2007). This thesis aims to develop understanding of false alibi evidence from the perspective of the alibi witness. It will address the situational and individual factors affecting alibi witness honesty, as well as consider whether these features are reflected in alibi evaluator beliefs. The thesis aims to acquire new understanding that will prompt improvements in both police and courtroom practice. It is necessarily exploratory in nature given that it is the first

investigation of false alibi evidence from the alibi witness perspective. Thus it is acknowledged that this thesis will generate many new questions and stimulate further in-depth psychological research into alibi witness testimony, rather than provide definitive solutions. It is important therefore that the findings are treated with the level of caution appropriate for exploratory research.

Considering the difficulties in accessing those convicted of providing false alibi testimony and the unrepresentative, biased and unreliable data this would present (Loftus & Guyer, 2002), the positivist epistemology¹ and experimental methodology favoured in the alibi witness research is unsurprising (see for example Allison, Mathews, Michael & Choi, 2009; Burke & Turtle, 2004; Culhane & Hosch, 2004; Culhane, Hosch & Kehn, 2008; Dahl, Brimacombe & Lindsay, 2009). Further research has utilised a questionnaire approach to determine the type of evidence suspects have to support their alibis (for example Olson & Wells, 2004b) and police attitudes to alibi witness evidence (Dysart & Strange, 2012). This questionnaire and experimental approach is necessary and valid given the complexities inherent within the behaviour studied and the relatively recent commencement of this research topic. Therefore this thesis continues the positivist approach through using experimental and quasi-experimental research to examine alibis from the alibi witness perspective to ascertain what influences individuals to provide deceptive alibi testimony, how alibi witnesses deceive the police and courts and who provides false alibis. This enables comparison of actual false alibis (alibi provider perspective) and perceptions of weak and false alibis (Allison, Mathews, Michael & Choi, 2009; Mathews & Allison, 2010; Shpurik & Meissner, 2004). Berman and Cutler (1996) suggest that a valid approach in forensic psychology research is to "... identify important phenomena that have implications for both the legal system and psychology and then bring existing or new psychological theory to bear on the issue" (p. 171). The contemporary nature of the alibi witness research means alibi specific theory is still under development (Olson & Wells, 2004b). Accordingly, previously applied cognitive

¹ By positivist epistemology it is meant that that thesis is grounded on the premise that generalizable theory can be developed from empirical analysis which employs a rigorous experimental design.

and social psychological theory (Hosch, Culhane, Jolly, Chavez & Shaw, 2011) is used to frame the thesis and aid understanding of the creation and evaluation of deceptive alibi witness testimony.

The specific objectives of the thesis are:

1. To determine whether the type of deception used by alibi witnesses influences perceptions of alibi witness testimony acceptability (*Chapter 3*)
2. To examine factors that shape perceptions of false alibi acceptability which will be manipulated in the subsequent chapters of the thesis (*Chapter 3*)
3. To develop a measure of intentions to provide false evidence for loved ones (*Chapter 4*)
4. To develop a questionnaire to measure attitudes towards the criminal justice system (*Chapter 4*)
5. To discover whether negative attitudes towards the criminal justice system shape the intentions of the general population to provide false evidence for a loved one (*Chapter 5*)
6. To discover whether experience of the criminal justice system shapes the intentions of the general population to provide false evidence for a loved one (*Chapter 5*)
7. To establish whether ignorance of the pertinent legislation affects the honesty of evidence intended to be provided to the criminal justice for a loved one by the general population (*Chapter 6*)
8. To discover the effect of relationship between defendant and alibi witness upon alibi witness honesty (*Chapter 7*)
9. To assess the impact of alibi timing and the relationship between defendant and alibi witness upon juror verdicts (*Chapter 8*)

Thesis Overview

Literature Review Chapters

Chapter 2: Alibi Witness Testimony: A Review of the Relevant Literature

This chapter introduces the topic of alibi witness testimony and discusses the research conducted to date on this topic. The real life practice implications posed by research on this topic are highlighted, and new directions for alibi research attention are suggested. Thus the importance of understanding alibi witness testimony and false testimony in terms of miscarriages of justice, promoting effective police interviewing and ensuring adequate judicial instructions are discussed. The literature specific to alibi testimony is critically evaluated and related theory and research applied to increase understanding of this complex area. The literature review chapter outlines the research questions that remain unanswered. Moreover, the chapter explains how the thesis as a whole will add to understanding. It therefore contextualises the questions, methods and findings of the subsequent research chapters.

Methodology Chapters

Chapter 3: Defining Deceptive Alibi Witness Testimony

The thesis is predominantly concerned with establishing the factors that induce individuals to provide false alibi evidence. Contradictory case evidence reveals that individuals are criticised for reporting others' crimes, and criticised for concealing them. The factors influencing these complex perceptions of alibi witness honesty/dishonesty are however unclear. The scarce research on this topic means the variables inducing the provision of false alibi witness evidence are similarly unknown. For this reason Chapter 3 explores general views of alibis with differing potential dispositional and situational motivations. Quantitative measurement of deceptiveness and justifiability of alibis addresses how these various forms of alibi witness deception are perceived. Moreover, the variables reported to influence participant perceptions of alibi witness deception are used to inform the key variables for analysis in the later chapters.

Chapter 4: Measuring Attitudes towards the Criminal Justice System and Alibi Witness Honesty

This chapter relates to the creation of two measures that are utilised in Chapters 5, 6 and 7. The thesis as a whole is interested in intentions to provide false evidence for others. However, as there is no existing measure of intentions towards this specific behaviour, it was necessary to develop a measure of this. This chapter describes the development and validation of the False Evidence Questionnaire (FEQ) that is used later in studies to assess participant intentions to provide false evidence for others.

Flanagan, McGarrell and Brown (1985) suggest that perceptions of the police influences compliance with police directions. This suggests that negative views of the police could be involved in withholding information and false alibi witness testimony, a conclusion supported by the findings of Chapter 3. There are severe limitations associated with the existing methods and measures used to assess attitudes towards the police and criminal courts. Due to this, the Attitudes toward the Police and Courts Questionnaire (APCQ) was created. The development and validation of this measure is described in this chapter. It is utilised in the subsequent Chapter 5.

Alibi Witness Perspective

Chapter 5: Attitudes towards the Criminal Justice System and Alibi Witness Honesty

Sarat (1977) and Walker (1977) suggest that a person's attitude towards the courts could be linked with their willingness to comply with the law. This clearly has implications for the willingness of witnesses and suspects to lie to the police, based upon whether they have favourable attitudes towards the police and criminal courts. This chapter therefore assesses how people view the police and criminal courts in general (using the APCQ developed in Chapter 4), and whether having a negative opinion of the police and criminal courts will be associated with a greater willingness to deceive both of these institutions

(using the FEQ, also developed in Chapter 4). As evidence suggests that those who have most contact with the police are most negative towards them, it also considers the effect that first-hand experience of the criminal justice system has upon both attitudes towards and willingness to deceive the police and criminal courts.

Chapter 6: Knowledge of the Law and Alibi Witness Honesty

Deterrence theory suggests that knowledge of the associated severity and probability of sanctions deters criminal behaviour (Robinson & Darley, 2004). In relation to this, Rational Choice Theory suggests that people weigh up the benefits and drawbacks of behaviours. The applicability of these theories as an explanation of providing false evidence for others was tested in Chapter 6. As most people will not be aware of the legislation regarding deceiving the police and criminal courts, Chapter 6 manipulated this knowledge. Thus chapter 6 assessed the effect knowledge of the legislation and awareness of convictions of deceptive alibi witnesses upon intentions to provide false evidence for a loved one.

Chapter 7: The Impact of Relationship to Defendant upon Alibi Witness Honesty

Chapters 5 and 6 examine dispositional factors but Darley and Batson (1973) state that it is situational rather than dispositional factors that shape the decision to help others. One of the most obvious situational factors in the false alibi scenario is the relationship between the defendant and the false alibi provider. Evolutionary theories of altruism suggest that due to gene promotion, people have a greater motivation to help their family than non-family members (Hamilton, 1964). Similarly Kivivuori (2007) and Zahavi and Zahavi (1997) suggest that law breaking behaviour, such as false alibi provision, could be a gift signalling love and loyalty to a defendant. In support of this, Turner, Edgely and Olmstead (1975) found that rather than seeing honesty as the complete truth, participants saw honesty as the loyalty to a relationship. This evidence implies that alibi witnesses related genetically or romantically to a defendant are

more likely than unrelated alibi witnesses to provide deceptive testimony (Burke & Turtle, 2004; Culhane & Hosch, 2004). Certainly previous research reveals juror scepticism towards these motivated alibi witnesses, although the accuracy of this bias is untested. Accordingly, Chapter 7 tests experimentally whether alibi witnesses and defendant relationship closeness influences the honesty of alibi witness testimony.

Juror Perspective

Chapter 8: Mock Juror Evaluations of Alibi Witness Evidence

Following on from the examination of whether the relationship between alibi witness and defendant influences false alibi provision, Chapter 7 assess how mock jurors evaluate motivated and unmotivated alibi evidence. Previous research suggests that jurors attribute very little weight to the testimony of motivated alibi witnesses, such as relatives of the defendant (Lindsay, Lim, Marando & Cully, 1986; Olson & Wells, 2004a), although there is scant research on this. Therefore Chapter 8 examines whether support can be found for the alibi scepticism hypothesis proposed by Olson and Wells (2004a). Furthermore, evidence suggests that although changes to alibi testimony do not strengthen a defendant's case (Culhane, 2005), little research has assessed the effect on trial outcome of a defendant concealing their alibi until court in order to ambush a trial. Despite this fact evidence shows that *ambush alibis* may be a frequent and attractive strategy for defendants to adopt (Olson & Wells, 2003; Turtle & Burke, 2003). This study therefore assesses how both timely and ambush alibis provided by motivated and non-motivated witnesses, are evaluated by jurors.

Chapter 9: General Discussion and Future Directions

The discussion chapter summarises the main findings of each chapter and illustrates how the thesis objectives have been met. Thus the advances in understanding about deceptive alibi witness testimony provision and evaluation are critically evaluated. The chapter links the findings back to existing theory

and research to reveal where gaps in theoretical understanding still exist. This allows the contribution to knowledge made by the thesis as a whole to be made clear. In drawing together the findings of the thesis, those new unanswered questions posed that are beyond the scope of the current research are discussed. Moreover research strategies are presented to facilitate these issues being resolved in future. Finally the discussion chapter places the thesis findings in a real life context in presenting the implications of the research findings for Criminal justice sytem practice.

CHAPTER 2: ALIBI WITNESS TESTIMONY: A REVIEW OF THE RELEVANT LITERATURE

This chapter will examine the research literature pertaining to the act of providing false evidence for others. Although the research literature on false evidence is limited, there are many cases in which defence witnesses have been found guilty of providing false evidence. Sentencing decisions based on this false evidence have the potential for serious consequences, although it is difficult to gauge precise levels of occurrence due the format of crime reporting statistics. The literature has not addressed, why, how and when defence witnesses provide deliberate false evidence. Understanding how and why individuals provide false evidence is important if deceptive witnesses are to be detected, and public justice offences prevented. This chapter will first define what is meant by the terms alibi and alibi witnesses, before reviewing the psychological literature and legislation that pertains to them. As the research on this topic is limited, the chapter is speculative in terms of the potential influences upon deceptive alibi witness evidence.

Defining False Alibi Witness Evidence

An alibi is a defence under section 6A(3) of the Criminal Procedure and Investigations Act 1996 (CPIA) that the suspect/defendant was in a particular place at a particular time that meant that s/he was not, or unlikely to have been, at the place where an offence was committed at the time it is alleged to have been committed. Alibis can be provided by both suspects and defendants so for simplicity throughout this thesis they will, unless otherwise specified, collectively be referred to by the single term *defendant*. Although commonly understood to involve a claim that is corroborated by person or physical evidence, verification is not necessary for a defendant to have an alibi. Thus a false alibi may appear attractive to defendants, regardless of their guilt. A false alibi has the potential to enable a defendant to evade arrest and potentially commit further offences, mislead a court, put others in jeopardy of arrest and prevent the police from gathering vital evidence (Crown Prosecution Service,

2011). Given the common perception that alibis require corroboration, getting another individual to support the false alibi (an alibi witness) may appear necessary to defendants. Thus providing or supporting a false alibi may be an attractive option for those wishing to assist a suspect or defendant to avoid conviction. However, an individual wishing to assist a defendant to avoid conviction can employ various verbal deceptive strategies. For example they may generate a false alibi, conceal relevant information when questioned by the police, or refuse to answer police questions.

The concealment or destruction of incriminating material evidence is a further way in which an individual may assist an offender to avoid conviction. However, not all cases will have physical evidence that can be tampered with. Moreover, it is only possible to assist a guilty defendant in this manner. In cases with no physical evidence or where the defendant is innocent, individuals can only assist the suspect/defendant through verbally manipulating evidence. Similarly, verbal manipulation of evidence (such as a false alibi or refusing to answer police questions) may be used in conjunction with the destruction or concealment of physical evidence.

Limited research has looked at false alibi witness testimony (Culhane, Hosch & Kehn, 2008; Dahl, Brimacombe & Lindsay, 2009; Dahl & Price, 2011; Olson & Charman, 2011), but none to date has examined the other verbal means of manipulating police perceptions of defendant culpability. Although not a false alibi in the strictest sense of the term, manipulation of evidence through other verbal strategies (such as omitting information when questioned or responding *no comment*) encourages the police/jurors to establish an erroneous belief regarding the suspect's/defendant's opportunity to commit the crime in question.

Given the limited research assessing alibi evidence (Granhag, Strömwall & Jonsson, 2003), and the high prevalence of deception research in forensic psychology (Vrij, 2008) it is logical to focus this exploratory thesis solely upon verbal deception by defence witnesses. Thus this thesis is concerned solely with the deception used by individuals who are not involved in the index offence, to assist a suspect or defendant to avoid conviction. As a defendant can be assisted through the concealment of crime relevant information as well as the

fabrication of false evidence, throughout the thesis the term *alibi witness* will be used interchangeably with the term *defence witness* to collectively refer to:

- individuals who conceal from the police and/courts information that implicates the suspect/defendant in a crime.
- individuals who give false information to the police/courts which is intended to divert suspicion from the suspect/defendant.
- individuals who are interviewed by the police or that testify in court about the suspect's/defendant's whereabouts at the time of the alleged crime.

Details of all the terminology and abbreviations employed in the thesis can be found on page iv.

The Legislation Pertaining to False Evidence Provision

Providing false and deceptive alibi evidence is not a distinct offence in itself. Deception by a defence witness is considered a public justice offence or a crime against the courts, as it is a crime that hinders the administration of justice. Thus an individual falsely convicted due to another's false evidence is not able to bring a civil case against the perjurer (Justice, 1973). Accordingly, the view that false alibi provision is a victimless crime may contribute to the commission of this offence. Several Public Justice Offence charges are applicable to false alibi witness evidence; Wasting Police Time, Perverting the Course of Justice, Assisting an Offender, Concealing an Arrestable Offence and Perjury. These offences overlap, meaning that providing a false alibi for a defendant can result in a conviction of any one of several offences depending upon the guilt of the offender (that the alibi is provided for), the seriousness of the consequences and the context of the lies. Moreover, it is not solely alibi witnesses that can conduct these offences as defendants, eyewitnesses, and members of the public can be charged with public justice offences. This makes it very difficult to assess the frequency with which alibi witnesses provide false evidence. This point will be discussed in more detail later in this chapter. The public justice offences legislation allows for charges to be brought for both the fabrication of false information and the concealment of true information. Thus

omitting key information is a criminal offence, although it is generally seen as less serious. Each of these offences will subsequently be briefly discussed.

Perverting the Course of Justice attracts a maximum penalty of life imprisonment and/or a fine. In order to commit this offence, the alibi witness' deception must occur when the course of justice is in progress in the form of a police investigation, court case, or event from which it is reasonable to suppose that a police investigation will follow. Perverting the Course of Justice is a common law offence and thus has no specific governing legislation. As perverting the course of justice may apply to a wide range of acts, its use is reserved for only the most serious incidences of interference with the administration of justice. The attempt to pervert the course of justice does not need to be successful in order for an offence to have been committed. Thus a witness whose alibi is immediately discovered to be false can still be charged with perverting the course of justice even though they did not significantly disrupt the police investigation. For example, Laura Campbell was sentenced with two counts of perverting the course of justice and one of perjury for providing a false alibi and attempting to coerce a friend into supporting the alibi for the defendant in a murder case (*R v Campbell*, (2006)).

A charge of *Wasting Police Time* (Criminal Law Act 1967, section 5(2)) can be brought against an individual who provides false information in the course of a police investigation. The greatest possible penalty for this offence is six months imprisonment and/or a fine. The criteria for this offence are that the principal offender has committed an arrestable offence; the accused individual knows or believes that the principal offender has committed the offence; and the accused does an act with the intention to impede the apprehension or prosecution of the offender.

An individual who knows or believes a suspect to be guilty and impedes the police investigation of that suspect can be charged with *Assisting an Offender* (Criminal Law Act 1967 section 4(1)). The suspect must be guilty in order for a charge to be made and the alibi witness' sentence is based upon the punishment applicable to the principal offence. Thus the alibi witness' sanction ranges between three and ten years' imprisonment. *Concealing an Arrestable Offence* (Criminal Law Act 1967 section 58(5)) involves failure to disclose to the

police information that may assist the prosecution of the offender. This offence is associated with a maximum punishment of two years imprisonment.

An offence of *Perjury* occurs when a lawfully sworn witness in court makes a statement that they know or believe to be false that is important to the case being tried in the court (Perjury Act 1911, section 1(1)). This offence carries a maximum penalty of seven years imprisonment and/or a fine. Corroboration is always needed before an individual can be charged with perjury. Usually individuals committing perjury will also have committed the offence of perverting the course of justice. However, to avoid overloading of charges offenders are rarely charged with both offences. Instead a charge of perverting the course of justice is often used where the perjury is part of a series of acts aiming to pervert the course of justice.

The Crown Prosecution Service has considerable discretion in choosing which charge to bring against a suspected deceptive alibi witness. The general sentencing guidelines state that the charge:

- should reflect the extent of the accused's involvement and responsibility
- should allow the case to be presented in a clear and simple manner to the jury
- should not result in overloading where many charges are brought against the individual in order to encourage a guilty plea to a small number of them, or to a lesser charge.

Additionally, guidelines specific to Public Justice Offences consider whether the conduct:

- “was spontaneous and unplanned or deliberate and elaborately planned
- was momentary and irresolute or prolonged and determined
- was motivated by misplaced loyalty to a relative/friend or was part of a concerted effort to avoid, pervert, or defeat justice
- whether the activities of the defendant drew in others
- was intended to result in trivial or *serious harm* to the administration of justice
- resulted in trivial or *serious harm* to the administration of justice.”

(Crown Prosecution Service, 2011)

Thus three key points arise from the evaluation of alibi witness deception; whether it was an altruistic act motivated by loyalty, whether it intended to

cause harm to justice and whether it was spontaneous. These variables are therefore seen by the CJS as key components of deceptive alibi witness culpability, although there is no empirical research examining alibi evidence from the alibi witness perspective. The former highlights the fact that some alibi witness deception may stem from a desire to help loved ones, suggesting that altruism may be a key factor in alibi witness deception. This is a variable that previous alibi research has also suggested as key to alibi witness deception (Hosch, Culhane, Jolly, Chavez & Shaw, 2011) and will be discussed at length in the future directions for alibi research section of this chapter. The latter are predicated upon whether alibi witnesses are aware that their deception is illegal, which given the lack of publicity around public justice offences, is certainly questionable. Thus the level of planning associated with deceptive alibi witness testimony unknown. It is not even clear whether they are aware that deception to the police and in court is a criminal offence, or whether they view their behaviour as an acceptable victimless crime. This is a point that future research should address and is again discussed in further detail later in the chapter. Understanding the role of these variables in the provision of false alibi witness evidence would aid understanding of the individual and situational factors affecting false alibi provision, and also facilitate an understanding of juror evaluations of alibi witness testimony. In turn this should highlight whether judicial directions to counteract juror biases towards alibi evidence are required.

Frequency of False Alibi Witness Evidence

Although it might be imagined that the sanctions associated with false evidence provision would discourage this behaviour, people are still regularly convicted of providing false evidence. Table 1 demonstrates that causing wasteful employment of the police is less common although these most recent has increased in the last ten years. More cases of perverting the course of justice were proceeded against than other types of public justice offences, although these numbers are decreasing. Proceeding in cases of perverting the course of justice offence may be more likely to be serve public interest due to the greater seriousness of this type of public justice offence.

Table 1: Defendants Proceeded Against at Magistrates' Courts for Public Justice Offences 2001-2010

[illegible]

To put these statistics in context, between September 2010 and September 2011 a total of 1.58 million defendants were proceeded against in magistrates' courts (Ministry of Justice, 2012). Moreover, as highlighted previously, it is not clear how many of these 25,314 public justice offences were committed by alibi witnesses compared to defendants and prosecution witnesses. Although this makes providing false evidence for others appear infrequent and unimportant, it is important to recognise the situationally dependant nature of this behaviour. False alibis must by their nature be told in relation to another index offence, meaning the situations in which they can occur are limited; an alibi will not be appropriate or plausible in all criminal cases. Thus the situational nature of false alibi provision means that convictions would not be expected to be as high as convictions for many other offences which can occur in a much wider range of contexts. Furthermore, levels of deception detection are low (Vrij, 2008), external disproving evidence is rarely available (Wells & Olson, 2003) and proving malicious intent on the part of the false evidence provider is difficult. Therefore the complexity of establishing the ground truth of alibis means there is potential for many cases to go undetected and thus untried.

Notwithstanding this fact, a legal database search reveals many instances of false evidence provision by defence witnesses (see for example *R. V Charlotte Irene Hall* (1982); *R v Moran and another* (2005); *R v Tracey* (2007); *R v T* (2011)) illustrating that this is a relatively frequent phenomenon that is worthy of academic study. Thus, although the statistics presented in Table 1 suggest how widespread deception within the criminal justice system actually is, they may actually underestimate the scale of this problem. Certainly evidence from the Innocence Project in America (Connors, Lundregan, Miller & McEwen, 1996; Wells, Small, Penrod, Malpass, Fulero & Brimacombe, 1998) suggests that alibi evidence is a major cause of miscarriages of justice and is a topic requiring further research.

False Alibi Witness Evidence and Deception

Many different definitions of deception are utilised in the deception literature (Vrij, 2008) though most share the same broad feature; the deliberate intent to mislead. There are many subcategories of deception. For example Vrij (2008) distinguishes between outright lies, subtle lies and exaggerations. According to Vrij, lies involve communicating information that the speaker believes to be false. Conversely, subtle lies involve concealment of information which allows another to develop or maintain a false belief. Other research draws a broader dichotomy between deception through concealment and deception through fabrication as Galasiński (2000) points out:

The passive deceiver does not say something that is true and relevant, inducing thereby a belief (or set of beliefs) that does not represent the whole (relevant) picture of reality in the addressee; thus, the passive deceiver does not prevent the addressee from acquiring the belief. The active deceiver, on the other hand, says something for the addressee to acquire such a belief. This is the key distinction between fabrications and omissions. (p. 22)

Thus false evidence provision does not necessarily have to involve an act of commission, rather the term is used subsequently to refer to both fabricated and concealed crime relevant information. Masip, Garrido and Herrero (2004) provide a comprehensive definition of deception which considers speaker motivation, means of deception and deception outcome; “the deliberate attempt, whether successful or not, to conceal, fabricate, and/or manipulate in any way factual and/or emotional information, by verbal and/or nonverbal means, in order to create or maintain in others a belief that the communicator himself or herself considers false” (Masip, Garrido & Herrero, 2004, p. 147). This definition of deception will be utilised in the thesis.

Deception through Commission

A lie is a factually false statement that is believed to be false by speaker, that the speaker wants the hearer to believe is true (Bok, 1978). Thus false alibis in their strictest definition (a false claim that the defendant was in a particular place at a particular time that meant they could not committed crime

under investigation) are situationally relevant lies. Alibis have the potential to persuade a jury against a guilty verdict, which has prompted some researchers to suggest that “an alibi is undoubtedly the strongest weapon in the hands of the defence” (Scheffer, 2003, p.330). Scheffer suggests that confronted with an alibi, the Crown Prosecution Service must accept that their case is greatly weakened. However, there is considerable research to demonstrate that not all alibi pleas carry this weight with jurors (i.e. Burke & Turtle, 2004; Culhane & Hosch, 2004; Culhane, Hosch & Kehn, 2008). However, as mentioned defence witnesses may assist a defendant through deceptive means other than fabricated stories about the defendant’s whereabouts.

Another way in which an individual may provide false evidence is through falsely confessing to a crime on another's behalf. Although by definition this form of statement is a lie (it involves a fabricated statement), the unique situational factors involved in explicitly implicating oneself in a crime appear quite different to other forms of lies. Evidence shows that false confessions are frequently offered to protect a friend or relative, a fact often revealed in interviews with juvenile defenders (Gudjonsson, 1992; Gudjonsson & MacKeith, 1990). Gudjonsson and Sigurdsson (1994) state that in a sample of Icelandic prisoners claiming to have made a false confession in the past, 48% of them reported doing so in order to protect somebody else from arrest and prosecution. False confessions for the benefit of another can be seen as entirely distinct to other lies in this setting as they are an outright and clear way of deflecting suspicion away from the suspect. Furthermore, this form of false evidence arguably puts the alibi witness at more risk of prosecution than all other forms of false evidence provision. This is because if the police discover the confession is false, the false confessor stands the risk of being prosecuted under the public justice offence legislation (for example through being charged with assisting an offender or perverting the course of justice). Conversely, if the false confession is believed the confessor is likely to be prosecuted for the index offence. With other forms of lies a defence witness can put forward, the risk exists only in relation to the discovery of the deception. Thus false confessions can be seen to be fundamentally different to any other form of deception that can be conducted on the defendant's behalf as the false confession is more risky than

other false evidence provision strategies. Finally this is the only strategy that a defence witness can employ that assists the defendant through directing police suspicion onto the individual themselves, rather than onto an unknown other. For example, a successful false alibi (defined according to the alibi definition of 6A(3) of CPIA) rules out the defendant from the police enquiries but does not implicate anyone else in the crime. Thus, false confessions and other forms of lies can be seen as distinct categories worthy of independent examination. For this reason alibi witness false confessions will be examined separately to false alibis within this thesis.

Deception through Omission

As stated previously the passive deceiver creates a false impression through omitting to verbalise pertinent information (Bok, 1989; Bradac, 1983; Galasiński, 2000; Metts, 1989). Thus alibi witnesses may deceive the police and courts through concealing their knowledge of the defendant's guilt. Information can be omitted by defence witnesses in interviews with the police, in giving evidence in court, or through failure to initiate contact with the police. This may be preferable to alibi witnesses compared to fabricating evidence as omissions can be more easily claimed as spontaneous, unplanned and momentary. These features of sentencing guidelines for public justice offences are associated with less serious and lower likelihood of charges being brought against the alibi witness (Crown Prosecution Service, 2011). However, this presumes that alibi witness' have some awareness of the relevant sentencing guidelines, or a personal calculation of risk. This point necessitates further research and is discussed in more detail later in this chapter.

When asked a direct question by the police, rather than neglecting to mention some key information, individuals can avoid answering a question altogether (Galasiński, 2000). Bradac (1983) states that evasions are those messages that the speaker believes will fail to inform the addressee about a relevant belief, or which will inform the addressee of matters other than the relevant matters. Galasiński further classifies evasive responses as either covert or overt. Covert evasion can be classified as those instances where the speaker does not show that they are giving an uncooperative answer, for

example through subtly changing the topic. Conversely, overt evasion refers to a direct statement by the answerer stating that they will not cooperatively answer. This could be in the form of a direct challenge, an answer implying the legitimacy of the question is flawed or a sudden change of topic. Thus in the context of police interview, a response of *no comment* would be classed as an overt evasion. Although Galasiński (2000) asserts that the overtness of evasions prevent them from being deceptive, this is not the case for the situationally relevant no comment evasion. As suspects have the right to remain silent in interviews, a no comment response could be perceived as an alibi witness exercising their legal right, rather than attempting to mislead. Either way, the incriminating information a witness may possess is kept from the interviewer. Thus evasion through a no comment response could be an effective way of assisting a defendant.

Deception Acceptability

Spranca, Minsk and Baron (1991) examined participant reactions to a series of scenarios in which a negative outcome occurred as a result of an individual behaving dishonestly through either omission or commission. Findings illustrated that despite parity in consequences, omissions were consistently viewed by participants as more moral (on a 100 point scale) than commissions. In support of this, Schweizer and Croson (1999) discovered that participants reported being less likely to reveal a problem with a car they were selling when the prospective buyer did not specifically ask about that aspect of the car's functioning, compared to when they were asked about this aspect of the car's functioning. These results illustrate that in a variety of situations people feel more comfortable performing omissions than commissions. Although very different deceptive situations to that of providing false evidence for others, they strongly suggest that omission of evidence to the police will be viewed as more acceptable than the commission of a lie. An explanation for this is provided by Kahneman and Tversky (1982) who found that less remorse was reported when bad consequences resulted from inaction than when it resulted from action. Thus it may be hypothesised that people will be more willing to help a defendant through concealing information, than through

fabricating information. However, these studies generally had relatively trivial scenarios with minor negative outcomes in comparison with those associated with false evidence provision. For example selling a faulty car or computer, and allowing or encouraging a rival to unknowingly eat an ingredient they are allergic to. This questions the applicability of the omission-commission distinction findings to the serious situation of providing false evidence for others. An exception to this is one vignette utilised by Spranca et al. (1991) that assessed participant reactions to a scenario in which a witness either lies about who the guilty party in a traffic accident is (commission), or tells the police nothing at all (omission) in order to assist a friend (guilty party). They discovered that 68% of people rated the omission as less bad than the commission. This scenario is based upon the deception of alibi witnesses and therefore further supports the concept that alibi witnesses will be more likely to omit incriminating information than fabricate a false account in order to assist a loved one. Moreover, focus group research with members of the public has indicated that omitting to tell the police crime relevant information in order to protect a defendant was more acceptable than lying (Fawcett, 2006). Although very small in scale Fawcett's research provides considerable support to the idea that alibi witnesses are more likely to assist a defendant through omitting information than fabricating information, and that omissions to benefit a defendant are generally viewed as more acceptable than fabrications.

Related to the role of consequences in shaping perceptions of deception acceptability, research has illustrated that honesty is influenced by perceptions of recipient 'goodness' (Lee, 2004). Lee examined deception by journalists, finding that they were more willing to lie when the recipient of the lie was viewed negatively. This suggests that attitudes towards the police and criminal courts may influence the likelihood of alibi witness deception also. However, no research to date has examined whether such a link between opinions of the criminal justice system and alibi witness deception exists. As more research has examined the motive to succeed in the lie than the more general motive of the deceiver, this is an area that needs further research (Burgoon, 1994; Seiter, Bruschke, & Bai, 2002). This is certainly a variable that should be examined in

future. This is discussed in further depth in the future directions section of this chapter, and is examined empirically in Chapter 5 of the thesis.

Intentions of the deceiver have been demonstrated to influence perceptions of deception acceptability in a further way (see for example, Lindsold & Walter, 1983). For example, Seiter, Bruschke, & Bai, (2002) examined participant ratings of the acceptability of lying to friends, family, partners, teachers and bosses through lie vignettes. Analysis revealed that as the motive for the deception became less self-benefiting and more altruistic, ratings of the deception acceptability increased. In fact Seiter et al. found that motive of the liar accounted for more variance in ratings of lie acceptability than the other variables examined (relationship between the liar and target, and the culture of the participant). This suggests that alibi witness deception may be influenced by whether the defendant believes the defendant to be guilty, and whether the defendant is in fact guilty. Attempting to assist an individual believed to be innocent may be seen as more acceptable than lies told to assist a guilty defendant. This is because the false alibi provider can be seen to have good intentions in terms of both helping a partner, and in ensuring that an innocent individual avoids punishment. Defendant guilt and alibi witness perceptions of defendant guilt are explored in Chapter 3 of the thesis.

Due to the differences between fabrications, omissions and evasions highlighted in prior research this thesis will examine false alibi witness evidence provided through these means. Additionally, due to the fundamental differences between fabricating a false alibi story and falsely confessing to a crime to assist a defendant, a distinction will be drawn in the thesis between these two types of lies. Thus the thesis is concerned with false alibi witness testimony in the forms of omissions, no comment evasions, outright lies (including false alibis) and false confessions.

Detecting Deception

Although the research distinguishes between different forms of deception, it has almost exclusively focused upon lies at the expense of examining omissions. No research to date has specifically examined whether different

forms of deception are easier to detect than others. This could account for individual differences in detection accuracy across the research literature; although the research literature often uses the terms deception and lies interchangeably, as highlighted previously, they are in fact separate concepts. Limited research has focused upon the detection of deception in real life cases, so called *high stakes lies*, in order to address the low ecological validity criticism of the laboratory based deception research. This research is limited in scope (Porter & ten Brinke, 2010) given the difficulty of access to the samples under question, and resultant difficulties in establishing the ground truth of their stories. For example studies have analysed the behaviour of individuals such as Saddam Hussein (Davis & Hadiks, 1995), Bill Clinton (Hirsch & Wolf, 2001) and Ian Huntley (Vrij, 2008) with the goal of revealing cues to deceit. The research illustrates that these liars did not behave in the nervous and fidgeting state that the public expects; instead they showed signs of behaviour control and cognitive effort (Vrij, 2008). This suggests that an explanation for poor detection of deception is the inaccurate cues relied upon by evaluators. This concept is supported by further research examining the truths and lies told by a range of real life serious offenders within their actual police interviews (Mann, Vrij & Bull, 2002). The coding of the suspect's interview footage showed that individual differences dominated the behaviour with no clear behaviour trends exhibited by all offenders in the sample. Although efforts were made to establish where individual lies were told by comparison with independent eyewitness accounts, this research is subject to hindsight bias and problems with establishing the ground truth of the case, as well as control over the real life interview dynamics.

Due to issues with establishing the ground truth, deception research has typically been conducted in the laboratory. This research requires participants to watch a series of video clips in which 'suspects' either truthfully or deceptively deny having stolen an item, and make a judgement as to whether they are lying or telling the truth. Conversely in some research examining the behaviour exhibited by liars, participants have provided truthful answers and false answers in turn when asked three questions pertaining to the actions of a witness, victim and thief in a mock crime video (Vrij, Edward & Bull, 2001). The validity of the

deception detection paradigm is limited in that the guilty suspects have received prior instructions to steal and/or lie meaning their behaviour may not be entirely natural. However, these limitations are often necessary in order to ascertain the ground truth. Moreover, researchers have attempted to increase participant motivation and enhance the stakes of the lie situation by offering financial rewards for successful lying and punishment (loud white noise) for poor lying ability (Frank & Ekman, 1997). However, whether the prospect of these consequences is sufficiently severe to replicate the consequences of deception in actual suspect interviews is doubtful.

Nonetheless, these studies have revealed an average deception detection rate of just 54% (Vrij, 2000) for police and members of the public, illustrating that generally people detect deception at no better than chance level. Moreover, in a review of the deception detection research, Vrij (2000) found a truth bias in the detection of deception. Thus on average 67% of truths are correctly identified compared to an average of just 44% of lies. This *truth bias* is generally acknowledged to be the result of several factors; the availability heuristic, social presentation behaviour, social conversation rules, the falsifiability heuristic and the additional cognitive demands associated with inferring deception (Vrij, 2008). Although the truth bias is prevalent in members of the general public, Meissner and Kassin (2002) found evidence for an *investigator bias* towards deception judgements. This supports the availability heuristic as the general public are more frequently exposed to truthful statements (O'Sullivan, Ekman & Friesen, 1988), whereas the nature of their work primes police officers to be suspicious of suspect deception.

The fact that suspects are by their very nature suspected of committing an offence means police suspicion of these individuals is high. Defendants have a lot to gain through a successful lie as they may avoid conviction. Moreover, if their falsehood is discovered, they will probably be convicted for the index offence alone, or the index offence and their lies concurrently. Conversely, the deception of defence witnesses runs the risk of punishment, in exchange solely for the potential avoidance of conviction for the defendant. The alibi witness does not directly benefit through their deception even if it is successful. Thus the benefits associated with lying are arguably less for alibi

witnesses, and their motive is less clear. In turn this may mean that police are inherently less suspicious of alibi witnesses, than of defendants. Moreover, although revealing the deception of an alibi witness may substantially weaken a defendant's case, it should not be used by jurors as proof of guilt (Judicial Studies Board, 2010). Therefore, although detecting lies by alibi witnesses could be beneficial to the prosecution, it could be argued that police have more incentive to detect the lies of a defendant, than the lies of an alibi witness. The detection of deception in defence witnesses has not been researched to date so it is uncertain whether the investigator bias extends to the presumption of deception in defence witnesses. Understanding why different types of deception are engaged in by alibi witnesses will be of interest to police officers in directing their suspicions towards those defence witnesses most likely to be deceptive. As police are generally not skilled at detecting lies, an understanding of who lies for others, and when and how they do so, may help police focus their investigation and suspicion towards those alibi witnesses most likely to be deceptive. This in turn, may facilitate the detection of deceptive defendants.

The act of appearing to be moral whilst avoiding the costs of being so is termed *moral hypocrisy* (Batson, Sager, Garst, Kang, Rubchinsky & Dawson, 1997). Moral hypocrisy was first demonstrated in relation to assignment of self and others to positive and negative tasks (Batson, Sager, Garst, Kang, Rubchinsky & Dawson, 1997). Participants were asked to toss a coin and use this to assign themselves and another participant to positive and neutral tasks, without showing the results of the coin toss to anyone else. Results revealed that although only 1 in 20 participants believed assigning themselves to the positive task to be the most moral course of action, 90% of participants did so following the coin toss. This is far more participants assigned to the positive task than would be expected by chance (50%). The authors concluded that the private coin toss allowed participants to make their immoral behaviour (giving self the positive task irrespective of coin toss outcome) appear moral (the result of a fair coin toss). Thus in relation to deception and more specifically the current research, moral hypocrisy refers to appearing to be moral and loyal to a defendant, but avoiding the costs of doing so (prosecution) by only taking the

lowest risk strategy (omission rather than fabrication). This suggests that alibi witnesses may favour omissions rather than commissions in order to assist a defendant.

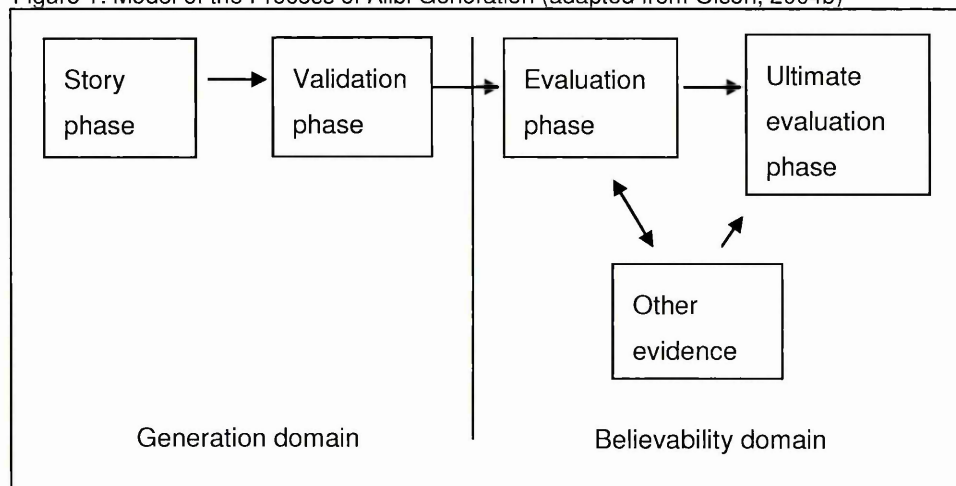
The Alibi Witness Research to Date

The alibi witness research conducted to date is limited due to research attention being devoted to this topic only relatively recently. In the main the existing research has examined the availability of corroboration for false alibis, and the evaluations of alibi evidence in general by the police and jurors. Questionnaires have been used to assess who people think would corroborate their false alibi story, whereas experimental methods have been employed to test the evaluation of various forms of alibi evidence by mock police officers and mock jurors. A review of this literature will now be presented followed by a review of additional variables implied by the existing research to be associated with false alibi witness evidence.

Alibi Generation

As illustrated in Figure 1, based upon evaluator reactions to range of alibi stories Olson (2004b) concluded that the construction and evaluation of alibis occurs in a set of sequential stages.

Figure 1: Model of the Process of Alibi Generation (adapted from Olson, 2004b)



The first two stages of the process refer to the alibi provider focused stages. For this reason they are said to occur in the alibi *generation domain*. Initially the alibi provider supplies an account of their whereabouts at the time of the crime in the *story phase* of the alibi. On this point, Skowronski, Betz, Thompson and Shannon (1991) found that although participants were good at recalling which day of the week an event occurred, they frequently cited the wrong week. A strength of this research is that although participants were asked to recall real life events, the ground truth of their recall could be corroborated in diaries kept by participants for the duration for the research. However, Burke, Turtle and Olson (2007) point out that an innocent individual is likely to be unaware that they will be required to provide an alibi for the time of a crime and so may be more susceptible to producing a hazy or inaccurate alibi. Moreover, Olson and Charman (2011) point out that poor memory may lead to either; an inability to recall one's whereabouts; a mistaken account of one's whereabouts; or a lack of support (or convincing support) for one's alibi. Skowronski et al. required participants to record and recall only unique events meaning that this may not effectively replicate the experience of many innocent defendants, and alibi witnesses. Nonetheless, the research shows that even unique events, which are likely to be highly memorable, are not accurately recalled. This clearly demonstrates the potential for unintentionally false alibi witness evidence.

The alibi is corroborated through physical and/or person evidence in the subsequent *validation phase* of Olson's alibi generation model. Kurbat, Shevell and Rips (1998) investigated students' memory for autobiographical events. The results showed that when asked to produce corroboration of where they were on a given date, many participants provided evidence to show where they should have been (such as a university timetable) rather than proof they were actually there (such as CCTV footage of them in a class). They termed this tendency to reconstruct their whereabouts from diaries and external sources as the *calendar effect*. The calendar effect may be exacerbated if the individual is unaware at the time that they will later be required to state their whereabouts. In support of this, Olson and Charman (2011) found that when questioned about their alibi just 48 hours after providing it participant's alibis for a given date

frequently changed. The frequency of changes was greater when the alibi was required for a date 3 months previously (42%), compared to 3 days previously (30%). This supports the suggestion that a genuine alibi story may drastically change over time as external sources (such as a diary or other's accounts) are consulted to verify whereabouts at the critical time (Olson & Wells, 2003).

Olson and Charman acknowledge that participants were prevented from consulting their diary when providing their initial alibi, a circumstance which may not replicate real life practice. Thus these findings may slightly overestimate alibi changes in real life investigations.

Olson and Wells (2004b) discovered that participants tend to overestimate the ease with which alibi providers can produce evidence to support their alibi, a finding which prompted the development of the *alibi scepticism hypothesis*. Their results demonstrated that the experience of alibi construction appeared to cause evaluators to view others' alibis more leniently. However, as with all alibi generation research, a limitation of this study is the potentially low participant motivation to prove their whereabouts in comparison to a suspect or alibi witness in a real criminal investigation. However, this limitation is unavoidable given the ethical issues that enhancing ecological validity would create. Nonetheless, the findings illustrate that the process of constructing an alibi highlighted for participants how difficult providing corroboration for an alibi is.

In support of Olson and Wells's (2004b) findings, evidence shows that evaluators associate consistent evidence with reliable evidence (DePaulo, Lindsay, Malone, Muhlenbruck, Charlton & Cooper, 2003; Hartwig, Granhag, Strömwall & Vrij, 2005; Culhane, Hosch & Kehn, 2008). However, there is no significant association between deceptive evidence and inconsistencies (Vrij, 2008) as liars attempt to appear consistent by memorising a set version of events. Nonetheless, poor memory and lack of preparation time could cause genuine alibis to appear less credible to alibi evaluators than false alibis as evaluators are unaware of the difficulty of alibi corroboration, and the changes to testimony this can lead to. This point is examined in more detail later in the chapter, when future directions of alibi research are considered.

Culhane, Hosch and Kehn (2008) asked participants to honestly state what physical evidence (such as tickets and receipts) and person evidence they could provide to demonstrate their whereabouts for a specified time. Results showed that significantly more participants could provide alibi witnesses than could provide physical evidence of their location. Moreover, Turtle and Burke (2003) illustrated in their sample of Canadian cases, that less than 14% of cases included physical alibi corroboration, compared to between 68% and 86% where an alibi witness was available. This illustrates the prevalence of alibi witnesses in court cases and the need to understand juror's reception of this evidence. Additionally questionnaires administered by Culhane, Hosch and Kehn (2008) found that the majority of participants believed that they could get someone to provide a false alibi on their behalf. Furthermore, almost all of these false alibi witnesses had a prior relationship with the defendant in that they were their friends, parents or romantic partners. This finding is supported by later research by Hosch, Culhane, Jolly, Chavez and Shaw (2011) whose survey found that participants were most willing to lie for a biologically related defendant, followed by a marriage related defendant and finally a socially related defendant. However, a limitation of this research is that it considered solely false alibis, rather than other forms of deception that alibi witnesses may use to assist a loved one accused of a crime. This highlights the need to assess intentions to engage in these more subtle forms of deception in order to assist a defendant.

The alibi literature has drawn a distinction between *motivated* alibi witnesses (individuals with an existing relationship with the defendant) and *unmotivated* alibi witnesses (those with no relationship with the defendant prior to the case), based upon the perceived motivation to lie for a defendant. The former is generally suggested to be weak evidence (Connors, Lundregan, Miller & McEwen, 1996; Culhane & Hosch, 2004; Golding, Stewart, Yozwiak, Djadali & Sanchez, 2000). As individuals spend the majority of their time with family members and friends it is only logical that these relations will be the most likely individuals to form genuine false alibi witnesses for a defendant. As Martin (1967) points out, most law abiding citizens are in bed with their spouse at 3am rather than out where strangers can see them. This would also imply that false

alibis are more likely to be corroborated by alibi witnesses with a prior relationship with the defendant. However, in an experimental study Jolly (2010) found that relationship satisfaction, investment, commitment did not predict alibi witness evidence fabrication. Excepting that mentioned above, the research literature has not assessed the effect of the defendant/alibi witness relationship upon the honesty of alibi witness evidence. Instead it has focused more upon the effect of the relationship between defendants and alibi witnesses upon alibi evaluators, a point that will be returned to later in the chapter.

Alibi Evaluation

The third and fourth stages of Olson's (2004b) model are focused upon how the alibi is received by others and so Olson terms these stages as the alibi *believability domain*. In the *evaluation phase* the truthfulness of the alibi story is evaluated by those encountering it, before a subsequent judgement of the defendant's guilt or innocence is made in the *ultimate evaluation phase*. If the alibi is judged as true in the evaluation phase the defendant must be seen as not guilty in the ultimate evaluation phase. However, as a belief that the defendant is guilty does not automatically follow from an evaluation that the alibi is false (it is not solely guilt that a defendant may not wish to reveal to others), the alibi believability phase can be said to have two distinct stages. The perceived veracity of an alibi can be affected by many factors, namely whether there is corroboration, the motivations of any alibi witnesses, the stage at which the alibi is disclosed, and any predisposed biases amongst jurors towards alibi evidence. The research pertaining to each of these variables will now be discussed.

Alibi Evaluation by the Police

Olson and Wells (2004b) categorised the true alibis of participants based upon how believable they were to mock-detective evaluators (

Figure 2). They created a series of alibi scenarios by manipulating the person and physical evidence available to support a suspects alibi. Findings

illustrated that an easily fabricated till receipt (physical evidence) was sufficient to render the alibi evidence irrelevant. Moreover, strong physical and person evidence supporting the defendant (a neutral person corroborating the alibi and a dated, timed security video capturing a clear image of the suspect) was associated with a mean believability score of only 7.4 out of a possible 10. This suggests that jurors require a significant amount of evidence from a variety of sources in order to exonerate a defendant. This lack of complete believability in the face of such strong evidence implies some support for the alibi scepticism hypothesis. However, the findings illustrated that not all alibis were viewed with equal scepticism suggesting that police evaluations of alibis may be more complex than simple blanket alibi scepticism.

Figure 2: Taxonomy of Alibi Corroboration (Olson & Wells, 2004b)

Person evidence Strength	Physical Evidence Strength		
	No Physical Evidence	Easy To Fabricate	Difficult To Fabricate
No Person Evidence	<p>Least Believable</p>		
Motivated Familiar (Easy To Fabricate)			
Non-Motivated Stranger (Difficult To Fabricate, Possibly Mistaken)			
Non-Motivated Familiar Other (Difficult To Fabricate, Unlikely To Be Mistaken)			Most Believable

Olson and Wells further discovered that alibi corroboration from an unmotivated stranger was seen as more credible than corroboration from an unmotivated familiar other (although this difference was not statistically significant). Although neither of these witnesses have a motive to lie, the stranger should be more likely than the familiar other to be honestly mistaken in their identification of the defendant. As previously mentioned, Culhane, Hosch and Kehn (2008) discovered that most people think that their friends, parents or romantic partner would support their false alibi. This would imply that false alibis are more likely to be corroborated by motivated alibi witnesses, than by unmotivated alibi witnesses. As previously discussed, although some alibis from motivated alibi witnesses are undoubtedly false, mere relationship between defendant and alibi witness does not necessarily guarantee the

falseness of an alibi (Culhane et al., 2008). Although a weak or false alibi may be evidence of an unreliable alibi provider and alibi witness, it is not evidence of guilt (Connelly, 1983).

Olson and Well's findings support the concept that evaluators underestimate the difficulty of corroborating an alibi. This supports the research literature relating to eyewitnesses, suggesting that jurors also do not consider the potential of genuine identification and timing mistakes. Culhane (2005) investigated the effect of changes to alibi statements upon guilt ratings provided by student participants taking the role of detectives. Analysis revealed that changing the alibi statement has a detrimental effect upon believability ratings, regardless of whether the change strengthened or weakened the alibi. In fact Culhane found that defendants were evaluated more positively when they had no alibi, in comparison to defendants who later strengthened their initial alibi testimony. In addition to this, questionnaire data collected in America shows that 90% of participants believe that people who change their alibi after a police interview are probably lying (Culhane, Hosch & Kehn, 2008).

Dahl and Price (2011) found that although the relationship between alibi witness and suspect did not affect mock investigator decisions to arrest the suspect, participants were more likely to believe the suspect was innocent and their alibi was genuine when the alibi witness was 6 years old compared to an adult. This suggests that regardless of their relationship to the defendant children are thought to be honest, whereas adult motivated alibi witnesses are presumed to lie for a defendant. The research pertaining to the accuracy of child testimony in general is however mixed, with some demonstrating the belief that memory reliability increases with age, and other research finding no effect of age upon perceived witness accuracy (Magnussen et al., 2006).

Dahl, Brimacombe and Lindsay (2009) examined the impact of competing alibi witness and prosecution eyewitness statements upon mock detectives. The study revealed that mock detectives provided with both eyewitness and alibi witness statements did not differ in their ratings of suspect guilt compared to mock detectives that received only an eyewitness statement. Thus being presented with eyewitness evidence did not increase beliefs about suspect guilt. Furthermore, although weak alibis (supported by a close friend of

the defendant) did not impact upon decision making, a recency effect occurred when a strong alibi (supported by a colleague) was presented. Hence the most influential evidence was whichever evidence was heard last, the eyewitness or the strong alibi witness. Therefore the findings support the underestimation of ease of alibi corroboration mentioned previously (Olson & Wells, 2004a). This further suggests that the high cognitive load associated with interpreting a complex case prevents individuals from recalling earlier material unless it is remarkable in its strength.

However, student participants role-playing the part of detectives do not have the same experience and knowledge of legal procedures and guidelines as actual police officers, casting doubt on the veracity of these findings. Furthermore, gathering the impact of inconsistent testimony upon mock-detectives is of limited value as it is the Crown Prosecution Service rather than the police that decides whether a case is taken to court. Therefore even if police doubt the veracity of a defendant's testimony, other than repeat interviews, there is little they can do to affect the progression of the case. Moreover, this prior research has been solely conducted upon American and Canadian samples, and its representativeness of views and behaviour in the UK legal system is unclear. However, these findings (Culhane, 2005; Culhane, Hosch & Kehn, 2008) do suggest the existence of bias in relation to inconsistent testimony that is worthy of further investigation.

The only study to date that has examined the beliefs of actual police officers was conducted by Dysart and Strange (2012). They administered a survey with items based upon the taxonomy developed by Olson and Wells (2004b) in order to examine the beliefs about alibi evidence held by serving police officers. Just over 50% of the sample believed that it is easy for a suspect to construct a false alibi. Moreover, due to police officers' desire to appear thorough and fair, the findings may actually underestimate the extent of alibi scepticism amongst police officers. Interestingly the concept that unmotivated alibi witnesses have no reason to lie for a suspect was challenged in that the participants were able to suggest several plausible reasons for deception from these individuals; distrust of the police and CJS, fear of the suspect, financial or social reward and sympathy for the suspect. However,

these reasons did not appear to be considered to occur frequently as the police officers were most likely to perceive motivated alibi witnesses as being deceptive, supporting the findings of the experimental research utilising mock-detectives (i.e. Culhane, 2005). Furthermore, physical evidence, multiple alibi witnesses and unmotivated alibi witnesses were the evidence most commonly associated with believable alibis. These findings therefore replicate those found utilising a mock-detective paradigm and add considerable weight to the inference that evaluators are sceptical of alibi witnesses.

Dahl, Brimacombe and Lindsay (2009) suggest that the evaluations of jurors may be different to those of detectives. Accordingly, Sommers and Douglass (2007) compared the alibi evaluations of mock police and mock jurors. The findings showed that alibis were considered stronger when evaluated by mock detectives, presumably because the police have the opportunity to further investigate alibis and potentially find them to be genuine before charges are brought. Conversely, the fact that a defendant is still in court despite his alibi being investigated by the police automatically implies that his alibi is weak or false. Thus jurors may be more susceptible to alibi scepticism due to the inference that a weak alibi is indicative of defendant guilt.

Juror Evaluations of Evidence

More than 75% of Americans exonerated by DNA evidence were victims of mistaken eyewitness identification (Wells et al., 1998). Wells and Olson (2003) suggest that “the amount of time the culprit is in view, the lighting conditions, whether the culprit wore a disguise, the distinctiveness of the culprit’s appearance, the presence or absence of a weapon, and the timing of knowledge that one is witnessing a crime” (p. 281) can all adversely affect the accuracy of eyewitness evidence. However, jury studies have shown that jurors have very limited knowledge of the negative effect these factors can have upon eyewitness accuracy (Kassin & Barndollar, 1992). The evidence shows that when evaluating eyewitness evidence jurors often rely on factors that are not reliable indicators of accuracy (Wells & Murray, 1984). This means that jurors place a disproportionately large amount of faith in the accuracy of eyewitnesses

(Fox & Walters, 1986; Dahl, Lindsay & Brimacombe, 2006; Boyce, Lindsay & Brimacombe, 2008), potentially to the detriment of the case. As alibi witnesses are a form of eyewitness, the research would suggest that their testimony will be very influential to jurors. However, when analysing actual cases in American courts, Cunningham and Tyrell (1976) discovered that the presence of up to 40 witnesses testifying for the defence was insufficient to deter jurors from believing the testimony of a single eyewitness who expressed doubt over the accuracy of their own identification. Thus, when both the prosecution and the defence have eyewitnesses testifying, the evidence suggests that the eyewitness for the prosecution may be believed over the defence witness.

Alibi Instructions in Court

The Crown Court Bench Book (2010) was created by the Judicial Studies Board to provide judges with guidance as to the advice that they should give to jurors about certain legal proceedings. Although not legally binding, judges are advised to tailor their directions accordingly (Judicial Studies Board, 2010). This book highlights the fact that in all criminal trials the prosecution is required to prove that the defendant is guilty, rather than the defendant to prove that he is innocent. Thus, when a defence of alibi is used, jurors should be instructed that there is no burden on the defendant to prove that he was elsewhere (Judicial Studies Board, 2010). Just as eyewitnesses are prone to mistakes in their testimony (Wells & Olson, 2003), so too can alibi witnesses make genuine mistakes about dates. Thus a false alibi is not necessarily deliberately deceptive. When it is decided that a false alibi was created solely to deceive the court, the fabrication can be used as evidence against the defendant. However, it is important that the jury be reminded that although the defendant has lied about where he was at the material time, it does not mean that he was where an identifying prosecution witness says he was. The report suggests that although there is a natural tendency for jurors to associate guilt from the belief that a defendant is lying, judges have a duty to remind jurors that this is not always the case. The Crown Court Bench Book states that a deliberately false alibi may be put forward for many reasons, including the belief that the truth will

not be sufficient to render an acquittal. However, bearing in mind the paucity of alibi research, the research basis and accuracy of this instruction is unclear.

There is a little research to date that examines how jurors evaluate defence witnesses and their evidence. Evidence suggests that the way in which alibi evidence and testimony from an individual related to the suspect is viewed by the legal system may have an impact on the credibility associated with the testimony (Burke & Turtle, 2004; Culhane & Hosch, 2004; Olson & Wells, 2004b). Generally research has suggested that a widespread scepticism towards alibis may exist that prevents jurors from receiving alibi evidence in an open and unbiased manner (Olson & Wells, 2004b). Moreover, these studies have indicated that the closer the relationship between defendant and alibi witness, the less credence jurors give to that alibi (for example Culhane & Hosch, 2004). If this is the case, the false evidence may not assist the defendant's case at all if it is provided by a close friend or family member. However, it should be noted that these conclusions stem almost entirely from mock juror studies utilising student samples, and so their ecological validity is limited.

The Story Model of Evidence Evaluation

Pennington and Hastie's (1986, 1993) story model states that several stories may be constructed by jurors to make sense of the evidence with which they are presented. Stories will be rejected on the weight of contradictory evidence until a single logical and coherent story exists. Thus once this threshold is reached a story becomes convincing and is accepted as the true version of events, meaning any further evidence incongruent with this story is discounted. Therefore, new evidence introduced later in the case that suggests a new version of events may not be given full consideration by jurors.

The very fact that the defendant is in court despite having an alibi may imply to jurors that there is some question regarding the veracity of the alibi. In relation to this Gooderson (1977) points out that the term *alibi* is heavily loaded and rather than being another piece of trial evidence, an alibi is viewed as a point to prove. In accordance with this Olson and Wells (2004b) suggested that

evaluators approach alibis with an inherent scepticism. The effect of alibi scepticism could also be compounded by the tendency for pre-existing belief to bias attention to and interpretation of later information, known as behavioural confirmation bias (Darley & Gross, 1983). The impact of behavioural confirmation bias has been demonstrated in the interview room, as Kassin, Goldstein and Savitsky (2003) discovered that interrogators who approached an interview with the presumption the suspect was guilty, did not re-evaluate this belief even when interrogating an innocent suspect who issued plausible (rated so by independent observers) denials. This effect has been consistently replicated in the research literature (Snyder, 1984; Vrij, 2008).

The innuendo effect is the idea that subtle negative hints and suggestions continue to have a negative effect, even after positive information has been put forward to negate them (Wegner, Wenzlaff, Kerker & Beattie, 1981). Wegner et al. discovered that incriminating innuendo exerts as strong an effect as incriminating statements upon opinions of the statement targets. The innuendo effect would therefore suggest that the presence of the defendant in court despite having an alibi will bias jurors towards a belief in the defendant's guilt. In conjunction with the behavioural confirmation bias, this may lead jurors to view negatively all defendants with alibis. However, jurors are also likely to be highly motivated to reach the right decision due to the high stakes involved. Confirmation bias and the innuendo effect may therefore be a product of the artificial nature of the laboratory research which has relatively minor consequences compared to real life investigations and trials (Diamond, 1997; Olson & Wells, 2004b). Diamond (1997) highlights that it is not possible to test for differences in real and mock juror motivation due to the limitations of research with real jurors. However, in support of mock jury research, Diamond points out that juror motivation may affect only limited aspects of juror behaviour.

In addition to the innuendo effect Koehler (1991) suggests that a temporarily accepted hypothesis is used as a reference framework to which all subsequent information is evaluated. Thus as the prosecution presents its case first, this story could be temporarily accepted by jurors and a 'guilty story' created. This fits in with Pennington and Hastie's model of evidence evaluation if the prosecution case is strong. Thus in the case of jurors, the prosecution's

case could bias jurors to overlook the defence evidence that contradicts this *guilty hypothesis*, even if a plausible alibi is offered. Accordingly, Pennington and Hastie suggest the prosecution story of events is only accepted when the prosecution presents a strong initial case. In support of this Shpurik and Meissner (2004) suggest that alibi evidence is only considered by jurors when there is little other evidence against the defendant. They discovered that when the defendant confessed voluntarily or under low pressure conditions, alibi evidence that exonerated the defendant did not influence mock juror verdicts. They took this as support for the construction of a strong guilty story preventing participants from considering contradictory alibi evidence. These findings have led Burke, Turtle and Olson (2007) to suggest that jurors be made aware of how behavioural confirmation bias could influence their attention to, and understanding of, the evidence presented. When the prosecution case is weak and little supporting evidence is offered Pennington and Hastie suggest the guilty hypothesis may not be accepted by jurors. In this instance multiple stories are constructed and jurors will be more receptive to later defence evidence such as alibi evidence.

In critique of this, however, Koehler (1991) also suggests that the consideration of an alternative hypothesis can actually decrease participants' confidence in the original hypothesis. Support for this hypothesis was found by Anderson and Sechler (1986) who discovered that considering the later hypotheses completely cancelled out the overconfidence in the original story. This finding has not however been consistently replicated, with other studies demonstrating only a slight reduction in confidence in the initial hypothesis (Anderson, 1982). A limitation of this research is that it has not been tested in relation to juror decision making. Instead Koehler presented a review of the literature which involved participants considering very different situations to those in the courtroom, such as relationships (Seligman, Fazio & Zanna, 1980) and election outcomes (Carroll, 1978). However, the diverse examples of temporarily accepted hypotheses shaping behaviour, strongly suggest that the effect will apply to juror decision making. This is something that has not specifically been examined in relation to alibi evidence. Instead the majority of research has focused upon corroboration by motivated and unmotivated alibi

witnesses, with limited research examining the effect of alibi salaciousness and the stage at which an alibi is disclosed upon mock juror decisions.

Corroboration

Corroboration can be provided through both physical and person evidence that establishes the defendant's location at the time of the crime. Burke, Turtle and Olson (2007) suggest that unlike uncorroborated eyewitness testimony, uncorroborated alibi evidence is unlikely to be believed by jurors.

Unmotivated alibi witnesses have no relationship to the defendant and thus no personal investment in the outcome of the case. Golding, Stewart, Yozwiak, Djadali and Sanchez (2000) found that a shop assistant alibi witness (unmotivated witness) lowered the guilty responses provided by participants and reduced participant ratings of victim believability in a mock trial of a child sexual abuse case. Thus unmotivated alibi witnesses appear to enhance the credibility of a defendant's alibi, despite the fact that unfamiliarity with the defendant may lead to poor identification accuracy. However, Olson and Wells (2004b) found that participants did not appear to consider the possibility of stranger alibi witnesses being unreliable due to mistakenly identifying the defendant. Just as people are unaware of the factors that influence eyewitness accuracy (Cutler, Penrod & Stuve, 1988), it appears they are also unaware of the factors other than relationship to defendant, which could affect alibi witness accuracy.

Further research has examined the effect of motivated alibi witnesses upon mock juror decision making. Although Jolly (2010) found that marriage status and relationship length between defendant and alibi witness had no effect upon mock juror decision making, most research has found a significant effect of alibi motivation upon mock juror evaluations. The fact that Jolly's research is currently unpublished (information was taken from an abstract only) prevents details of the methodology being understood. Allison and Brimacombe (2010) compared juror decision making in mock assault and robbery cases when the defendant had either strong physical evidence to corroborate his alibi (inconclusive CCTV images of the defendant away from the crime scene) or

weak alibi corroboration from his brother. Defendants with strong alibis were rated by the mock jurors as more believable and less likely to be guilty than those with weak alibis. Thus the motivated alibi witness was seen as less reliable than physical evidence. Similarly Burke and Turtle (2004) had participants rate the strength of motivated alibis with differing type of corroboration. Results showed that evidence against the defendant was perceived as stronger when no alibi corroboration was provided in comparison to when an alibi of being at the movies with one's girlfriend was corroborated or uncorroborated by the girlfriend. Moreover, the defendant was seen as more believable when no corroboration for their alibi was presented. Fewer guilty verdicts were seen in the no alibi witness condition than when the defendant claimed to be with his girlfriend at the time of the crime. Thus it appears that a defendant who admits to having no corroboration for their alibi appears more innocent to jurors than a defendant who has corroboration from their girlfriend for their alibi.

Culhane and Hosch (2004) discovered that the perceived strength of an alibi was heavily influenced by the relationship between the defendant and the alibi witness in that mock jurors did not believe a motivated alibi witness who had a social relationship to the defendant. Following on from this study Hosch, Culhane, Jolly, Chavez and Shaw (2011) examined whether differences existed in mock juror evaluations of various motivated alibi witnesses. Their analysis revealed that mock jurors were most sceptical of the defendant's biological relations, least sceptical of their social relations and intermediately sceptical of those related to the defendant by marriage. This again supports the concept that the relationship to the defendant is the most important factor in false alibi witness testimony. Hosch et al. suggest these findings reflect false alibi witness testimony as a form of altruism based on the theory of mutual reciprocity (Trivers, 1971) and kinship theory (Hamilton, 1964). The results held true when time spent with the defendant was held constant, suggesting that likelihood of favours being repaid was not the sole factor influencing perceptions of alibi witness deception likelihood. The role of altruism in alibi witness deception is discussed at length later in this chapter and investigated in Chapter 7 of the thesis, as little research has examined this explanation in detail.

Salacious Alibis

In contrast to the innuendo effect Allison, Mathews, Michael and Choi (2009) discovered that suspects who admitted to engaging in salacious activities were thought to have stronger alibis than those with a non-salacious defence. In support of this, Mathews and Allison (2010) found that an alibi of watching an X-rated film, compared to watching a regular film led to higher ratings of defendant honesty, openness, and lower estimates of guilt likelihood. Community tolerance of the availability of explicit sexual materials to adults is generally high (Scott, Eide & Scovron, 1990) although the *third person effect* suggests that whilst people think pornography will have no effect on them personally, it may impact negatively on others (Diamond, 2009). As the aim of a false alibi is to make a defendant appear innocent, a false alibi is likely to imply the defendant is a respectable and law abiding individual. An alibi of 'watching a pornographic film' does not immediately appear to meet this aim. However, this supports the assertion that unpopular or self-defeating messages are perceived as more persuasive than self-serving messages (Eagly, Wood, & Chaiken, 1978). Thus if an alibi shows the defendant in a negative way jurors infer that the alibi must be genuine. In conjunction with this, the alibi scepticism hypothesis suggests that jurors doubt the veracity of 'regular' alibis, meaning that a 'negative' alibi may actually be more beneficial to defendants than a positive or neutral alibi. Again, this research utilised a written mock trial summary as the stimulus material, which can be criticised for its ecological validity. Despite this, research has shown few differences due to trial modality in mock jury research (Bornstein, 1999) thus supporting the use of this methodology.

Stage of Disclosure

In accordance with section 6A(2) Criminal Procedure and Investigations Act 1996 the defence must give details of their defence statement if an alibi is involved. This allows thorough police investigation of the alibi meaning that the

case against a defendant can be dropped if the alibi is found to be robust. This has the effect of saving the time and money associated with a lengthy court case (Epstein, 1964). However, it also provides the police with the opportunity to discredit false alibis and a defendant to be exonerated prior to their trial commencing (Lord Chief Justice of England and Wales, 2008, p. 7). It may therefore be in the interests of defendants with a weak or false alibi to withhold this from the prosecution team and use it to *ambush* the trial. Kerans (1982) states "without notice of it (the alibi), the Crown is surprised and cannot rebut without an adjournment to investigate" (p. 47). This may give the defendant an advantage in court thus providing a clear incentive to defendants to delay revealing their alibi, especially if they have little or no corroborating evidence.

However, there is a case ruling that a defendant should not gain an advantage through attempting to ambush a trial (*R v Chorley Justices* (2006)) and laws stipulate that both the defence and prosecution disclose their evidence prior to trial. This allows the judge to rule as inadmissible any evidence that has not been disclosed prior to trial, and prevent the trial being ambushed. An analysis of Canadian cases demonstrated that revealing an alibi late in the investigation or trial was a common tactic, despite the requirement in most Canadian jurisdictions (and UK courts) that an alibi defence is revealed early in case proceedings (Turtle & Burke, 2003; the Criminal Procedure and Investigations Act 1996; the Criminal Justice Act 2003). In relation to this, Epstein (1964) found that 52% of American Prosecutors surveyed stated that alibi evidence not disclosed at an early stage was never or seldom excluded from court. However, demand characteristics may skew the findings of this self-report data. Nonetheless, in a speech given in 2008 (Lord Chief Justice of England and Wales, 2008) the Lord Chief Justice of England and Wales stated that in very few instances had lack of disclosure prevented an alibi defence being heard in court, and offhand he could not think of a single instance. This may be due to the overriding objective of the criminal procedure rules (in both America and the UK) that criminal cases be dealt with 'justly.' A Judge's refusal to admit potentially exonerating evidence into court solely due to its late disclosure may not be considered just. The potential therefore exists for the prosecution team's case to be substantially weakened and guilty defendants be

acquitted, due to lack of timely disclosure of alibi evidence by the defence team. Again the lack of research to support the comments of the Lord Chief Justice of England and Wales highlight the need for empirical research into alibi timing.

Connelly (1983) studied instructions to jurors regarding the stage at which a defence of alibi was put forward by a defendant in Canadian criminal trials. This analysis showed that when judging the veracity of an alibi, jurors can consider the timing of the alibi provision. As Kerans (1998) states, this may leave the court “inclined as a result to view the last-minute alibi with a baleful eye” (p. 47). In support of this, Berman and Cutler (1996) revealed that jurors were less likely to convict the defendant when they heard any kind of inconsistent testimony from prosecution eyewitnesses. Furthermore, Brewer, Potter, Fisher, Bond and Luszcz (1999) discovered that a witness whose statement in court was inconsistent with their previous statement was perceived as being significantly less accurate than witnesses who exaggerate, are inconsistent with other witnesses or recall items not previously recalled. This supports the previously mentioned general finding that inconsistent stories are viewed as deceptive (Vrij, 2008). Ambush alibis may arise out of a deliberate attempt to ambush the court, although a defendant may also want to check that their relation/friend will support their false alibi before providing it to the police. This may mean that their alibi witness is only presented relatively late in the investigation. Conversely, as mentioned an innocent defendant may only realise that they have a witness to their innocence late in the investigation as they reconstruct their whereabouts through referral to external sources (calendar effect). Thus to consider all ambush alibis as indicative of guilt is inappropriate. Given the numerous reasons for ambush alibis to occur, it is likely that they occur fairly frequently, although measuring their frequency is challenging. Understanding their impact upon jurors would therefore greatly enhance understanding in this area.

Summary of Evaluations of Alibi Evidence

Although alibi evaluation research is a developing field (Sommers & Douglass, 2007) the research upon lies told in collusion is still relatively

neglected in the research literature (Granhag, Strömwall & Jonsson, 2003). Very little prior research has studied juror evaluations of alibi evidence, and none to date has addressed the process involved in an alibi witnesses' decision to provide false testimony. There is an obvious need to explore this behaviour in detail, due to the potential uses this information could have in the applied field, and the gap in academic understanding that this would bridge. The research that does exist has suggested that jurors may possess a negative bias regarding alibi evidence and this is supported by evidence that jurors attribute more weight to the testimony of eyewitnesses, than they do to alibi witnesses (for example Lindsay, Lim, Marando, & Cully, 1986). Furthermore research indicates that in order to carry the most weight, person based alibis must come from an individual who is unmotivated. However, this classification of alibi witnesses as motivated and unmotivated stems from limited research and requires further verification. The fact that jurors possess biases suggests that judicial instructions may be required to counteract these biases; although at present there is little guidance for jurors regarding how to interpret alibi evidence. It is not even clear whether these biases possess any element of truth, or whether they are wholly erroneous. The evidence regarding stage of alibi disclosure indicates that defendants with weak alibis may favour delaying declaring their alibi in order to prevent a thorough police investigation. However, this research has looked at alibis provided by the defendant, and has not looked concurrently at the role of supporting alibi witnesses upon how this alibi evidence is received by jurors. Furthermore, all this knowledge is gained from rather a limited amount of research evidence and there is a real need for further research on this topic. Without further research, a more comprehensive understanding of alibi evaluation in the courtroom cannot be attained. Chapters 7 and 8 of the thesis address the issues of alibi witness motivation and alibi timing.

Future Research Directions

With the potential for defendants to evade arrest and commit further offences, and put others at risk of wrongful conviction as outlined above, public justice offences pose a significant problem for the criminal justice system and

the population in general. There is however a clear need to understand why individuals that are not involved in the index offence offend through providing false evidence for others. Due to the lack of prior studies on this topic, the current thesis is largely exploratory in nature. Based upon the emphasis placed by the public justice offence charging standards upon loyalty, planning and intended harm, the role of altruism and relationship between alibi witness and defendant, as well as understanding of the law are variables that alibi research should address. Moreover, deception type has been largely neglected in previous deception research, although this has the potential to greatly influence both the provision and evaluation of deceptive alibi witness evidence. Furthermore, the research pertaining to deception recipient suggests that and attitudes to the criminal justice system are also important in alibi witness deception. Attitudes to the criminal justice system, altruism and knowledge of the law will subsequently be discussed in turn, given their hitherto brief consideration previously in this chapter. Moreover, these variables are explored in detail in Chapters 4, 5 and 6 of the thesis.

Altruism

Just as the alibi research suggests that deceptive alibi witnesses may be motivated by altruism (for example Hosch, Culhane, Jolly, Chavez and Shaw, 2011), the public justice offences charging standards consider “whether the conduct was motivated by misplaced loyalty to a relative/friend or was part of a concerted effort to avoid, pervert, or defeat justice” (Crown Prosecution Service, 2011). This illustrates that the relationship between defendant and false evidence provider is presumed to be a primary motivation in many public justice offences. Although a body of research exists regarding the acceptability of lying *to* a partner (for example Boon & McLeod, 2001; Levine & McCornack, 1992; Metts, 1989), there is a distinct lack of research addressing lying *for* a partner, friend or family member. The obvious outcome of successful false alibi provision is the avoidance of punishment of the defendant. Thus the false evidence may facilitate the continuance of a relationship that may suffer if one party is in prison and unable to see the other partner regularly and freely. This could put an enormous strain on the relationship and lead to its breakdown.

Secondly, and perhaps more importantly, providing false evidence on the behalf of the defendant could demonstrate selflessness, love and commitment to the relationship. Thus the chances of success of the evidence is not of significance, rather it is the illustration of solidarity and support that is of paramount importance. As mentioned previously, the extant alibi research suggests that false alibi witness evidence may be rooted in altruism. Thus the avoidance of 'being a grass' or the preservation of a relationship may encourage participants to provide false evidence. Thus it is logical to explore the concept of altruism in order to improve understanding of false alibi witness evidence.

Many definitions to altruism have been offered, but it is generally agreed to be a behaviour that is costly to the altruist but bestows benefits on others (Trivers, 1971). Hosch, Culhane, Jolly, Chavez and Shaw (2011) argue that providing an alibi is an altruistic act, the costs of which are greater when the alibi corroborated is false. Hamilton's inclusive fitness rule of altruism (1964) states that when cost and benefit levels are held constant, degree of relatedness (between provider and recipient) predicts the probability of an altruistic act. Equation 1 summarises Hamilton's rule.

Equation 1: Hamilton's Rule

$$rB > C$$

In this model, B refers to the benefit the recipient gains from the altruistic act, C refers to the cost to the altruist and r to the degree of relatedness between altruist and recipient. Thus the closer someone is to someone else, the less rewards and higher costs they will accept in order for the altruistic act to be worthwhile (Farsides, 2007). Kivivuori (2007) suggests that although it is generally seen as a factor that decreases crime, altruism may also explain the commission of certain crimes. According to Hamilton's rule, people should be more willing to provide a false alibi for those with whom they share a high degree of genetic relatedness. As the degree of relatedness in Hamilton's rule is based upon shared genes, the theory applies only to genetically related individuals, and not those related by marriage. Although many cases of providing false evidence for others reported in the media appear to involve family members and partners (for example *R v Cordoso*, 2007; *R v Campbell*,

2006; *R v Unwin*, 2005), this data is anecdotal, and cases involving false evidence provision for non-family members have also been reported (*Pervez v HM Advocate*, 2006). There is not sufficient detail in the official statistics relating to this crime to determine whether individuals are more likely to provide false evidence for romantic partners than less close relations. Thus this thesis will examine experimentally the relationship between defendant and alibi witness upon alibi witness honesty.

Altruism exhibited to non-family members is theorised to be based on an assumption of mutual reciprocity (Trivers, 1971). Hence an individual performs an altruistic act under the assumption that their altruism will be rewarded at a later date. This means that reciprocal altruism is dependent on the frequency of interactions the altruist and recipient will have in the future. Based on this theory, scepticism towards an alibi witness should be dependent upon the closeness of the relationship between them and the defendant, as this is what dictates the opportunities for the altruism to be repaid.

A further evolutionary explanation for providing false evidence for non-family members is costly signalling theory. This is the concept that altruistic behaviour that signals character (rather than abilities) is attractive to long-term romantic partners and friends (Zahavi & Zahavi, 1997). Utilising mock dating advertisements Barclay (2010) found that altruistic people were perceived as more attractive long term partners than people who were neutral for altruism, thus supporting the concept of altruism as a desirable relationship quality. It is argued that by exhibiting altruistic behaviour, the individual encourages commitment from the recipient. Thus by acting altruistically an individual can demonstrate that they view the recipient as being of high enough quality or status to make that action worthwhile despite costs existing to that behaviour (Bolle, 2001). An individual not romantically interested in the recipient would not take the trouble and personal risks involved in the altruistic act. Thus encountering these costs and persisting in the behaviour despite the consequences, demonstrates a dedication and loyalty that will engender the good will of the recipient. Therefore Kivivuori (2007) suggests that a criminal act could be interpreted as a *gift* for others. This applies not only when the proceeds of a crime are directly given to someone else, but also when the intent

behind the crime is to help a person or a cause. Thus lying to assist someone despite awareness of the futility of that action is a further proof of the importance of the relationship to the risk taking false evidence provider. For these reasons, acting in an altruistic way for others is likely to be attractive and could thus lead to higher reproductive success for the altruist compared to others who did not signal in this manner. In essence, a failure to show loyalty through providing false evidence for a defendant could bring about the defendant terminating the relationship or the relationship struggling as one partner is sent to prison. Thus there could be a great attraction to providing false evidence to help a loved one, and a considerable cost associated with *not* being altruistic. This explanation of providing false evidence for others emphasises the relationship between defendant and alibi provider and suggests that individuals will be more likely to provide false evidence for romantic partners than other social acquaintances.

Support for these theories was found by Hosch et al. (2011) who assessed participant ratings of the credibility of alibis provided by individuals with genetic, social and marital (spouse or family-in law) relation to the defendant. Results illustrated that scepticism was significantly higher for those with a closer relationship to the defendant, thus supporting both Hamilton's rule, costly signalling theory and the theory of reciprocal altruism. However, closeness was shown to be more important in participant willingness to provide a false alibi than frequency of contact. Thus participants indicated that they would be significantly more likely to provide an alibi for their family or spouse, than for a social relation. However, this study required participants to state who they thought they would provide an alibi for, and therefore was based upon hypothetical situations. As previously highlighted, the relationship between intentions and attitudes and actual behaviour is not linear, thus highlighting a need to empirically test whether participants act in accordance with their planned behaviour, which will be done in this thesis.

The prisoner's dilemma is the standard methodology used to investigate altruism. The prisoner's dilemma is simple game in which players must accumulate points. Each player operates without knowledge of the decision of the other. The different combinations of defect and cooperate possible for the

players accumulate different amounts of points (Figure 3). If both players co-operate, both gain a reasonable amount of points (3 points each). This option is best for the common good, but not for individual success.

Figure 3: Summary of Points awarded for each Possible Outcome of the Prisoner's Dilemma

Player 2	Player 1	
	Co-operate	Defect
Co-operate	3 ³	0 ⁵
Defect	5 ⁰	1 ¹

If both players defect, neither suffers, but similarly neither gains from co-operation. The best strategy to gain points is to defect when the other player co-operates. In this situation the defector receives most points through the exploitation of the co-operator. They must then decide between individual interests and the common good. Only through several trials will each player learn the strategy of the other player, and discover whether they are better to cooperate or defect. Research on the prisoner's dilemma has shown the cooperation is increased when reciprocal cooperation is anticipated from a game partner. Moreover, those that cooperate presume that cooperation is a more common and normative response than do *defectors* (Kelley & Stahelski, 1970). In support of this, Warneken and Tomasello (2009) suggest that helping others is part of the socialization process in most cultures, and is therefore perceived as the 'right' thing to do. Thus it could be that society expects people to lie to protect others, and exerts a certain pressure on people to do so. In support of this, Green, Farber, Ubel, Auger, Aboff, Sosman and Arnold (2000) asked doctors to rate how they would respond in a number of deception situations. Compliance rates ranged from 5-36% dependent upon the deception situation. When asked whether they would substitute their own urine for a colleague's urine drug screen relatively few participants were willing to comply. Of those that were willing, self-report justifications emphasized the duty one has to friends and colleagues and the unreasonableness of mandatory drug screening policies. This research therefore implies that alibi witnesses

may provide deceptive testimony due to a sense of loyalty towards the defendant.

Turner, Edgely and Olmstead (1975) asked participants to highlight the honest and dishonest statements they had made in a recent conversation with a relative, intimate or friend. Participants were required to state what they would have said in place of the dishonest statements if they had spoken completely honestly before being interviewed regarding the reasons for their dishonesty. Content analysis of these responses revealed that participants saw honesty as the loyalty to a relationship, rather than as the complete truth. Therefore information that is not completely true is judged as right, moral and honest if it allows the relationship to continue unimpeded. Thus it is important that the perception of deception acceptability is explored in detail if the reasons for providing false evidence for others are to be understood. On this point, witnesses that provide false evidence to assist a suspect may do so as they believe that this is a normal and socially acceptable response to the situation, although the evidence in support of this is scant. In support of this Norris and Dunnighan (2000) conducted interviews with British police officers on the use of police informants. Despite the assistance they provided, the informants were viewed very negatively as their behaviour lacked loyalty to family and friends. A dislike of 'grassing up' on people could therefore be involved in the decision to provide false evidence for others.

Research has shown that the perceived intentions of a deceiver influence others' judgements of the acceptability of that deceptive act. For example Bok (1978) suggests that the acceptability of lies is a function of their position on a continuum from altruistic to exploitative motivation. Those judged at the exploitative end of the scale are more likely to be deemed unacceptable than those acts of deception understood to stem from altruistic and good intentions. This is supported by Backbier, Hoogstraten and Terwogt-Kouwenhoven (1997) who found that motive of the liar in conjunction with the importance of the situation were influential in the judgment of lie acceptability. Thus the apparent selflessness of providing a false alibi may negate the perceived wrongs of this behaviour and result as it being seen as an acceptable act by both the doer, and those around them. This may especially be the case should the defendant

be believed by the alibi witness to be not guilty. Here the false alibi provider could see themselves as aiding justice, rather than hampering it, and thus believe their actions are acceptable. However, the acceptability ratings gathered by Backbier et al. were in relation to simple vignettes in which deception to a friend or acquaintance occurred. These scenarios differed greatly to the situation of lying about a criminal offence, and mean that it is unclear as to whether the findings would be directly replicated in this context. Further research of this nature utilising false alibi scenarios is required before this point can be answered.

Although the research presented suggests that the public may view deception by alibi witnesses as an acceptable demonstration of loyalty and love, this neglects to consider the wider implications of the deception. False alibi witness evidence is a crime against justice, rather than a crime against the person. This may reinforce the conception of false evidence provision as a victimless crime. The lack of direct victim and the potential to help another may encourage people to provide false evidence to assist a defendant. However, providing false evidence does not just harm justice it also has the potential to put an innocent at risk of arrest and prosecution and, as the offender avoids criminal sanctions, put further people at risk of victimization. Thus, although false alibis are a crime against justice, they are not a victimless crime. Moreover, providing false evidence is a criminal offence which puts the alibi witness at risk of prosecution. Thus it is relevant to consider whether deceptive alibi witnesses consider the legality of their deception, or whether they are ignorant of its consequences.

Legal Knowledge

Public Justice Offence charging standards consider whether the conduct was deliberate and was part of a concerted effort to avoid, pervert, or defeat justice (Crown Prosecution Service, 2011). This implies that some deceptive alibi witnesses are presumed to know that their actions are illegal. However, behaviours that are not so frequently in the public eye may not be commonly known to be unlawful (Anderson, 2002). Convictions for false alibi witness evidence are not reported in the media as commonly as other offences, such as

murder and burglary, and so it could be imagined that some instances of public justice offences may stem from ignorance of their illegality. In addition to this, the laws pertaining to false evidence provision are complex, and in some cases dependent upon a conviction being made for the index offence. Moreover, the necessity of proving both serious harm and that the conduct was not the result of misplaced loyalty but a deliberate act intended to pervert justice, make the public justice offences legislation complicated, and arguably not as clear to the untrained as the law in relation to murder or burglary for example. A lack of in-depth understanding of which deceptive behaviours are punishable, and what punishments are available, may therefore contribute to people providing false evidence for others.

The association between action and punishment is the basis of behavioural conditioning (Skinner, 1904-1990) whereby behaviours are shaped by the consequences they have for the individual. According to the principle of operant conditioning an offender punished for providing a false alibi is less likely to repeat that behaviour than individuals receiving no punishment. However, the fact that false alibi witness evidence is a very situation specific crime (a false alibi can only be provided if when the witness is aware that someone is suspected of a crime) suggests that personal experience of punishment or punishment avoidance is unlikely to be the sole variable accounting for false alibi witness testimony. Moreover, this theory offers a better explanation of repeat offending, than first time provision of false alibi witness testimony.

Building on Skinner's research, Payne, Gaaney, Triplett and Danner (2004) point out that the way in which people act in relation to the law is likely to be influenced by their attitudes and perceptions about the associated punishment. Deterrence is usually defined as the "preventative effect which actual or threatened punishment of offenders has upon potential offenders" (Ball, 1955 p. 347). Stafford and Warr's (1993) prevailing theory of deterrence suggests that both the personal experience of negative experiences of committing a crime and the more general awareness of other's experiences of committing a crime, can both exert a deterrent effect on the individual. Observing others avoiding sanction for an illegal behaviour is associated with

reduced perceptions of own apprehension likelihood (Paternoster & Piquero, 1995; Freeman & Watson, 2006).

Tonry (2001) suggests that there is absolutely no evidence that sanctions deter criminal behaviour, and Robinson and Darley (2004) express concern regarding the assumption of law makers that criminal laws have a deterrent effect. They point out that potential offenders are not always aware of the specifics and intricacies relating to the considered crime meaning an individual may accidentally break the law through ignorance or lack of in-depth understanding of the offence and associated punishments. In support of this, Freeman and Watson (2006) found that those who reported being relatively unconcerned regarding apprehension risks, were the most frequent repeat drink-drivers in their sample. Furthermore, Anderson (2002) found that 53% of a sample of prison inmates did not know or did not think about the punishment available for their crime at the time. Of these 18% were mistaken in their understanding of the sanctions at the time of their offence. A further 35% of criminals stated that that they did not even think about punishment when committing their crime and an additional 42% of the sample stated that they did not consider the likelihood of being caught at the time of their crime. Robinson and Darley (2004) suggest that even when offenders know the rules, the cost-benefit analysis appears to be tipped in favour of offending rather than abstaining. Certainly within Anderson's sample it appears that the rewards gained by committing the criminal act, were more salient and persuasive to offenders than the potential punishments. However, the fact that these offenders were in prison suggests that ignorance of the sanctions associated with their actions could have contributed to their apprehension. Whether offenders that avoid conviction similarly disregard the potential sanctions associated with their offending is, from this study, unclear. These findings should be treated with caution as claiming ignorance of the law may be evidence of the actor-observer effect (Gleitman, Fridlund & Reisberg, 1999) as offenders externalise blame and responsibility for their actions.

Evidence suggests that perceptions of punishment probability are more important than objective certainty of punishment (Brown & Esbenson, 1988). Brown and Esbenson suggest that those who have not committed offences

have unrealistically high expectations of punishment certainty. Instead it seems that people base their knowledge of the law on what they believe the law should be, rather than what the law actually proscribes (Robinson & Darley, 2004). Thus it seems that people contravene the law when their personal sense of morality allows so. This could be pertinent to offences against justice as false testimony may not be deemed to contravene personal morals even if it breaks the law when done to protect a partner believed to be innocent. This tendency to ignore the consequences of a criminal act can be explained by the availability heuristic. This is a form of cognitive bias that relates to the tendency for individuals to base their decision making upon readily available information, without considering the probability of more salient but less prominent factors (Tversky & Kahneman, 1973; Sherwin, 2006). Therefore those deciding to assist a defendant may base their decision upon the idea that they could help the defendant avoid prosecution. However, they may ignore or be ignorant of the more salient fact that they risk imprisonment themselves for providing false evidence. Thus the availability heuristic may account for the decision to provide false evidence to assist a defendant. It appears that knowledge and perceptions of punishments seem to influence law breaking behaviour in certain circumstances, and are a necessary factor to study in attempting to understand why alibi witnesses provide false evidence.

In contrast to this, Rational Choice Theory (Cornish & Clarke, 1986) suggests that the costs and benefits of an act are both rationally weighed up before a course of action is undertaken. For example, Anderson (2002) and Palmer (2003) suggest that older people are deterred from offending due to their greater life experience increasing their awareness of the sanctions for offending behaviour. However, Nagin and Paternoster (1993) suggest that according to Rational Choice Theory the costs and benefits associated with a crime are not stable but situationally based, and thus will vary between individuals. More recently Rational Choice Theory has acknowledged the fact that people are not perfectly accurate in their assessment of the values and costs of an action, and may make impulsive decisions (Palmer, 2003). This means that people may actually act in a manner that is most immediately satisfying to them, rather than follow the most logical and rational course of

behaviour (Ward, Stafford & Gray, 2006). For example Maxine Carr claimed she provided Ian Huntley with a false alibi to protect him as she believed he was innocent. Within Rational Choice Theory is the supposition that individuals may perceive benefits to offending, even when they are fully aware of the associated legal costs. Thus in the instance of lying to assist a defendant, the potential to help a loved one avoid conviction and imprisonment may be sufficient benefit to outweigh the risk of being convicted and imprisoned oneself. Therefore the potential of false alibis to assist a defendant to avoid conviction may encourage the provision of false evidence for others, despite an awareness that this action could result in prosecution. This concept is investigated in Chapter 5 of the thesis.

Attitudes to the Criminal Justice System

Misleading the police may be another benefit for those who have negative attitudes towards the criminal justice system. Dysart and Strange (2012) found that distrust of the police and CJS was the main reason suggested by police as to why a stranger would provide a false alibi. Other research has highlighted the potential that poor attitudes towards the police have upon cooperation and intentions to obey the law (Elliott, Armitage & Baughan (2003). This evidence illustrates that attitudes towards the police should be considered as a factor potentially contributing to false alibi witness evidence. The literature pertaining to perceptions of the criminal justice system will briefly be reviewed and its applicability to false alibi witness testimony considered.

The commonly accepted definition of an attitude is that it is an individual's "evaluation of the entity in question" Ajzen (1977, p. 889). Attitudes appear to predict behaviour if the attitude is strong, internally consistent and cognitively accessible (Krosnick & Petty, 1995). The relationship between attitudes and behaviour has been cited as having a respectable correlation coefficient of around .40 (Wallace, Paulson, Lord & Bond, 2005). However, other research has shown a weak relationship between attitudes and behaviours (Wicker, 1969). Ajzen (2002) suggests that attitudes influence behaviour in conjunction with perceived social norms and feelings of control. Thus measuring intended behaviours is a useful way of gathering initial data

regarding the factors that influence the provision of false alibi evidence. There has been no research to date assessing the influence of attitudes towards the criminal justice system upon intentions to provide false evidence. However, good interactions with the police have been shown to foster a feeling of personal obligation and responsibility to assist the police (Tyler, 2001). Survey research suggests that holding positive views of the police is a strong determinant of willingness to act as a witness, report crimes and identify offenders (Sunshine & Tyler, 2003). Conversely, poor interactions with the police foster hostility and defiance from the public which manifest themselves in non-compliance (Sunshine & Tyler, 2003). Moreover, Elliott, Armitage and Baughan (2003) found that attitudes were positively associated with behavioural intentions to obey the speed limit. This would suggest that negative attitudes towards the police could be associated with intentions to provide deceptive evidence to assist a defendant. However, the accuracy of this conceptual leap has not been examined in the psychological literature. Thus one of the aims of this thesis is to examine whether negative views of the police and criminal courts are involved in deceptive alibi witness evidence.

Diffuse and Specific Support

Easton (1965) suggests that *diffuse* support is a general attitude toward an institution, whereas *specific* support refers to feelings about an institution based upon particular experiences with individuals within that organisation. One aspect of diffuse support is the perceived *legitimacy* of the institution, which is defined by Sunshine and Taylor (2003) as a property of an authority or institution that leads people to feel that it is entitled to be deferred to and obeyed. They see people as legitimising the police through compliance with the law, compliance with requests of individual police officers, and accepting the policies that govern the actions of the police. On this point, Tyler (2004) asserts that it is the degree to which people view the police as a legitimate or rightful institution that influences their compliance to police requests and compliance with the law in general. In support of this a review of the relevant literature indicated that individuals that declare that they abide by the law in their

everyday lives perceive the police as legitimate (Tyler & Huo, 2002). Furthermore, perceived legitimacy and performance of the police have been demonstrated to predict co-operation with the police (Murphy, 2005). However, these studies have not focused upon cooperation of alibi witnesses (through providing honest evidence) so it is unclear as to whether attitudes to the criminal justice system affects alibi witness honesty, or whether the desire to help a defendant is the sole motivating factor in this behaviour.

White and Menke (1982) found that overall attitudes to the police differed when participants were asked questions that tapped into specific support when compared to items that assessed general support. Diffuse support for the police seemed to be higher than specific support, reflecting good will to the police in general but awareness of inadequate and corrupt individual officers. Brandl, Frank, Worden and Bynum (1994) found that diffuse and specific support for the police were linked, such that a single good interaction with a police officer was able to foster a positive view of the police in general. Conversely an overall good view of the police can lead to a neutral encounter with a single officer being evaluated more positively.

Instrumental and Normative Support

Hinds and Murphy (2007) suggest that public support for the police can be explained by instrumental and normative support. These approaches show considerable overlap with the concepts of diffuse and specific support. Instrumental factors relate to perceived efficacy of the police in controlling crime and criminal behaviour, police and the portrayal of significant probability of detection and sanction for law breakers. Hough and Roberts (1998) discovered that people who view the courts as too lenient in their sentencing have consistently been shown to have significantly less positive views of those issuing the sentences. Moreover, those individuals who perceive crime to be increasing are most critical of the courts, presumably due to beliefs that the courts are not punishing offenders adequately or deterring individuals from crime (Kaukinen & Colavecchia, 1999). Thus instrumental factors have been demonstrated to influence attitudes towards the courts.

Opposed to this the normative perspective concentrates upon issues of procedural justice and the fairness with which police conduct themselves in each interaction with the public. Thus, according to this approach, the more polite and fair the police are perceived to be in an interaction, the more the police as a whole will be supported and viewed as legitimate. Poor interactions with the police foster hostility and defiance from the public which manifest themselves in non-compliance with the police (Tyler, 2003). Furthermore, Dean (1980) asserts that “the variable with the strongest influence on general service evaluations is citizen knowledge of police mistreatment of members of the public” (p. 457). Chermak, McGarrell and Grunewald (2006) discovered that general attitudes towards the police decreased as concerns about neighbourhood crime increased. Certainly, the fact that young people are more likely to be stopped by the police (Skogan, 2006) seems to be reflected in their more negative views of the police. This in turn may have an impact upon opinions of the police, and ultimately alibi witness honesty. Limited research suggests that young people may be more likely to engage in deception in general which may exacerbate the issue of poor interactions with the police. For example Caspi and Gorsky (2006) found that self-reported deception decreased with age. However, this research examined solely deception online in a sample of online dating service users where the consequences are much more trivial than in the forensic setting. Previous research has not examined whether age influences deception in adulthood, mainly due to the emphasis upon deception detection. Nonetheless, this questions whether age will be linked to alibi witness deception, and it is certainly a variable to consider.

As compliance with the law has been demonstrated to be associated with positive views of the police, it could be hypothesised that negative attitudes will be associated with willingness to break the law. Yet, attitudes towards the criminal justice system have not been investigated in relation to alibi witness honesty, though the research implies that negative attitudes to the criminal justice system will be associated with willingness to provide false evidence. Thus it is important that measures of attitudes towards the criminal justice system address both normative and instrumental support.

Attitudes to the Courts

One could imagine that as the courts, police and prison system are all part of the same criminal justice system attitudes towards each element would be the same. Blumenthal (1972) found that the public more commonly blames the courts than the police for the problem of crime. Furthermore, Roberts (2007) found that levels of support for the courts are significantly lower than levels of support for the police. Kaukinen and Colavecchia (1999) suggest that this may be due to beliefs that the courts are not punishing offenders adequately or deterring individuals from crime. This is supported by Hough and Roberts (1998) who discovered that people who view the courts as too lenient in their sentencing have consistently been shown to have significantly less positive views of the courts who issue these sentences. This could be a product of the increased visibility of the police compared with others working within the criminal justice system (Orr & West, 2007). Flanagan, McGarrell and Brown (1985) state that “from a practical perspective, public perceptions of the criminal courts could actually affect the way in which the public perceive their role within the criminal justice system” (p. 68). This is based upon the assertions of Sarat (1977) and Walker (1977) that attitudes towards and faith in the functioning of the courts may deter vigilante justice, and thus influence their willingness to comply with the law.

A further component of attitudes to the criminal justice system that could affect alibi witnesses honesty is the pleasure of lying to those perceived as hard to fool (Ekman & Frank, 1993). Ekman and Frank (1993) suggest that although lying can induce nervousness, it can also lead to feelings of excitement and accomplishment which they term *duping delight* as the liar becomes aroused at the prospect of fooling others, and creating a false impression (Vrij, 2008). The fact some offenders chose to reveal to friends and family how the police failed to uncover their deception or crime (Ekman & Frank, 1993) implies that some pride may be associated with fooling the police. The investigator bias (Masip, Alonso, Garrido & Antón, 2005; Meissner & Kassin, 2002) and scepticism towards alibi witnesses (Dysart & Strange, 2012), coupled with negative attitudes to the police all support the assumption that the prospect of duping delight may actually encourage deception from alibi witnesses with negative

views of the police. It is not suggested that the pleasure of lying to the police is the sole motive for false alibi witness evidence; instead it is suggested to be one of several factors that could contribute to an alibi witness' decision to provide deceptive evidence.

It is apparent from the research presented that to consider the courts, police and prison service as one single entity is not accurate as people have varying attitudes towards each component. Attitudes towards each component could however, influence how people perceive their role in the criminal justice system, and the level of compliance to its rules they demonstrate. Thus possessing a negative attitude towards the criminal justice system, could impact upon willingness to provide deceptive testimony to assist a defendant. Due to the infancy of alibi research there is no research to date addressing this point, hence this thesis will consider this issue (Chapter 4 and Chapter 5).

Chapter Conclusion

The provision of false evidence for the benefit of another individual is a behaviour that is under researched and little understood. This behaviour has serious implications for the criminal justice system as it may lead to false acquittals, but also for society in general as guilty individuals avoid conviction. A greater understanding of the provision of false evidence for another individual, and the motivations and circumstances surrounding this is therefore of great interest both academically and in the applied field. Thus Chapter 3 assesses whether the future research directions suggested in the current chapter are indeed important variables to public perceptions of deceptive alibi witnesses. Thus chapter 3 assesses whether defendant guilt, alibi witness perceptions of defendant guilt and deception type influence perceptions of alibi witness deception acceptability. The findings of this study are implemented in the subsequent investigations in Chapters 4, 5, 6, 7 and 8 of the thesis.

Research suggests that, defendant guilt (both actual and perceived), knowledge of the law and its associated penalties, attitudes to the criminal justice system, and altruism and prior relationship with the defendant may all contribute to alibi witness deception. By understanding the factors contributing

to false alibi provision, it is hoped that measures can be implemented in order that the false evidence can be discouraged from being provided. Moreover, by considering a range of forms of deception, rather than solely lies the thesis aims to produce a more thorough understanding of alibi witness deception.

Additionally, evidence suggests that both police officers and jurors are sceptical of evidence provided by alibi witnesses with a prior relationship to the defendant. However, to date, very few studies have examined this and most have been based in America, where the legal system differs from that in the UK. A limited range of variables have been explored in the mock juror research, meaning that ambush alibis have not been examined. Thus research combining alibi witness motivation and timing will provide a rounded picture of the evaluation of alibi witness evidence. The thesis will therefore examine motivations for and reactions to false alibi evidence, in an attempt to improve upon the scarce alibi research. To reiterate Chapter two, the specific objectives of the thesis are:

1. To determine whether the type of deception used by alibi witnesses influences perceptions of alibi witness testimony acceptability (*Chapter 3*)
2. To examine factors that shape perceptions of false alibi acceptability which will be manipulated in the subsequent chapters of the thesis (*Chapter 3*)
3. To develop a measure of intentions to provide false evidence for loved ones (*Chapter 4*)
4. To develop a questionnaire to measure attitudes towards the criminal justice system (*Chapter 4*)
5. To discover whether negative attitudes towards the criminal justice system shape the intentions of the general population to provide false evidence for a loved one (*Chapter 5*)
6. To discover whether experience of the criminal justice system shapes the intentions of the general population to provide false evidence for a loved one (*Chapter 5*)
7. To establish whether ignorance of the pertinent legislation affects the honesty of evidence intended to be provided to the criminal justice for a loved one by the general population (*Chapter 6*)

8. To discover the effect of relationship between defendant and alibi witness upon alibi witness honesty (*Chapter 7*)
9. To assess the impact of alibi timing and the relationship between defendant and alibi witness upon juror verdicts (*Chapter 8*)

CHAPTER 3: DEFINING DECEPTIVE ALIBI WITNESS TESTIMONY

The second objective of the thesis is to discover some of the factors that shape perceptions of the justification of false alibis that can be manipulated in the subsequent chapters of the thesis. The paucity of research regarding why alibi witnesses provide false evidence means this cannot be done through secondary research alone. Following on from a review of the alibi literature (Chapter 2) it is suggested that the relationship between alibi witness and defendant, attitudes to the criminal justice system, guilt of the defendant, and knowledge of the law may potentially influence the honesty of alibi witness evidence. With the exception of the former no research has overtly linked these variables to alibi witness honesty evidence. Thus the current study aims to discover variables potentially affecting alibi witness honesty that can be manipulated in the subsequent chapters of the thesis. This chapter focuses upon three of these variables, defendant guilt, alibi witness perceptions of defendant guilt and the type of deception used by the alibi witness. In line with prior research the study focuses upon reactions to *other's* deception as that “with regard to the evaluation of lies, we assume that the same factors that a sender weighs when involved in the decision whether or not to lie apply to the evaluation of a lie presented in a specific context” (Backbier, Hoogstraten & Terwogt-Kouwenhoven, 1997, p. 1050).

Research suggests that deception through omission and commission are not viewed as equally acceptable. For example, Backbier et al. (1999) found that participants reported that harmful omissions were less immoral or bad than harmful commissions. This may be because whilst omissions have the potential to result from ignorance, commissions usually do not. Rather “commissions usually involve more malicious motives and intentions than the corresponding omissions; and commissions usually involve more effort, itself a sign of stronger intentions” (Spranca, Minsk & Baron, 1991, p. 76). Furthermore, within the UK legal system guilt must be established beyond reasonable doubt in order for a guilty verdict to be returned. Omissions imply agency whereas the agency of the speaker is overt within commissions. The implied nature of the agency in

omissions may be sufficient to create reasonable doubt and thus lead to acquittal. Based upon this, it would be predicted that false evidence provided through concealing information (omissions and no comment responses) will be seen as more acceptable than false evidence provided through commissions.

The apparent selflessness of providing a false alibi may negate the perceived wrongs of this behaviour and result in it being seen as an acceptable act by both the doer, and those around them. Moreover, attempting to assist an individual believed to be innocent may be seen as more acceptable than lies told to assist a guilty defendant. This is because the false alibi provider can be seen to have good intentions in terms of both helping a partner, and in ensuring that an innocent individual avoids punishment. Conversely, in helping a guilty offender the false evidence provider may be seen as possessing selfish motives, as they put the continuance of their relationship above the administration of justice and the safety of the public. It would be expected that individuals will be more likely to provide false evidence if society condones this behaviour, than if they condemn it. However research has not examined whether this trend remains consistent when the lies told are very serious in nature, as are lies told to the police for another person.

Although commissions (lies and false confessions) are viewed as more serious than omissions, it is unclear as to whether lies and false confessions are viewed as equally condemnable. As mentioned above, falsely confessing to protect someone could be seen as a selfless act (as punishment is highly likely regardless of whether the confession is believed) and thus be viewed as more acceptable than a pure lie. However, it may also be interpreted as a selfish act as it enhances the chances of the real offender avoiding conviction. However, no studies have sought to address how justified false confessions are viewed. Therefore, this study aims to assess reactions to various forms of deceptive evidence, including false confessions, provided to assist a defendant.

However, there is no empirical research regarding how false alibis are viewed by society at large. Reporting of false alibi witnesses in the media provides examples of censure when people have informed the police of their relative's illegal actions (<http://news.bbc.co.uk/1/hi/england/7427624.stm>). In one such case, the family of a mother who reported her son's drug possession

to the police, branded her as spiteful and trying to attract attention. The social morality of reporting a crime (drug possession) seemed to be overlooked in the face of the immorality of reporting a family member (not showing loyalty). In a more high profile case, Carol Saldinack reported her sons to the police when she discovered they had attacked a man on a night out. Her actions were described as brave by police and but the media posed the question *was Carol Saldinack right to turn her two sons in to the police?* (ITV online discussion forums). As these discussion forums are used by members of the public to directly voice their opinions, the question can be seen to be a relevant one to the public. Universal support for her actions was not seen on this forum, implying that her actions were not unanimously viewed by the public in general as moral. Conversely, condemnation of alibi witnesses who have concealed a defendant's offences has also been reported, for example in the case of Maxine Carr (<http://www.timesonline.co.uk/tol/news/uk/article501407.ece>). These examples show that public evaluations of false alibi evidence are complex and need to be researched if an understanding of why people provide false evidence for others is to be reached. Therefore, it is important to gather general attitudes towards the perceived acceptability of false evidence provision. Moreover, it is necessary to discover how the false evidence provider's belief in the defendant's guilt influences these perceptions. Thus, this current research will not only show society's views of false evidence provision, but also suggest whether this could be a factor influencing people to engage in this behaviour.

Summary

This chapter relates to objectives 1 and 2 of the thesis. In order to generate variables for research later in the thesis this chapter examines attitudes towards deception by alibi witnesses. This is necessary due to the paucity of research addressing reasons for and reactions to false alibi evidence and the fact that the evaluation of deception is linked to the provision of deception (Backbier, Hoogstraten & Terwogt-Kouwenhoven, 1997). To address this aim, participant reactions to vignettes featuring false evidence provision to the police will be assessed. The impact that the form of deception the alibi witness makes (lie, false confession, omission and evasion), the defendant guilt


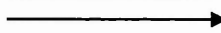
(falsely accused and suspected) and the belief of the alibi witness regarding the guilt of the defendant (guilty, innocent and unsure) upon participant ratings of alibi evidence will all be examined. For clarity, the term *defendant* will be used to refer to collectively refer to those falsely accused and those merely suspected by the police. Furthermore, a self-report measure will generate further information about situational and individual differences that influences perceptions of alibi witness deception. This will provide avenues for research in the subsequent chapters of the thesis, as the impact of these variables upon the provision of false alibi witness testimony is explored.

Hypotheses:

1. Alibi witness lies and false confessions will be rated as more deceptive than evasions and omissions
2. Alibi witness lies and false confessions will be rated as less justified than evasions and omissions
3. Alibi witnesses will be viewed as more deceptive when their statement to the police relates to a police suspect (no charges made) compared to someone who has been falsely accused
4. Alibi witnesses will be viewed as less justified when their statement to the police relates to a police suspect (no charges made) compared to someone who has been falsely accused
5. The statements of alibi witnesses will be rated as less deceptive when they believed the defendant is innocent compared to when they think he is guilty or are unsure of his guilt
6. The statements of alibi witnesses will be rated as more justified when they believe the defendant is innocent compared to when they think he is guilty or are unsure of his guilt

The hypotheses are modelled in Figure 4.

Figure 4: Hypothesised Trend of Results

	Decreasingly Deceptive 			
	Increasingly Justified 			
Deception Type	Lie	False Confession	Omission	Evasion
Police Action	Suspect			Falsely Accused
False Alibi Provider Belief	Guilty		Unsure	Innocent

Method

Design and Materials

Vignettes

Vignettes were developed to provide false alibi scenarios to participants. The use of stories or vignettes in a questionnaire is not novel to the current study, rather they are a commonly used tool in gaining attitudes toward deception (see for example Green, Farber, Ubel, Auger, Aboff, Sosman & Arnold, 2000; Spranca, Minsk & Baron, 1991). The format of previous vignettes in this area was adhered to in terms of producing vignettes that were all short and concise. Each of the vignettes followed the same set structure and varied only on the basis of the independent variables manipulated. This gave the research an independent measures 4x3x2 design.

The variables of deception type (lie, false confession, no comment, omission), police action taken (suspected and wrongly accused) and alibi-witness belief (guilty, not guilty and unsure of guilt) were systematically crossed to create the twenty-four vignettes. The deception type variable related to the form of deception engaged in by the alibi witness in the vignette provided to participants. This variable had four levels which reflected the deception types developed in the literature review chapter (see for example Galasiński, 2000). In brief an evasion was the avoidance of answering the police question through responding *no comment* whereas an omission was a response that seemed semantically relevant but actually failed to communicate key information. A lie involved the provision of factually false information to mislead the police, and

the final category of false confession was a lie in which the alibi witness falsely claimed they were responsible for the offence. Thus although not all of these levels were actual alibis, for ease the liar in the vignettes is subsequently referred to as an alibi witness regardless of the type of deception.

The first level of the 'police action' independent variable was suspect. In this level the police were said to suspect the alibi witness' boyfriend of having committed the offence under investigation, although they had not charged him with this offence. In the second level of this variable the police were said to have wrongly accused the alibi witness' partner of having committed the offence under investigation. The final variable, alibi witness belief, manipulated whether the alibi witness in the vignette believed her boyfriend to be guilty of the offence under question. The alibi witness belief variable had three levels pertaining to whether the alibi witness believed her boyfriend to be guilty of the offence, innocent of the offence, or whether she was unsure as to whether or not her boyfriend was guilty.

Gudjonsson and Sigurdsson (1994) found that the most common offence offenders reported wrongly confessing to, were property offences. Thus this crime was chosen to feature in the vignette. The alibi-witness was stated to be the girlfriend of the potential perpetrator (subsequently referred to as the defendant). This relationship was selected as Gudjonsson and Sigurdsson (1994) found that 48% of prisoners that stated they had wrongly confessed to a crime reported that they did so in order to protect a loved one from arrest and prosecution. Furthermore, Culhane, Hosch and Kehn (2008) found that when giving participants a specified time to provide an alibi for (i.e. tell me what you were doing and who you were with at 9pm last Wednesday night), most of the corroboration provided was from a motivated alibi witness (someone with a prior relationship to the defendant). Due to the complexity it would cause within the research design it was not possible to run the study with vignettes containing all possible permutations of sex of defendant and alibi witness. Thus the vignettes used all contained a male defendant and female alibi witness. It is appropriate that the role of alibi witness is filled by a female character as Sigurdsson and Gudjonsson (1996) found that the main reason convicted females falsely confessed to a crime, was in order to protect someone else. This is in contrast

to males whose false confessions more commonly resulted from avoiding police pressure and a desire to escape custody. Although this finding is based on self-report data from convicted offenders, there was little incentive to lie as very few of the alleged false confessions were for the offences for which they were currently serving time. Thus providing a female false alibi provider is realistic in the scenario, given that the vignette pertains to a single police question, rather than a prolonged interrogation and the presence of a false confession in one level of a dependant variable. This does however have implications for the interpretation of the study findings.

Maier and Lavrakas (1976) examined the role of the sex of the sender and listener in a lie story, and the sex of the participant evaluating the lie. Although the lie type showed no main effect, a significant interaction effect was found. Thus female participants saw lying by females as less reprehensible than lying by males, and conversely males rated lies by other males as more acceptable than lies by females. Thus this study has implications for the current research due to the predominance of females in the sample (46 males and 193 females). Due to the relatively small sample of males and the effect this would have on the power of any calculations made, it is not possible to test whether the sex of participants influences the results. However, the results will be discussed in light of the sex of the study participants, with particular reference to a potential leniency effect resulting from the high proportion of female participants.

The motivations for the false evidence provider are not explicitly stated in the vignettes, leaving participants free to ascribe whatever motivation they perceive relevant to the deceivers' actions. This is because the perceived intentions of a deceiver influence others' judgements of the acceptability of that deceptive act (Bok, 1978). By leaving the false evidence providers intentions unclear, analysis of the self-report item will reveal the factors influential to the perceptions of false evidence acceptability. The vignettes in the current study were deliberately constructed to involve the police asking the alibi witness an indirect and open question, so that perceptions of a variety of commissions and omissions could be examined.

Figure 5 shows an example vignette for the Evasion-Wrongly Accused-Guilty condition.

Figure 5: Example Vignette Taken From the Evasion - Wrongly Accused - Guilty Condition

Andrew is wrongly accused by the police of burgling a house. His girlfriend Sarah believes that Andrew burgled the house. Sarah was with him earlier in the evening but she cannot provide an alibi for the time of the crime. When the police ask Sarah "where was Andrew on the night the house was burgled?" Sarah says "**no comment.**"

The dependant variables were the degree to which participants believe the deception engaged in by the alibi witness to be justified (deception justifiability) and the degree to which they believed the deception to be a lie (deception magnitude). Participants rated each of these variables on visual analogue scales scored between 0 (Lie/ Not Justified) and 100 (Truth/Justified). Item 3 was a self-report question requiring participants to freely explain the factors that influenced their belief regarding the justification of the deception. This item formed the basis of the content analysis.

A sample of the materials can be seen in Appendix 1.

Participants

A total of 240 participants were indiscriminately assigned through snowball sampling to one of 24 conditions. This resulted in ten participants in each condition. Ages ranged from 18 years to 76 years with a mean of 23.13 years ($SD= 9.92$). The majority of the participants were female with 193 females to 46 males (1 participant did not report their sex). The analysis showed that the sample consisted of predominantly students (212 participants or 88.3%). This full sample was utilised for the analysis of items 1 and 2, the alibi witness deceptiveness and justifiability respectively. Participants that did not provide a qualitative response to item 3 were subsequently screened out of the ensuing content analysis. This left a remainder of 229 participants ranging from 18 years of age to 72 years of age ($M=22.87$, $SD= 9.35$). There were considerably more females ($n= 183$) than males ($n= 46$). As in the original sample the participants were mostly students (89.3%).

Procedure

Participants were recruited through attendance at research methods classes and through snowball sampling. Participants received course credit for their participation where appropriate. Participants were informed that the study was examining how statements to the police are viewed. They were informed of the ethical rights in relation to participation through a detailed informed consent form. Participants that were happy to take part completed a consent form as part of the questionnaire booklet (see Appendix 1). Questionnaires from each condition were distributed until ten participants had been recruited to each of the conditions. No time restrictions were placed on the completion of the materials. After completing the questionnaire participants were given the opportunity to ask questions about the research, and were fully debriefed.

Procedure – Content Analysis

A qualitative content analysis (Graneheim & Lundman, 2004; Haney, Russell, Gulek, & Fierros, 1998) was conducted on the self-report data collected in the study. The reasons provided by participants for their deception justification rating formed the units of analysis. Inductive coding was utilised in the analysis (Elo & Kyngäs, 2008; Haney, Russell, Gulek, & Fierros, 1998) which involves coding categories emerging from the data rather than pre-existing categories being used. This procedure was selected as the narrow alibi witness literature would not allow a comprehensive coding system to be developed prior to analysis. Moreover, using content analysis in this way allowed the richness of the data to be preserved. Stemler (2001) states that recording units are not usually defined in set units such as sentences or paragraphs, rather the most meaningful and reliably identifiable units for recording and analysis should be selected (Weber, 1990). These *meaning units* have been suggested by Graneheim and Lundman (2004) to relate to single or multiple words, sentences or paragraphs that are related through their content and context. In the current study no set word length for each meaning unit was established rather each sentence was split into the smallest possible unit of meaning. This system was established following discussion between the first

and second coders and in accordance with the direction of Graneheim & Lundman (2004) and Weber (1990). A meaning unit was defined as each individual justification and criticism provided by participants for the alibi witness' deception. All of the responses in the dataset were coded in that every single sentence received at least one coding label. Where multiple reasons for their justification decision were provided, each of these was coded separately in order to maintain true to the participants responses. It should be noted however that each coding category was mutually exclusive in that any single piece of data could only be classified as belonging to one code (Krippendorff, 1980). An example of the initial data coding system is represented below in

Figure 6 where the codes are shown in brackets. This shows that the initial sentence was coded as having two meaning units both relating to the major theme of Relationship and the subtheme Love. The former meaning unit ("as he is her boyfriend") reflects the idea that the deception is justified solely on the basis of the existing relationship between the alibi witness and defendant, whereas the latter ("she presumably doesn't want him to get into trouble") reflects the concept that the deception is based on a desire to protect the defendant from trouble (see Appendix 2). Although these two meaning units both reflect the subtheme of Love, they do so for different reasons and therefore are coded as separate meaning units (see below for a discussion of the reliability of this coding system).

Figure 6: Example of the Coding Units Implemented in the Analysis

"Sarah has her own justification for providing an alibi as he is her boyfriend (*Relationship - Love*), therefore she presumably doesn't want him to get into trouble and possibly go to prison (*Relationship - Love*). This statement is also justifiable as Andrew was at her house that evening (*Factual correctness of the Alibi Witness' Statement*), there is no indication in the story as to the police asking her between what times he was at her house (*Criminal Justice System - Criminal Justice System Responsibility/Errors*)."

Female student (19) in the wrongly accused, unsure of guilt, omission condition

As multiple justifications for the alibi witness' actions could be provided by each participant, the total number of codes identified exceeded the number

of participants in the study. This meant that the reliability of this inductive content analysis is problematic to establish due to reliability checks being based on the premise that there are a predefined number of coding units. On this point Weber (1990) suggests that “to make valid inferences from the text, it is important that the classification procedure be reliable in the sense of being consistent: different people should code the same text in the same way” (p.12). For this reason a research assistant independently conducted the initial data coding and assisted in the development of the coding checklist. The research assistant was briefed regarding the design, procedure and aims of the study before beginning any coding. The development of the coding system followed the sequential steps outlined by Haney, Russell, Gulek and Fierros (1988). Initially the two researchers reviewed the entire dataset and independently created initial checklists of features. As the coding system was emergent, new coding categories could be created throughout the analysis so regular checks of any changes to the coding system were undertaken and negotiation took place as to their inclusion. Discussion of the checklists with reference to examples in the data allowed any discrepancies to be reconciled and a pooled coding checklist to be created. Once this had been completed for all data and the coding system was considered exhaustive, the coding system was finalised. This involved similar categories being clustered into higher-level themes (Eby, Casper, Lockwood, Bordeaux & Brinley, 2005).

In accordance with Lombard, Snyder-Duch and Bracken’s (2002) recommendation, a pilot sample of 30 participants’ data was used to establish the reliability of the coding system. This pilot sample resulted in a total of 330 coding judgements of which there were 44 disagreements. These decisions resulted in a coding system consisting of four themes each with several subthemes. Analysis of the two coder’s classification of the data revealed percentage agreements on the resulting codes/themes ranged from 68.29% to 100%. Although percentage agreement fails to account for chance agreement (Lombard, et al., 2002) the emergent nature of the coding system and the lack of predefined units of analysis meant it was not possible to calculate a more precise measure of reliability. On this point Holsti (1969) states that “in formulating research design the analyst may be forced to strike some balance

between reliability and relevance of categories and units; the coefficient of reliability cannot be the sole criterion for making such decisions" (p. 142). Thus a discussion between the two coders was used to amend the coding system and settle prior disagreements as to the coding of the sample. One coder then proceeded to code the entire data set with the amended coding system.

A final inter-rater reliability check of the data from 30 participants was conducted 3 weeks after the coding of the whole data set. This second check of the data identified 77 statements in the sample data on which the two coders agreed on 73 occasions. The disagreements witnessed resulted from the second coder identifying an extra code in the data of four participants. Further discussion was utilised to allow these disagreements to be resolved, and as this agreement rate was high the coding system was accepted.

Ethics

The study was conducted in accordance with the governing principles of the Code of Human Research Ethics (2006) established by the British Psychological Society (BPS). This specific study was assessed and approved by the ethics committee at Sheffield Hallam University.

Results

Quantitative Analysis

The Visual Analogue Scales

Data for the visual analogue scales was scored and tallied before being entered into SPSS 15.0 for Windows. Deception magnitude was scored on a continuum from zero to 100, with low scores indicating a belief that the statement in question was a lie, and a higher scores suggesting that the statement was perceived as a truth. Deception justification was scored in a similar way with low scores denoting a belief that the deception was not justified, whereas a high score showed a belief that the deception was justified. Participant responses were classed as reflecting a view that the vignette deception was justified (>50) or not justified (≤ 50) based upon splitting the scale on the central point. Similarly, responses were classed as more of a lie and

more deceptive the closer they were to the 'lie' end of the second scale (represented by low scores).

Table 2 Table 3 illustrates the mean scores for deception magnitude and deception justifiability in each level of each independent variable. In brief the table reveals that on average omissions are the least deceptive form of false alibi ($M = 47.22$, $SD = 31.66$), whereas false confessions ($M = 20.26$, $SD = 21.32$) are the most deceptive. Evasions are the most justified ($M = 51.18$, $SD = 26.79$) and lies were the least justified ($M = 24.30$, $SD = 20.91$) form of false alibi witness evidence. Interestingly, no form of deception is rated as completely a lie or completely unjustified. The entire visual analogue scale was used when rating the magnitude of the deception (range 0 - 100), indicating a construction of deception along a continuum rather than as an all or nothing event. Similarly ratings of deception justifiability had a range of 0 - 99, showing that almost the entire scale was used in response to this item.

Table 2: Mean (SD) Deception Magnitude and Deception Justifiability Scores for Each Independent Variable Level

Variable	Deception Magnitude ^a	Deception Justifiability ^b
Deception Type		
Lie	21.22 (17.04)	24.30 (20.91)
Omission	47.22 (31.66)	48.52 (27.48)
Evasion	46.03 (22.71)	51.18 (26.79)
False Confession	20.26 (21.32)	32.20 (22.25)
Guilty	31.59 (28.69)	33.16 (25.86)
Witness Belief		
Innocent	35.25 (24.83)	39.80 (25.54)
Unsure	34.21 (27.45)	42.19 (28.81)
Police action taken		
Wrongly Accused	35.53 (27.78)	41.11 (27.47)
Suspect	31.83 (26.12)	36.99 (26.12)

Note. ^a0= lie and 100= truth, ^b0= not justified and 100= justified

Greatest variation in alibi witness deception magnitude and alibi witness justifiability scores can be seen within the deception type variable, suggesting that this variable has the strongest impact upon perceptions of alibi witness

actions. Mean scores for all variable levels sit towards the lower end of the scales (with the exception evasion justifiability), revealing the general belief that false alibi witness evidence is deceptive and unjustified (see Table 2). It should be noted that the standard deviations are relatively high for responses to all items, demonstrating a considerable amount of variation in the scores. This is expected due to the conflicting views towards alibis and reporting crimes witnessed in the media. However, there is a need to treat these findings with caution given the exploratory nature of this study.

Analysis of mean ratings by condition (see Table 3) reveals that the alibi witness' comments to the police were judged on average as closest to a lie in the suspect-unsure-false confession condition ($M= 9.50$, $SD= 11.57$) and the suspect-guilty-lie condition ($M= 12.20$, $SD= 14.37$). Conversely the statement was judged most truthful in the wrongly accused-guilty-evasion condition ($M= 52.90$, $SD= 14.63$) and the wrongly accused-unsure-evasion ($M= 54.60$, $SD= 23.82$).

Table 3: Mean (SD) Deception Magnitude and Deception Justifiability Results by Condition

Condition	Deception Magnitude ^a	Deception Justifiability ^b	Condition	Deception Magnitude ^a	Deception Justifiability ^b
Suspect-Innocent-False Confession	28.00 (21.60)	45.00 (14.50)	Wrongly Accused-Guilty-Omission	34.20 (34.48)	32.70 (26.43)
Suspect-Guilty-Evasion	51.10 (27.39)	53.90 (27.51)	Wrongly Accused-Unsure-Omission	51.60 (34.31)	63.20 (24.90)
Suspect-Unsure-Omission	50.50 (24.58)	45.30 (26.21)	Wrongly Accused-Innocent-Evasion	42.70 (18.27)	38.70 (24.55)
Suspect-Guilty-Lie	12.20 (14.37)	19.40 (24.16)	Wrongly Accused-Unsure-Evasion	54.60 (23.82)	62.70 (25.83)
Suspect-Innocent-Lie	25.30 (11.53)	22.80 (18.21)	Wrongly Accused-Guilty- Evasion	52.90 (14.63)	58.10 (18.60)
Suspect-Unsure-Lie	25.20 (18.41)	23.60 (19.39)	Wrongly Accused-Innocent-Omission	55.20 (30.65)	61.80 (28.09)
Suspect-Innocent-Evasion	42.10 (27.06)	39.20 (28.42)	Wrongly Accused-Unsure- Lie	18.50 (16.11)	32.60 (25.36)
Suspect-Unsure-Evasion	32.80 (19.94)	54.50 (31.15)	Wrongly Accused-Innocent-Lie	24.90 (16.08)	23.40 (18.30)
Suspect-Guilty-Omission	50.70 (37.06)	33.50 (24.57)	Wrongly Accused-Innocent-False Confession	22.70 (23.43)	32.90 (25.09)
Suspect- Guilty-False Confession	13.50 (7.94)	28.30 (17.90)	Wrongly Accused-Guilty-False Confession	16.90 (19.73)	31.40 (24.55)
Suspect- Unsure-False Confession	9.50 (11.57)	23.80 (25.01)	Wrongly Accused-Guilty-Lie	21.20 (23.61)	24.00 (22.12)
Suspect- Innocent- Omission	41.10 (30.68)	54.60 (23.17)	Wrongly Accused- Unsure- False Confession	31.00 (31.38)	31.80 (24.07)

Note. ^a 0= lie and 100= truth, ^b 0= not justified and 100= justified

Analysis of mean ratings by condition (see Table 3) reveals that perceived justifiability of the deceptive statement varied according to condition. The suspect-guilty-lie condition had the lowest mean score for lie magnitude ($M=19.40$, $SD= 24.16$), clearly on the not justified end of visual analogue scale. This condition rated the alibi witness statement on average the most close to a lie and the least justified. In contrast the highest mean score for this variable is observed in the wrongly accused-unsure-omission condition ($M= 63.20$, $SD= 24.90$).

Magnitude-Justification Correlation

The relationship between the magnitude of deception and perceptions of alibi witness deception justification was analysed using a Spearman's rho correlation due to non-normal distribution of data. This revealed a weak but highly significant positive relationship between these two variables $r= .366$, $p< .001$, $n=240$. Thus, the closer to a lie a statement is believed to be, the less justified it is perceived.

The MANOVA

The data in the current study was found to breach several of the assumptions for conducting a MANOVA. Bartlett's Test of Sphericity was significant ($p= .029$) as was the Levene's test for the deception magnitude dependant variable, $F(23, 216)= 2.779$, $p< .001$. Although this would suggest that MANOVA may not be the appropriate test there is no non-parametric equivalent that can be utilised in its place. In fact, Bray and Maxwell (1985) point out that "it is unlikely that all the assumptions for MANOVA will be met precisely" (p. 33). Rather they suggest that these assumption violations should not cause a problem as MANOVA is rather robust when, as in the current study, sample sizes are equal (Bray & Maxwell, 1985). This is supported by Dancey and Reidy (2002) and Field (2009). Furthermore Olson (1974) suggests that Pillai's Trace is the most robust test statistic to all types of assumption violation.

For this reason a MANOVA was conducted upon the data and Pillai's Trace was consulted for interpretation in all instances.

The data were subjected to Multivariate Analysis of Variance (MANOVA) using police action taken, alibi witness belief and deception type as the independent variables. Rating of alibi witness deception justifiability and deception magnitude formed the dependant variables. A significant main effect of deception type upon participant ratings of the deceptiveness and justifiability of the alibi witness was observed, $V = .337$, $F(6, 432) = 14.607$, $p < .001$, partial $\eta^2 = .169$ (large). No significant main effect of either police action taken, $V = .012$, $F(2, 215) = 1.360$, $p = .259$, partial $\eta^2 = .012$ (small), or alibi witness belief, $V = .019$, $F(4, 432) = 1.027$, $p = .393$, partial $\eta^2 = .009$ (small), was seen upon ratings of alibi witness deceptiveness and justifiability.

The interaction between witness belief and deception type was found to be significant, $V = .104$, $F(12, 432) = 1.967$, $p = .026$, partial $\eta^2 = .052$ (small). However, the interaction between police action taken and alibi witness belief was not significant, $V = .018$, $F(4, 432) = .981$, $p = .418$, partial $\eta^2 = .009$ (small). Furthermore the interaction between police action taken and deception type was not significant, $V = .013$, $F(6, 432) = .457$, $p = .840$, partial $\eta^2 = .006$ (very small). Finally, the three-way interaction between police action taken, witness belief and deception type was also found to be not significant, $V = .046$, $F(12, 432) = .840$, $p = .609$, partial $\eta^2 = .023$ (small).

The ANOVA

Deception type had a significant main effect upon deception magnitude, $F(3, 216) = 23.754$, $p < .001$, partial $\eta^2 = .248$ (large). Thus false confessions ($M = 20.26$, $SD = 21.32$) and lies ($M = 21.22$, $SD = 17.04$) were deemed less truthful than evasions ($M = 46.03$, $SD = 22.71$) and omissions ($M = 47.22$, $SD = 31.66$). Similarly, there was a main effect of deception type upon deception justification ratings, $F(3, 216) = 17.422$, $p < .001$, partial $\eta^2 = .195$ (large). In this instance lies ($M = 24.30$, $SD = 20.91$) and false confessions ($M = 32.20$, $SD = 22.25$) were rated as less justified than omissions ($M = 48.52$, $SD = 27.48$) and evasions ($M = 51.18$, $SD = 26.79$). Therefore hypothesis 1 (alibi witness lies and false confessions

will be rated as more deceptive than evasions and omissions) and hypothesis 2 (alibi witness lies and false confessions will be rated as less justified than evasions and omissions) received support.

However, the ANOVA revealed no significant main effect of police action taken on either deception magnitude, $F(1, 216) = 1.454$, $p = .229$, partial $\eta^2 = .007$ (very small), or deception justification $F(1, 216) = 1.767$, $p = .185$, partial $\eta^2 = .008$ (very small). Thus there was no effect of the police action taken variable, and hypotheses 3 (alibi witnesses will be viewed as more deceptive when their statement to the police relates to a police suspect (no charges made) compared to someone who has been wrongly accused) and 4 (alibi witnesses will be viewed as less justified when their statement to the police relates to a police suspect (no charges made) compared to someone who has been wrongly accused) were not supported. Similarly, no significant main effect of alibi witness belief upon either deception magnitude ($F(2, 216) = .505$, $p = .604$, partial $\eta^2 = .005$ (very small)) or deception justification ($F(2, 216) = 1.774$, $p = .172$, partial $\eta^2 = .016$ (small)) was found. Thus hypothesis 5 (the statements of alibi witnesses will be rated as less deceptive when they believed their boyfriend is innocent compared to when they think he is guilty or are unsure of his guilt) did not receive full support.

A significant interaction was found to occur between alibi witness belief and deception type upon deception justification $F(6, 216) = 3.378$, $p = .003$, partial $\eta^2 = .086$ (medium), but not upon deception magnitude $F(6, 216) = .893$, $p = .501$, partial $\eta^2 = .024$ (small). Moreover, alibi witness belief did not interact with police action taken upon either ratings of deception magnitude, $F(2, 216) = .941$, $p = .392$, partial $\eta^2 = .009$ (small), or ratings of deception justification $F(2, 216) = 1.293$, $p = .277$, partial $\eta^2 = .012$ (small). Police action taken and deception type did not interact significantly upon deception magnitude, $F(3, 216) = .474$, $p = .701$, partial $\eta^2 = .007$ (very small), or deception justification, $F(3, 216) = .313$, $p = .816$, partial $\eta^2 = .004$ (very small), either. The three-way interaction between police action taken, witness belief and deception type was not significant on either the deception magnitude, $F(6, 216) = 1.536$, $p = .168$, partial $\eta^2 = .041$ (small), or deception justification variables, $F(6, 216) = .248$, $p = .960$, partial $\eta^2 = .007$ (very small).

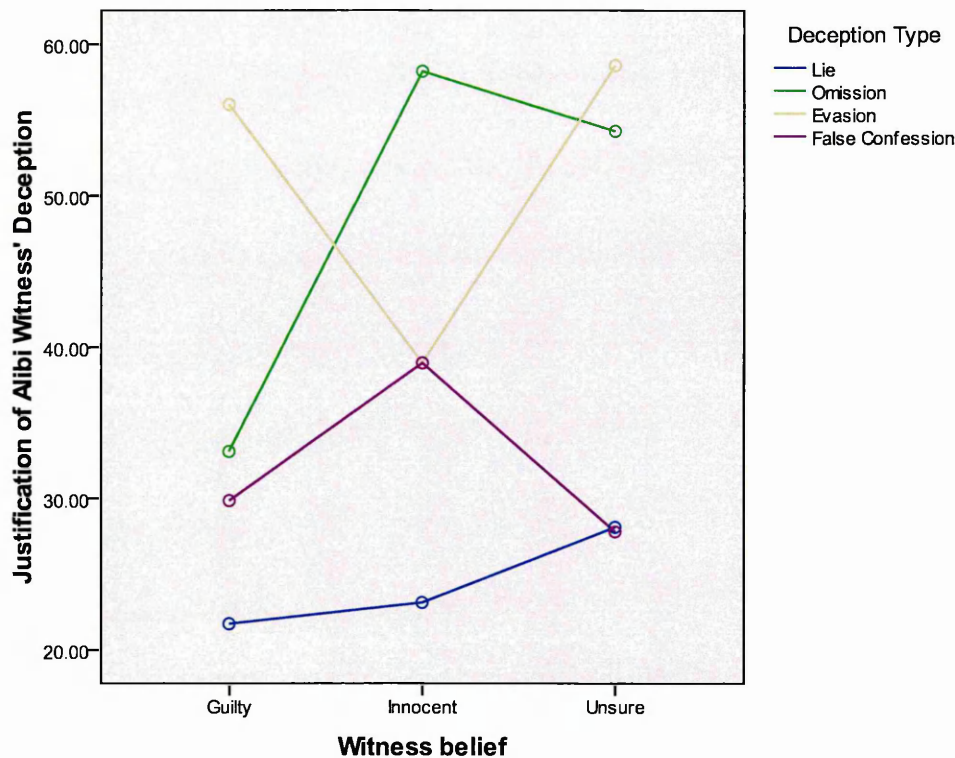
Post Hoc tests

The significant interaction between alibi witness belief and deception type upon the deception justification variable was explored further. As there was a significant interaction, the main effects were not however analysed in more detail. In order to avoid unnecessary testing and associated inflation of type I error risk, the t-tests were conducted selectively based on the results of the ANOVA and the trends indicated by the associated profile plots. Due to the high number of tests conducted and the associated increased risk of type II errors (Bender & Lange, 2001), a corrected alpha level of .01 was implemented to realistically reduce the risk of type II errors.

Deception Type Justifiability According to Alibi Witness Belief

Figure 7 shows the pattern of results obtained for participants' ratings of the justifiability of different types of deception when the alibi witness thinks the defendant is innocent, guilty and when they are unsure of the defendant's guilt.

Figure 7: Alibi witness' deception justifiability according to deception type within each level of the witness belief variable



A significant difference was found in ratings of alibi witness deception justifiability when the alibi witness falsely confessed ($M = 27.80$, $SD = 24.24$) or omitted to tell the police information ($M = 54.25$, $SD = 26.52$) when the alibi witness was unsure of the defendant's guilt, $t(38) = 3.292$, $p = .002$, $r = .47$ (medium to large)². Similarly, false confessions by the alibi witness were judged as being significantly less justified than evasions when the alibi witness was unsure of defendant culpability, $t(38) = -3.707$, $p = .001$, $r = .52$ (large). A significant difference was found between the lie and evasion conditions when the alibi witness was unsure of the defendant's guilt, $t(38) = -3.787$, $p = .001$, $r = .52$ (large), such that the alibi witness' evasions ($M = 58.60$, $SD = 28.17$) were seen as more justified than their lies ($M = 28.10$, $SD = 22.45$). The alibi witness' omissions ($M = 54.25$, $SD = 26.52$) were also seen as more justified than their lies ($M = 28.10$, $SD = 22.45$) when the alibi witness was unsure of the defendants' guilt, $t(38) = -3.365$, $p = .002$, $r = .48$ (medium to large).

² Effect size (r) calculated in accordance with Field (2009) using the conventions; .1 = small, .3 = medium and .5 = large.

The alibi witness' evasions ($M = 56.00$, $SD = 22.95$) were seen as more justified than their lies ($M = 21.70$, $SD = 22.67$) when the alibi witness believed the defendant to be guilty, $t(38) = -4.755$, $p < .001$, $r = .61$ (large). A significant difference was also found between evasion ($M = 56.00$, $SD = 22.95$) and omission ($M = 33.10$, $SD = 24.84$) when the alibi witness believed the defendant to be guilty, $t(38) = -3.028$, $p = .004$, $r = .44$ (medium). The alibi witness evading answering the police was seen as more justified than them making a false confession when the defendant was believed by the alibi witness to be guilty ($M = 29.85$, $SD = 20.97$), $t(38) = -3.761$, $p = .001$, $r = .52$ (large). However, no significant difference was found between lies ($M = 21.70$, $SD = 22.67$) and omissions ($M = 33.10$, $SD = 24.84$) when the alibi witness believed the defendant to be guilty, $t(38) = -1.516$, $p = .138$, $r = .18$ (small).

A significant difference was found between the lie and omission conditions when the defendant was believed to be innocent, $t(34.052) = -5.703$, $p < .001$, $r = .68$ (large), such that the alibi witness' omissions ($M = 58.20$, $SD = 25.33$) were seen as more justified than their lies ($M = 23.10$, $SD = 17.77$). No significant difference was found between any other level of the deception type variable within the innocent level of the witness belief variable (see Figure 7). These findings are summarised in Table 4.

Table 4: Significant Differences in Justifiability of Deception Types Dependent upon Alibi Witness Belief in Defendant Guilt.

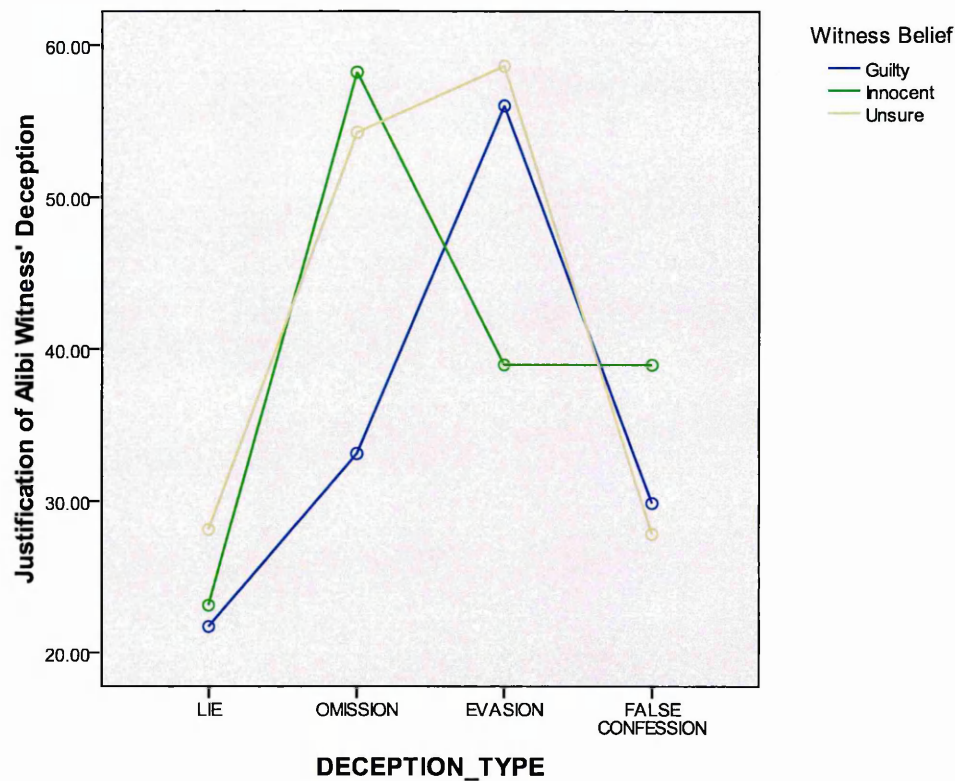
Alibi Witness Belief	Deception Justifiability According to Deception Type
Unsure	False Confession < Omission*
	False Confession < Evasion**
	Lie < Evasion**
	Lie < Omission**
Guilty	Lie < Evasion*
	Omission < Evasion*
	False Confession < Evasion**
Not Guilty	Lie < Omission**

Note. * $p < .01$, ** $p \leq .001$

Deception Justifiability According to Deception Type

Figure 8 illustrates that when the alibi witness omitted to tell the police information, they were viewed as more justified when they believed the defendant was innocent ($M = 58.20$, $SD = 25.33$), than when they believed he was guilty ($M = 33.10$, $SD = 24.84$), $t(38) = -3.164$, $p = .003$, $r = .46$ (medium). When the alibi witness was unsure whether the defendant was guilty or innocent, their omission to the police was judged as more justified than when they believed the defendant to be guilty ($M = 54.25$, $SD = 26.52$ and $M = 33.10$, $SD = 24.84$ respectively), $t(38) = -2.603$, $p = .013$, $r = .39$ (medium) although this reached only borderline significance ($\alpha = .01$). However, when the alibi witness lied to the police, whether the alibi witness believed the defendant to be innocent, guilty or was unsure, had no effect upon perceptions of how alibi witness justifiability. Similarly, the alibi witness belief regarding the defendant's guilt did not affect perceptions of deception justifiability when the alibi witness either falsely confessed or evaded the police questions. Thus partial support for hypothesis 6 (the statements of alibi witnesses will be rated as less justified when they believed the defendant is innocent compared to when they think he is guilty or are unsure of his guilt) was found.

Figure 8: Alibi Witness' Deception Justifiability According to Witness Belief within Each Level of the Deception Type Variable



Content Analysis

Item 3 in the study asked participants to report all the factors that influenced their response to item 2 (how justified the alibi witness' statement to the police). An inductive content analysis was conducted across the sample as a whole due to the small number of participants in each condition. The emergent themes (with subthemes in parentheses) were; the alibi witness' relationship with the defendant (love, character reference); the accuracy of the alibi witness' statement (guilt, factual correctness, alibi biases); beliefs regarding the criminal justice system (responsibility and errors, legality of alibi witness' actions, appropriateness of statement) and other miscellaneous factors (health of witness/defendant, vignette information, other) shaped participants views of how justified the alibi witness' statement to the police was. The coding system is summarised in Table 5 below and a full copy can be seen in Appendix 2.

Table 5: Theme and Subtheme Indicative Content

Theme/subtheme	Indicative Content
Relationship	
Love	Ideas pertaining to the alibi witness attempting to continue their relationship with the defendant such as references to the alibi witness demonstrating their love, loyalty and commitment through their actions.
Character reference	Statements referring to the alibi witness acting as they did due to their personal knowledge of the defendant such as knowing whether the defendant was capable of this act.
Accuracy of the alibi witness' statement	References to the factual guilt of the defendant influencing the participants' opinion of the alibi witness' actions. For example, discussion of whether or not the alibi witness had committed and reference to the whereabouts of the alibi witness and defendant in determining guilty.
Guilt of those involved	Statements that explicitly referenced honesty and lying on the part of the alibi witness.
Factual correctness of the alibi witness' statement	Suggestions that the alibi witness must be hiding something if they can't give an alibi, or that delaying their evidence meant they were lying.
Alibi biases	
Criminal Justice System	This category comprised responses regarding the police having a responsibility to ask more detailed questions and how it is their job to investigate the case more thoroughly. It also contained criticism of the police actions more generally, including expressions of police corruption and pressured interviews.
CJS responsibility/errors	Statements suggesting that the alibi witness had acted in a legal or illegal way and views that the alibi witness should allow the police to do their job.
Legality of alibi witness' actions	Statements expressing views on whether the alibi witness gave a response that was appropriate to the situation, that there are other ways to help the defendant, or that the alibi witness had a legal right to act in the way.
Appropriateness of statement	
Miscellaneous	
Health of defendant/alibi witness	Statements that questioned the physical or mental status of the alibi witness or defendant including suggestions that these individuals may have been drunk, mentally ill or under the influence of drugs.
Vignette information	Expressions that the vignette was too short or restrictive to make a judgement on the alibi witness' actions.

Other factors	Reasons that could not be coded into the other categories, such as whether the alibi witness could be guilty as female burglars are unlikely, and other difficult to interpret statements such as 'the truth is relative.'
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Table 6 illustrates that the most common theme overall was the accuracy of the alibi witness' statement, highlighting the importance of perceptions of guilt and the way that the alibi witness deceived. Secondly, the relationship between the alibi witness and defendant emerged as important with love and loyalty for the defendant dominating this theme. The legality of the alibi witness' deception and the responsibility of the police for gathering good evidence emerged regularly from the data. Finally, a small number of outlandish ideas were found (such as the alibi witness being drunk or mentally ill) which were coded within the miscellaneous theme. A full list of the frequency of each theme within each condition of the study can be seen in Appendix 3. Each of the themes is discussed in detail in the ensuing discussion section of the chapter.

Table 6: Content Analysis Theme and Subtheme Occurrence

Theme/ Subtheme	Frequency
Relationship	158
Love	131
Character reference	27
Accuracy of the alibi witness' statement	346
Guilt of those involved	213
Factual correctness of the alibi witness' statement	112
Alibi biases	21
Criminal Justice System	145
CJS responsibility/errors	36
Legality of alibi witness' actions	38
Appropriateness of statement	71
Miscellaneous	27
Health of defendant/alibi witness	5
Vignette information	18
Other factors	4
Total	676

Discussion

The purpose of the current study was to discover whether the intentions of the alibi witness, the action taken against the defendant by the police and the

type of deception engaged in, influence public perceptions of alibi witness' actions. All of the vignettes in the study were rated, on average, as towards the not justified end of the scale (<50 on a 100 point scale where 0= *not justified* and 100= *justified*). The action taken by the police had no effect upon participant ratings of the justifiability or deceptiveness of the alibi witness' statement. However, the belief of the alibi witness as to the defendant's guilt interacted significantly with the type of deception engaged in by the alibi witness. False alibis in general were viewed as deceptive and unjustified. Additionally, whether the police wrongly accuse the defendant or merely suspect him of committing a crime does not influence ratings of alibi acceptability. Finally, deception through omission was viewed as more acceptable than deception through fabrication of evidence.

Deception Type

The variable that exerted the greatest impact upon participant ratings of the justifiability of the alibi witness' statement to the police is the type of deception the alibi witness engaged in. The results support both hypothesis 1 (alibi witness lies and false confessions will be rated as more deceptive than evasions and omissions) and hypothesis 2 (alibi witness lies and false confessions will be rated as less justified than evasions and omissions). As anticipated, the closer to a lie the alibi witness' statement was judged to be, the less justified the alibi witness was rated. In fact, no fabrication of evidence (lie or false confession) was viewed as towards the justified end of the scale (denoted by a mean score of >50 on the justifiability scale where *not justified*= 0 and *justified*= 100). Overall, lies and false confessions were rated as less justified than omissions and evasions, and less truthful than omissions and evasions. This finding was supported by the results of the content analysis. The *factual correctness* subtheme (112 occurrences or 16.57% of the data) related to evaluations of the alibi witness' statement to the police based on its factual honesty, with lies being viewed as generally unacceptable. This theme is exemplified in the comments "it was a lie so it is not justified" (participant 38, suspect-guilty-lie condition) and "because she hasn't lied she has just refused to answer the question" (participant 66, suspect-innocent-evasion condition).

Thus a truthful but misleading alibi witness (omission) was seen as more justified than a witness providing factually incorrect information to the police.

An omission does not suggest that the defendant was elsewhere at the time of the crime; rather it merely fails to add strength to this supposition. In contrast a fabrication has the potential to throw suspicion away from the defendant. For example falsely stating that a defendant was at the cinema with a friend at the critical time could be seen as strong evidence of innocence. This could result in the individual being removed from the suspect list. Arguably this alibi has more power to remove suspicion, than a simple omission. Thus it would appear that fabricating evidence would be most helpful to the defendant's case. However, evidence suggests that fabrications may actually be less preferable to alibi witnesses than omissions (Feinberg, 1984).

Dhami and Mandel (2010) investigated the relative power of benefits and drawbacks, outcomes and probabilities, and compensatory and non-compensatory strategies in predicting engagement in criminal activity. Results showed that intention to engage in criminal activity (driving under the influence of alcohol) was best predicted by the perceived importance of the benefits that may be obtained, irrespective of their probabilities, or the drawbacks that may also be incurred. Omitting to tell information may be more beneficial for alibi witness as it stands more chance of being a successful strategy than fabricating evidence (Vrij 2008). Mann, Vrij and Bull (2002) point out that liars have to think hard in order to make their lies convincing, making lying cognitively more complex than truth telling. This cognitive demand theory of lying (Vrij, 2008) is based on the premise that whilst truth tellers must only rely on their recall, liars must ensure the information they provide fits in with what the interviewer already knows or could easily discover, as well as generate plausible false information. In support of this, participants in mock-suspect experiments report finding lying more cognitively demanding than truth telling (Vrij, Fisher, Mann, & Leal, 2006). Moreover, Vrij, Mann, Fisher, Leal, Milne and Bull (2008) discovered that increasing cognitive demands upon liars facilitated the detection of their deception. Bouman (2003) found that participants specifically instructed to conceal certain information in a staged interview experienced more discomfort and tension and poorer concentration than participants not instructed

to conceal information. Although the experience of concealing caused discomfort this was not detected by interviewer, suggesting that omissions may be more likely to go undetected than fabrications. Unlike the police interview setting, this study used a low suspicion environment (interviewers were not aware that it was a deception study) and an innocuous topic (not revealing seeing an elephant at a visit to the zoo), thus limiting its application to concealment of crime relevant information. Nonetheless, coupled with the aforementioned research, Bouman's findings suggests that it may be more in the interest of individuals wishing to assist a defendant, to omit informing the police of incriminating evidence than to fabricate evidence.

When omissions and commissions are detected, there is evidence that the law often treats them differently, suggesting that they are not equally condemnable (Feinberg, 1984). Spranca, Minsk and Baron (1991) point out that "omissions may result from ignorance, and commissions usually do not; commissions usually involve more malicious motives and intentions than the corresponding omissions; and commissions usually involve more effort, itself a sign of stronger intentions" (p. 76). Thus the logical inference to draw when a commission is found to be false is that it stems from a malicious intention, and that criminal charges should be brought against the maker of the statement. Consequently, omissions can be relatively easily explained away as the result of forgetting, ignorance or confusion (Spranca, Minsk & Baron, 1991). Furthermore, the Crown Prosecution Service consider the spontaneity of the conduct, the consequences, the motivation, others involved and the potential for serious harm to justice when deciding whether to press charges (Crown Prosecution Service, 2011). Due to the planning involved and the relative ease of presuming malicious intent, the chances of being prosecuted if the deception is detected are greater when fabricating rather than when omitting evidence for others. It may, therefore, be more in the interests of the witness to omit telling the police information that incriminates the defendant compared to fabricating innocence implying evidence. Consequently, proving an omission is deliberate, malicious and appropriately punishable with a legal sanction is challenging. An explanation of forgetting or being confused over the days and whereabouts of the defendant is relatively easy to accept, particularly if a great length of time

has elapsed between the event and the point of recall (police interview or court testimony). Thus an omission can be explained in such a way that the alibi supporter appears to be genuinely mistaken, rather than maliciously misleading the authorities. Presence of careful risk evaluation supports the underpinning Rational Choice Theory (Cornish & Clark, 1986).

Nevertheless, it should be noted that no form of deception was seen as completely justified by all participants. The significant correlation between deception magnitude and deception justification supports the idea that deception type influences perceived acceptability of deceptive alibi witness testimony. This finding reinforces research showing more favourable attitudes to omission of incriminating information, than fabrication of exonerating evidence by eyewitnesses to car collisions (Spranca, Minsk & Baron, 1991). However, the correlation between deception magnitude and deception justification in the current study is weak (.37) suggesting that factors other than solely the deception type influence assessments of alibi witness deception acceptability.

Police/CJS

Although it was anticipated that the police action taken variable (suspect, wrongly accuse) would affect ratings of deception justification and magnitude this was not found to be the case. Thus the quantitative analysis revealed no significant main effect of the action taken by the police against the defendant (suspect or falsely accuse) upon ratings of alibi witness deception magnitude or deception justifiability. It therefore appears that an innocence bias was present in assessments of defendant guilt in that both suspects and falsely accused defendants were perceived to be innocent. This innocence bias mirrors the truth bias has been extensively observed in the research literature pertaining to detecting deception (Bond & DePaulo, 2006; Vrij & Baxter, 1999; Vrij; 2008) and reflects the notion that defendants are innocent until proven guilty (Human Rights Act, 1998). The content analysis supports this assertion as the *guilt* subtheme (*accuracy of the alibi witness' statement* major theme) reflected views that the justifiability of the alibi witness' actions depended upon whether the defendant was actually guilty, or perceived by the alibi witness to be guilty, of

the crime under investigation. Reference to guilt was made on a total of 213 occasions representing 31.51% of all reasons stated by participants. Examples of this theme include “it is not justified if she thinks he did it” (participant 34, suspect-guilty-lie condition) and “not guilty” (participant 102, wrongly accused-guilty-evasion condition). Thus it appears that the defendant being merely *suspected* by the police did not lead participants to believe him guilty. Moreover, only one participant made explicit reference to the fact that the alibi witness’ deception may allow the defendant to reoffend; “regardless of how Sarah feels for Andrew, it would be in her best interests to say she can’t remember where he was at that particular time, as he may do worse things in the future” (participant 185, wrongly accuse -guilty-omission condition). This meant that hypothesis 3 (alibi witnesses will be viewed as more deceptive when their statement to the police relates to a police suspect (no charges made) compared to someone who has been falsely accused) and hypothesis 4 (alibi witnesses will be viewed as less justified when their statement to the police relates to a police suspect (no charges made) compared to someone who has been falsely accused) were not supported.

The belief that defendants are innocent until proven guilty is further reflected in the *responsibility and errors* subtheme, mentioned on 36 occasions (5.33%). This reflects the belief that it is the responsibility of the police to discover the truth, and it was their errors that prevented this from occurring. For example “witness statements are carried out by police who do not possess the skills to produce effective and non-biased (within reason) statements” (participant 148, wrongly accused-innocent-false confession condition) and “also the police are asking a direct question pressing Sarah so if it was phrased differently she may have been more willing to cooperate” (participant 109, wrongly accused-guilty-evasion condition). Thus the poor phrasing of the police questions and the corruption of the police were deemed as justifying alibi witnesses making misleading statements. When surveying the alibi beliefs of serving American police officers Dysart and Strange (2012) found that officers were significantly more likely to ask broad questions (e.g. where you on Wednesday 8th February?) rather than refer to specific timeframes (e.g. where you between 8pm and 8.30pm on Wednesday 8th February?). This indicates

that unspecific police questioning may be present on a regular basis (certainly in American interviewing practices) which may impact upon alibi witness honesty. Although the responsibility and errors subtheme was present in only a small number of cases it does suggest that the police need to ask specific questions in order to avoid alibi witnesses deception. This point is implemented in Chapter 8, where mock police interviews utilise specific and direct questions in assessing alibi witness deception.

This subtheme also demonstrates some negativity towards the police as they are suggested to not "... possess the skills to produce effective and non-biased (within reason) statements" (participant 148, wrongly accused-innocent-false confession condition). This could influence honesty of alibi witness evidence as "only naïve, trusting of justice people would not give Andrew [defendant] an alibi, more fool them! The police are not to be trusted" (participant 115, wrongly accused- innocent-omission condition). Further research has illustrated that attitudes to the police and courts are linked to behaviours such as reporting crimes (Sunshine & Tyler, 2003; Tyler & Fagan, 2008), obeying speed limits (Elliott, Armitage & Baughan, 2003; 2007), assisting police investigations (Reisig, Bratton & Gertz, 2007) and giving evidence in court (Viki, Culmer, Eller & Abrams, 2006). Moreover, Dysart and Strange (2012) found that the most common reason suggested by police for deception from an unmotivated alibi witness, was distrust of the police and the criminal justice system. Thus it is logical to suppose that attitudes to the police may also influence alibi witness cooperation in the form of providing honest and incriminating evidence against a defendant. Previous research has not addressed this point, so the impact of attitudes to the police and courts upon the honesty/deceptiveness of alibi witness testimony is examined in Chapter 5.

Knowledge of the Law

The current study raised several interesting trends namely the importance of the legal right to silence. Evasions (no comment responses) were viewed as justified, even when the defendant was thought to be guilty. When the defendant was thought by the alibi provider to be guilty, evading answering police questions through providing a 'no comment' response was the

only action viewed as justified by participants (mean > 50 on the scale). The non-legal avenues of assisting the defendant were all condemned (lies, omissions and false confessions) possibly because participants acknowledged that the defendant could pose a risk of reoffending. In fact, when the alibi witness thought the defendant was guilty the no comment response was viewed as significantly more justified than all other forms of deception, including omissions.

In general these findings suggest that participants had some basic legal knowledge in terms of awareness of the concept of innocent until proven guilty as well as the legal right to silence in police interviews (exercised through a no comment response). This awareness was certainly demonstrated by participant 206 (wrongly accuse-innocent-evasion condition) who stated “she has a right to say ‘no comment’...” The subtheme *legality of alibi witness’ actions* reflects views that alibi witness deception acceptability is predicated upon the risk of prosecution for the alibi witness. Participant 144 (wrongly accused-innocent-false confession condition) stated “... so she’s just getting herself into trouble” and participant 135 (wrongly accused-innocent-lie condition) expressed the same sentiment that “she is also going against the law by lying”. Although this implies some knowledge of the law, this appeared to be limited as only 5.62% of the evaluations (38 instances) considered that “Sarah may get in trouble for withholding evidence” (participant 185, wrongly accuse-guilty-omission). This implies a focus on assisting the defendant rather than widespread consideration of legality of actions and risk to alibi witness of prosecutions. Although participants considered the risk to the alibi witness they did not appear to be able to accurately gauge the legality of the alibi witness’ deception. This supports the concept that people act according to what they believe *should* be legal rather than what *is* legal (Robinson & Darley, 2004; Schoepfer, Carmichael & Piquero, 2007) and thus make impulsive and imprudent decisions (Palmer, 2003). Thus a negative attitude towards deception results predominantly from a belief that lying is *morally* wrong (Gordon & Miller, 2000; Saxe, 1999) rather than a belief that it is *legally* wrong. Research specifically examining attitudes to alibi witness deception further supports the idea that people are ignorant of the laws pertaining to deception to the police and courts

(Fawcett, 2006). Thus it seems that believing their deception to be legal may actually influence perceptions of alibi witness deception acceptability. Moreover, ignorance of the law may be a causal factor in the provision of deceptive alibi witness testimony as people must have knowledge of the relevant sanctions if they are to deter (Anderson, 2002). Collectively this suggests that the lack of public condemnation of false alibi witness evidence coupled with ignorance of the relevant law may facilitate the provision of deceptive alibi witness testimony. Following on from this, Chapter 6 explores the role of legal knowledge in the provision of false alibi witness testimony in further detail.

The right to silence applies to all police interviews and as such is much more common knowledge than the legislation pertaining to false alibi witness testimony. Thus little knowledge of public justice offences is required to make no comment responses by alibi witnesses appear moral. This explains why evasions (no comment responses) were viewed as justified when the alibi witness thought the defendant was guilty, and when the alibi witness was unsure of the defendant's guilt. The acceptability of the no comment evasion may be further explained by cognitive dissonance theory (Festinger, 1957). This theory states that two alternate emotions experienced at the same time create a negative emotional state that people find unpleasant, and seek to remedy. The interrogation and interview literature has demonstrated how a desire to escape pressure can elicit false confessions. This course of action often results in the cessation of the interview, and relief of pressure (Gudjonsson & Sigurdsson, 1992). Similarly, innocent individuals may feel high levels of anxiety when the police suspect their loved one of having committed a crime. The desire to relieve this dissonance caused by both reluctance to lie to the police and a simultaneous desire to be loyal to their relationship with the suspect, could make no comment response to the police an attractive course of action. A no comment response could relieve cognitive dissonance as it allows the individual to appear loyal to the defendant, whilst simultaneously responding in a moral and legal manner. "Just Sarah being his girlfriend won't want him to be in trouble but also won't want to lie to the police" (participant 207, wrongly accuse-innocent-evasion condition) illustrates the dissonance the alibi witness is perceived by participants to feel. It is unlikely this is due to the worry

regarding the defendant reoffending if avoiding conviction. In fact, absent in the findings of the content analysis was the consideration of the risk of the defendant committing further crimes, and the experience of the victim/s. Thus ‘no comment’ is an effective strategy to relieve cognitive dissonance, and is therefore more attractive to alibi witnesses than other forms of information manipulation and deception.

The current quantitative analysis revealed that evasions were seen as least justified when the defendant was innocent. Here the evasions were rated almost identically to false confessions and posited at the not justified end of the scale. One explanation for this finding is that participants equated justifiable actions with actions that facilitate justice, thus, in the case of an innocent defendant, actions that avoid conviction. This is supported by the theme of *appropriateness of statement* provided by the alibi witness to the police. This theme reflected views that the alibi witness was only justified if their deception was necessary to ensure justice. This is exemplified by participant 161 who states that “...in this sense her lie seems unjustified as it seems an extreme step to take to protect some one [sic] and, in this case, an unnecessary one” (suspect-unsure-false confession condition). This sentiment is echoed by participant 97 when suggesting that “if she believes he didn’t do it then justice would have prevailed – without her having to lie” (wrongly accused-guilty-false confession condition). Seventy one instances of the appropriateness of statement subtheme were seen, accounting for 10.50% of reasons given.

Although participants viewed no comment responses as justified, several participants raised concerns that the alibi witness’ silence implied guilt on the part of the defendant. This is illustrated by participant 76 “‘no comment’ is very ambiguous and possibly detrimental to his case” (suspect-unsure-evasion) and participant 69 “... [no comment] is generally taken as the individual knows something about what they are being questioned” (suspect-innocent-evasion condition). Although not common (21 instances or 3.11% of the reasons given) the *alibi biases* theme suggests that evasions (no comment) may not be the most effective strategy to aid justice for an innocent defendant. This would explain why the alibi witness was not viewed as justified in saying ‘no comment’ for an innocent defendant; alibi justifiability depends upon consideration of what

response will facilitate justice for the defendant, not just perceptions of what is right and wrong.

Thus the findings imply that no comment responses are favoured as they are a legal way of assisting a potentially guilty defendant. Thus they enable the alibi witness to avoid sanction for lying, whilst simultaneously avoiding actively revealing incriminating information about the defendant. Implicit in this is the concept that assisting a defendant through false evidence provision is a complex cognitive activity, thus supporting Rational Choice Theory (Cornish & Clarke, 1986). In fact consideration of the benefits and limitations of the statement to the police was evident throughout the data. For example, participant 206 reflected upon the legality of the alibi witness' statement when stating that "she has a right to say 'no comment'..." (wrongly accuse-innocent-evasion condition). Furthermore participants contemplated the morality of withholding information and the need for justice; "it is for the greater good, because him being convicted for something he didn't do is worse than withholding info" (participant 209, wrongly accuse-innocent-evasion condition). However, people do not always accurately consider the likelihood of negative consequences of their actions, and thus act in a way that is most immediately satisfying (Ward, Stafford & Gray, 2006).

Love and Altruism

The content analysis revealed that one of the most important factors influencing perceptions of the alibi witness' statement to the police was their relationship with the defendant (158 instances or 23.37% of reasons given). Relationship to the defendant predominantly influenced decisions through considering whether the alibi witness acted through love and loyalty to maintain the relationship (131 instances or 19.38% of reasons given). A belief that "Sarah [the alibi witness in the given vignette] is protecting someone she loves" (participant 163, suspect-unsure-false confession condition) represents this theme. This suggests that people view alibis as acceptable and justified if they are motivated through love and altruism, thus supporting research implicating the role of intentions in ratings of deception acceptability (for example Backbier, Hoogstraten & Terwogt-Kouwenhoven, 1997). In addition, Bok (1978) suggests

that the acceptability of lies is a function of their position on a continuum from altruistic to exploitative motivation. As false confessions were rated as more justified than outright lies the quantitative analysis suggests that the selfless and altruistic intentions of a false confession negates the full seriousness of this type of lie (although these differences did not reach statistical significance).

Conversely, the alibi witness belief about defendant guilt variable did not exert a significant main effect upon judgements of alibi witness deception acceptability. This is also seen in actual cases such as that of Maxine Carr who claimed to have provided a false alibi only because she believed her partner was innocent. Moreover, Carr claimed she wanted to avoid the police wrongly accusing Huntley as she believed they had in relation to a previous offence. This apparent altruistic intent behind her actions suggests that she believes this will be accepted as a valid justification and preclude any negative repercussions to which she may otherwise be subject. The public outcry against Maxine Carr was actually so severe that she was forced to take a new identity to ensure her safety and she was vilified in the press more than the murderer she sought to protect (Jones & Wardle, 2008). Thus it appears that unless a very clear and large altruistic act is undertaken (false confession) altruism is not considered as mitigation in judgements of alibi witness lies. Moreover, Jones and Wardle (2008) suggest that the media did not portray Carr as a perjurer, “she was portrayed as an accomplice to a murderer, connoted as the next Myra Hindley” (p. 67). Thus media emphasis upon the fact that Carr contravened female stereotypes could have contributed to public outrage at her actions. In addition to this, moral panic relating to paedophilia and child murder (McCartan, 2004) suggests the reaction to Carr’s crime was centred on the nature of the crime concealed, rather than solely upon her lies. This suggests sympathy towards acts of genuine altruism is not an influential factor in judgements of deception to the police.

One facet of the theme of love which emerged in the analysis was that alibis were motivated by a desire to maintain a relationship with the defendant, as well as a desire to protect them. Thus many participants acknowledged that “She might be scared of being without Andrew if he goes to prison” (participant 163, suspect-unsure- false confession). This contradicts the notion of love

encouraging false alibi witness testimony in a purely selfless manner (Hosch, Culhane, Jolly, Chavez & Shaw, 2011) and instead suggests love induces alibi witnesses to lie in order to selfishly maintain a relationship with the defendant (Zahavi & Zahavi, 1997). Thus costly signalling theory is supported by these findings. This highlights that role of the relationship between the defendant and alibi witness in promoting false alibi witness evidence. Although it is clear that alibi evaluators presume deceptive evidence from individuals related to the defendant (Culhane & Hosch, 2004; Hosch, Culhane, Jolly, Chavez & Shaw, 2011; Olson & Wells, 2004), the observed innocence bias suggests that this same bias does not generalise to the defendant themselves. Instead, evaluators do not derive defendant guilt from deceptive alibi witness evidence (Judicial Studies Board, 2010). This contrasts with prior research findings that motivated alibi witnesses may actually harm a defendant's case (Culhane, 2005; Dahl, Brimacombe & Lindsay, 2008; Lyndsay, Lim, Murando, & Cully, 1986). It is unclear as to whether the presumption of deception from motivated alibi witnesses reflects an actual inclination toward deception by these individuals. Chapter 7 addresses this question through assessing the honesty of alibi witness evidence as a function of the relationship to the defendant. However, prior studies required participants to take the role of police investigators (Dahl, Brimacombe & Lindsay, 2008) or jurors (Culhane, 2005; Lyndsey, Lim, Murando, & Cully, 1986) thus priming them to consider the defendant's guilt. The current study vignettes were written from an impartial third-person stance in accordance with prior research (Lee & Ross, 1997) and participants were not instructed to consider the alibi story from a legal perspective. This may however have served to encourage participant identification with the alibi witness and therefore foster a belief in the defendant's innocence.

The quantitative analysis found no significant main effect of the alibi witness' belief regarding the defendant's guilt (guilty, innocent or unsure) upon ratings of alibi witness deception magnitude or deception acceptability. Thus, hypothesis 5 (the statements of alibi witnesses will be rated as less deceptive when they believe the defendant is innocent compared to when they think he is guilty or are unsure of his guilt) was not supported. However, the interaction between alibi witness belief and deception type had a significant effect upon

ratings of alibi witness justifiability. Therefore hypothesis 6 (the statements of alibi witnesses will be rated as more justified when they believe the defendant is innocent compared to when they think he is guilty or are unsure of his guilt) received partial support. Hence, when the alibi witness omitted to tell the police information, they were viewed as more justified when they believed the defendant was innocent than when they thought him guilty. Similarly, when the alibi witness was unsure whether the defendant was guilty, their omission to the police was judged as more justified than when they believed the defendant to be guilty. These findings were echoed in the content analysis as the *character reference* subtheme presented the view that alibi witnesses have special insight into the defendant's guilt and/or level of risk (27 instances or 3.99% of justifications). Suggestions that the alibi witness is justified in deceiving the police as she would not date someone who was a criminal (and thus is protecting an innocent individual) appear to show some participant identification with the alibi witness in the vignette; "because it was her boyfriend and hopefully she picked a nice enough guy that she knows he would not take part in such a crime or any crime" (participant 126, wrongly accused-unsure-lie condition). This is further exemplified by participant 131 (wrongly accused-innocent-lie condition) who states that "Andrew's girlfriend should know him well enough to judge whether or not he committed the crime." These findings therefore also support the concept of an innocence bias raised in relation to the *guilt* subtheme of the major theme *accuracy of the alibi witness' statement*.

The fact that the defendant Maxine Carr lied for was subsequently found guilty could therefore have caused a hindsight bias to instil the belief that Carr should have known Huntley better before supporting his false alibi. A hindsight bias is the propensity to overstate the inevitability of the consequence of an event once the actual outcome is known (Fischhoff, 1975). Thus the salience of the known outcome reduces the salience of other potential outcomes, and makes the alternatives harder to imagine occurring (Sanna & Schwarz, 2007). In support of this Spranca, Minsk & Baron (1991) found that the same deceptive behaviour was rated as worse when a negative outcome occurred, compared to when a negative consequence did not occur suggesting that a hindsight bias is associated with the evaluation of deceptive acts. That the participants in the

present study were not told whether the defendant in the vignette was convicted therefore prevented a hindsight bias and thus affected ratings of the alibi witness' deception. Conversely, public awareness that Carr's lies attempted to protect a murderer caused her to be judged more harshly than if Huntley was innocent or there was still uncertainty regarding his guilt. The character reference theme shows that deceptive alibi witness evidence is made more acceptable by the fact that the alibi witness should know the defendant well enough to know he poses no risk. Thus either Carr did not know Huntley well enough to lie for him, or knew he was guilty and lied regardless. Coupled with the abhorrence associated with the index offence (McCartan, 2004), the hindsight bias (Fischhoff, 1975) and poor character reference meant that Carr was heavily disparaged in the press.

Limitations

As mentioned in the method section, previous research has indicated that people are more lenient towards deception committed by members of the same sex (Maier & Lavrakas, 1976). In the current study both the deceiver in the vignettes and the majority of participants were female. This implies that the deception was viewed as more justified than it would be had a more even number of males and females participated in the research. Additionally the hindsight bias associated with published cases in which the defendant has been convicted of the index offence may lead to lower estimates of real case alibi witness deception acceptability. Therefore the uniform view of the alibi witness being towards the 'not justified' end of the scale may actually overestimate how justified the public in general would rate the vignette. Thus public condemnation of false evidence provision is potentially rather high and may work alongside legal sanctions to deter false evidence provision. The fact that the public may view omissions of key evidence to the police as more justified than fabricating evidence has a serious implication. Individuals may feel their actions will be publically condemned should they attempt to assist a defendant through fabricating evidence to the police, and thus be dissuaded from this course of action. Conversely the study findings suggest that public condemnation of omitting evidence to the police will not be so strong, and so

this may be a more attractive course of action. Thus the support of hypothesis 1 and 2 suggest that public reactions to justifiability of omissions compared to commissions may be an influential factor concealing information from the police. Consequently, two courses of action are implied in deterring false evidence provision. Namely as commissions are viewed as less justified than omissions, encouraging the public to frame evasions and omissions as lies would make these behaviours less justified in the eyes of the public. In turn this may decrease the attractiveness of omissions to alibi witnesses and encourage full evidence disclosure to the police.

The ecological validity of the study may have been reduced by the use of short vignettes, the focus of the miscellaneous subtheme of *vignette information*. Eighteen participants (or 2.66% of reactions to the vignettes) suggested that the vignette contained limited information which made the judgement of the alibi witness' statement challenging. For example one participant provided the justification of "amount of information given in scenario" (Participant 225, Wrongly Accused-Unsure-False Confession condition). Although the vignettes were limited, this is an established method used for assessing reactions to deception (Green et al., 2000; Kahneman & Tversky, 1982; Schweizer & Croson, 1999; Spranca Minsk & Baron, 1991). A further limitation of the study is the crime of which the defendant was accused in the vignette. Property offences have been demonstrated to be the crime most frequently associated with false confessions (Gudjonsson & Sigurdsson, 1994) thus were selected as the index offence in the vignettes provided to participants in the current study. However, the predominantly student sample may have found it challenging to imagine their acquaintances committing a burglary and thus judge the alibi witness' deception more harshly. For this reason, Chapter 7 will focus on the frequent offence of driving under the influence of alcohol (Hopkin, Sykes, Groom, & Kelly, 2010) which they may be more likely to imagine their acquaintances committing. This offence is similar in seriousness to burglary in that it attracts a similar maximum custodial sentence of 14 years (Road Traffic Act 1988 s.1, Theft Act, 1968 s.9).

Summary and Conclusions

The chapter addressed objectives 1 and 2 of the thesis. In brief it investigated attitudes towards deception by alibi witnesses in order to generate variables for research later in the thesis, as well as examined perceptions of different forms of alibi witness deception. As the evaluation of lies is based on the same aspects as the provision of lies (Backbier, Hoogstraten & Terwogt-Kouwenhoven, 1997) this chapter has revealed aspects of alibi witness deception necessitating further study. The study revealed that the variable having greatest effect upon participant rating of alibi witness deception was the type of deception engaged in by alibi witnesses. In brief, the study supported the dichotomy between commission and omission observed in previous research (Backbier, Hoogstraten & Terwogt-Kouwenhoven, 1997). Moreover the significant interactions between the four levels of the deception type variable upon the deception justification dependant variable (see pages 83 and 84) partially supports the suggestion that there is a finer distinction between evasions, omissions, lies and false confessions (Bradac, 1983; Galasiński, 2000). This finding is utilised in the ensuing chapters which examine the variables that influence alibi witness honesty. Thus the studies reported in Chapter 5 and Chapter 6 examine whether participants will provide false alibi evidence through evading police questions, omitting incriminating information, outright lies and confessing falsely to having committed the index offence.

The study suggested participants considered the legality of lying to the police (Criminal Justice System theme, and the greater perceived justifiability of evasions), but in general participants seemed unclear as to the law in this area. As people must know the law in order for it to deter (Anderson, 2002, Robinson & Darley, 2004; Schoepfer, Carmichael & Piquero, 2007), Chapter 6 examines whether knowledge of the relevant legislation and sanctions discourages false alibi witness evidence. Related to this, participants demonstrated the belief that it is the responsibility of the police to gather accurate information from alibi witnesses through asking detailed questions. This is followed up in Chapter 8 of the thesis where specific and direct questions are utilised in interviews with alibi witnesses. Negativity towards the police was observed in the data in the data and prior research suggests this may lead to non-compliance with the

police (Viki, Culmer, Eller & Abrams, 2006). Chapter 5 therefore expands on this point through assessing the role of attitudes to the criminal justice system in the provision of false alibi witness evidence.

Finally, the study suggests that alibi witnesses experience cognitive dissonance as they struggle to decide between deceiving the police and failing to support a partner. The content analysis revealed that participants calculated the necessity and efficacy of deception compared to the risk of alibi witness prosecution, illustrating that false alibi provision is not a purely altruistic act but a rational choice (Cornish & Clark, 1986). No comment responses dissipate the cognitive dissonance and allow alibi witnesses to appear loyal but minimise risk of prosecution, thus supporting the concept of moral hypocrisy (Batson et al., 1997). One of the positives associated with deceptive alibi witness evidence was the demonstration of love for the defendant, an influence that will be further explored in Chapter 7. Similarly, the study demonstrated that participants presumed the defendant to be innocent as alibi witnesses should know the defendant well enough to vouch for their good character.

In conclusion, based upon the trends revealed in the current study, attitudes to the police and courts, knowledge of pertinent legislation and the role of relationship to the defendant upon alibi witness honesty will be examined later in the thesis (Chapter 5, 6 and 7 respectively).

CHAPTER 4: MEASURING ATTITUDES TOWARDS THE CRIMINAL JUSTICE SYSTEM AND ALIBI WITNESS HONESTY

This chapter does not seek to directly develop understanding of alibi witness deception. Instead, this methodology chapter aims to create new questionnaire measures that can be utilised in the later thesis chapters, as well as further research, in order to improve understanding of alibi witness deception.

In order to address Objectives 5 and 6 of the thesis (see Chapter 2) it is necessary to assess intentions to provide false alibi evidence, and attitudes and experience of the criminal justice system. Few studies have examined false evidence provision to assist a defendant and none to date have examined the motivations and influences upon this behaviour. For this reason there is no existing measure of intentions to provide false evidence to assist a defendant that can be utilised in the thesis. In order to measure these intentions in the later thesis studies (Chapters 5 and 6) it is necessary to develop such a measure. Thus objective 3 of the thesis is addressed in the current chapter through the development of such a measure. The resultant False Evidence Questionnaire is informed by the results of Chapter 3 and the review of the alibi literature reported in Chapter 2.

In addition to this, the thesis aims to examine the relationship between attitudes to the criminal justice system and alibi witness honesty. As highlighted in the literature review chapter (Chapter 2) there has been no research to date assessing the influence of attitudes towards the criminal justice system upon willingness to provide false evidence. A subsample of the participants in Chapter 3 viewed poor interviewing skills, untrustworthiness and bias on the part of police as justification for alibi witness deception. Moreover, research has demonstrated that negative attitudes towards the police are associated with commission of other crimes (Elliott, Armitage & Baughan, 2003; Sunshine & Taylor, 2003; Tyler, 2004). There are many methods used to assess attitudes to the police and the criminal courts, but most are single item assessments that

are not representative of the complex views people have of the different areas, and associated performance, of the criminal justice system. Furthermore these measures lack any empirical reliability testing. Therefore this chapter describes the development of a measure of attitudes towards the police and the criminal courts that is utilised to address objectives 5 and 6 of the thesis (see Chapter 5).

Alibi Witness Deception

As highlighted in the literature review chapter, it is important that intentions to provide false evidence are measured, however there is at present, no scale that measures these intentions. Chapter 3 demonstrated that participants viewed alibi witness concealments as more justified than their fabrications, and that love was a major factor in perceptions of alibi witness deception acceptability. Thus it is important that any measure of alibi witness honesty take these findings into consideration. Moreover, as the investigation and courtroom settings have distinct purposes and rules, the opportunities to provide false evidence vary between them. However, the study reported in Chapter 3 focused upon deception to the police only. For example, responding in the evasive 'no comment' manner with the police is a strategy available within the police interview setting. Moreover, people have the legal right to remain silent in interviews and may even be advised to do so by legal representatives. However, in court the response of 'no comment' is not as viable; refusing to speak when called to the stand could put witnesses at risk of being charged with contempt of court (Contempt of Court Act, 1981). Furthermore, deception in the course of the investigation is to a small audience, whereas a large audience in court, in conjunction with a court required oath of honesty, may discourage deception. Thus, the different contexts with their alternate audiences and rules may affect the way in which evidence is delivered (in terms of concealments and fabrications) as well as willingness to provide false evidence at all. It is important therefore that the intentions to provide false evidence in these two different contexts are assessed separately.

Attitudes to the Criminal Justice System

In order to assess the role of attitudes to the criminal justice system in alibi witness deception, a valid measure of attitudes to the criminal justice is required. Measuring attitudes towards the police is problematic due to the fact that attitudes held are not one-dimensional; rather numerous complex interrelated factors are responsible for attitudes towards police. This is not reflected in the single items often used to measure attitudes to the criminal justice system (Bennett, 2004; Cao & Zhao, 2005; Hinds & Murphy, 2007). For example Cao and Zhao (2005) gauged attitudes to the police with the question *how much confidence do you have in the police?* It is not clear from these single item measures, which aspect of police functioning participants should regard when responding; diffuse, specific, instrumental or normative (Bennett, 2004). Thus the reliability of the single item measures of attitudes to the police is questionable, and there is a need to develop a more holistic measure that takes into account the complex nature of attitudes towards the police. This chapter describes the development of a new measure of attitudes towards the police and criminal courts, the *Attitudes toward the Police and Criminal Courts Questionnaire* (APCQ), designed to address these limitations.

Summary

In summary the chapter aims to develop and test the structure of a new measure of attitudes to the police and criminal courts, the APCQ. In line with previous theory and research the APCQ will be structured to include assessments of; diffuse support for the police; diffuse support for the courts; instrumental support for the police; instrumental support for the courts; normative support for the police; and normative support for the courts. A second questionnaire assessing intentions to provide false evidence for others, the False Evidence Questionnaire (FEQ) will be developed. In line with previous research the FEQ will include measures of false alibi evidence in the form of both omissions and commissions, and reflect deception to the police and criminal courts. Thus this chapter is concerned with the development of these measures, rather than any specific hypothesis testing.

Method

Participants and Procedure

Sampling was based on an opportunity sample and the *snowball* method in which volunteers were encouraged to recruit acquaintances to participate. The scales were administered to 153 participants. The sample consisted of predominately females (118 females and 35 males) and the mean age of participants was 20.52 years ($SD = 7.50$). Most of the participants identified themselves as White British (133) and the rest were Asian (9), African (5), and Polish (1)³ and most were students (90.1%). Participants were given paper copies of the Attitudes towards the Police and Courts Questionnaire in conjunction with the False Evidence Questionnaire.

Materials

The APCQ

The APCQ (Appendix 4) is composed of several distinct sections relating to demographic information, interactions with the police, experience of the criminal courts, attitudes towards the police and attitudes towards the courts. In section 1 six items assess participant experience of the police in terms of whether participants have come into direct or indirect (through family or friends) contact with the police, how many times they have done so, how recent their latest direct contact with the police was and the nature of this contact (for example reporting a crime, being questioned as a witness or asking for information). Section 2 consists of six questions designed to assess participant experience of the Criminal Courts. Questions assess whether participants have come into direct or indirect contact with the courts, how many times this has occurred, how recent their latest direct contact with the criminal courts was and the nature of these contacts (for example as a witness, defendant or as part of jury duty).

³ Data regarding ethnicity/race was missing for five participants.

Questions in sections 3 and 4 of the questionnaire were designed to ascertain participant attitudes to the police and criminal courts respectively. Items were constructed to reflect the key aspects of attitudes to the police and criminal courts revealed through a review of the relevant research literature. These focused on issues of diffuse, instrumental and normative support. Diffuse support is a general attitude toward an institution, whereas specific support refers to feelings about an institution based upon particular experiences with individuals within that organisation (Easton, 1965). These attitudes are measured through three items assessing whether participants respect the aims of the police; think that the police are essential to the functioning of society; and whether they respect the work that the police do. Perceptions of the legitimacy of the criminal courts were assessed with the items *I respect the work of the criminal courts; I agree with the aims of the criminal courts* and *I think that the criminal courts are essential to the functioning of society*.

Instrumental factors of attitudes to the police are perceptions of police efficacy in controlling crime and criminal behaviour, police portrayal of significant probability of detection and sanction for law breakers (Hinds & Murphy, 2007). The crime rate for most crimes in the UK is decreasing, thus a belief that it is increasing illustrates poor attitudes towards the police. The items *I think that the crime rate in my neighbourhood is high* and *there is no crime problem in my neighbourhood* assess estimations of crime in the participants' local neighbourhood. A low fear of crime should reflect a positive view of the performance of the police in controlling crime. Three items assessing whether participants believe that the crime rate is increasing; are worried that they will be the victim of a crime; and whether they feel safe in their neighbourhood at night were used to assess the levels of fear that participants held in relation to crime. This again indicates how well people believe the police are performing at investigating crime. The higher the perceived arrest rate, the more favourable the attitude towards the police is judged to be. Estimations of the police arrest rate are measured by the two items *I think that the police are effective in arresting those who have committed crimes* and *I think that the perpetrators of many crimes go undetected*. Although little research exists to suggest what the instrumental aspects the courts may be, these were mapped on those of the

police. Thus instrumental courts items focused upon court sentences as indicative of efficacy in controlling crime and criminal behaviour. Therefore the perceived appropriateness of sentences administered by the criminal courts is assessed by the items *the criminal courts are too lenient in their sentencing, I think that the criminal courts ensure that justice is done, I believe that the criminal courts always hand out appropriate sentences and the criminal courts do not give enough offenders custodial sentences.*

Normative aspects of satisfaction with the police relate to beliefs regarding procedural justice and the fairness with which police conduct themselves in each interaction with the public (Hinds & Murphy, 2007). Construction of normative items was based upon the elements of police encounters indicated as influential in previous literature (see for example Hinds & Murphy, 2007; Tyler, 2006). These opinions were measured using ten items assessing whether participants believe that police put the needs of the community first; work hard to solve crimes; are racist; are corrupt; treat all people fairly; are lazy; are bullies; are respectful towards witnesses, suspects and victims. Thirteen items are used to gauge how participants think the criminal courts conduct themselves. These relate to the respect shown to victims, witnesses and defendants, how equally people are treated, corruption and racism and the needs of the community. Prior research has implicated each of these as important components of attitudes to the courts (see for example Flanagan, McGarrell & Brown, 1985; Kaukinen & Colavecchia, 1999). All of the attitudes towards the police and courts scales and items are shown in Table 7.

Table 7: APCQ Scales and Items

Attitudes towards the Police and Courts Items

Police Items

Legitimacy (Diffuse Support)

- I respect the aims of the police
- The police are not essential to the functioning of society
- I respect the work that the police do

Efficacy (Instrumental Support)

- I think that the police are effective in arresting those who have committed crimes
- I think that the perpetrators of many crimes go undetected
- There is no crime problem in my neighbourhood
- I am worried that I will be the victim of a crime
- I do not feel safe in my neighbourhood at night
- I think that the crime rate in my neighbourhood is high
- I believe that the crime rate is increasing

Decorum (Normative Support)

- The police treat all people fairly
- The police are respectful towards victims
- I think the police put the needs of the community before all else
- The police work hard to solve crimes
- I believe that the police are racist
- I think that the police are corrupt
- I consider the police to be lazy
- I think that the police are bullies
- The police are respectful towards witnesses
- The police are respectful towards suspects

Criminal Courts Items

Legitimacy (Diffuse Support)

- I respect the work of the criminal courts
- I agree with the aims of the criminal courts
- I think that the criminal courts are essential to the functioning of society

Efficacy (Instrumental Support)

- The criminal courts are too lenient in their sentencing
- I think that the criminal courts ensure that justice is done
- I believe that the criminal courts do not always hand out appropriate sentences
- The criminal courts do not give enough offenders custodial sentences
- I believe that the criminal courts treat witnesses with respect

Decorum (Normative Support)

- The criminal courts treat all defendants as innocent until proven guilty
 - The criminal courts do not treat everyone equally
 - Judges in the criminal courts work hard
-

The criminal courts do not respect the rights of victims

I believe that the criminal courts do not respect the rights of defendants

The criminal courts put the welfare of the community before all else

The criminal courts are not fair

I believe that the criminal courts treat defendants with respect

I believe that the criminal courts are racist

Lawyers in the criminal courts work hard

The criminal courts do not treat victims with respect

I think that the criminal courts are corrupt

The attitudes to the police and the attitudes towards the criminal courts items are scored on a likert scale which has responses of strongly agree (1) to strongly disagree (5). Thus high scores demonstrate a favourable attitude and low scores show an unfavourable attitude. Twenty items assessing attitudes to the police give this section potential scores of between 20 and 100. Items in the attitudes to the criminal courts section of the questionnaire are similarly scored on likert scales. Maximum scores on this section also ranged from between 20 and 100. On this scale, high scores represent favourable attitudes to the criminal courts, whereas low scores reveal unfavourable attitudes towards the criminal courts. Ten of the attitudes to the police items were reverse phrased, as were ten of the attitudes to the courts items. This was done to encourage participant concentration and engagement (e.g. Nunnally, 1967) and reduce response bias (Field, 2009).

False Evidence Questionnaire

As people believe they will lie more to conceal the offences of a loved one than a stranger (Hosch, Culhane, Jolly, Chavez & Shaw, 2011), love justifies alibi witness deception (Chapter 3 Love theme) and there is greater scepticism towards motivated alibis, the False Evidence Questionnaire (FEQ, Appendix 5) will examine false alibi evidence in relation to a defendant that is a 'loved one' of the alibi witness. The thirteen items were constructed to reflect the crimes of perjury, perverting the course of justice, assisting an offender and wasting police time. The items focus upon the modes of deception that can be implemented to deceive the police and courts validated in Chapter 3. Thus the items assess whether participants would deceive the police and the criminal courts through outright lies, omission, evasions, and false confessions. Seven items were constructed to determine intentions to provide false evidence to the police, and six to assess intentions to provide false evidence to the criminal courts. These were all scored on a likert scale rated between 1; *strongly agree*, to 5; *strongly disagree*. A response of *unsure* lay at the centre of the scale and negatively phrased items were incorporated into the design. A willingness to

deceive the police is demonstrated by a low score, and a tendency towards truthfulness is illustrated by a high score on these items. The seven items give a willingness to deceive the police potential score of between 7 and 35, and a score from 6 to 30 on intentions to provide false evidence to the criminal courts. All of the items can be seen in Table 8 below. Totalling the police and courts items gave a score of between 13 and 65 for intentions to provide false evidence to the criminal justice system as a whole.

Omission was defined as ways of assisting a defendant that involved suppressing incriminating evidence. Any way of assisting a defendant that entailed fabrication of information was classed as deception through commission or fabrication (Galasiński, 2000). According to this classification, in the current data, a total six items referred to acts of omission (3 police items and 3 criminal items). Intentions to pretend to forget information, and answer 'no comment' to all questions in a police interview were classed as omissions to the police. Intended omissions in court took the form of items assessing intentions to pretend to forget information, refusal to testify and withholding information to assist a defendant in a criminal court. On the contrary, 5 items reflected helping a loved one through the commission of an act (3 police items and 2 courts items). The commission items for intended honesty of evidence in the criminal court referred to both lying in court and fabricating information. Fabricating evidence to the police was assessed through items assessing intentions to lie, wrongly confess and contact the police with false information.

A further two items asked participants whether they would tell the *entire truth* to the courts or to the police. As these items did not explicitly refer to acts of either omission or commission, some participants disagreeing with this item will do so because they are willing to fabricate information, whereas other participants may respond in the same way but actually be willing only to conceal information. As it is not possible to determine the ways in which participants who disagreed with these items would avoid telling the whole truth, it is misleading to fit the items into the commission-omission dichotomy. For this reason, these two items were not added to either the omission or commission data in the subsequent analyses. However, their inclusion in the questionnaire provided participants with an opportunity to reveal more subtle forms of

omission than the other items. Also forms of commission not covered by the other items could also be indicated here. In conjunction with the omission and commission items, these two items mean participants can indicate any form of information manipulation they may be willing to engage in. Therefore the inclusion of these more ambiguous items was important. Table 8 shows the full classification of all the items used in the questionnaire.

Table 8: Deception Type of FEQ Items

Commission	Omission	Ambiguous items
Lie to the police	Withholding relevant information from the police	Tell the entire truth to the police
Wrongly confess to the police	Responding no comment to the police	Tell the entire truth to the criminal courts
Contact the police with false information	Pretending to forget information with the police	
Lie in court	Withholding information in court	
Provide false information in court	Refusing to testify in court	
	Pretending to forget information in court	

Note. Shaded items relate to items assessing the honesty of intended evidence toward police, non-shaded items relate to items assessing the honesty of intended evidence toward the criminal courts

Ethics

The research was conducted in accordance with the governing principles of the Code of Human Research Ethics (2006) established by the BPS. The specific study was assessed and approved by the ethics committee at Sheffield Hallam University.

Results

Data from 153 pilot participants were entered into SPSS for Windows so that the questionnaires could be assessed for reliability and refined. Negatively phrased items were reversed prior to analysis.

Attitudes towards the Police and Courts Questionnaire

Table 9: APCQ Item Scores

Item	Mean (SD)	Item	Mean (SD)
I respect police aims ^a	4.31 (0.68)	I respect the work of the criminal courts ^a	4.08 (0.73)
Police treat people fairly ^a	3.04 (1.00)	I agree with the aims of the criminal courts ^a	4.11 (0.73)
I am worried that I will be the victim of a crime	2.82 (1.14)	Criminal courts treat witnesses with respect ^a	3.75 (0.77)
I do not feel safe in my neighbourhood at night	3.00 (1.19)	Criminal courts are essential to the functioning of society ^a	4.20 (0.73)
Police effective at arresting criminals ^a	3.04 (0.93)	Criminal courts too lenient in their sentencing	2.26 (0.90)
Perpetrators of crime go undetected	2.11 (0.83)	Criminal courts do not treat victims with respect	3.45 (0.80)
Police respectful towards victims ^a	3.53 (0.89)	Criminal courts corrupt	3.66 (0.84)
Police not essential to the functioning of society	4.38 (0.78)	Criminal courts ensure justice is done ^a	3.47 (0.82)
Police put the community needs first ^a	3.12 (0.91)	Criminal courts do not always hand out appropriate sentences	1.89 (0.74)
No crime problem in my neighbourhood ^a	2.36 (1.03)	Criminal courts do not respect victims' rights	3.47 (0.73)
I respect police work ^a	4.18 (0.70)	Criminal courts treat defendants as innocent until proven guilty ^a	2.91 (0.92)
Police work hard to solve crimes ^a	3.72 (0.84)	Criminal courts do not treat everyone equally	2.84 (0.85)
Police are racist	3.61 (0.96)	Judges in the criminal courts work hard ^a	3.65 (0.87)
Police are corrupt	3.55 (1.00)	Criminal courts do not give enough custodial sentences	2.53 (0.82)
Local crime rate is high	3.07 (1.12)	Criminal courts do not respect defendants' rights	3.27 (0.69)
Police are lazy	3.65 (0.86)	Criminal courts put community welfare first ^a	3.24 (0.82)
Police are bullies	3.52 (0.98)	Criminal courts not fair	3.39 (0.88)
Police respectful towards witnesses ^a	3.63 (0.77)	Criminal courts treat defendants with respect ^a	3.22 (0.67)
Police respectful towards suspects ^a	2.80 (0.80)	Criminal courts are racist	3.66 (0.87)
Crime rate is increasing	2.33 (0.89)	Lawyers in the criminal courts work hard ^a	4.01 (0.68)

Note. ^a indicates that item was reverse scored to assign high scores to positive ratings of police and criminal courts

The descriptive statistics of the Attitudes towards the Police and Courts Questionnaire (APCQ; see Table 9) reveal that overall attitudes to the police and courts were towards the more favourable end of the scale. Most items showed favourable attitudes towards the police and courts, as demonstrated by mean attitude scores of 3 and above (where 3 is *unsure*, 4 is *moderately agree* and 5 is *strongly agree*). However, nine of the forty items revealed a negative mean attitude towards the police and criminal courts (negative attitudes were classed as mean scores below 3). Least favourable attitudes (denoted by low scores) were found for the items *the criminal courts do not always hand out appropriate sentences* ($M = 1.89$, $SD = 0.74$) and *the perpetrators of crime go undetected* ($M = 2.11$, $SD = 0.83$). Most positive attitudes were found for the item *the police are not essential to the functioning of society* ($M = 4.38$, $SD = 0.78$).

Principle Components Analysis was conducted using the Enter method and a cut-off point of 0.5. Factors with eigenvalues of 1.0 and above were retained in the analysis in accordance with Kaiser's criterion (Kaiser, 1960 cited in Field, 2009 p. 632). Ten such values were found (8.933, 3.115, 2.805, 2.147, 1.849, 1.630, 1.430, 1.275, 1.233, and 1.167) accounting for 63.96% of the variance. Examination of the scree plot however suggested that scree may be occurring earlier at between the third and seventh factors. Eigenvalues obtained were compared with eigenvalues from a randomly generated data matrix of the same size (40 variables x 153 respondents x 100 replications) produced through Parallel Analysis (Monte Carlo PCA for Parallel Analysis).

Table 10: Monte Carlo PCA for Parallel Analysis

Eigenvalue No.	Random Eigenvalue	Actual Eigenvalue
1	2.15	8.94
2	2.01	3.12
3	1.90	2.81
4	1.80	2.15
5	1.72	1.85
6	1.65	1.63

Table 10 shows that only the first five random eigenvalues obtained were of a greater value than those in the random data set indicating that five factors should be retained for further analysis (Pallant, 2005).

A principle axis factoring with orthogonal rotation (varimax) was carried out on the items to clarify the number of factors in the solution. Table 11 shows the number of markers for each factor according to Watson, Clark, Weber, Assenheimer, Strauss and McCormick's (1995) criteria (items that have their highest loading on a factor of greater than or equal to $|.30|$), and also the more stringent criteria advocated by Bedford (1997) (factor loading of greater than $|.30|$ and where the major loading is $|.20|$ greater than any cross-loadings). Examination of the number of marker items for each factor supports the view that the data forms five factors (see Table 11).

Table 11: Number of Markers per Factor in Multiple Factor Solutions

No. of Factors in Solution	No. of markers for factor number									
	1	2	3	4	5	6	7	8	9	10
1	29 (N/A)									
2	29 (28)	6 (5)								
3	28 (23)	6 (3)	3 (0)							
4	29 (23)	6 (3)	3 (0)	2 (0)						
5	15 (8)	13 (5)	12 (3)	6 (4)	6 (5)					
6	29 (22)	8 (3)	3 (0)	1 (0)	2 (1)	1 (0)				
7	29 (21)	9 (3)	4 (0)	4 (0)	1 (1)	1 (0)	1 (0)			
8	13 (7)	14 (7)	6 (3)	6 (1)	6 (5)	8 (1)	2 (2)	1 (0)		
9	30 (23)	9 (3)	6 (0)	3 (0)	3 (0)	3 (0)	1 (0)	1 (0)	0 (0)	
10	30 (22)	9 (2)	6 (0)	3 (0)	4 (0)	3 (0)	1 (0)	0 (0)	0 (0)	0 (0)

Note. Varimax rotated loadings presented. Data outside of brackets represent number of markers with a primary loading of above $|.30|$ and data within brackets represents number of items where the primary loading is above $|.30|$ and $|.20|$ greater than any other loading

This five factor solution accounted for 39.69% of the variance. Items loading heavily onto factor 1 related to Court Functioning such as (for example *lawyers work hard* and *I agree with the aims of the criminal courts*) whereas factor 2 reflected participant views of the Police Institution (*police put the community first* and *I respect the aims of the police*). The questionnaire was designed to measure attitudes towards the police and criminal courts; however attitudes towards these two institutions were related. The factor analysis shows items relating to both of the police and criminal courts loading onto the same factors (see Table 12). This is demonstrated by both police and criminal court items loading onto the third factor of Treatment of the Accused and the fourth Punishment factor. The final factor represented participant attitudes towards Personal Safety.

Table 12: Varimax Rotated Loadings of APCQ Items

Item	Factor No.				
	1: Court Functioning	2: Police Institution	3: Treatment of Accused	4: Punishment	5: Personal Safety
Criminal courts are corrupt	.652*	.096	.389	-.014	.003
Respect criminal court work ^a	.633*	.343	-.104	.116	-.027
Criminal courts treat witnesses with respect ^a	.586*	.186	.277	-.010	.174
Judges work hard ^a	.578*	.129	.097	.245	-.013
Criminal courts do not respect victim's rights	.549*	.141	.204	.048	.067
Criminal courts essential to society	.527*	.188	.051	-.226	-.171
Lawyers in the criminal courts work hard ^a	.513*	.228	.088	-.049	-.015
Agree with criminal court aims ^a	.508*	.230	.009	-.030	-.204
Criminal courts are not fair	.478*	.129	.352	.273	.168
Criminal courts do not treat victims with respect	.421*	.135	.279	-.024	.144
Police respectful towards witnesses ^a	.402*	.310	.262	.074	.225
Police work hard to solve crimes ^a	.261	.647*	.068	.064	-.069
Respect police work ^a	.359	.646*	.027	-.113	-.053

Respect the aims of the police ^a	.199	.553*	.120	.009	-.020
Police treat all people fairly ^a	-.028	.547*	.448	.294	.061
Police are respectful towards victims	.102	.546*	.082	.004	.160
Police are lazy	.329	.533*	.172	.160	.137
Police put community needs first ^a	.172	.514*	.114	.286	.009
Police are bullies	.223	.500*	.345	.019	.228
Police effective in arresting the perpetrators of crime	.146	.449*	.027	.281	.083
Police are not essential to the functioning of society	.270	.398*	-.055	-.334	.079
Criminal courts treat defendants with respect ^a	.241	.011	.646*	.008	.098
Criminal courts racist	.443	.208	.605*	-.058	.013
Police are racist	.096	.441	.592*	-.029	.052
Criminal courts do not treat everyone equally	.165	.092	.586*	.297	.138
Police are corrupt	.175	.383	.534*	-.037	.047
Criminal courts treat defendants as innocent until proven guilty ^a	.034	-.024	.478*	-.040	-.052
Police respectful towards suspects ^a	.011	.197	.474*	-.019	.232
Criminal courts do not respect defendant's rights	.262	-.047	.357*	-.009	.321
Criminal courts too lenient in sentencing	.116	.060	-.080	.687*	-.018
Criminal courts do not always give appropriate sentences	-.030	-.010	.030	.680*	.068
Criminal courts ensure justice is done ^a	.404	.254	-.092	.462*	.036
Perpetrators of many crimes go undetected	-.137	-.003	.149	.433*	.013
Criminal courts do not give enough custodial sentences	-.036	.098	-.154	.423*	.185
Criminal courts put community welfare first ^a	.230	.147	.041	.374*	-.068
High neighbourhood crime rate	.008	.173	.046	-.003	.614*
No neighbourhood crime problem ^a	-.090	.040	.080	.045	.538*
Do not feel safe in my neighbourhood at night	.030	.001	.092	.075	.471*
Worried about becoming victim of crime	.030	.031	-.007	-.032	.390*

Crime rate increasing	-.012	-.046	.090	.294	.368*
Eigenvalues	8.95	3.10	2.81	2.15	1.84
% Variance	22.36	7.75	7.03	5.38	4.60
Cronbach's alpha	.85	.84	.80	.69	.64

Note. Shaded rows show items with cross loadings of above |.30|. Items in bold have a loading of above |.30| that is greater than |.20| across factors. An asterisk indicates highest loading above |.30| for that factor. ^a indicates that item was reverse scored to assign high scores to positive ratings of police and criminal courts.

A minimum factor loading of |.30| was seen for every item in the questionnaire demonstrating the importance of all items in assessing attitudes towards the police and criminal courts. Thirteen items demonstrated a loading of above |.30| on more than one factor (see Table 12) but only three of these items were classed as cross-loading in accordance with Bedford's (1997) criteria of the primary loading being |.20| greater than the secondary loading (*the criminal courts are corrupt, I respect criminal court work and the police are lazy*). As the questionnaire is assessing different aspects of attitudes towards the criminal justice system overlap between items on the various factors is to be expected. Theoretically it is logical that people's attitudes towards sentencing and attitudes towards Court Functioning, for example, will show some cross over (demonstrated by the item *the criminal courts ensure justice is done*). Therefore removal of these items is not appropriate as there is a sound theoretical basis for the cross-loadings witnessed, rather than them being demonstrative of item instability. Cronbach's alpha was conducted on all the questionnaire items which gave an acceptable score of .89, suggesting the questionnaire was reliable. Cronbach's alpha scores for each factor ranged from .85 on factor 1 to .64 on factor 5 (see Table 12). The deletion of any single item would not substantially affect the values of Cronbach's alpha for each scale, so removal of items on this basis was not deemed necessary.

FEQ

Data collected was entered in SPSS. Negatively worded items were reverse scored prior to analysis. Scores on the FEQ police items and the courts items were separately totalled providing a range of scores of between seven

and thirty-five for intended evidence honesty towards the police, and six and thirty for intended behaviour to the criminal courts. A high score on each of these scales indicates a tendency towards truthfulness and a low score an intention to provide false/misleading evidence. As the police and courts are part of the criminal justice system as well as individual institutions (Albrecht & Green, 1977) and prior research has examined them together (Bennett, 2004; Cao and Zhao, 2005; Hinds & Murphy, 2007) as well as individually (Jesilow, Meyer & Namazzi, 1995; Roberts, 2007), honesty of evidence to the criminal justice system as a whole was calculated through totalling the police and courts items. This combined score is subsequently referred to as participants intended behaviour towards the criminal justice system.

Table 13 demonstrates that participants had the least intentions to contact the police with false information ($M = 4.10$, $SD = 0.96$), falsely confess ($M = 3.91$, $SD = 0.94$) and provide false evidence in court ($M = 3.81$, $SD = 0.94$). Conversely, participants had the greatest intentions to refuse to testify in court ($M = 2.54$, $SD = 0.97$) and withhold relevant information from the police ($M = 2.58$, $SD = 0.98$).

Table 13: FEQ Item Mean Scores

Item	Mean (SD)
I would withhold relevant information from the police	2.58 (0.98)
I would not lie to the police ^a	3.01 (0.96)
I would respond 'no comment' to the Police	2.66 (1.05)
I would falsely confess to a crime	3.91 (0.94)
I would contact the police with false information	4.10 (0.96)
I would tell the entire truth to the police ^a	2.87 (0.94)
I would pretend to forget information to the police	2.79 (0.96)
I would not lie in a criminal court ^a	3.44 (0.99)
I would withhold information in court	2.97 (1.04)
I would pretend to forget information in court	2.90 (0.95)
I would tell the entire truth in courts ^a	3.00 (0.99)
I would refuse to testify in court	2.54 (0.97)
I would provide false information in court	3.81 (0.94)

Note. ^a denotes item reversed prior to analysis

The mean average score for intentions to provide false evidence to the criminal courts was slightly lower ($M = 18.66$, $SD = 4.31$) than to the police ($M = 21.92$, $SD = 4.56$). The difference in scales for these two items (7 - 35 for police items and 6 - 30 for the courts) means that the potential scores available on these two items differ. Analysis of the mean item responses shows that responses on the police and courts variables differed only very slightly ($M = 3.13$, $SD = 0.65$ and $M = 3.11$, $SD = 0.72$ respectively).

Cronbach's alpha was then conducted on each of these scales to assess the internal reliability of each of the questionnaire scales. The intended honesty of evidence to the police items and the intended honesty of evidence to the courts items each showed high internal reliability (Cronbach's $\alpha = .797$ and $.829$ respectively). The deletion of any single item would not substantially affect the values of Cronbach's alpha for these scales, so removal of items was not deemed necessary. The police and courts items were added together also to provide an overview of participants' intentions to provide false/truthful evidence within the criminal justice system in general. This combined score will subsequently be referred to as participants intended behaviour towards the criminal justice system. The criminal justice system scale had a Cronbach's alpha of $.894$. Kline (1999) suggests that alpha levels of $.7$ and above are satisfactory. The alpha value should not have been artificially increased as a relatively small number of items were used to calculate the reliability of each scale (Field, 2009).

A Principle Components Analysis was conducted to assess the factor structure of the questionnaire, and highlight any items that should be removed. The Kaiser-Meyer-Olkin measure of sampling adequacy (KMO) verified that the sample was adequate for factor analysis, $KMO = .888$. Hutcheson and Sofroniou (1999 cited in Field, 2009) class a score of this magnitude as representing a 'good' sample. Bartlett's test of Sphericity X^2 was highly significant ($p < .001$) indicating that factor analysis is appropriate for the data. Furthermore, no items produced r scores of greater than $.8$ suggesting that multicollinearity is not a problem with the data (Field, 2009). Due to these properties of the data Principle Components Analysis was conducted using the Enter method and a cut-off point of 0.5 . Factors with eigenvalues of 1.0 and

above were retained in the analysis in accordance with Kaiser's criterion (Kaiser, 1960 cited in Field, 2009). Two such values were found (6.055 and 1.633) accounting for 59.15% of the variance. Eigenvalues obtained were compared with eigenvalues from a randomly generated data matrix of the same size (13 variables x 153 respondents x 100 replications) produced through Parallel Analysis (Monte Carlo PCA for Parallel Analysis). Only the first two actual eigenvalues obtained were of a greater value than those in the random data set (see Table 14), showing that two factors should be retained for further analysis (Pallant, 2005).

Table 14: Monte Carlo PCA for Parallel Analysis

Eigenvalue No.	Random Eigenvalue	Actual Eigenvalue
1	1.505	6.055
2	1.37	1.633

A principle axis factoring with orthogonal rotation (varimax) was carried out on the 13 items to clarify the number of factors in the solution. The two factors accounted for a total of 51.62% of the variance. Examination of the number of marker items for each factor supports the view that the data forms two factors (see Table 15). All thirteen items (Varimax rotated loadings) were markers according to the criteria proposed by Watson, et al. (1995) (items that have their highest loading on a factor of greater than or equal to $|\cdot30|$). When using the more stringent criteria advocated by Bedford (1997) (major factor loading of greater than $|\cdot30|$ and $|\cdot20|$ greater than any cross-loadings) there were 11 markers (Varimax rotated loadings). Cronbach's α showed each factor to have strong internal reliability (see Table 15).

Table 15: Varimax Rotated Loadings of the FEQ Items

FEQ Item	Factor Number and Name	
	1: Omission	2: Commissions
I would tell the entire truth to the police ^a	.787*	.270
I would pretend to forget information in court	.779*	.196
I would tell entire truth in court ^a	.776*	.337
I would withhold information from the police	.730*	.238
I would withhold information in court	.708*	.348
I would pretend to forget answers to the police	.707*	.162
I would respond 'no comment' to the police	.608*	.026
I would not lie to the police ^a	.595*	.439
I would refuse to testify in court	.470*	-.036
I would provide false information in court	.160	.764*
I would contact the police with false information	.052	.631*
I would not lie in court ^a	.526	.535*
I would falsely confess	.094	.447*
Cronbach's alpha	.904	.711

Note. Items in bold have loadings of both above |.30| and above |.20| across factors. An asterisk indicates highest loading above |.30| for that factor. ^a indicates that item was reverse scored to assign high scores to positive ratings of police and criminal courts. Shaded rows show items with cross loadings of above |.30|.

As can be seen in Table 15, nine items were shown to load primarily onto the first factor and they accounted for 35.53% of the variance in intended honesty of evidence to the police. These included items relating to deception to both the police and criminal courts. All the items on this factor except one (whether participants would lie to the police) related to assisting an offender through withholding information. Thus Factor 1 was labelled *Omissions*. The two ambiguous items also loaded onto this factor suggesting participants interpreted them as relating to withholding rather than fabricating evidence. As these items loaded highly onto this factor, and as the value of Cronbach's α would not be substantially increased by their removal, they were kept in the factor.

Factor two accounted for 16.09% of the variance in intended truthfulness of evidence to the police. Just four items loaded highly onto this factor (see below) and it is apparent that these all relate to deception through commission. This factor was correspondingly named *Commissions*:

- I would not lie in a criminal court, even if I thought it would help someone I love
- If I thought it would help someone I love, I would falsely confess to a crime they were suspected of committing
- I would contact the police with false information if I thought it would help someone I love
- I would provide false evidence in a criminal court if I thought it would help someone I love

Discussion

This study aimed to develop a comprehensive questionnaire to measure attitudes to the criminal justice system, based upon previous research literature. The resulting APCQ was administered to 153 participants and Principle Components Analysis suggested a five factor solution. The measure was designed to gather as wide an opinion as possible and so measured diffuse, instrumental and normative support for both the police and courts separately. It was anticipated that these different types of support would create six different factors in the questionnaire; diffuse support for the police; diffuse support for the courts; instrumental support for the police; instrumental support for the courts; normative support for the police; and normative support for the courts. The questionnaire was subjected to factor analysis (principle axis factoring with orthogonal (varimax) rotation) to expose any unstable and inappropriate items, and to discover the factors inherent within the questionnaire.

APCQ

The APCQ was developed to improve upon the methods used to assess attitudes to the police and courts in previous research, and the resulting measure provides a useful contribution to the area in several ways. The most obvious contribution of the APCQ is that it forms the most comprehensive measure of attitudes in this area to date. Thus normative, instrumental and diffuse attitudes to the police and courts are measured. This is a definite improvement on prior measures that treated attitudes to the criminal justice

system as one-dimensional. As discussed in the introduction to this chapter, prior research into attitudes to the criminal justice system has had several limitations. Prior research has not focused specifically upon opinions of the criminal courts, although some research suggests that attitudes towards the police and courts can differ (Roberts, 2007). Thus the APCQ acknowledges this consideration by having separate items assessing attitudes to the police and attitudes to the courts as well as an overarching scale of attitudes to the police and courts. The second benefit of the APCQ is the reliability it has demonstrated. DeVellis (1991) suggests that .65 is an acceptable Cronbach's α value meaning that each factor of the APCQ demonstrated acceptable reliability. The internal reliability of the scales was generally high with three factors (Court Functioning, Police Institution and Treatment of the Accused) showing Cronbach's α scores of above .80 (Field, 2009).

Inspection of the APCQ individual item loadings on factors revealed important discrepancies with the anticipated structure of the APCQ. As stated in the chapter introduction it was anticipated that normative, instrumental and diffuse support for the police and courts would form six separate factors. The analysis revealed that this was not however the case. Instead attitudes to the police and courts were demonstrated to share a complex relationship. Thus the results demonstrate some support for Albrecht and Green's (1977) assertion that attitudes towards the police exist in a larger value system rather than in isolation. Similarly, although attitudes to the police and courts do not concur entirely Tyler (2006) maintains that a positive correlation exists between the two. For example, two factors found in the analysis (Treatment of Accused and Punishment) represent attitudes towards both the police and the courts (see Table 16). Several court decorum/normative items loaded onto the Treatment of the Accused factor. These items reflected how the police treat suspects and the courts treat defendants thus the factor can be seen to be internally consistent and coherent. It appears that treatment of suspects is viewed as an issue relating to the criminal justice system as a whole, rather than specific to the police or courts. Similarly, high Cronbach's Alpha scores demonstrate the internal reliability of this factor.

A high Cronbach's Alpha score for the Punishment factor illustrates the internal consistency of this factor also. All of the court efficacy items loaded onto the Punishment factor as well as one court decorum item. This was expected as the main way that the courts can be effective is through appropriate and effective sentencing. The item 'the perpetrators of many crimes go undetected' was designed as a measure of police efficacy. However, this item loaded onto the Punishment factor with items predominantly focused on the leniency and appropriateness of criminal sanctions. It is appropriate that this item load on this factor given that it does not explicitly relate to the police, and that it relates to offenders receiving appropriate punishments. This item has a solid theoretical reason to load onto this factor however as the police failure to apprehend criminals is linked to punishment avoidance, the subject of this group of items. Thus although not originally anticipated to sit with these items, it is logical that it does so and does not challenge the face validity of the factor. Also unanticipated is the item 'the criminal courts put the welfare of the community first.' However, as the risk to the community is a consideration when sentencing decisions are made, this item fits well into this factor.

Conversely, there was no overlap of police and courts items on the two dominant factors, Court Functioning and the Police Institution and the final factor of Personal Safety. Table 16 shows the factors that each of the items loads onto, and the form of support for the police or courts it was designed to assess.

Table 16: Attitudes towards the Police Items, Type of Support they Represent and Factor Loadings

Factor and Item	Type of Support Assessed
Court Functioning	
Criminal courts are corrupt	Court Decorum/ Normative Support
Respect criminal court work ^a	Court Legitimacy/Diffuse Support
Criminal courts treat witnesses with respect ^a	Court Decorum/ Normative Support
Judges work hard ^a	Court Decorum/ Normative Support
Criminal courts do not respect victim's rights	Court Decorum/ Normative Support
Criminal courts essential to society	Court Legitimacy/Diffuse Support

Lawyers in the criminal courts work hard ^a	Court Decorum/ Normative Support
Agree with criminal court aims ^a	Court Legitimacy/Diffuse Support
Criminal courts are not fair	Court Decorum/ Normative Support
Criminal courts do not treat victims with respect	Court Decorum/ Normative Support
Police respectful towards witnesses ^a	Police Decorum/Normative Support
Police Institution	
Police work hard to solve crimes ^a	Police Decorum/Normative Support
Respect police work ^a	Police Legitimacy/Diffuse Support
Respect the aims of the police ^a	Police Legitimacy/Diffuse Support
Police treat all people fairly ^a	Police Decorum/Normative Support
Police are respectful towards victims	Police Decorum/Normative Support
Police are lazy	Police Decorum/Normative Support
Police put community needs first ^a	Police Decorum/Normative Support
Police are bullies	Police Decorum/Normative Support
Police effective in arresting the perpetrators of crime	Police Efficacy/Instrumental Support
Police are not essential to the functioning of society	Police Legitimacy/Diffuse Support
Treatment of Accused	
Criminal courts treat defendants with respect ^a	Court Decorum/ Normative Support
Criminal courts racist	Court Decorum/ Normative Support
Police are racist	Police Decorum/Normative Support
Criminal courts do not treat everyone equally	Court Decorum/ Normative Support
Police are corrupt	Police Decorum/Normative Support
Criminal courts treat defendants as innocent until proven guilty ^a	Court Decorum/ Normative Support
Police respectful towards suspects ^a	Police Decorum/Normative Support
Criminal courts do not respect defendant's rights	Court Decorum/ Normative Support
Punishment	

Criminal courts too lenient in sentencing	Court Efficacy/Instrumental Support
Criminal courts do not always give appropriate sentences	Court Efficacy/Instrumental Support
Criminal courts ensure justice is done ^a	Court Efficacy/Instrumental Support
Perpetrators of many crimes go undetected	Police Efficacy/Instrumental Support
Criminal courts do not give enough custodial sentences	Court Efficacy/Instrumental Support
Criminal courts put community welfare first ^a	Court Decorum/ Normative Support
Personal Safety	
High neighbourhood crime rate	Police Efficacy/Instrumental Support
No neighbourhood crime problem ^a	Police Efficacy/Instrumental Support
Do not feel safe in my neighbourhood at night	Police Efficacy/Instrumental Support
Worried about becoming victim of crime	Police Efficacy/Instrumental Support
Crime rate increasing	Police Efficacy/Instrumental Support

Note. ^a indicates that item was reverse scored to assign high scores to positive ratings of police and criminal courts.

The Court Functioning factor consisted mainly of items assessing diffuse support and normative support for the courts. The broad title of Court Functioning reflects views on the legitimacy of the courts, the effort of those working within them and the respect shown to victims and witnesses. Interestingly, although respect to victims and witnesses was seen as part of Court Functioning, respect for defendants was not included in this factor. Rather, items pertaining to defendants formed their own factor. One police decorum item (measuring respect shown to witnesses) can be seen on the Court Functioning factor. This item can be seen to be closely linked to the court respect items also in this factor so loads logically onto the Court Functioning factor.

No court items loaded onto the Police Institution factor; rather it largely reflected issues normative and diffuse support for the police. Thus issues of institutional racism, bullying and fairness are included in this factor. Related to

these items is the item assessing perceptions of police efficacy at arresting the guilty. This measure of instrumental support was not expected to sit alongside measures of normative and diffuse support for the police. However, in the context of this factor, the inclusion of this item is not without reason. Brandl, Frank, Worden and Bynum (1994) discovered that experiences of police decorum can influence attitudes to the police in general. Thus in the current study it is likely that perceptions of police decorum and efficacy could in fact shape evaluations of police legitimacy, and explain the existence of this range of items on the Police Institution factor. The Personal Safety factor includes items pertaining to local crime rate and safety and worry regarding victimisation. The items in this section showed the lowest scores and thus the most negative views, with the highest being just 3.07 (SD= 1.12) for ratings of neighbourhood crime rate. Personal Safety reflected only instrumental support for the police and so mapped very closely onto the trend anticipated. Excepting one item, all the of the police efficacy/instrumental support items loaded onto this factor. The exception is the item 'I think that the perpetrators of many crimes go undetected' which maps onto the Police Institution factor. Thus this factor follows the anticipated trend well.

When used in conjunction with other measures the APCQ opens new avenues for research regarding attitudes towards the police and the criminal courts and the factors that may shape these attitudes. In addition to this, the effect that opinions of the police and courts have upon behaviour exhibited towards them can also be assessed, again in conjunction with other measures. This latter application of the APCQ will be enacted in the subsequent chapter by using the APCQ in conjunction with the other measure developed in this chapter, the FEQ.

APCQ Summary

The Attitudes towards the Police and Courts Questionnaire was demonstrated to have a sound theoretical basis, and was validated without the need for item removal. The holistic approach taken encompasses aspects of efficacy, ideology and courtesy and is a definite strength compared to previous

one-dimensional measures. This means the diverse responses to different aspects of CJS functioning can be gathered making the APCQ more representative and less biased to attitudes than single item measures used in previous research (see for example Bennett, 2004; Cao & Zhao, 2005; Hinds & Murphy, 2007). Although in general it is useful to conduct a check of external validity of new questionnaires the weaknesses in existing measures prevent valid conclusions being drawn should this be done for the APCQ.

FEQ

This chapter set out to develop a measure of intentions to provide false evidence to assist a defendant, the False Evidence Questionnaire (FEQ). Items measured false information provided through omission and through fabrications of evidence. The measure was planned to have two subscales pertaining to intentions to provide false evidence to the police and intentions to provide false evidence to the criminal courts, as well as an overarching scale of intentions to provide false evidence to the criminal justice system as a whole. The honesty of intended evidence to the police and honesty of intended evidence to the courts subscales showed good internal reliability (Cronbach's $\alpha > .75$) and provided some support for the concept that deceiving these two institutions is viewed very differently despite their relationship within the criminal justice system (Albrecht & Green, 1977; Blumenthal, 1972; Roberts, 2007). The overarching scale of intentions to provide false evidence to the criminal justice system as a whole illustrated that honesty to these two institutions is still linked.

A Principle Components Analysis was conducted to test the proposed structure of the FEQ. This highlighted the presence of two factors which did not reflect differences in alibi evidence to the police and courts, but rather differences in alibi witness omissions and fabrications. The two factors, Omission and Commission, each had high internal reliability; with the Omission factor having a particularly high Cronbach's α of .904. Examination of the Cronbach's α values of each of these scales should any single item be deleted showed that these would not greatly change the overall alpha level for that scale. As such, each of the scales was validated without the need for item deletion.

As the factor name suggests those items loading onto the Commission factor represented deceiving the police through evidence fabrication, namely lying in court, falsely confessing to a crime, contacting the police with false information and providing false evidence in a criminal court. Interestingly, all the Commission items, excepting the item assessing participant willingness to lie to the police for a suspect, loaded onto this factor. The reason for this may lie in how serious the deception is perceived to be. False evidence and lies provided in court are arguably more serious than false evidence provided to the police due to the more serious punishments they can attract. This is because when a case reaches court, witnesses have been interviewed repeatedly and a considerable amount of time can have elapsed. Thus there is clear evidence that the deception has been a persistent course of conduct, and thus be eligible for more strict punishments should the deception be detected (see Public Justice Offence Guidelines and Sentencing Guidelines in Chapter 2). Similarly, in contacting the police to provide false evidence, an alibi witness takes deliberate action to contact and mislead the police. False confessions are the highest risk strategy as the false confessor is likely to face punishment regardless of whether the police discover the falsehood. As outlined in the literature review, the false confessor is likely to face punishment for the index offence if the confession is believed, or for public justice offences should their falsehood be revealed. Thus this is a serious form of deception in terms of risk of punishment for the deceiver.

This could be seen as fundamentally different to providing false responses to police questions when the contact has been initiated by the police, which loaded on to the omissions factor. It is very difficult to attribute the intentions of the alibi witness to a panic spur of the moment reaction to police initiated questioning when the participant has voluntarily contacted the police with false information. Thus the forethought and persistence in a course of action demonstrated by contacting the police with false evidence means, if discovered, the alibi witness is likely to face the more serious of potential punishments (see CPS charging standards, Chapter 2). It is also possible that omissions are viewed as a less risky strategy due to the increased ability to cite reasons other than malicious intent for the falsehood (Vrij, 2008) and the

increased cognitive complexity associated with lying (Mann, Vrij & Bull, 2002). For example a claim of having forgotten relevant information is a plausible and acceptable defence to a charge of wilful concealment of evidence. When a detailed alibi has been advanced this defence is more problematic to accept. Thus from this perspective, greater willingness to assist a defendant through omissions than through fabrications is a logical response. The structure of the FEQ therefore supports previous research suggesting that omissions are viewed as more acceptable than commissions (Spranca et al., 1991) and that omissions may be more attractive than commissions to those wishing to deceive (Vrij, 2008). This explanation would also explain why the two items that did not clearly relate to either commission or omission ('I would tell the entire truth to the police' and 'I would tell the entire truth to the criminal courts') also loaded onto the Omission factor. As these items did not clearly relate to commissions, participants responded to them in the same way as the Omission items. Although these items do not as clearly relate to either omission or commission, the deletion of them would not affect the reliability of the Omission factor. For this reason, the decision was made that they should remain within the factor.

FEQ Summary

Thus the FEQ broadly followed the hypothesised structure in that Omission items and Commission items formed two separate factors (Galasiński, 2000). The factor structure of the FEQ therefore supports the theorised distinction between omissions and commissions raised in the research literature. This study therefore adds to the body of literature suggesting that omissions are viewed differently (less seriously) than commissions, regardless of their consequences. Thus the Omission and Commission scales were demonstrated to be an appropriate measure of intended false evidence provision and have a strong theoretical basis. As with the APCQ the findings of the FEQ were not examined in detail as this present chapter pertains to the creation and reliability testing of the measure, rather than the results it generates. However, the subsequent Chapter 5 implements the FEQ and examines in detail the information this reveals regarding false evidence provision to the police and courts

Limitations of the APCQ and FEQ

One limitation of the measures developed in this chapter is that because of the sampling strategy utilised, there are some idiosyncrasies within the sample. For example, the sample consisted mainly of student participants. However, there are important strengths to the mode of sampling used. For example, published cases suggest convictions for false alibis are frequently made against young offenders. For example the cases of Maxine Carr, Laura Campbell and Fatima Cardoso ("Carr said fake alibi was her idea," 2003; "Killer's sister jailed for alibi," 2006; "Lover is jailed over false alibi," 2007) all featured defendants aged between 20 and 26 years, charged with providing false evidence for a defendant. As the APCQ and FEQ were developed specifically to examine the relationship between intentions to provide false evidence and attitudes to the police and courts (see Chapter 5) it is logical that the sample used should be of a similar mean age (20.52, SD= 7.50) as many people convicted of this offence. However, this does highlight the need for the measures to be validated on a larger sample with a greater age range before future findings can be reliably generalised beyond this sample.

Summary and Conclusions

In summary, this chapter sought to develop and validate a measure of attitudes towards the police and courts, and a measure of intentions to provide false evidence for a defendant. This was conducted to meet Objective 3 and Objective 4 of the thesis, and to provide a measure of false evidence provision (the FEQ) that could subsequently be used to address Objectives 5, 6 and 7 of the thesis. The FEQ police and courts subscales were shown to be reliable, but the PCA suggested that the FEQ actually consisted of two different factors, Omissions and Commissions. This supported the findings of Chapter 3 and the general deception research literature with regards to the different evaluation of omissions and commissions (Backbier, Hoogstraten & Terwogt-Kouwenhoven, 1997; Spranca, Minsk & Baron, 1991), and different level of risk associated with omissions and commissions to the police (Vrij, 2008). In summary a reliable measure was created that allows measurement of the previously untested

intentions to provide false evidence for others. Moreover, a valid questionnaire of attitudes to the police and courts was created that will improve upon the validity and reliability of the single item measures of these attitudes that have been used in previous research (Bennett, 2004; Cao and Zhao, 2005; Murphy & Hinds, 2007). Although six factors were designed, analysis revealed a five factor solution for the APCQ. These five factors did not universally distinguish between attitudes to the police and courts, rather the two institutions featured together on several of the factors. Despite this fact, the factors produced were logical and internally coherent and analysis demonstrated that each possessed good internal reliability. Both of these measures (FEQ and APCQ) are utilised in the subsequent Chapter 5 and the FEQ is further used in Chapter 6.

CHAPTER 5: ATTITUDES TOWARDS THE CRIMINAL JUSTICE SYSTEM AND ALIBI WITNESS HONESTY

Research has consistently demonstrated that in general attitudes to the police and courts are positive (White & Menke, 1982) reflecting general diffuse support for the police despite awareness of corruption at the individual level. In fact more recent research highlights the improvement in attitudes towards the UK police. For example, according to the most recent findings of the British Crime Survey (Home Office, 2012), confidence the local police are doing a good or excellent job increased between from 50% (when first surveyed in 2005/6) to 61% (2010/11). Flanagan, McGarrell and Brown (1985) point out that from a practical perspective, public perceptions of the criminal courts could actually affect the way in which the public perceive their role within the criminal justice system. The suggestion that a person's attitude towards the police and courts could be linked with their willingness to comply with the law and assist and police investigations has been more recently supported by Reisig, Bratton and Gertz (2007) and Tyler and Fagan (2008). Moreover, a feeling of obligation to obey the law can override self-interests and the rewards associated with breaking the law (Tyler, 2001).

Survey research by Sunshine and Tyler (2003) revealed that holding positive views of the police is a strong determinant of willingness to act as a witness, report crimes and identify offenders. Conversely, poor interactions with the police foster hostility and defiance from the public which manifest themselves in non-compliance (Sunshine & Tyler, 2003). Following a review of the literature regarding attitudes to the police, Decker (1985) highlights the trend that people with a negative view of the police are less likely to report crime or provide police with information about criminal activity, than those with a more favourable attitude. Likewise, Elliott, Armitage and Baughan (2003) found that attitudes to the police were positively associated with intentions to obey the speed limit. These cases illustrate that positive attitudes towards the police can influence intentions to comply with the police in a variety of situations. This

research therefore suggests that holding a positive opinion of the police could discourage individuals from providing false evidence for others.

Only one study to date has examined whether negative attitudes to the police and courts manifest themselves in willingness to provide evidence to the police. In UK based research Viki, Culmer, Eller and Abrams (2006) examined the intentions of Black and White participants to cooperate with the police. Participants rated how likely they would be to call the police, provide a witness statement to the police, and give evidence in court in relation to hypothetical scenarios such as seeing someone attempting to break into a car. Participants also completed measures of attitudes to the police, quantity of police contact, quality of police contact and behavioural control. Results illustrated that racial differences existed in willingness to provide a witness statement and willingness to provide evidence in court in that Black participants were significantly less willing to engage in both of these behaviours. Furthermore, Black participants held significantly more negative attitudes to the police than did White participants. Overall, Viki et al. (2006) discovered that attitudes to the police, rather than race, formed the strongest predictor of willingness to cooperate with the police. Race is not the only demographic factor that may influence attitudes to the police as Anderson (2002) and Palmer (2003) suggest that older people are deterred from offending due to their greater life experience increasing their awareness of the sanctions for offending behaviour. In conjunction with this, research shows that young people are more likely to disobey authority and be stopped by the police (Skogan, 2006) suggesting that age may predict alibi witness honesty.

The research presented clearly implies that attitudes to the police will predict willingness to conceal information and produce false alibis in order to assist a suspect. This is supported by the *responsibility of the criminal justice system* subtheme which emerged in the content analysis conducted in Chapter 3. This theme suggested that deception is more likely when alibi witnesses have negative attitudes to the criminal justice system as “only naïve, trusting of justice people would not give Andrew [defendant] an alibi, more fool them! The police are not to be trusted” (participant 115, wrongly accused- innocent-omission condition). Therefore the findings of chapter 3 support the concept

that hostility towards the police may encourage alibi witness deception in order to assist a defendant avoid conviction. Moreover, this hostility and mistrust may be higher amongst those who have been suspected by the police of an offence (Sunshine & Tyler, 2003). Thus the role of opinions towards the criminal justice system in alibi witness honesty is a valid line of questioning.

Summary

Research has demonstrated that the decision to deceive someone is influenced heavily by the perception of whether the recipient is a good or a bad person (Lee, 2004). This has implications for the willingness of witnesses and suspects to lie to the police, based upon whether they have favourable attitudes towards the police and criminal courts. However, little research has specifically looked at the effect of perceived 'goodness' of deception recipient upon willingness to engage in deception. For example Lee's (2004) research examined the effect of recipient 'goodness' upon deception by journalists, rather than deception to the police. The present chapter addresses Objective 5 and Objective 6 of the thesis through investigating the effect of attitudes and experience of the criminal justice system upon alibi witness honesty. The Attitudes toward the Police and Courts Questionnaire (APCQ) and the False Evidence Questionnaire (FEQ) were utilised to this aim in the ensuing study. The current study has the broad aim of discovering whether negative views of the police and criminal courts are associated with a greater willingness to provide false evidence to these institutions. More specifically it is hypothesised that:

1. Negative views towards the police and criminal courts will be associated with a greater willingness to deceive both of these institutions through providing false evidence for a defendant.
2. Experience of being a defendant and/or a police suspect will be associated with a greater willingness to deceive both of these institutions through providing false evidence for a defendant.

Participants

A total of 238 participants were recruited for the research. Analysis screened out seventeen participants due to their having high levels of missing data, leaving a total of 221 participants in the analysis. Participants ranged from 18 years to 62 years of age ($M = 23.83$ $SD = 8.95$), and were mostly female ($n=152$) students (90%). The sample predominately consisted of white participants ($n=199$) with few participants identifying as belonging to alternative racial groups ($n=22$).

Design and Materials

The study involved a questionnaire design. The Attitudes towards the Police and Criminal Courts Questionnaire (APCQ) was used. The dependent variables related to participant's willingness to provide various forms of false evidence to the police to assist their friends and family, as measured through the False Evidence Questionnaire (FEQ). This questionnaire has two factors; Omissions (for example pretending to forget information and answering 'no comment') and Commissions (for example volunteering false information and falsely confessing). For details of the reliability of the scales of the APCQ and FEQ see the preceding chapter.

Procedure

Questionnaire booklets comprising the APCQ and FEQ (see appendices 4 and 5) were distributed to an opportunity sample of potential participants with a request for participation. These were distributed to students on campus and in classes at Sheffield Hallam University. Instructions urged participants to complete them in the order they were presented. An online version of the questionnaire was also created through the website www.surveymonkey.com to distribute to potential participants. A weblink to this questionnaire was placed on the social networking site *Facebook*. The weblink was accompanied by a request for participants for a study examining attitudes towards to the criminal

justice system. The questionnaire was designed to be quick to complete (approximately 20 minutes in total) to avoid boredom effects.

Ethics

The research was conducted in accordance with the governing principles of the Code of Human Research Ethics (2006) and the guidelines for ethical practice in psychological research online (2007) established by the BPS. This specific study was assessed and approved by the ethics committee at Sheffield Hallam University.

Results

Data Checks

Data from the online and offline (paper) versions of the questionnaire were entered into SPSS. Incomplete questionnaires were deleted and the distribution of missing data was looked at. Missing data appeared to occur randomly, and as it is the most commonly used method for dealing with randomly missing values (Buhi, Goodson & Neilands, 2008), missing values were substituted with mean item scores. This mean substitution was done for all missing values on the attitudes towards the police and criminal courts items (a total of ten data points on nine separate items).

The APCQ data collected offline (n= 141) and online (n= 80) was input into SPSS. Each item was scored on a 5 point likert scale (ranging from 1; *strongly disagree* to 5; *strongly agree*) with high scores indicating favourable views of the police and courts. Mean scores for each factor of the APCQ were calculated for data collected on and off line (see Table 17).

Table 17: APCQ Mean Responses (SD) According to Completion Modality

APCQ factor	Modality Mean (SD)	
	Offline (n= 141)	Online (n= 80)
Court Functioning	3.77 (0.50)	3.74 (0.49)
Police Institution	3.65 (0.54)	3.62 (0.60)
Treatment of the Accused	3.25 (0.55)	3.13 (0.63)
Punishment	2.56 (0.52)	2.51 (0.53)
Personal Safety*	2.69 (0.70)	3.14 (0.73)

Note. * $p < .001$

Smith and Leigh (1997) suggest that data collected through traditional means and data collected online should be checked for parity before being combined into a single data set. T-tests using mean factor scores on the APCQ as the dependant variable and data collection method (offline v online) as the independent variable were conducted. These revealed no significant differences for data collected through offline and online versions of the questionnaire on Court Functioning, $t(219) = .470$, $p = .639$, $d = 0.06$ (very small)⁴, or Police Institution, $t(219) = .283$, $p = .777$, $d = 0.05$ (very small). Similarly there were no significant differences in the online and offline data for Treatment of the Accused, $t(219) = 1.425$, $p = .156$, $d = 0.20$ (small) and Punishment, $t(219) = .753$, $p = .453$, $d = 0.10$ (very small). However, those offline rated their Personal Safety lower on average ($M = 2.69$, $SD = 0.70$) than those participating online ($M = 3.14$, $SD = .73$), $t(219) = -4.474$, $p < .001$, $d = 0.63$ (medium).

To determine whether the difference on this factor was the result of differences in responding and disclosure online compared to offline, analysis of the composition of the online and offline samples was undertaken. Analysis demonstrated that across the two samples (offline and online) students gave significantly lower mean score for the Personal Safety factor ($M = 2.78$, $SD = 0.73$) when compared to non-students ($M = 3.02$, $SD = 0.74$), $t(219) = 2.184$, $p = .030$, $d = 0.33$ (small). There were far fewer students compared to non-students in the online sample ($n = 23$ and $n = 57$ respectively) and far fewer non-

⁴ Effect size (d) was due to the vastly unequal sample sizes (Field, 2009). It is assessed according to Cohen's (1988) classification; 0.20= small, 0.5= medium and 0.8= large.

students than students in the offline sample ($n = 8$ and $n = 133$ respectively) suggesting that this could account for the Personal Safety factor scores. A 2×2 χ^2 analysis was conducted to discover if there was an association between participation modality (online v offline) and participant occupation (student v non-student). The analysis revealed a significant association between students in the offline sample and non-students in the online sample, $\chi^2 (1) = 105.720$, $p < .001$, $\Phi = .692$ ($p < .001$). The standardized residuals were significant for both students and non-students in the online and offline samples (all $p < .001$) and the odds ratio indicates that the odds of students participating offline were 41.15 times higher than students participating online. This suggests that the differing participant occupation rather than questionnaire modality is the explanation for the difference in Personal Safety scores between the online and offline data. Lower mean scores on the Personal Safety factor in the predominantly student offline sample, therefore reflect the fact that students are more concerned about personal safety than non-students, rather than differences between the two mediums of data collection. As such it was established that the two data sets were suitable to be combined in order that further analysis could occur.

Descriptive Statistics

The variable *nature of contact with the police* had numerous categories that were not mutually exclusive. Here a dummy variable of suspect v non-suspect was created, as it was considered that being a suspect would have greatest impact upon participant attitudes. Seventeen participants reported having been a police suspect compared to 204 who had not been a police suspect, of which 70 had no prior direct contact with the police. The age of those that had been a suspect ranged from 18 to 51 years and had a mean of 27.18 ($SD = 11.05$). Only five participants were above this mean age, and of these the number of contacts with the police was fairly evenly distributed with two having 1-3 contacts, a further 2 having 4-6 and a final one having 7+. In comparison 4 of the under 27 years olds had 1-3 contacts with the police, 3 had 4-6 contacts and 5 had 7+ contacts with the police. However, as participants did not detail the nature of each individual contact with the police, and as the

participant numbers are so low, it is not possible to ascertain whether younger participants reported being a suspect on significantly more occasions than the older participants from the current data. Future research should address this limitation through collecting more precise data regarding prior experience with the police.

Participants had much more limited contact with the criminal courts than with the police, with 181 out of the 221 (82%) participants having had no prior contact with the courts. The variable of nature of contact with the courts (which had numerous levels) was dummy coded as defendant v non-defendant, as this was thought to be the most influential form of contact with the courts. Four participants reported having been a defendant in court compared to 217 who had not been a defendant in court. Twenty-four participants had friends or family that had recently been a police suspect, although most of the sample's friends and family had not (197). In fact most (123 of the 238) reported that to their knowledge their close friends and family had not had any contact with the police in the last three months. Relatively few friends and family members of the participants had recent contact with the criminal courts. This is consistent with participants' own limited experience with the criminal courts in general and in particular more recently. As with contact with the police, 24 of the participants had friends or family that had been a defendant in a criminal case (197 had not had a defendant friend or family member).

Attitudes towards the Police and Courts

Overall attitudes to the police and courts were towards the more favourable end of the scale (see Table 18). Most items showed favourable attitudes towards the police and courts, as demonstrated by mean attitude scores of 3.0 and above (where 3; unsure, 4; moderately agree and 5; strongly agree). However, twelve of the forty items revealed a negative mean attitude towards the police and criminal courts (negative attitudes were classed as mean scores below 3.0). Lowest mean scores were found for the items *the criminal courts do not always hand out appropriate sentences* ($M = 1.91$, $SD = 0.77$) and *the perpetrators of crime go undetected* ($M = 2.00$, $SD = 0.82$). Participants had

most favourable responses regarding whether the police were essential to the functioning of society ($M = 4.38$, $SD = 0.85$).

Table 18: APCQ Mean (SD) Item Responses

Item	Mean (SD)	Item	Mean (SD)
I respect police aims ^a	4.29 (0.70)	I respect the work of the criminal courts ^a	4.04 (0.81)
Police treat people fairly ^a	2.98 (1.03)	I agree with the aims of the criminal courts ^a	4.06 (0.75)
I am worried that I will be the victim of a crime	3.87 (1.11)	Criminal courts treat witnesses with respect ^a	3.69 (0.80)
I do not feel safe in my neighbourhood at night	3.30 (1.23)	Criminal courts are essential to the functioning of society ^a	4.27 (0.70)
Police effective at arresting criminals ^a	3.00 (0.96)	Criminal courts too lenient in their sentencing	2.29 (1.02)
Perpetrators of crime go undetected	2.00 (0.82)	Criminal courts do not treat victims with respect	3.46 (0.81)
Police respectful towards victims ^a	3.55 (0.90)	Criminal courts corrupt	3.71 (0.85)
Police not essential to the functioning of society	4.38 (0.85)	Criminal courts ensure justice is done ^a	3.49 (0.81)
Police put the community needs first ^a	2.95 (0.92)	Criminal courts do not always hand out appropriate sentences	1.91 (0.77)
No crime problem in my neighbourhood ^a	2.40 (1.10)	Criminal courts do not respect victims' rights	3.47 (0.77)
I respect police work ^a	4.17 (0.77)	Criminal courts treat defendants as innocent until proven guilty ^a	2.95 (0.97)
Police work hard to solve crimes ^a	3.82 (.86)	Criminal courts do not treat everyone equally	2.79 (0.84)
Police are racist	3.51 (0.96)	Judges in the criminal courts work hard ^a	3.65 (0.86)
Police are corrupt	3.48 (1.02)	Criminal courts do not give enough custodial sentences	2.60 (0.92)
Local crime rate is high	3.24 (1.16)	Criminal courts do not respect defendants' rights	3.29 (0.70)
Police are lazy	3.71 (0.88)	Criminal courts put community welfare first ^a	3.12 (0.84)
Police are bullies	3.54 (0.97)	Criminal courts not fair	3.34 (0.93)
Police respectful towards witnesses ^a	3.64 (0.78)	Criminal courts treat defendants with respect ^a	3.23 (0.71)
Police respectful towards suspects ^a	2.77 (0.85)	Criminal courts are racist	3.65 (0.94)
Crime rate is increasing	2.45 (0.96)	Lawyers in the criminal courts work hard ^a	4.02 (0.69)

When the factors of the APCQ are studied, it can be seen that participants had most negative views of Punishment and Personal Safety (see Table 19). This is understandable as Personal Safety is likely to be influenced by beliefs regarding punishment severity and perpetrators evading capture and punishment. In contrast to this most positive views related to Court Functioning.

Table 19: Mean (SD) for Each Factor of the APCQ

Factor	Mean (SD)	Cronbach's Alpha ⁵
Court Functioning	3.76 (0.50)	.841
Police Institution	3.64 (0.56)	.835
Treatment of the Accused	3.21 (0.58)	.814
Punishment	2.54 (0.52)	.628
Personal Safety	2.85 (0.74)	.680

Descriptive Statistics: Criterion Variables

Of the 221 participants in the final sample 159 intended to assist a defendant through at least one type of deception (i.e. false confessing, lying in court or contacting the police with false information), and a further 47 were unsure as to whether they would be completely honest. Only 15 participants intended to be completely honest with regards to a loved one. Table 20 reveals that participants reported they were on average more willing to mislead the police and criminal courts through their right to refuse to answer questions posed by the police. This is illustrated by low mean scores to the items *I would respond 'no comment' to police questions* (M= 2.77, SD = 1.14) and *I would withhold relevant information from police* (M= 2.80, SD = 1.08). The lowest score witnessed is in relation to the item *I would refuse to testify in a criminal*

⁵ Cronbach's alpha values for the Court Functioning, Police Institution, Treatment of the Accused and Personal Safety factors of the APCQ demonstrated good internal reliability (alphas all > .680) which served to further validate the APCQ structure. The Punishment factor however was slightly less reliable than the .65 level recommended by DeVellis (1991) suggesting that this factor required further attention before more widespread use of the APCQ.

court ($M = 2.65$, $SD = 1.05$) which could be seen as an extension of participants' perceived right to silence shaping the types of false evidence they are willing to provide. An unwillingness to contact the police with false information ($M = 4.27$, $SD = 0.90$) further illustrated participants' reluctance to provide false evidence through an act of commission. When each of the two factors of the FEQ scales are examined, it can be seen that participants scored higher on the Commission factor ($M = 3.95$, $SD = 0.71$) than the Omission factor ($M = 2.97$, $SD = 0.82$) illustrating an intention to conceal more evidence than fabricate evidence. Cronbach's alpha scores for the two scales of the FEQ showed each to have good internal reliability with Cronbach's alpha scores of .918 and .720 for the Omission and Commission factors respectively.

Table 20: Mean (SD) for Each of the Intention to Provide False Evidence to the Police and Courts Items

Item	Mean (SD)
Withhold relevant information from police	2.80 (1.08)
Would not lie to police ^a	3.18 (1.05)
Would respond 'no comment' to police	2.77 (1.14)
Would falsely confess	3.98 (0.96)
Contact the police with false information	4.27 (0.90)
Would tell the entire truth to the police ^a	3.01 (0.99)
Pretend not to remember the answers to police questions	2.94 (1.07)
Would not lie in a criminal court ^a	3.58 (1.04)
Would withhold information in a criminal court	3.16 (1.09)
Would pretend not to remember the answers to questions in a criminal court	3.06 (1.03)
Would tell the entire truth to the criminal courts ^a	3.18 (1.04)
Would refuse to testify in a criminal court	2.65 (1.05)
Would provide false information in a criminal court	3.97 (0.96)
Mean Average	3.27 (0.72)

Note. ^a denotes items that were reversed prior to analysis. Low mean scores indicate a tendency towards false evidence, high mean scores indicate a tendency towards truthful evidence

Inferential Statistics

Two multiple regressions using the enter method were conducted to examine the significant predictors of Omission and Commission factor scores on the FEQ. Amount of contact with the police and amount of contact with the

courts, each of the five factors of the APCQ and participant age formed the predictors. Furthermore, dummy variables for race (White v Non-White)⁶, nature of contact with the police (suspect v non-suspect) and nature of court contact (defendant v non-defendant) were used in the analysis.

Regression 1: Predictors of FEQ Omissions Factor

Mean score on the Omissions factor of the FEQ was used as the criterion in the first regression conducted⁷. The analysis revealed that combined, the five factors of the APCQ, age, amount of contact with the police, amount of contact with the courts, White v Non-White dummy variable, suspect v non-suspect dummy variable and defendant v non-defendant dummy variable accounted for 16.6% in the variability in FEQ Omission scores ($R^2 = .166$). In addition to this, the overall ANOVA was significant ($F(11, 209) = 3.778, p < .001$) and the model generalises reasonably well to the general population (adjusted $R^2 = .122$). Stein's formula (see Equation 2 below) was used to test the cross validation of the model and how well the model predicts scores from a different sample. The value of R^2 produced here was lower than the actual value of R^2 ($R^2 = .071$ calculated through Stein's formula compared to $R^2 = .166$ in the model) illustrating that the cross-validity of the model could be improved.

Equation 2: Stein's Formula for Cross-Model Validation

$$\text{Adjusted } R^2 = 1 - \left[\left(\frac{n-1}{n-k-1} \right) \left(\frac{n-2}{n-k-2} \right) \left(\frac{n+1}{n} \right) \right] (1 - R^2)$$

Table 21 below illustrates that age was the strongest predictor of Omissions FEQ scores such that every 1 year increase in age, decreased

⁶ As prior research highlights differences between Whites and Non-Whites in their attitudes to the police (see for example Escholtz, Blackwell, Gertz & Chiricos, 2002), data was separated into a dummy variable for race (White v Non-White).

⁷ The sample of 221 cases is sufficient to detect a medium effect size in a multiple regression when, as in the current research, there are less than 20 predictors (Field, 2009; Maxwell, 2000).

intended Omissions by 0.03 units, $t = 3.611$, $p < .001$. The Court Functioning factor of the APCQ also significantly predicted Omissions, although this was a negative relationship. Here every increase in positivity toward Court Functioning of one unit increased by 0.29 units the amount of evidence participants intended to omit (as measured on the Omissions scale), $t = -2.061$, $p = .041$. Finally, as attitudes towards the Police Institution increased by one unit (became more positive), intentions to omit evidence decreased by 0.36 units, $t = 2.912$, $p = .004$.

Table 21: Model of Predictors of the FEQ Omission Factor

Variable	FEQ Omission Factor		
	B	SE B	β
Constant	0.27	0.72	
Age	0.03	0.01	.29**
White v Non-White	-0.09	0.18	-.03
Amount of police contact	0.01	0.06	.01
Amount of court contact	-0.09	0.10	-.07
Suspect v non-suspect	0.02	0.22	.01
Defendant v non-defendant	0.80	0.43	.14
APCQ - Court Functioning	-0.29	0.14	-.17*
APCQ - Police Institution	0.36	0.13	.25*
APCQ - Treatment of the Accused	0.22	0.11	.15
APCQ - Punishment	0.20	0.11	.13
APCQ - Personal Safety	-0.03	0.08	-.02

Note. $R^2 = .166$ * $p < .05$ ** $p < .001$

Regression 2: Predictors of FEQ Commission Factor

A second regression was conducted using mean score on the Commission factor of the FEQ as the criterion. The same predictors of the five factors of the APCQ, age, amount of contact with the police, amount of contact with the courts, White v Non-White dummy, suspect v non-suspect dummy and defendant v non-defendant dummy variable were used.

The analysis revealed that combined, the predictors accounted for 16.4% of the variability in Commission scores on the FEQ ($R^2 = .164$) and the model was shown to generalise reasonably well to the general population (adjusted

$R^2 = .120$). The overall ANOVA was highly significant, $F(11, 209) = 3.731$, $p < .001$. The model R^2 value ($R^2 = .120$) was lower than that calculated through Stein's formula ($R^2 = .069$) suggesting that the cross-validity of this model could be increased.

Examination of Table 22 demonstrates that age is a good predictor of anticipated lying through Commission, $t = 3.546$, $p < .001$. In this instance as age increases by 1 year, anticipated honesty of evidence increases by 0.02 units. In addition to this the Police Institution factor of the APCQ successfully predicted evidence fabrication (as measured on the Commission scale of the FEQ). Here, as positivity towards the Police Institution increased by 1 unit participant intentions to lie through Commission decreased by 0.26 units, $t = 2.368$, $p = .019$.

Table 22: Model of Predictors of FEQ Commission Factor

	FEQ Commission factor		
	B	SE B	β
Constant	1.39	0.62	
Age	0.02	0.01	.28**
White v non-White	-0.12	0.16	-.05
Amount of police contact	0.02	0.05	.02
Amount of court contact	-0.07	0.08	-.06
Suspect v non-suspect	0.19	0.19	.07
Defendant v non-defendant	0.29	0.37	.06
APCQ - Court Functioning	0.13	0.12	.09
APCQ - Police Institution	0.26	0.11	.20*
APCQ - Treatment of the Accused	0.01	0.10	.004
APCQ - Punishment	0.08	0.10	.06
APCQ - Personal Safety	-0.07	0.07	-.07

Note. $R^2 = .164$ * $p < .05$ ** $p < .001$,

A series of oneway ANOVAs was conducted to examine whether the type of interaction that participants had experienced with the police and courts affected their scores on the APCQ. The dummy variable suspect v non-suspect was entered as the independent variable in a series of ANOVAs each with a different factor of the APCQ as the defendant variable. Analysis revealed no

significant differences between suspects and non-suspects on any factor of the APCQ (all $p > .05$). Similarly the defendant v non-defendant dummy variable showed no significant differences on any of the APCQ scales (all $p > .05$).

As the findings for own experience of the police and court were not significant, and few participants had friends and family with experience of the police and courts, no further analysis was conducted on the impact of the experience friends and family had with the police and courts.

Discussion

This chapter of the thesis addressed objectives 5 and 6 of the thesis; whether experience of being a suspect and negative attitudes towards the criminal justice system shape the intentions of the general population to provide false evidence for loved ones. It was hypothesised negative views towards the police and criminal courts would be associated with a greater willingness to deceive both of these institutions through providing false evidence for others. Moreover, personal experience of the police and courts was predicted to be associated with greater willingness to provide false evidence for a defendant. Two multiple regressions were conducted to test these hypotheses. Participant age, participant race (White v Non-White), personal contact with the police (suspect v non-suspect), personal contact with the courts (defendant v non-defendant), personal amount of contact with the police, personal amount of contact with the courts and five factors of the APCQ were entered as predictors in two separate regressions. FEQ Omission factor scores and Commission factor scores formed the criterion variables in the regressions.

Attitudes to the Police and Courts

The hypothesis that participants will view the police and the criminal courts in a predominantly positive light was broadly supported as overall attitudes to the police and courts were towards the more favourable end of the scales used. In fact the majority of APCQ items showed favourable attitudes towards the police and courts, as demonstrated by mean attitude scores of >3.0 on the 5 point scale (where a score of 3.0 represents a response of 'unsure').

When looking at responses on each of the five APCQ factors, the Court Functioning and the Police Institution factors were viewed most positively by participants. The Police Institution factor of the APCQ measured participant views of how honest and hardworking the police are believed to be, as well as how legitimate and necessary the police are to society. Similarly many of the Court Functioning items related to issues of legitimacy (such as *I respect the work of the criminal courts* and *the criminal courts are essential to society*) suggesting that participants generally viewed the police and courts as legitimate institutions.

The increased visibility of the police compared with others working within the criminal justice system has been suggested to account for the findings that support for the courts is significantly lower than support for the police (Hirschfield & Piquero, 2010; Jesilow, Meyer & Namazzi, 1995; Roberts, 2007). Kaukinen and Colavecchia (1999) suggest this difference stems from the view that the courts are too lenient in their sentencing. In fact the Punishment and Personal Safety factors of the APCQ had the lowest mean scores illustrating most negative participant attitudes towards these aspects of the criminal justice system. These factors related solely to aspects of instrumental support such as the appropriateness of sentences and beliefs that neighbourhood crime rates are high. This suggests that participants did not think that criminals received appropriate sentences and thus left them feeling unsafe. In support of this, items reflecting most negative participant views were seen regarding whether the courts are too lenient, do not administer appropriateness sentences and award too few custodial sentences (1.91 – 2.29 on a scale of 1-5 where low scores indicate negative views of the police and courts). Moreover, although attitudes to Punishment were broadly negative, views of the criminal courts as a whole (as demonstrated by the Court Functioning factor) were the most positive of all the factors. This supports the finding that the courts are not viewed as corrupt but rather they are generally thought of positively (Kaukinen & Colavecchia, 1999; Roberts, 2007). Thus it appears that participants separately evaluated the aims and legitimacy of the criminal courts (Court Functioning factor of the APCQ) and the way in which the courts administer these aims (Punishment factor of the APCQ). Therefore prior research and the hypothesis

that participants would view the police and the criminal courts in a predominantly positive manner were generally supported in the current study.

Alibi Witness Deception and Attitudes to the CJS

The second hypothesis, that negative views towards the police and criminal courts will be associated with a greater willingness to deceive both of these institutions through providing false evidence for others, also received some support. As a whole, most participants intended to be deceptive through at least one means (i.e. responding *no comment*, refusing to testify or pretending to forget incriminating information). The analysis revealed that Police Institution scores were positive predictors of both the Omission and Commission factor scores. Accordingly as positivity towards the Police Institution increased, the fewer Omissions participants anticipated providing for a loved one. Thus the more participants viewed the police as a legitimate and worthwhile institution, the less evidence they intended to conceal on the behalf of a loved one. The Police Institution factor of APCQ was also a predictor of scores on the Commission factor on the FEQ. The factor positively predicted Commissions meaning that the more fair and important the police were perceived to be, the less likely participants reported they would be to lie through commission. This supports prior research showing that positive views of the police are associated with higher levels of compliance with them (Sunshine & Tyler, 2003). Specifically, the assertion that the perceived legitimacy of an institution most shapes people's compliance with its rules (Tyler, 2004), was supported. Moreover, this supports the findings of the content analysis conducted in Chapter 3 which revealed that alibi witness deception acceptability is influenced by attitudes to the criminal justice system.

Although little prior research has focused specifically on compliance with the courts as a function of attitudes to the courts, research has revealed a positive relationship between views of the police and compliance with them (Sunshine & Tyler, 2003). Based upon this, it was hypothesised that positive views of the courts would also be associated with compliance through high levels of intended honesty to the courts. The results indicate that in contrast to this, more positive attitudes towards Court Functioning were associated with

intentions to omit more evidence in relation to a loved one. Thus the more individuals respected the work of the courts, believed them to be fair and believed lawyers and judges to be hard working, the more incriminating evidence they intended to withhold. This appears to contradict the research suggesting that deception is deterred by favourable attitudes to the intended recipient (Lee, 2004). Although this immediately seems counterintuitive, further analysis of the items on the Court Functioning factor of the APCQ provides a potential explanation for this finding.

Court Functioning

The Court Functioning factor relates to beliefs regarding how hard lawyers and judges work, whether the courts respect the rights of victims and treat witnesses with respect. In this way, this Court Functioning factor of the APCQ can be seen to be biased towards the needs of the victim. Thus the more that lawyers and judges are believed to work hard, be fair and to look after the victim, the more chance there is that a guilty defendant will be convicted. Conversely, if participants believe that lawyers and judges don't work hard there is less concern that the courts will strive to reach the right conclusion and convict the guilty. This means that the more positive one's view towards Court Functioning, the more necessary omitting key information is, if a guilty defendant is to avoid conviction. Thus it may not be the case that a positive view of Court Functioning deters. Instead the belief that the courts are effective and likely to reach the correct verdict would mean that evidence manipulation is necessary to assist a guilty defendant avoid conviction. This is supported by the criminal justice system appropriateness of statement theme identified in the content analysis in Chapter 3. This highlighted the belief that "if she [the alibi witness] believes he [the defendant] didn't do it then justice would have prevailed – without her having to lie" (participant 97, Wrongly Accused-Guilty-False Confession condition, Chapter 3). This suggests that the 'necessity' of deception is a key component in the evaluation of alibi witness testimony (as illustrated in Chapter 3) as well as the decision to engage in deception. Thus the findings appear to support the logical decision making which is a feature of Cornish and Clarke's (1986) Rational Choice Theory. This conflicts with prior

focus group based research (Fawcett, 2006) illustrating the belief that people should conceal information to assist an innocent defendant as this ensured justice was done, rather than leaving it to chance. Certainly the larger sample in the current research implies the current findings are more reliable. However, further testing of the current study findings is necessary due to the limited research on this issue.

A belief that the courts work hard to ensure justice, means that deception is a high risk strategy as it is implicit that the courts will strive to uncover it. This may explain why the Court Functioning factor predicted scores on the Omissions factor, but not scores on the higher risk Commissions factor. Certainly participants scored higher on average on the FEQ Commission factor than the Omission factor, illustrating an intention to conceal more evidence than fabricate evidence. As previously mentioned, due to the difficulty of assigning innocent motivations to fabricated information, evidence fabrication (Commission) is a higher risk strategy than evidence concealment (Omissions). The fact that the Court Functioning factor failed to significantly predict Commissions, suggests that participants viewed this course of action as posing too high a level of risk to themselves. This would seem to support the concept that risk to self, as well as benefit to defendant, factor into decisions regarding intended false evidence provision.

Scores on the Personal Safety, Treatment of the Accused and Punishment factors of the APCQ did not significantly predict anticipated Omissions or Commissions on the FEQ. The attitudes towards Court Functioning factor of the APCQ assessed both diffuse and specific support for the courts. Diffuse support was assessed through items assessing participant beliefs as to whether the courts are corrupt, treat victims and witnesses with respect, respect victim's rights, and whether the courts are a necessary and valid institution. Normative support however was assessed through measuring participant views of how hard the lawyers and judges work. The factors of the APCQ that did not relate to legitimacy (Personal Safety, Treatment of the Accused and Punishment) failed to significantly predict anticipated compliance (as measured through FEQ scores). Legitimacy and shared moral values are important in shaping confidence in the police (Jackson & Sunshine, 2007) rather

than evaluations of crime risk. The current study suggests that legitimacy and common values are also important in predicting behaviour towards the police. Similarly, evaluations of crime risk (as measured through the Personal Safety factor of the APCQ) were not predictive of intended honesty of evidence to the police and courts for a defendant. Thus Tyler's (2004) assertion that it is the perceived legitimacy of an institution, rather than individual encounters, that most shapes people's compliance with its rules, is supported by the current research.

Suspect/Defendant Experience

The current study found that experience of being a suspect or a defendant compared to not having been a suspect or defendant had no impact upon the honesty of evidence participants anticipated they would provide in relation to a loved one suspected of a crime. However, it was predicted that experience of the police and criminal courts would be associated with a greater willingness to deceive both of these institutions through providing false evidence for others. This does conflict with some of the theories in the area suggesting that negative experiences of the police (which suspects and defendants can be presumed to have had) lead to negative attitudes and non-compliance with the police (Skogan, 2006). However, it may be the case that suspects and defendants do not all have a negative experience of the police and courts. In support of this, the current study revealed no significant differences between suspects and non-suspects, and defendant compared to non-defendants, on any factor of the APCQ. This illustrates that those participants with experience of being a suspect did not have more negative views of any aspect of the police and courts compared to non-suspects.

A very small proportion of the sample indicated that they had been a police suspect or a defendant in the last five years. This meant the power associated with the analysis of these variables was very low and the risk of type II errors cannot be discounted from the study. However, the current study findings supports prior research that possessing a criminal record is not a reliable indicator of negative attitudes towards the police (Primeau, Helton, Baxter & Rozelle, 1975) and thus is not associated with poor cooperation and

deceptive evidence provision. The current findings strongly suggest that possessing a criminal record is not a necessary feature of false alibi witnesses.

Participant Age

Age was the strongest predictor of Omission and Commission scores with younger participants anticipating being more deceptive than older participants. Skogan (2006) suggests that young people hold more negative views of the police and are less compliant with because they are more likely to get into trouble with the police, and are more likely to be victims of violent crime. Thus younger participants would be expected to score lower on the Police Institution and Treatment of the Accused factors of the APCQ if they were indeed suspected more frequently. This is due to these factors measuring assessments of police fairness and efficacy. This trend was not found, suggesting that younger participants' being less positive about the police and courts was not a function of their having more unfavourable suspect interactions with the police. Given the lack of effect of possessing criminal convictions outlined above, the lack of support for Skogan's findings is unsurprising. However, a limitation of the APCQ is that it specified that participants should only report encounters with the police over the last five years. This was due to the fact that being suspected by the police for a minor offence when a child, such as littering or underage drinking, could distort the results amongst the predominantly young adult participants. However, this limitation may have masked some genuine and influential encounters occurring over five years before study participation. Hence these time limitations on these items of the APCQ should be removed prior to future use of the APCQ with a sample of older participants.

An alternative explanation for the effect of age upon intended evidence honesty is that older participants are more knowledgeable about the consequences of providing false evidence, and thus are more deterred by this (Anderson, 2002; Palmer, 2003). Certainly more life experience could account for this. This would certainly fit with the findings regarding age and prior convictions upon alibi witness honesty. However, the data currently collected does not allow this hypothesis to be tested. Instead the subsequent Chapter 6

will explore whether a greater awareness of the consequences of false evidence provision does indeed deter lying for others.

The final hypothesis stated that White participants would be more willing than non-White participants to provide false evidence to the police and courts to assist a defendant. Conversely, no significant effect of race was found in the data. There are two possible explanations for this finding. Primarily the previous research has largely looked at the impact of race upon attitudes, rather than upon behaviour towards the police (see for example Escholtz, Blackwell, Gertz & Chiricos, 2002; Howell, Perry & Vile, 2004; Tuch & Weitzer 1997). This research has generally found that ethnic minority groups hold lower opinions of the police than do the White majority (Escholtz, Blackwell, Gertz & Chiricos, 2002). Thus it could be the case that although race impacts upon attitudes, it does not shape behaviour towards the police. Accordingly, Scaglion and Conlon (1980) found that personal experience of crime shapes attitudes towards the police to a greater extent than socioeconomic variables including race and age. The research on the link between attitudes and behaviour would certainly suggest that there is not a simple linear relationship between these two variables. Alternatively, the low number of non-Whites compared to Whites in the current sample could have prevented differences between these two groups being made evident. Further analysis with a larger sample of non-White participants would allow this to be explored further.

Summary and Conclusions

The current study addressed Objectives 5 and 6 of the thesis; whether attitudes towards and experience of the criminal justice system affect alibi witness evidence honesty. The five scales of the APCQ were used as predictors alongside the participant age, race (White v Non-White), type of contact with the police (suspect v non-suspect) and courts (defendant v non-defendant). Two separate multiple regressions were conducted using these predictors, one with the criterion variable of FEQ Omission factor scores, and the other with FEQ Commission factor scores as the criterion variable.

As predicted participant views of the police and the criminal courts were generally positive. Views of Court Functioning were a negative predictor of willingness to deceive the police and courts, with more positive views of the courts predicting greater willingness to omit evidence. This inverse of the hypothesised trend was explained with reference to perceptions of the necessity and efficacy of deceptive alibi witness evidence. Thus the findings illustrated that the appropriateness of the alibi witnesses' statement is important not only to the evaluation of false alibi witness evidence (see Chapter 3), but also the provision of false alibi witness evidence. Thus further support was found for the role of risk assessment in the provision of deceptive alibi witness evidence.

The results also demonstrated that views of the Police Institution positively predicted alibi witness Omissions and Commissions. This in line with previous research revealing that viewing the police as a legitimate institution is associated with greater compliance (Sunshine & Tyler, 2003). Additionally, the findings are in line with those of Chapter 3; that attitudes to the criminal justice system affect evaluations of alibi witness deception acceptability. This implies that police should be more suspicious of the evidence provided by hostile alibi witnesses who view the police as an illegitimate institution. Similarly the findings suggest that improving public perceptions of the police would help mitigate against deceptive alibi witness evidence. Although improving attitudes to the police and courts alone will not prevent false alibi witness evidence being provided, given the other benefits of positive views of the police (Elliott, Armitage & Baughan, 2003; Reisig, Bratton & Gertz, 2007; Tyler & Fagan, 2008; Viki, Culmer, Eller & Abrams, 2006) this can only be encouraged.

The chapter findings highlight the need for further research on this topic. In particular the assertion that age positively predicted of false evidence provision requires examination. Obviously individuals must be aware of the legal sanctions associated with false alibi provision if it stands any chance of deterring their deception (Anderson, 2002). As false alibi witnesses are relatively infrequently highlighted in the media, a lack of understanding of the consequences may contribute to false alibis provision. This theory will be explored in greater detail in the subsequent Chapter 6, as the possible deterrent effect of knowledge of the relevant law is examined.

CHAPTER 6: KNOWLEDGE OF THE LAW AND ALIBI WITNESS HONESTY

Chapter 5 found that age was a positive predictor of alibi witness honesty. It was suggested that this finding was due to the greater knowledge of the possible sanctions associated with false alibi provision gained through greater life experience. Prior small scale research suggests that members of the public mistakenly do not believe concealing crime relevant information to be a criminal offence (Fawcett, 2006). However, this research utilised participants aged 22 years suggesting that their young age may be responsible for their ignorance. The similarly young sample in Chapter 3 revealed some knowledge of the law with regards to the legal right to silence, although their views regarding false alibi evidence appeared to be based more on their personal morals than actual legislation (Schoepfer, Carmichael & Piquero, 2007). Moreover, misunderstandings regarding the specific details of the public justice offence legislation (under which providing false evidence for others will be prosecuted) were evident. This indicates that ignorance of the legislation may in fact facilitate false alibi provision as people struggle to accurately gauge the costs and benefits (Palmer, 2003) associated with this behaviour. It is not clear however, whether this lack of clear understanding of the legislation influences people's intentions to breach the law to assist a suspect. To this end, the current chapter addresses thesis Objective 7; whether knowledge of relevant legislation and prior convictions affects alibi witness honesty.

Anderson (2002) points out that in order for the law to deter, individuals must be aware of that law. Knowledge of the law can be defined as people's understanding of the specifics of a piece of legislation, the punishments associated with a course of action and the probability of these punishments occurring (Anderson, 2002). Some offences frequently reported in the media (such as murder and robbery), and offences of which many people have first-hand experience (such as muggings and burglaries) are likely to be better known and understood than less commonly discussed offences such as providing false evidence for others. Furthermore, although the general principle

of a law may be well understood, the intricacies relating to the necessary and sufficient conditions and the related punishments may not be understood (Robinson & Darley, 2004). Prior research (for example see Payne, Gaine, Triplett & Danner, 2004; Pillavin, Gartner, Thornton & Matseuda, 1986) has assessed the effect of punishment severity and probability upon people's criminal behaviour. Payne, Gaine, Triplett and Danner (2004) point out that the way in which people act in relation to the law is likely to be influenced by their attitudes and perceptions about the associated punishment. Research has examined the role of the *celerity* (swiftness of punishment), *severity* and *likelihood* of punishment upon engagement in criminal behaviour (Stafford & Warr, 1993; Thurman, 1989; Wright, Caspi, Moffit, & Paternoster, 2004). These are based on the theory of operant conditioning (Skinner, 1904-1990) and cognitive social learning models which consider the role of the individual in the pattern of stimulus-response-consequence model (Bandura, 1986; 1997).

Pillavin, Gartner, Thornton & Matseuda (1986) assert that an individual's perception of probability of punishment is a more salient factor in their criminal behaviour than the severity of punishment. Much research has focused upon the role of severe and probable punishment in intentions to engage in tax evasion (see for example Thurman, 1989). These studies show that tax evasion is engaged in less and seen as a less attractive course of conduct when highly probable and severe punishments are present. However, Freeman and Watson (2006) found that perceptions of likelihood of arrest were not associated with future intentions to re-offend amongst a sample of prison inmates. This would suggest that other factors are salient in the decision to commit crime. However, Williams and Hawkins (1986) suggest that those heavily engaged in criminal activity will have different perceptions of risk than those with little criminal experience. Brown and Esbenson (1988) suggest that those who have not committed offences have unrealistically high expectations of punishment certainty. This is thought to be due to non-offenders having no personal or vicarious experience of punishment avoidance meaning their punishment perceptions originate solely from TV and media reports of solved cases (Stafford & Warr, 1993). As the media feature many solved cases, non-offenders have raised estimations of punishment likelihood. Additionally, a

questionnaire administered to American teenagers found that observing other people avoiding sanction for an illegal behaviour was associated with reduced perceptions of own apprehension likelihood (Paternoster & Piquero, 1995). In line with this it may well be the case that observing other individuals receiving punishment will reduce likelihood of observers engaging in that criminal activity.

Although persuasive, it remains the case that many behaviours are performed despite knowledge of their illegality. For example, the act of homicide (murder, manslaughter and infanticide) is well known to be illegal, and yet 642 actual and 525 attempted homicides were recorded in 2010/2011 (Recorded Crime Statistics for England and Wales 2002/3 – 2010/11).

Although many of these offences may stem from impulsive reactions to situational stimuli others are likely to result from rational assessment of the costs and benefits associated with that behaviour (Cornish & Clark, 1986). For instance, the 215 murders carried out by Harold Shipman were apparently motivated by a desire for money, as evidenced by his forgery of one his victim's will (The Shipman Enquiry, 2005). Thus although the specific murders committed by Shipman may stem from impulsivity and opportunity, without the prior desire for money and belief that the crime would be undetected these opportunities would not be taken. Indeed the UK criminal justice system is predicated upon the understanding that most crime is planned and rational. Thus the Crown Prosecution Service charging standards for public justice offences (2011) consider whether an individual's behaviour "was spontaneous and unplanned or deliberate and elaborately planned" when considering the severity of charge to bring against a suspect/offender. Although the alibi witness may think they are acting in a rational manner, their erroneous belief that the action is legal leads to inaccurate cost and benefit appraisal and accordingly an impulsive decision to provide a false alibi is made (Palmer, 2003). This trend is certainly suggested in the findings of chapter 3.

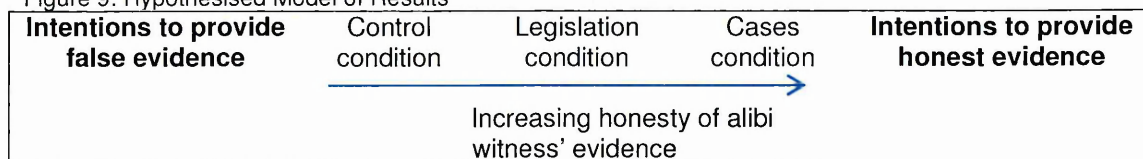
Summary

There is no research specifically addressing people's knowledge of the legislation governing providing false evidence for others. Public justice offences appear relatively rarely in the media so it is likely that most people do not have

a thorough understanding of these crimes and their associated punishments. Thus it is possible that ignorance of the offences of perjury, perverting the course of justice, wasting police time and assisting an offender could be involved in intentions to commit these crimes to assist others. Chapter 3 and Chapter 5 certainly suggest that participant alibi evaluation and provision respectively, were shaped by ignorance of the illegality of false alibi provision.

An experimental approach to studying the role of legal deterrence in intentions to provide a false alibi is most appropriate. This provides control over extraneous variables and allows participant's actual legal knowledge to be manipulated through the provision of legal information to certain conditions. This is essential given the implication that participants may have very little knowledge of the law surrounding false alibi evidence. Other commonly used methodologies, such as examination of arrest rates (total arrests divided by total number of reported offences) are limited in that they do not consider the multiple policy and individual factors that could shape crime rates (Cameron, 1987; Cloninger, 1994). This chapter therefore manipulates participant's knowledge of the law relating to providing false evidence for others. If ignorance of the law is a factor, those participants who are not aware of the legislation relevant to false alibi provision (control condition) would be expected to provide more false evidence to assist a love one, than those aware of the illegality of this act (legislation and cases conditions). In addition to awareness of the illegality of this act, awareness of others receiving punishment for this behaviour should further raise participant's estimations of punishment likelihood (cases condition). Thus participants in the cases condition who are aware of convictions for this behaviour would be expected to intend to provide even more truthful evidence than those unaware of other people's convictions. The anticipated pattern of results is detailed in Figure 9.

Figure 9: Hypothesised Model of Results



More specifically the following hypotheses were proposed:

1. Experimental Manipulation: Self-reported legal knowledge (relevant to public justice offences) will be significantly higher amongst participants in the cases condition and the legislation condition, compared to the control condition
2. Legal Knowledge- Participants in the cases condition and the legislation condition will intend to provide more truthful evidence to the police than will participants in the control condition
3. Legal Knowledge- Participants in the cases condition and the legislation condition will intend to provide more truthful evidence to the criminal courts than will participants in the control condition
4. Legal Knowledge- Participants in the cases condition and the legislation condition will intend to provide more truthful evidence to the criminal justice system as a whole than will participants in the control condition

Pilot Study

Method

Participants

Participants were recruited in university classes and through snowball sampling. They ranged from 18 years of age up to 71 years of age ($M = 23.19$, $SD = 9.65$). The majority of the 150 participants were female (121) and most of the sample were white British ($n = 129$). Participants were mostly students ($n = 114$) recruited via an opportunity sample. This recruitment prevented systematic bias in existing legal knowledge being introduced into the research.

Design, Materials and Procedure

An experimental between participants design was employed in the research. The independent variable of legal knowledge was manipulated through the material provided to participants. The legislation condition was given legislation regarding public justice offences. Participants in the cases condition were given legislation regarding public justice offences and short examples of people convicted under this legislation for providing false evidence

for others. The control condition was given no relevant legislation regarding public justice offences and no examples of prosecutions under these laws. The 2 scales of the FEQ formed the dependant variables (see Chapter 4). The success of the manipulation of participant's legal knowledge was checked with a single item requiring participants to rate their knowledge of perjury, perverting the course of justice, assisting an offender and wasting police time on a scale of 0-97⁸.

Ethics

The research was conducted in accordance with the governing principles of the Code of Human Research Ethics (2006) and guidelines for ethical practice in psychological research online (2007) established by the British Psychological Society (BPS). The specific study was assessed and approved by the Ethics committee at Sheffield Hallam University.

Results

Experimental Manipulation of Legal Knowledge

An ANOVA was conducted to assess the success of the experimental manipulation of participants' legal knowledge. Self-rated knowledge of the legislation pertaining to wasting police time, perverting the course of justice, perjury and assisting an offender on a scale ranging from bad (0) to good (97) formed the dependant variable. Condition (control, cases and legislation) formed the independent variable. Lowest mean scores for legal knowledge were witnessed in the legislation condition ($M = 51.50$, $SD = 25.18$) with the control and cases conditions rating their legal knowledge as higher on average ($M = 54.12$, $SD = 25.54$ and $M = 57.52$, $SD = 23.80$ respectively). The full range of the legal knowledge scale was utilised by participants in the legislation and cases and legislation conditions, but no participants in the control condition rated their understanding of the relevant law as being within the 10% of the 'poor' end of the scale. Contrary to expectations the analysis revealed no

⁸ A 0-100 scale was created but the printing process reduced this to 0-97

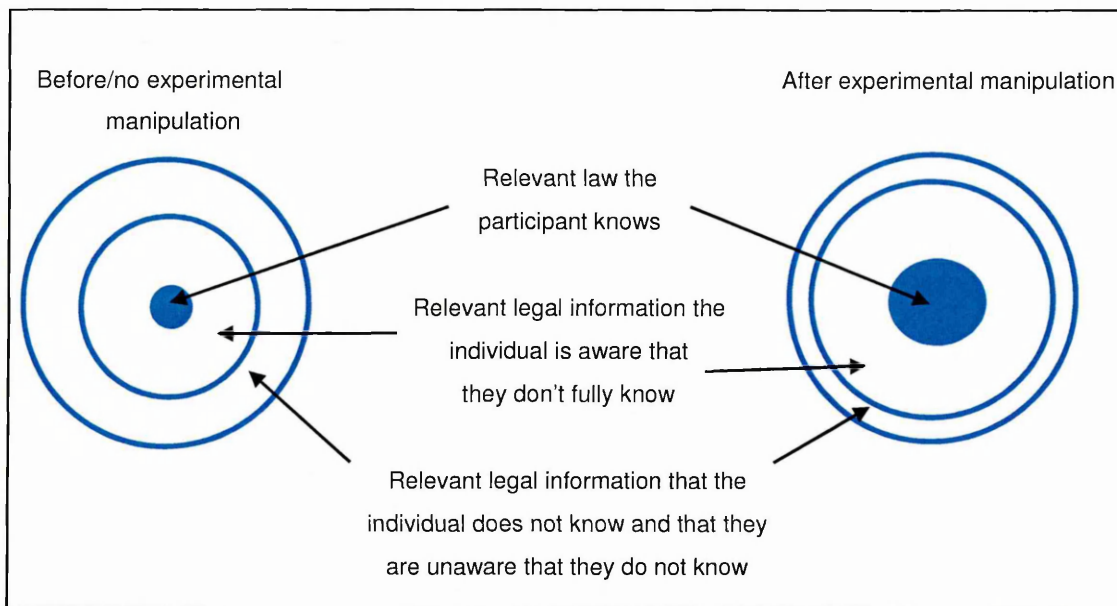
significant differences in self-reported legal knowledge between the three conditions, $F(2, 147) = .738$, $p = .480$, $\omega^2 < .01$ (very small)⁹, indicating that the experimental manipulation of participant legal knowledge was not successful. Subsequent analysis uncovered no further trends in this data.

Discussion

The aim of this study was to ascertain whether ignorance of the law pertaining to public justice offences was associated with greater intentions to provide false evidence assist another individual, compared to individuals that were knowledgeable about the consequences of such action. The analysis revealed that, contrary to expectations, those participants given relevant legislation to read, did not rate themselves as significantly more knowledgeable than the naïve control group. This meant that the non-significant experimental hypotheses cannot be reliably rejected as the results could be due to the apparent unsuccessful experimental manipulation, rather than a lack of effect of legal knowledge upon intentions to provide false evidence for others.

The apparent failure of the experimental manipulation of legal knowledge could be the result of poor self-assessment (Brown & Coulter, 1983; DePaulo & Pfeifer, 1986; Toussignant & DesMarchais, 2002), rather than the failure of the manipulation itself. In relation to this, Howard, Schmeck and Bray (1979) suggest that receiving information in the form of experimental manipulation can actually reveal to participants that they know less than first believed on that topic. In comparison control groups have no way of knowing that their knowledge of a topic is limited and so overestimate their understanding. This explanation is modelled in Figure 10.

⁹ Omega squared (ω^2) is used where possible as this provides the least biased effect size measure (Field, 2009); .1= small, .6= medium and .14= large (Kirk, 1996).

Figure 10: Hypothesised model of results before and after experimental manipulation¹⁰

It is therefore possible that inaccurate measurement of legal knowledge rather than a failure of legal knowledge to impact upon intended truthfulness of evidence for others, could explain these findings. Consequently the hypotheses cannot be reliably rejected. In order to assess the accuracy of participants' self-reported legal knowledge, a concurrent objective measure of legal knowledge was implemented into the main study.

Main study

Method

Participants and Procedure

Twenty six participants took part in the control condition and cases condition, with 24 participants in the legislation condition. Potential participants were provided the study web link via email and through the social networking site 'facebook'. Participants ranged from 18 years to 39 years with a mean age of 30.97 (SD= 10.14). Twenty-six of the participants were male but the majority

¹⁰ With acknowledgement to Par Anders Granhag (2009, personal communication) for the development of this model.

(48) were female. Almost the entire sample was White British (67 participants), with one Irish participant, one Asian participant and seven participants not disclosing their racial background. Most of the participants were either students (27) or in professional occupations (22).

Materials and Design

The materials were amended slightly to take into consideration the problems of self-assessment highlighted in the pilot study. The materials were as follows:

Legislation

Legislation material contained the relevant legislation on public justice offences summarised into an appropriate format. This included legal definitions and sentencing guidelines pertaining to perjury, perverting the course of justice, assisting an offender and wasting police time. Information from the Crown Prosecution Service website (www.cps.gov.uk) was abridged to create an accurate but accessible account of the relevant statutes. A brief description of the difference between Magistrates Court and Crown Court was also included, as reference is made as to which of these courts each offence is tried in. Also outlined were the sentencing guidelines that the police use in deciding which charge to bring against a suspect. The legal information was compiled through analysing the relevant legislation pertaining to perjury, perverting the course of justice, assisting an offender and wasting police time. The legislation governing each crime was condensed into single paragraph summaries that were simple and quick to read and that avoided legal jargon. This variable was implemented to manipulate participant perception the punishment severity, which prior research suggests influences participation in criminal behaviour (Wright, Caspi, Moffit & Paternoster, 2004).

Cases

Three examples of cases of perverting the course of justice, perjury and assisting an offender were compiled through searches on the BBC news website (bbc.co.uk/news). Cases were selected if they related to a criminal case and if the individual convicted was not involved in the primary offence (and thus could be said to deceive the police and/or criminal courts for the benefit of another with no conceivable personal benefit, and considerable risk of detriment to themselves). All of the information referred to past cases where a conviction had been secured. Included in the information were the high profile details of the trial Maxine Carr in 2003 who was convicted of perverting the course of justice but cleared of two counts of assisting an offender. The other cases reported did not receive as much national media attention and were likely to be less familiar to participants. This information was included to increase perceptions of punishment probability (Wright, Caspi, Moffit & Paternoster, 2004).

Legal Knowledge

Self-reported legal knowledge was measured in the study using visual analogue scales. The possible scores ranged from 0 (poor) to 100 (good). Improving on the pilot study, an objective test of legal knowledge was incorporated in the study materials. This was an 8 item questionnaire measuring knowledge of sentencing, the court in which each crime is tried, offence necessary conditions, and the relative seriousness of assisting an offender, perjury, wasting police time and perverting the course of justice. Three items required participants to indicate the appropriate charge to bring against an offender detailed in a short case study. Three of the items were scored out of four and the remainder allocated a single mark for correct answers. This gave a minimum potential score of 0 (poor) and a maximum of 16 (excellent knowledge of the public justice offence legislation).

False Evidence Questionnaire

The False Evidence Questionnaire is described in detail in Chapter 3 (see Appendix 5). In brief, it consists of 9 items measuring intended Omissions (for example pretending to forget information and answering 'no comment') and 4 items assessing intended Commissions (for example volunteering false information and falsely confessing) to assist a loved one who is a suspect or defendant. Each item is scored on a likert scale from (*strongly agree*) to 5 (*strongly disagree*).

The materials were ordered as follows for each of the three conditions. Participants in the legislation condition read the relevant legislation before completing a self-report measure of legal knowledge. They then completed the objective test of legal knowledge, followed by the False Evidence Questionnaire, and finally repeated the measure of self-reported legal knowledge. The materials for the cases condition was exactly the same but for the addition of brief summaries of three real cases of individuals who had been convicted for conspiring to pervert the course of justice and/or perjury. This information followed the relevant legislation but preceded all the measures. The control condition did not receive any relevant legislation or cases. They completed a self-report measure of legal knowledge, the objective test of legal knowledge and the False Evidence Questionnaire subsequent to repeating the measure of self-reported legal knowledge. An example of the materials for the cases condition can be seen in Appendix 6.

Ethics

The research was conducted in accordance with the governing principles of the Code of Ethics and Conduct (2006) and guidelines for ethical practice in psychological research online (2007) established by the BPS. This specific study was assessed and approved by the ethics committee at Sheffield Hallam University.

Results

Data was collated and entered into SPSS 16 for analysis. Negatively worded items were reversed to ensure meaningful data.

The Experimental Manipulation

A one-way ANOVA revealed a significant difference between the three conditions in their objective levels of legal knowledge, $F(2,73) = 4.16$, $p = .019$, $\omega = .28$ (very small). Post hoc tests (with Bonferroni correction) revealed a significant difference in objective legal knowledge scores between the control condition ($M = 6.69$, $SD = 2.24$) and legislation condition ($M = 8.54$, $SD = 2.50$), $t(48) = -2.757$, $p = .004$. This represented a medium effect, $r = .37$. A significant difference between the cases condition and control condition was observed, $t(50) = 2.287$, $p = .013$, such that the cases condition scored higher on average ($M = 8.23$, $SD = 2.60$) than the control condition. This represented a medium effect, $r = .31$.

No significant difference in the objective legal knowledge scores between the legislation condition and the cases condition were anticipated (as they received the same legal information) and this was confirmed in the analysis, $t(48) = -.430$, $p = .669$. This represented a very small effect, $r = .06$. It can therefore be concluded that the experimental manipulation was a success. A full analysis of the data was subsequently carried out.

Self-Reported Legal Knowledge

The descriptive statistics for the experimental manipulation (see Table 23) reveal that self-reported legal knowledge 1 was on average similarly high in the cases condition ($M = 45.00$, $SD = 21.82$) and legislation condition ($M = 44.04$, $SD = 19.79$) when compared to the control condition ($M = 38.00$, $SD = 22.03$). All conditions show a reduction in mean scores on the self-reported legal knowledge time point 2 in comparison to time point 1, indicating that answering the objective questions caused participants to re-evaluate their assessments of their legal knowledge. This reduction in self-reported legal knowledge between time points 1 and 2 is more pronounced in the control condition where the mean

score reduced by 12.50 than the legislation and cases condition which saw, between time points 1 and 2, reductions in the mean of .3.37 and 4.23 respectively. A paired samples t-test revealed that across the whole sample self-reported ratings of legal knowledge were significantly different at time points 1 and 2, $t(74) = 3.338$, $p = .001$, $r = .36$ (medium). Thus self-ratings of legal knowledge significantly reduced across the sample as a whole after completion of an objective measure of legal knowledge. This therefore suggests that the objective test provided a benchmark of legal knowledge that was previously lacking. This concept is supported by t-tests (with a Bonferroni correction) showing that although self-reported legal knowledge 1 was higher than self-reported legal knowledge 2 in both the cases condition and the legislation condition, this trend was not significant ($t(25) = 1.286$, $p = .210$, $r = .25$ (small) and $t(23) = 1.945$, $p = .064$, $r = .38$ (medium) respectively). On the contrary, a significant reduction in self-reported legal knowledge between time point 1 and time point 2, $t(24) = 2.960$, $p = .007$, $r = .52$ (large) suggests that without legal information (as provided to the other conditions prior to self-rated legal knowledge test 1) or the objective test, the control condition initially overestimated their own legal knowledge.

Table 23: Self-Rated and Objective Legal Knowledge

Condition	N	Self-rated legal knowledge 1 Mean (SD)	Self-rated legal knowledge 2 Mean (SD)	Reduction between time points 1 and 2	Objective legal knowledge Mean (SD)
Legislation	24	44.04 (19.79)	40.67 (20.43)	-3.37	8.54 (2.50)
Cases	26	45.00 (21.82)	40.77 (20.38)	-4.23	8.23 (2.60)
Control	25	38.00 (22.03) ¹	30.32 (21.44)	-12.50	6.69 (2.24)
Total	75	42.36 (21.21)	37.03 (21.06)	-5.11	7.80 (2.55)

Note. ¹1 participant in the control condition did not provide data for the subjective legal knowledge 1 measure

The Self-Reported and Objective Legal Knowledge Relationship

Participants in the control condition had the lowest average objective legal knowledge scores ($M=6.69$, $SD= 2.24$) when compared to the legislation and cases conditions which showed remarkably similar mean scores ($M= 8.54$, $SD= 2.50$ and $M= 8.23$, $SD= 2.60$ respectively). A Pearson's correlation revealed that across the whole sample objective legal knowledge showed a

significant but weak positive relationship to initial subjective scores of legal knowledge (subjective legal knowledge 1) $r = .322$, $p = .005$. Correlations between self-reported legal knowledge at time point 1 and objective legal knowledge within each condition were all non-significant; control, $r = .199$, $p = .341$; legislation, $r = .351$, $p = .093$; and cases conditions, $r = .332$, $p = .098$.

Objective legal knowledge and the subjective assessment of legal knowledge made at time point 2 (subjective legal knowledge 2) showed a stronger correlation, $r = .531$, $p < .001$ although this was still only a moderately strong correlation. A moderately strong significant correlation was observed between objective legal knowledge and subjective legal knowledge 2 scores for the cases condition ($r = .571$, $p = .002$). The correlation between these variables was significant though not as strong in the control condition ($r = .477$, $p = .014$) and the legislation condition ($r = .430$, $p = .036$). Thus all conditions were more accurate at assessing their own knowledge of the law after completing the objective test (time point two) than before completing the objective legal knowledge test. This shows that the objective test provided a benchmark by which participants could assess their own legal knowledge.

Intentions to Provide False Evidence

5 instances of missing data on the FEQ items were replaced with the mean score for that item (correct to 2 decimal places). Each of the intentions to provide false evidence items was scored on a scale of 1-5 with high scores indicating intentions to provide truthful evidence. Thirteen participants indicated that they would be completely honest in response to all the FEQ items. The majority of participants (42) intended to be deceptive through at least one means and a further 21 participants were unsure whether they would be honest in all potential ways. Analysis of the mean scores for each of the FEQ items (see Table 24) reveals that across the three conditions participants were least likely to agree to provide false evidence through falsely confessing ($M = 4.28$, $SD = 0.89$) and providing false information in a criminal court ($M = 4.38$, $SD = 0.80$). Conversely, participants were on average most willing to provide false evidence for others through refusing to testify in a criminal court ($M = 2.88$, $SD = 1.11$) and responding 'no comment' to questions posed by the police ($M = 3.14$,

SD= 1.29). Overall it appears that participants were more willing to help a loved one through omitting to tell information to the police and criminal courts (such as through pretending to forget information and refusing to testify) and less willing to provide false evidence through acts of commission (for example; lying and falsely confessing).

Table 24: FEQ Mean (SD) Responses by Condition

Item	Legislation Condition Item	Cases Condition Item	Control Condition Item	Total
Withhold relevant information from police	3.42 (0.97)	3.54 (1.03)	3.12 (1.03)	3.36 (1.02)
Would not lie to police ^a	3.75 (0.94)	3.85 (1.19)	3.58 (0.99)	3.72 (1.04)
Would respond 'no comment' to police	3.08 (1.44)	3.46 (1.36)	2.88 (1.03)	3.14 (1.29)
Would falsely confess	4.04 (1.00)	4.50 (0.76)	4.27 (0.87)	4.28 (0.89)
Contact the police with false information	4.50 (0.59)	4.58 (0.76)	4.70 (0.55)	4.59 (0.64)
Would tell the entire truth to the police ^a	3.38 (1.10)	3.08 (1.16)	3.42 (0.86)	3.28 (1.04)
Pretend not to remember the answers to police questions	3.13 (1.26)	3.65 (1.06)	2.81 (0.85)	3.20 (1.11)
Would not lie in a criminal court ^a	4.22 (0.88)	4.15 (1.08)	4.19 (1.06)	4.19 (1.00)
Would withhold information in a criminal court	3.17 (1.17)	3.84 (1.26)	3.19 (1.10)	3.41 (1.20)
Would pretend not to remember the answers to questions in a criminal court	3.50 (1.25)	3.81 (1.13)	3.27 (0.91)	3.53 (1.11)
Would tell the entire truth to the criminal courts ^a	3.42 (1.10)	3.77 (1.03)	3.46 (0.86)	3.55 (1.00)
Would refuse to testify in a criminal court	2.67 (1.20)	3.19 (1.10)	2.76 (0.99)	2.88 (1.11)
Would provide false information in a criminal court	4.08 (0.88)	4.58 (0.81)	4.46 (0.65)	4.38 (0.80)

Note. ^a denotes items that were reversed prior to analysis. Low scores indicate statement agreement and tendency towards false evidence, high mean scores indicate statement agreement and tendency towards truthful evidence

On a possible range from 13 (would definitely provide false evidence through every form) to 65 (would not provide false evidence of any kind) FEQ scores for all conditions revealed a tendency towards providing generally truthful evidence (see Table 25). Intentions to provide false evidence to the criminal justice system as a whole were greater in the legislation condition ($M = 46.34$, $SD = 10.73$) and the control condition ($M = 46.11$, $SD = 7.16$) than the cases condition which on average intended to be most truthful ($M = 50.00$, $SD = 9.80$). Items were classified as either omissions or commissions in accordance with the factors of the FEQ discovered in Chapter 4 (see Table 15). The Cronbach's alpha scores for Omissions (.876) and Commissions (.750) indicated that these scales had good internal reliability (DeVellis, 1991).

Scores for the individual commission items for the sample as a whole were generally higher ($M = 3.28 - 4.59$) than for Omission items ($M = 2.88 - 3.53$). This would appear to support the assumption raised previously that participants were less willing to help a loved one through engaging in an act of commission than they were through an act of omission (see Chapter 2). Analysis of the confidence intervals for mean Omissions and mean Commissions revealed no overlap (3.04 - 3.47 and 4.08 - 4.38 respectively).

A MANOVA using Pillai's trace revealed no significant difference in total intended honesty of evidence on either the Omission or Commission scales of False Evidence Questionnaire, $V = .0.74$, $F(4, 146) = 1.399$, $p = .237$, partial $\eta^2 = .037$. A oneway ANOVA demonstrated no significant differences between the experimental conditions (legislation, cases and control) on the FEQ as a whole $F(2,73) = 1.412$, $p = .250$, $\omega = .17$ (very small).

Table 25: Mean (SD) FEQ Score by Condition

Condition	N	FEQ score
Legislation	24	46.34 (10.73)
Cases	26	50.00 (9.80)
Control	26	46.11 (7.16)

Note. Low scores indicate statement agreement and tendency towards false evidence, high mean scores indicate statement agreement and tendency towards truthful evidence

Intended Evidence Honesty - Self Rated Legal Knowledge

A Pearson's correlation revealed no significant relationship between perceived knowledge of the relevant legislation (self-report legal knowledge 2) and total intentions to provide false evidence to the criminal justice system as a whole ($r = .094$, $p = .419$). Thus it appears that self-rated legal competence did not significantly influence intentions to provide false evidence for others. No significant relationship was found between perceived knowledge of the relevant legislation (self-report legal knowledge 1) and total intentions to provide false evidence to the criminal justice system as a whole ($r = .008$, $p = .947$).

Discussion

The study set out to discover whether intentions to provide false evidence for others were influenced by knowledge of the law. It was hypothesised that participants in the experimental conditions would be less willing to provide false evidence compared to those in the control condition due to their knowledge of the potential sanctions for doing so. Results did not support this hypothesis with no significant differences observed on the FEQ as a whole, or on either its subscales. Thus the study findings fail to support the notion that ignorance of the illegality of actions is involved in the provision of false alibi evidence. Knowledge of the law and awareness of implementation of legal sanctions was not found to deter false alibi witness testimony. Moreover, intended honesty of evidence was not found to be correlated with self-rated legal knowledge, showing that individual perceptions of legal comprehension do not affect alibi witness honesty/deceptiveness. It was further hypothesised that self-rated knowledge of the relevant legislation would not correlate with actual knowledge of these laws. Two measures of self-reported legal knowledge were taken, one after the experimental manipulation but prior to (self-reported legal knowledge 1), and one subsequent to the objective test (self-reported legal knowledge 2). Across the whole sample, correlations between objective legal knowledge and self-reported legal knowledge 1 were significant but weak, whereas correlations between self-reported legal knowledge 2 and objective legal knowledge were significant and moderately strong. The data illustrates

that after completing the questionnaire participants in general significantly reduced their self-ratings of relevant legal knowledge. These results are in line with the anticipated trend advanced in hypothesis 4; self-assessed legal knowledge will reduce after completion of an objective test of legal knowledge. Moreover, they imply that poor accuracy in gauging own knowledge of the relevant laws was improved after completing the objective test.

Scores on the objective test of legal knowledge were significantly higher in the legislation compared to the control condition. No significant differences on the objective legal knowledge test were observed between the cases and legislation conditions. Scores on the objective legal test were higher in the cases condition than the control condition, as predicted. However, as the cases condition did not receive information that would enhance their performance on this test compared to the legislation condition, no difference was to be expected. Thus it can be concluded that the lack of support for the hypotheses was not merely a function of experimental manipulation failure.

Age

The investigation reported in this chapter was in part prompted by the Chapter 5 finding that age was a significant positive predictor of alibi witness honesty. It was suggested that greater age was associated with increased knowledge of the law which in turn deterred false evidence provision. However, the lack of significant effect of legal knowledge manipulation in the current chapter demonstrates that this interpretation is unlikely to be accurate. Instead it seems likely that the alternative explanation proffered in Chapter 5 is indeed accurate; young people are more likely to have negative views of the police (Skogan, 2006). The analysis in Chapter 5 only assessed the impact of being a suspect or non-suspect upon alibi witness honesty. However, the fact that young people are more likely to be stopped by the police (Skogan, 2006) may have a more general impact upon opinions of the police, and ultimately alibi witness honesty. Participants may not have classed these informal encounters with the police as being a suspect, even though the police may have suspected them of general antisocial behaviour. However, the Chapter 5 data was not varied enough in regards to participant age ($M=30.97$, $SD= 10.14$) and APCQ

detail to test this supposition. Amending the APCQ to get more detailed description of participant contact with the police would enable future research to address this issue.

Omissions and Commissions

Results illustrated that most participants were willing to assist a loved one in at least one way. Moreover, participants would be more willing to assist a loved one through concealing information, than they would through fabricating information. This supports the concept of risk evaluation in the decision to provide deceptive alibi evidence found in Chapter 3 and Chapter 4. Moreover, this supports research showing that fabrications may be less preferable to alibi witnesses than omissions (Feinberg, 1984) as fabrications are more cognitively demanding (Vrij 2008) and thus easier to detect (Vrij, Mann, Fisher, Leal, Milne & Bull, 2008). The findings presented in this chapter can be seen to correspond with those of Dhami and Mandel (2010) in that the probability of punishment (manipulated in the current study by providing examples of prior convictions for the offence in question) did not significantly reduce participants' intentions to provide false evidence for others. Additionally, when omissions and commissions are detected, there is evidence that the law often treats them differently (Feinberg, 1984) as omissions can be relatively easily explained away as the result of forgetting, ignorance or confusion (Spranca, Minsk & Baron, 1991). This reduced chance of detection means that the witness minimises their own risk of prosecution and supports the concept that alibi witnesses carefully consider their evidence honesty in line with rational choice theory (Cornish & Clark, 1986) and in support of the findings in Chapter 3 and Chapter 5.

The Morality of False Alibis

The slight truth bias witnessed on the results for this study could represent a disinclination to breach the law in this way due to moral reasons. The moral outcry resulting from the false alibi Maxine Carr provided for her boyfriend (Ian Huntley who was subsequently convicted of two murders) would

certainly suggest that this behaviour is viewed as very morally reprehensible (see for example The Times Online, November 1, 2004). This would explain the similarity in intentions to provide false evidence between the control and legislation conditions where no deterrent effect of punishment probability was found. Thus overall low intentions to provide false evidence could be caused by negative views of these crimes, rather than by deterrence. Certainly Wright, Caspi, Moffitt and Paternoster (2004) discovered that deterrence perceptions had the greatest impact upon 'criminal prone' individuals. This is suggested to be due to the criminal decision making of persistent offenders being driven by a costs-benefits analysis, whereas personal and societal morals prevent infrequent offenders from even conducting an accurate cost-benefit analysis. Thus a further deterrence of punishment is likely to have little impact on infrequent offenders (Silberman, 1976). Chapter 5 studied the effect of criminal history upon intentions to provide false evidence to assist a loved one and found only modest results. This would imply that the truth bias was not a function of the probable naivety of the participants.

Supporting the concept of false evidence provision being an immoral act, several cases of people informing the police of the crimes of their family members, have been reported in the media. For example Neil Metcalfe reported his son's gun possession, Mandy Iceton reported her son's thefts and Carol Saldinack reported her sons' assault to the police. The findings of Chapter 3 support this as the relationship between alibi witness and defendant was the most dominant theme in participant evaluations of false alibi acceptability. The fact that the false alibi was provided to protect a loved one actually made the alibi more justified in the eyes of participants than if the alibi was not done out of love for the defendant. Moreover, small scale focus group research (Fawcett, 2006) indicated that protecting family and romantic partners through lying to the police is viewed as morally acceptable and even desirable. Thus the unwillingness to lie for a defendant witnessed in the current Chapter is unlikely to be the sole result of viewing this behaviour as immoral.

The findings support the concept of *moral hypocrisy* (Batson, Sager, Garst, Kang, Rubchinsky & Dawson, 1997) in that participants appeared moral and loyal but avoided the associated costs (prosecution) by only taking the

lowest risk strategy (omission rather than fabrication). These findings therefore support the trends highlighted in Chapter 3 in implying that it is not a purely altruistic motivation (calculation that omission is less likely to be detected and thus stands more chance of assisting the defendant) that explains the inclination towards intending to help others through omitting information rather than fabricating it found in the current results. Instead, through omitting to tell the criminal justice system all relevant information people can appear to be loyal, moral and selfless, but in actuality put their own liberty first. This evidences Rational Choice Theory as participants maximise the benefit whilst simultaneously minimising the risks of false alibi provision. Given that this crime is often committed by individuals with no involvement in the index offence, it is only logical to conclude that the relationship to the index offence defendant is important in the decision to provide false evidence to the police (see literature review chapter). In accordance with Rational Choice Theory, the benefit of preserving the relationship may outweigh the costs of possible legal and social sanctions if the risks are actually evaluated accurately. Thus the preservation of a relationship may encourage participants to view providing false evidence as morally justified, regardless of possessing a full understanding of the sanctions associated with the act of offending. Clearly this is a factor that requires further analysis. For this reason, the relationship between defendant and alibi provider is investigated in Chapter 7.

Backfire Effect

In the current research, the cases condition received short summaries of three cases of individuals convicted for providing false evidence to assist a relative. Although it was anticipated that these would enhance participants' perceptions of the likelihood of punishment occurring for this behaviour, this effect did not appear to occur. Rather, the cases conditions showed a greater (though not significant) tendency towards providing false evidence to the criminal justice system than the control or legislation conditions. Participants interpreting these cases as examples of loyalty and selflessness on the part of the false evidence providers could explain these findings. Just as the findings of Chapter 3 illustrate, relationship to defendant appears to be central in

perceptions of alibi acceptability, these findings indicate that it also influences the provision of alibi evidence. Thus, instead of making participants more fearful of punishment, these cases seem to have had a *backfire effect* (Broeder, 1959; see also Cook, Arndt & Lieberman, 2004) and actually highlighted the importance of the relationship between the defendant and the false evidence provider. This supports the concept of false alibis being an altruistic act of love and loyalty for the defendant (Kivivuori, 2007, Chapter 3). The FEQ refers to the deception that individuals would carry out for a *loved one*. Although the findings of this chapter and Chapter 3 strongly suggest that alibi witness relationship to defendant is a strong determinant of alibi honesty, without manipulating the alibi witness' relationship to the defendant, the precise role that relationship to defendant has upon alibi honesty is unclear. Future research should look to confirm this supposition through manipulating the alibi witness defendant relationship and measuring alibi witness honesty. This is the aim of the ensuing Chapter 7.

Robinson and Darley (2004) state that people base their knowledge of the law on what they believe the law should be, rather than what the law actually proscribes. Schoepfer, Carmichael and Piquero (2007) asked participants to rate both what the law *is* and *should be* in relation to a particular crime. Results illustrated "a discord between what they perceive happens in the criminal justice system and what they perceive should happen in the criminal justice system" (Schoepfer, Carmichael & Piquero, 2007 p. 159). Thus believing that helping an innocent defendant is moral, may lead participants to underestimate the likelihood and/or severity of the associated punishments, despite evidence to the contrary. Putting a relationship before all other considerations may allow participants to feel that manipulating the evidence they provide to the criminal justice system is a morally acceptable behaviour, despite awareness of its illegality. This could mean that although participants in the experimental conditions read the legal information with which they were provided and objectively knew the risks of offending, a belief that helping a defendant is moral, prevented them from accurately applying those sanctions to their own actions. These findings support Anderson's (2002) suggestion that personal moral intuitions are used to predict the law. Participants may have

rather naively thought that as their motivations were sincere (to help a loved one)¹¹ the courts would not legally sanction their behaviour. Together, these findings indicate that deceptive alibi witness testimony does not stem from ignorance of the law, but rather from perceptions of the importance of the relationship with the defendant.

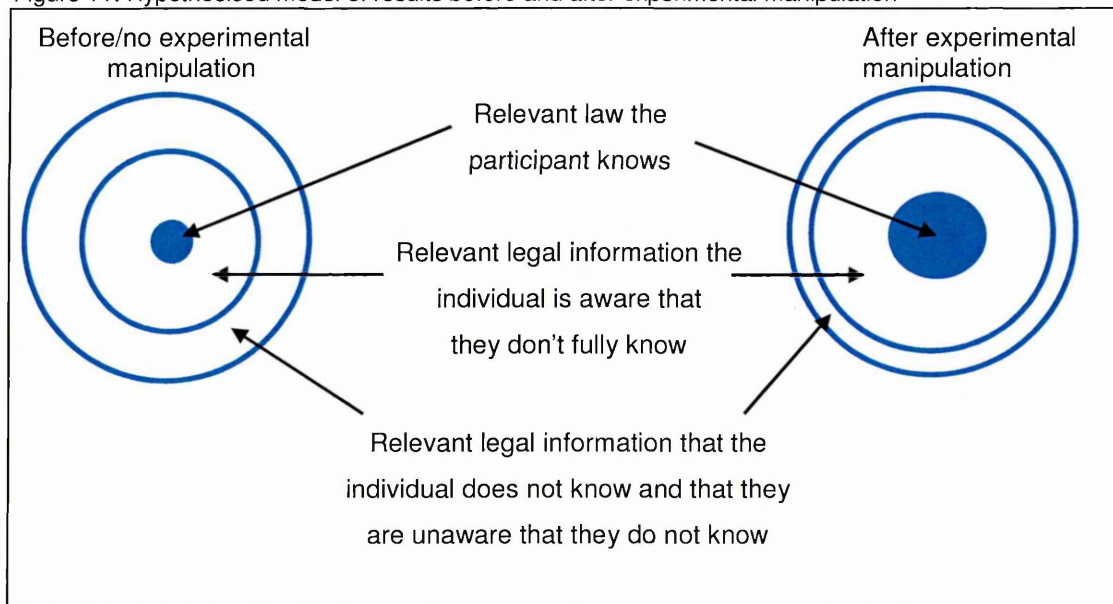
Response Shift

The current findings support the prior research findings of poor participant performances at self-assessment, despite the availability of objective tests (though not access to objective test results) to aid assessment (Toussignant & DesMarchais, 2002). These results support the concept of a response shift (Howard, Ralph, Galunick, Maxwell, Nance & Gerber, 1976); insufficient information available at the first testing prevents participants from validly rating their functioning on the dimension under test. Caputo and Dunning (2005, p. 488) state that “it is exactly when people are most unknowledgeable that they are the least successful at identifying, and thus reporting, the breadth and depth of their ignorance.” This naivety at initial testing is likely to be compounded by bravado, whereby participants do not want to admit the shortcomings in their knowledge. Moreover, Howard, Schmeck and Bray (1979) suggest that experimental manipulation can actually bias self-report measurement scales as it can actually reveal to participants that they know less on the topic under question than first believed. Thus in the current research, those in the experimental conditions are likely to have given more accurate initial ratings of their legal knowledge due to the legal information they were given exposing to them the complexity of the topic. However participants in the control condition presumed their limited knowledge reflected the full extent of the legislation in this area as they had not read the legal information to dissuade them from this view. This would explain why, contrary to expectations, when compared to the legislation and cases conditions that received

¹¹ This of course, presumes that individuals were thinking of an innocent defendant when deciding how they would act, although no measures were undertaken to ensure this. However, the results of study 1 (see chapter 3) revealed that opinions of alibi witness' deception were not influenced by the actual innocence or guilt of the defendant.

information designed to improve their knowledge, the control condition scored only slightly (non-significantly) lower on the self-reported legal knowledge 1. This supports the model proposed in the pilot study (repeated in Figure 11 below).

Figure 11: Hypothesised model of results before and after experimental manipulation



The use of an objective assessment of legal knowledge highlighted the inability of participants to rate their own knowledge accurately, and how the self-rating used in study 1 was not accurate. This inability to rate one's own knowledge is the probable cause of the apparent failure of the experimental manipulation of legal knowledge in the research in the pilot study, rather than a failure to manipulate actual legal knowledge. The current study shows that legal knowledge does not affect intentions to provide false evidence for others and that knowledge of the law and other's infringements of it does not act as a deterrent when considering providing false evidence for others.

Summary and Conclusions

In summary, this chapter addressed objective 7 of thesis; whether awareness of the relevant legislation affects intentions to provide deceptive alibi evidence for a loved one. Knowledge of the law was manipulated and alibi

honesty measured using the FEQ. The analysis revealed no significant differences in intended honesty of evidence between the conditions suggesting that false alibis are not a product of ignorance of the law. The findings therefore do not support deterrence theory (Stafford & Warr, 1993) or the role of conditioning. Instead Tonry's (2001) and Robinson and Darley's (2004) argument that criminal sanctions do not deter criminal behaviour was supported. This implies that raising public awareness about the law pertaining to false alibi evidence will not serve to prevent this behaviour from occurring.

The findings support the concept of Moral Hypocrisy (Batson, Sager, Garst, Kang, Rubchinsky & Dawson, 1997) as participants were most willing to provide false evidence through the lowest risk strategies (Vrij, 2008) of information omission.¹² This reinforced the underlying costs and benefits (Cornish & Clark, 1986) appraisal occurring in relation to false alibi provision. Thus the benefit of assisting a loved one greatly exceeds the risks associated with this illegal behaviour. The main benefit of this behaviour was assisting a loved one to avoid imprisonment, thus demonstrating that loyalty to the relationship (Kivivuori, 2007) is paramount in false alibi provision. This is further highlighted by the backfire effect witnessed in the cases condition whereby honesty was highest when examples of deceptive alibi witness conditions were provided. It seems that these served to highlight the importance of the relationship to the defendant and thus lead to higher levels of deception. Given that this chapter and the preceding Chapter 5 solely examined alibis provided for a "loved one" it is important that future research address alibi provision for defendants of differing relationships to the alibi witness. This should indicate the influence of relationship type and relationship closeness upon alibi honesty.

The results illustrated that self-rated and actual knowledge of the relevant legislation are, at best, only moderately strongly correlated. The findings therefore supported prior research illustrating response shift (Howard, Ralph, Galunick, Maxwell, Nance & Gerber, 1976). This illustrates the limitations of self-report measures in psychological research. The potential for

¹² although not a significant trend.

erroneous self-assessment and bravado means that actual behaviour could differ from FEQ scores. This highlights the need for empirical testing of the relationship between projected alibi honesty and actual alibi honesty. This is a point that the subsequent Chapter 7 will address.

In conclusion, the study has demonstrated that knowledge of the relevant legislation does not have a deterrent effect on people's intentions to provide false evidence to assist others. Instead further research should address the closeness of the defendant's relationship to the alibi witness in order to more fully understand deceptive alibi witness testimony.

CHAPTER 7: RELATIONSHIP TO DEFENDANT AND ALIBI WITNESS HONESTY

Olson and Well's (2004) alibi evaluation taxonomy (see Figure 2 Chapter 2) suggests that alibi evaluators presume that defence witnesses with a prior social or familial relationship to the defendant will provide false evidence to assist them. Indeed the alibi research literature tends to differentiate between related/motivated and unrelated/un-motivated alibi witnesses. Whereas related/motivated alibi witnesses have a pre-existing relationship to the defendant (such as a family member, spouse or friend) and may have a motivation to lie for them, unmotivated/unrelated alibi witnesses have no personal investment in the outcome of the case due to having no or very little familiarity with the defendant (such as a stranger or neighbour). The motivated/unmotivated dichotomy is supported by Lyndsay, Lim, Murando and Cully's (1986) mock juror study which discovered that having an alibi corroborated by the defendant's brother-in-law (motivated) was associated with more guilty verdicts than an alibi corroborated by a stranger (unmotivated), or an alibi with no corroboration.

More recent research also confirms that more acquittals are delivered when the unmotivated alibi witnesses rather than motivated alibi witnesses testify on the defendant's behalf (Culhane & Hosch, 2004). The general conclusion drawn is that jurors are sceptical of related alibi witness as the prior relationship provides an incentive to lie for the defendant. This conclusion is supported by the finding in study 1 of this thesis (see Chapter 3) that love and loyalty to the defendant was the most commonly cited factor affecting perceptions of alibi witnesses. Thus a motivated alibi witness may raise the likelihood of conviction compared having no alibi witness (Burke & Turtle, 2004; Lyndsay, Lim, Murando & Cully, 1986). However, other research has demonstrated that motivated alibi witnesses do not significantly increase or decrease the frequency of guilty verdicts (Culhane & Hosch, 2004) meaning that they have little effect on a defendant's case. The alibi evaluation research

is at present limited and trends are not entirely clear, a product of the differing contexts in which alibi evaluations have been examined as well as subtle differences in the dependant variables implemented (Olson & Wells, 2004b). It is clear that there is widespread alibi scepticism; scepticism that is enhanced by the closeness of relationship between alibi witness and defendant (Culhane & Hosch, 2004).

There is no research to date examining whether jurors' heightened suspicion of deception among friends and family of the defendant is actually warranted. For example according to theories of altruism false alibi evidence should be most common amongst genetic relations of the defendant as these individuals may want to signal loyalty to the defendant (Zahavi & Zahavi, 1997), have a high degree of genetic relatedness (Hamilton, 1964) and have a high chance of the favour being repaid (Trivers, 1971). Although friends and romantic partners have lower genetic relatedness frequency of previous and future contact means some altruism may occur. However, desire to demonstrate loyalty may be higher for romantic partners compared to friends as the loyalty signalled by a false alibi is an attractive trait to romantic partners (Zahavi & Zahavi, 1997). Finally relatedness to unmotivated alibi witnesses is low and there is little desire to demonstrate loyalty or receive reciprocal favours. This means that unmotivated alibi witnesses would be expected to be least deceptive and genetically related motivated alibi witnesses the most deceptive. Thus varying juror scepticism towards motivated alibi witnesses based on the varying levels of attachment between defendant and alibi witness appears logical. However, there is little empirical evidence to suggest whether this scepticism is accurate, and whether there are differences in deception likelihood between different forms of motivated alibi witnesses (i.e. mother compared to partner or friend).

One small scale piece of research found that participants believed individuals *should* demonstrate family loyalty by concealing incriminating crime relevant information from the police (Fawcett, 2006), thus implying that false evidence amongst familial defence witnesses may be fairly common. Moreover, as highlighted in the literature review (Chapter 2) and study 1 (Chapter 3) defence witnesses may not only lie for a defendant, they may also omit

information and evade answering questions. Cases demonstrate that some individuals report the offender's transgressions to the police rather than conceal them. The academic research suggests that this approach is rare and instead strongly suggests that alibi witnesses generally attempt to conceal the transgressions of family and partners (see the findings of Chapter 3; Hosch, Culhane, Jolly, Chavez & Shaw, 2011). However, research has neglected to examine whether these forms of alibi witness evidence manipulation are influenced by the relationship between the defendant and alibi witness. Therefore it is unclear whether judicial instructions are required to counteract jurors' alibi scepticism bias (Olson & Wells, 2004b).

Previous research (Chapters 5 and 6) examined how participants in the role of defence witness *thought* they would behave, rather than how they *actually* behaved in police interviews. Although a commonly used methodology, research highlights the potential for discrepancies between measures of attitudes and intentions, and actual behaviour (Krosnick & Petty, 1995 cited in Wallace, Paulson, Lord & Bond, 2005). Participant bravado and naivety may lead participants to overstate the likelihood of concealing information from the police for a suspect, and thus inflate estimates of defence witness deception frequency. This highlights the need for empirical testing in this area to reveal whether juror alibi scepticism is warranted, or whether judicial instructions pertaining to alibi evidence are required.

Summary

The current chapter relates to Objective 8 of the thesis; whether the defendant-alibi witness relationship affects the amount of evidence about a guilty offender disclosed by alibi witnesses. Mock witness interviews with serving police officers provide a more realistic situation in order to assess amount of incriminating evidence disclosure by mock defence witnesses. This methodology has, to date, not been used to examine defence witness behaviour. Using a mock interview in conjunction with an earlier measure of intended disclosure of incriminating evidence will enable the relationship between intended behaviour and actual behaviour in police interviews to be examined. Thus the current research employs an experimental mock police interview

paradigm to examine the level of crime relevant information revealed by motivated (mother, romantic partner or friend) and unmotivated (new colleague) alibi witnesses. Having three levels of motivated alibi witnesses will allow more detailed examination of the distinction between motivated and unmotivated alibi witnesses to be conducted. Moreover, incriminating evidence concealment for the different forms of motivated alibi witness should indicate whether this altruistic act is a gift (Kivivuori, 2007) solely for genetic relations (Hamilton, 1964) or is based on the principle of mutual reciprocity (Trivers, 1971). Thus the study will indicate whether the suspect-defence witness relationship influences the amount of incriminating evidence intended to be disclosed, and actually disclosed, to the police.

It is hypothesised that the closer the relationship between alibi witness and defendant, the less crime relevant incriminating information will be revealed. Thus it is expected that most information will be concealed for one's mother, followed by a romantic partner, best friend and finally a new colleague. Moreover, it is anticipated that a significant positive relationship will be found between prospective evidence honesty (measured through the crime scenario) and actual evidence honesty (mock interview).

Method

Design

The research followed an independent measures experimental design. The relationship between the participant and the suspect in a hit-and-run crime scenario formed the independent variable. This had four levels, participant as Romantic Partner, Best Friend, Child or New Colleague of the suspect. These four groups were chosen to represent a range of familial and social relationships, and relationships of differing closeness. In particular, the new colleague condition represents an ecologically valid and situationally appropriate unmotivated control condition in accordance with the conditions utilised in prior research. The dependant variables in the study are the amount of evidence incriminating the alibi witness *intended* to disclose in a police interview, and the amount of crime relevant information *actually* disclosed in a mock police interview by the participant.

Participants

A total of 59 participants were recruited through an opportunity sample at Teesside University to take part in a study examining 'individual differences and the legal system'. Participants were allocated to conditions on a rota system. Fifteen participants were excluded as they neglected to fill out the half of the ECR-R ($n = 4$), had high anxiety levels ($n = 8$), declined to be interviewed ($n = 1$), or the video equipment did not record their interview ($n = 2$). This left a total of forty four participants in the sample, ten each in the romantic partner and mother conditions, and twelve in the best friend and new colleague conditions. Participants ranged in age from 18-52 years with a mean age of 23.68 ($SD = 9.11$). Thirty four of the participants were females compared to 10 males¹³.

Materials

A hit-and-run crime scenario was developed for the current study and required participants to imagine that, whilst under the influence of alcohol, someone known to them was responsible for a hit-and-run incident. Property crime was used in the crime vignettes in Chapter 3 as Gudjonsson and Sigurdsson (1994) found that offenders most frequently reported having falsely confessed to property crime than any other offence. It was suggested in the discussion section of Chapter 3 that the ecological validity of the study may have been reduced by participants being unable to imagine their acquaintance committing a burglary. However, it may be easier for non-offending participants to imagine themselves and their acquaintance being involved in a drink driving hit-and-run, as self-report studies reveal this to be a relatively frequent offence. For example, Department for Transport research indicates that 5% of people have driven when they thought they were over the legal limit, and a further 20-40% of people have driven after consuming alcohol (Hopkin, Sykes, Groom, & Kelly, 2010). Thus an acquaintance being involved in an incident whilst driving under the influence of alcohol is not too implausible for participants to imagine.

¹³ Although a small sample this was associated sufficient power given a medium effect size

The offence is comparable to the burglary scenario used in Chapter 3 as both have a similar maximum custodial sentence of 14 years (Road Traffic Act 1988 s.1, S9 Theft Act 1968). Thus a drink driving hit-and-run may be a more valid scenario in which participants can imagine themselves.

Dependent upon condition, the police suspect in this scenario was said to be the romantic partner, best friend, mother or new colleague of the participant. The participant was said to have been with the suspect earlier in the evening and witnessed the suspect driving in the direction of the hit-and-run shortly before it occurred after drinking copious alcohol. Participants were instructed to imagine that the hit-and-run scenario was real and to think carefully about how they would act. They were instructed to imagine the suspect was their romantic partner/best friend/mother/new colleague and answer the questions accordingly. Participants read the hit-and-run crime scenario before answering a series of 14 items pertaining to the details of the incident contained in the scenario that they would disclose to the police (i.e. the suspect was drinking alcohol; the suspect was drunk, the suspect admitting having a collision). In brief the scenario outlined the fact that the suspect had; consumed copious alcohol, driven under the influence of alcohol, told the participant they had a collision, fled the scene of the collision and asked the participant to conceal this information from the police. The items were each rated on 100mm visual analogue scales with the anchors of 'reveal' and 'conceal.' High scores were indicative of revealing incriminating evidence, and low scores associated with concealing incriminating evidence from the police. A fifteenth question asked participants to provide any additional information that they would tell the police. An example hit-and-run crime scenario can be seen in Appendix 7.

These same 15 items were utilised in a mock interview about the hit-and-run incident conducted by a uniformed serving police officer. These questions represented the questioning stage of the witness and suspect interviews (Oxburgh & Dando, 2011). The interviewer was naïve to the aims of the study to prevent bias in their performance. The participants were informed that they were being interviewed as the police believed that they had information about the suspect in a suspected hit-and-run incident that had recently occurred.

Each participant interview was filmed using unobtrusive wall mounted video cameras to allow later coding of participant responses. Participant responses to each of the interview items (excluded the final open ended item) were classified as either 'reveal' or 'conceal'. All responses that did not fully reveal the suspect's actions (such as 'no comment' and 'unsure') were coded as concealments. For example responses of *no comment* or *I wasn't there* were coded as concealments as they do not fully reveal the extent of the suspect's involvement in the incident. Twenty two sets of interview data selected at random (50% of the data) established that the reveal/conceal coding system had good test-re-test reliability (100%) and inter-rater reliability with the independent coding of a research assistant (91%). Cohen's Kappa for the inter-rater reliability was .79 showing the coding reliability to be 'excellent' (Fleiss, 1981).

Spielberger's (1983) State Trait Anxiety Inventory (STAI) was used to screen out highly anxious individuals who would be put under undue stress by the police interview. This is an established measure that has acceptable internal consistency and test-retest reliability (Barnes, Harp & Jung, 2002). Prior to interview, participants also completed the ECR-R (Experiences in Close Relationships-Revised) developed from Brennan, Clark & Shaver's (1998) ECR. This measure of relationship closeness was used to assess whether relationship closeness rather than genetic closeness to the suspected offender in the scenario influenced level of evidence disclosure. The ECR-R consists of two scales; attachment-related anxiety (how secure people are that others will be available and responsive to them) and attachment related avoidance (how comfortable people are depending upon others). Each scale is measured through 18 items presented in a randomised order and is demonstrated to have good internal reliability of .9. The ECR-R as a whole has been shown to be the better of the dominant attachment scales available (Fraley, Waller & Brennan, 2000; Sibley & Liu, 2004). Participants were instructed to fill out the ECR-R about their relationship with their mother, romantic partner, best friend or new colleague depending upon the condition to which they were assigned. Instructions stated that participants should consider how they feel, or if not applicable at the present time how they *would* feel, about that individual in

general. This instruction controlled for participants not having a romantic partner or new colleague, for example, at the time of participation.

To prevent high attrition rates, measures of intended and actual evidence disclosure were taken in a single time point raising the potential of a consistency bias affecting participant interview responses. To counteract this consistency bias a 45 minute distractor task of a variety of additional questionnaires was implemented between the hit-and-run scenario questionnaire and the mock police-interview. The distractor questionnaires were; the NEO-FFI (NEO Five Factor Inventory) developed by Costa and McCrae (2010) to measure personality; the Juror Bias Scale (JBS) developed by Kassin and Wrightsman (1983) and the APCQ (Attitudes towards the Police and Courts Questionnaire) developed in Chapter 4. These measures were selected as they centred upon individual differences and the legal system, which participants were informed was the focus of the study. Moreover, each questionnaire had a theoretical link to evidence disclosure allowing for future analysis of this data. In addition to the questionnaires, information forms, consent forms and debrief forms for both the questionnaire and interview stages of the study were implemented. Additionally, participants rated how real they felt the mock interview to be using a visual analogue scale.

Procedure

The study involved two distinct stages. At stage 1, after gathering informed consent, participants were given the STAI, NEO-FFI3, hit-and-run scenario and questions (Appendix 7), ECR-R (Appendix 8), JBS and APCQ to complete. To compensate for possible order effects the questionnaire presentation was counter-balanced (Robson, 2002). The test of interest was the hit-and-run scenario and questions, which participants were later interviewed about. Once these tests were completed, STAI scores were calculated. Eight participants scoring above the 70th percentile on this state

anxiety inventory were classed as highly anxious and following debriefing were excluded from further participation¹⁴.

Remaining participants were informed of the opportunity to be interviewed by a serving police officer as a witness in the hit-and-run case they had previously answered questions on. Participants were encouraged to imagine that their associate was the suspect, and answer the police questions accordingly. Those consenting to this additional stage provided further informed consent to be interviewed and filmed. Upon consent, participants were shown to the waiting room of the mock-police station where they were allocated five minutes to re-read the hit-and-run scenario to prevent forgetting of the scenario affecting interview performance. This is consistent with witnesses in real life thinking about the offence prior to interview. However, to avoid consistency bias participants were not provided with the associated scenario/interview questions.

Upon entering the interview room the police officer introduced himself and briefly explained that they were being interviewed as the police believed that they had information about a hit-and-run incident in which a teenager was seriously injured. As the findings reported in Chapter 3 indicated that alibi witness deception was a product of vague police questioning, specific closed questioning was selected to ascertain whether this prevented alibi witness deception. Thus participants were asked 14 specific questions based on those completed in the written measure of intended honesty of evidence were used in the interview. This had the additional benefit of allowing intended and actual evidence disclosure to be compared, and observing whether participants would lie through commission as well as omission. Following these questions participants were given the opportunity to provide any additional information, or ask their own questions. The same uniformed police officers conducted all the interviews. He was instructed to treat the interviewees as they would treat actual witnesses they encounter but to use the same question phrasing in order to ensure parity in the data. Upon completion of the interview, participants rated the realism of the interview and again completed the STAI before being fully

¹⁴ See the participants section for details of the final sample.

debriefed about the aims and methodology of the research. Any participants that were anxious (as measured by STAI state anxiety scores above the 70th percentile) were given a lengthier debrief and were shown a short happy video clip followed by the STAI to ensure all participants left the study in a positive state of mind (Hill, Memon & McGeorge, 2008).

Ethics

The research was conducted in accordance with the governing principles of the Code of Human Research Ethics (2006) established by the BPS. This study was assessed and approved by the ethics committee at Sheffield Hallam University and Teesside University.

Results

Projected Evidence Honesty

Across almost all items, concealment of evidence incriminating the suspect was anticipated to be most likely in the mother condition ($M = 37.43$, $SD = 27.84$) and least likely in the new colleague condition ($M = 69.65$, $SD = 21.04$). This broadly supports the concept that relationship closeness influences disclosure of evidence incriminating the suspect. However, there was little difference observed in intended honesty of evidence in the romantic partner ($M = 51.90$, $SD = 23.87$) and best friend conditions ($M = 52.93$, $SD = 22.66$). Across all conditions, participants were least likely to anticipate revealing that they were instructed by the suspect to conceal their involvement in the hit-and-run from the police. Conversely, participants were most likely to reveal that the suspect drove the same type of car involved in the offence (see Table 26).

Table 26: Hit-and-Run Scenario Mean (SD) Responses by Condition

Item	Mother Condition	Romantic Partner Condition	Best Friend Condition	New Colleague Condition	Total
The suspect drives a red Vauxhall Corsa	82.80 (24.79)	86.90 (17.06)	88.50 (17.36)	84.75 (21.55)	85.82 (19.75)
The suspect drank alcohol that night	50.70 (41.91)	69.50 (30.44)	67.00 (30.77)	81.25 (18.52)	67.75 (31.79)
The suspect was tipsy that night	36.30 (37.69)	59.70 (35.83)	67.08 (28.02)	74.50 (21.86)	60.43 (33.05)
The suspect was drunk that night	21.10 (29.11)	53.80 (38.69)	30.42 (30.68)	60.33 (29.98)	41.77 (35.02)
The suspect drove you home that night	59.40 (38.10)	80.10 (28.89)	83.67 (26.70)	88.42 (13.03)	78.64 (28.72)
You were concerned whether the suspect was safe to drive after the alcohol they had consumed	29.70 (38.01)	55.00 (44.22)	65.92 (34.55)	73.33 (24.94)	57.23 (38.04)
The suspect has driven after consuming similar quantities of alcohol before	13.30 (29.60)	13.70 (19.58)	19.17 (24.21)	52.17 (35.51)	25.59 (31.82)
The suspect drove away from your house at 11.25pm that night	41.40 (37.79)	62.20 (38.28)	61.58 (33.71)	82.42 (17.33)	62.82 (34.46)
The suspect drove along Smith Street between 11.25pm and 11.35pm that night	43.40 (36.08)	59.70 (29.77)	60.83 (38.09)	82.83 (17.78)	62.61 (33.36)
The suspect admitted hitting something in Smith Street that night	43.50 (40.21)	51.90 (37.23)	58.50 (38.81)	71.67 (28.92)	57.18 (36.56)
The suspect told you they weren't concentrating on their driving at the time of the incident	18.70 (29.73)	45.90 (33.43)	35.83 (36.68)	53.92 (38.39)	39.16 (36.22)
The suspect admitted they did not stop to see what they had hit	37.30 (40.12)	53.90 (37.52)	45.58 (42.01)	65.75 (35.26)	51.09 (38.93)
The suspect is responsible for the hit-and-run incident	31.40 (40.15)	28.40 (30.00)	38.50 (35.52)	54.92 (36.80)	39.07 (36.13)
The suspect asked you to conceal the incident from the police	15.00 (20.18)	5.90 (6.31)	18.41 (26.45)	48.92 (36.40)	23.11 (29.79)
Total	37.43 (27.84)	51.90 (23.87)	52.93 (22.66)	69.65 (21.04)	52.72 (25.68)

Note. Prospective evidence honesty was rated on a 0 (*conceal*) to 100 (*reveal*) scale.

Data met assumptions for parametric testing so a oneway ANOVA was conducted. This revealed a significant difference between the four conditions on the mean total honesty of the evidence participants intended to provide about a suspect, $F(3, 40) = 3.38, p = .027, \omega = .37$. This represents a medium to large effect size. Post hoc t-tests with Bonferroni correction revealed a borderline significant difference in intended honesty when the suspect was a new colleague compared to their mother, $t(20) = -3.093, p = .018, r = 0.57$ (large). All other post hoc comparisons were non-significant; romantic partner v mother $t(18) = 1.248, p = .228, r = 0.29$ (small to medium), romantic partner v best friend $t(20) = -.103, p = .919, r = 0.02$ (very small), romantic partner v colleague $t(20) = -1.855, p = .078, r = 0.38$ (medium), mother v best friend $t(20) = -1.441, p = .165, r = 0.31$ (medium), best friend v colleague $t(22) = -1.874, p = .074, r = 0.37$ (medium).

The Interview

Participant responses to each of the interview items were coded by the researcher as either 'reveal' or 'conceal' (see procedure section). Table 27 details the frequency of conceal and reveal responses to each item in the interview by condition. It is evident that all participants revealed the car that the suspect drove and that the suspect drove them home on the night of the hit-and-run.

As anticipated concealing incriminating information occurred least frequently for new colleague suspected of offending (31.0%). In the mother condition 53.6% responses to interview questions involved concealing incriminating information. Contrary to expectations, more evidence was concealed when the suspect was the alibi witness' best friend (55.1%) opposed to their partner (46.8%). χ^2 analysis revealed that there was a significant association between alibi witness-defendant relationship (child, romantic partner, best friend, new colleague) and frequency of concealing and revealing incriminating evidence $\chi^2(3) = 24.10, p < .001$. Cramer's $V = .20 (p < .001)$ reveals this to be a highly significant medium effect size (Cohen, 1988). Consultation of the standardized residuals revealed that significantly more information was revealed and significantly less information concealed than

would be expected by chance when the defendant was a new colleague ($p < .01$). However, associations between alibi witness-defendant relationship and evidence honesty in other conditions were non-significant (all $p > .05$).

Table 27: Frequency of Concealing and Revealing Incriminating Evidence in the Mock-Interview

Item	Response	Mother Condition	Romantic Partner Condition	Best Friend Condition	New Colleague Condition	Total
The suspect drives a red Vauxhall Corsa	Conceal	0	0	0	0	0
	Reveal	10	10	12	12	44
The suspect drove away from your house at 11.25pm that night	Conceal	1	2	1	0	4
	Reveal	9	7	11	12	38
The suspect drank alcohol that night	Conceal	4	1	5	2	12
	Reveal	6	9	7	10	32
The suspect was tipsy that night	Conceal	6	4	7	5	22
	Reveal	4	6	5	7	22
The suspect was drunk that night	Conceal	9	8	10	8	35
	Reveal	1	2	2	4	9
The suspect drove you home that night	Conceal	0	0	0	0	0
	Reveal	10	10	12	12	44
You were concerned whether the suspect was safe to drive after the alcohol they had consumed	Conceal	8	5	6	6	25
	Reveal	2	5	6	6	19
The suspect has driven after consuming similar quantities of alcohol before	Conceal	7	8	12	5	32
	Reveal	3	2	0	7	12
The suspect	Conceal	2	4	2	3	11

drove along Smith St between 11.25pm and 11.35pm that night	Reveal	8	6	10	9	33
The suspect admitted hitting something in Smith Street that night	Conceal	7	5	8	1	21
	Reveal	3	5	4	11	23
The suspect told you they weren't concentrating on their driving at the time of the incident	Conceal	8	7	12	8	35
	Reveal	2	3	0	4	9
The suspect admitted they did not stop to see what they had hit	Conceal	7	5	8	2	22
	Reveal	3	5	4	10	22
The suspect is responsible for the hit-and-run incident	Conceal	8	9	10	7	34
	Reveal	2	1	2	5	10
The suspect asked you to conceal the incident from the police	Conceal	8	7	11	5	31
	Reveal	2	3	1	7	13
Total	Conceal	75 (53.6%)	65 (46.8%)	92 (55.1%)	52 (31.0%)	
Total	Reveal	65 (46.4%)	74 (53.2%)	75 (44.9%)	116 (69.0%)	

Relationship between Projected and Actual Honesty

A hierarchical multiple regression was conducted to examine the effect of alibi witness-defendant relationship closeness (as measured by the ECR-R) and intended honesty of evidence, upon the honesty of evidence provided in the mock police interview. The frequency of concealing incriminating evidence in response to the 14 police interview questions was calculated providing each participant with a score ranging from 0 (conceal nothing) to 14 (conceal everything). This total score formed the outcome variable, with mean projected evidence honesty the sole predictor at step 1, and both attachment avoidance

and attachment anxiety at step 2 hierarchical multiple regression¹⁵. Eight instances of missing data spread evenly across the ECR-R data (attachment avoidance and attachment anxiety) were replaced with the item mean for that condition (Buhi, Goodson & Neilands, 2008). Attachment anxiety and attachment avoidance (both in relation to the suspect) were non-significant predictors of the amount of incriminating information concealed by alibi witnesses in police interviews, contributing only 4% of variance (see Table 28). Conversely, at Step 1 of the model projected honesty significantly accounts for 30% ($R^2 = .30$) of the variance in the amount of incriminating information concealed by alibi witnesses in police interviews, $F(1, 42) = 17.988, p < .001$. Thus as projected evidence honesty increases by 1 unit, number of concealments in actual police interviews decreases by .08 units, $t(42) = -4.241, p < .001$. The R^2 value obtained using Stein's formula (.26, see Equation 2, Chapter 5) is similar to the actual value of R^2 (.30), showing the Step 1 model to have good cross validity.

Table 28: Predictors of Total Number of Concealments in Police Interview

	Concealments in police interview		
	B	SE B	β
Step 1			
Constant	10.14	1.08	
Projected honesty	-0.08	0.02	-.55**
Step 2			
Constant	3.38	4.12	
Projected honesty	-0.07	0.02	-.49*
Attachment avoidance	0.40	0.35	.15
Attachment anxiety	0.76	0.66	.15

Note: $R^2 = .30$ for Step 1, $\Delta R^2 = .05$ for Step 2 ($p > .05$). * $p < .05$, ** $p < .001$.

Discussion

Alibi Witness-Defendant Relationship

False alibi evidence was outlined in the literature review (see Chapter 2) to be a form of altruism, as it involves benefiting others through risk to self.

¹⁵ Experimental condition was an inappropriate predictor due to having 4 levels, so level of attachment to suspect (ECR-R) was used in its place.

Thus it was hypothesised that the closer the relationship between alibi witness and defendant, the less crime relevant incriminating information would be revealed. The results demonstrated incriminating evidence was concealed less often for a new colleague than for other individuals. In fact, the new colleague condition was the only experimental condition significantly associated with revealing incriminating evidence about the suspect. This demonstrates partial support for hypothesis one, and the suggestion raised in Chapter 6 that relationship between alibi witness and defendant influences false alibi provision. The findings therefore indicate that jurors should in actual fact be more suspicious of a motivated alibi witness compared to an unmotivated alibi witness. Nonetheless considerable further research is needed on this topic before weight can be assigned to the trends uncovered.

Although participants anticipated revealing least incriminating evidence about their mother, motivated alibi witnesses were not associated with concealing incriminating information about the defendant in the interview. Limited research has compared the effect of differing forms of motivated alibi witnesses such as friends, siblings or parents or those related to the defendant by marriage. For example, Dahl, Brimacombe and Lindsay (2009) examined the impact of alibi testimony from a close friend or a colleague upon mock-investigators when an eyewitness had positively identified the suspect. The study showed that 'arresting' the suspect was significantly more likely when the suspect's alibi was provided by a friend compared to a colleague. Dahl et al's. (2009) findings suggest that the chosen link between friends is seen as more motivation to provide false alibi testimony than the situationally enforced link to a colleague. Certainly the current chapter findings suggest that this bias amongst jurors may have a valid basis as an unmotivated new colleague suspect was significantly associated with alibi witnesses revealing evidence incriminating the suspect, whereas an association between revealing incriminating information and the defendant being one's best friend was not observed.

To date research specific to motivated alibi witness testimony is limited, meaning most research has used a mock jury paradigm to compare reactions to alibis provided by non-motivated alibi witness, such as shop assistants with

motivated romantic partner alibi witnesses (Golding, Stewart, Yozwiak, Djalali & Sanchez, 2000; Olson & Wells, 2004b). This research indicates that mock jurors presume that romantic partners will lie to assist the defendant. When looking at differences in perceptions of different types of motivated alibi witnesses, Lindsay, Lim, Murando and Cully (1986) discovered that in a non-familial brother-in-law alibi witness does not reduce mock jurors guilty verdicts compared to having no alibi witness. In a development of this research, Hosch, Culhane, Jolly, Chavez and Shaw (2011) manipulated the relationship between defendant and alibi witness in fifteen case scenarios presented to mock jurors. The defendant was said to be related by genetics, marriage (including relatives-in-law) or was a non-kin acquaintance to the defendant of varying social closeness. Increased scepticism was observed amongst the mock jurors towards biologically related alibi witnesses compared to marriage and socially related alibi witnesses. Further, the research showed that participants themselves reported being more likely to provide a false alibi for a biological relation compared to a defendant they were linked to either socially or through marriage. However, the differences between alibi witnesses related to the defendant biologically (mother), socially (best friend) and romantically (girlfriend) were not supported in the current study. This could be a result of the differing crimes in the two studies (Hosch et al. used an armed robbery whereas the current study used a hit-and-run). However, the discrepancy could also result from the intentional measure used by Hosch et al. and the behavioural measure utilised in the present study. Although the relationship between intentions and actual behaviour was strong, it was not perfect, indicating that participants may overestimate their likelihood of corroborating certain deception alibis. When looking at who would provide a false alibi, Hosch et al. (2008) found that not only a majority of participants reported being able to find someone to support a false alibi, but a friend or parent was believed to be willing to support a false alibi more than any other familial or social relation.

The current study findings illustrate that there is no clear association between deceptive evidence and motivated alibi witnesses. Thus the juror bias towards motivated alibi witnesses does not seem entirely well founded. The current study findings therefore contradict the trends suggested by the alibi

evaluation research that genetically related alibi witnesses would provide more deceptive evidence than social or romantically related alibi witnesses (Golding et al., 2000; Hosch et al., 2011; Olson & Wells, 2004b). Thus no support for the conceptualisation of altruism as a product of genetic relatedness (Hamilton, 1964) was found. Instead the association between honest evidence by unmotivated alibi witnesses implies the frequency of interactions and consequent opportunities for reciprocity (Trivers, 1971) may be involved in false alibi witness testimony. However, as there was also no association between motivated alibi witnesses and *honest* evidence, it seems that influences other than solely the alibi witness' relationship to defendant (familial, romantic or social) are involved in the decision of motivated alibi witnesses to provide false alibi evidence.

Korchmaros and Kenny (2001) examined responses to a vignette where participants were forced to choose between risking self-harm or leaving someone in life threatening danger. Results indicated that risking self-harm through protecting another was dependent upon emotional closeness to the individual at risk. Emotional closeness was measured using a single item measured on a 7 point scale from *not very close* to *very close*. They concluded that emotional closeness mediates the effect of genetic relatedness upon altruism in that “people are not simply calculators of costs and benefits acting in response to information specifying amount of shared genes and reproductive value. There is another component: emotional closeness” (Korchmaros and Kenny, 2001, p. 264). Conversely, relationship attachment (measured through the anxiety and avoidance scales of the ECR-R) was not a significant predictor of evidence honesty in the current study. Although Korchmaros and Kenny acknowledge that emotional closeness does not account for all the variance in altruism likelihood, it is surprising that it did not contribute at all to evidence honesty in the current study. The ECR-R was chosen to measure relationship closeness as it is a valid and reliable measure (Fraley, Waller & Brennan, 2000, Sibley & Liu, 2004) that is isn't subject to differences based on individual conceptualisations of the term ‘close.’ The fact that the ECR-R measures attachment rather than emotional closeness *per se* was not anticipated to be problematic due to the fact that intimacy and emotional closeness are actually

based upon attachment (Bauminger, Finzi-Dottan, Chasan & Har-Even, 2008). However, there is still the potential for some discrepancy between emotional closeness and attachment. Future research should employ measures of both attachment and emotional closeness (for example the Shulman, Laursen, Kalman & Karpovsky Intimacy Scale, 1997) in order to further elucidate this complex behaviour. However, Jolly (2010) found that relationship satisfaction, investment, commitment, and quality of alternative partners did not predict alibi witness honesty.

It should be noted that the current chapter reports one of the first studies examining whether the relationship between defendant and alibi witness effects actual alibi witness honesty. Certainly, the role of emotional closeness rather than merely relationship closeness in false alibi witness testimony is a point that necessitates further research attention. What is clear from the chapter findings is that individual differences may be involved in motivated alibi witness honesty.

Calculation of risk

As posited throughout the thesis, false alibi evidence is understood to result from consideration of the risks and benefits associated with this course of action (Cornish & Clarke, 1986). Item analysis of the hit-and-run scenario and police interview response support this perspective. Accordingly, items that pose most risk of incriminating the participant themselves were most likely to be associated with an answer that protected the participant. For example, *did the suspect ask you to conceal the hit-and-run from the police?* was associated with the highest level of both projected and actual concealments. This item can be seen to directly implicate the participant as they could be charged with a crime against justice, or charged as an accessory after the fact. Thus concealing this information from the police can be seen as an effective low risk strategy for the alibi witness to assist the defendant and minimise risk to self. Conversely the item most commonly revealed was the type of vehicle driven by the suspect. The ease with which the police could detect this lie presumably deterred participants from concealing this information. This is supported by the finding that all participants across all conditions revealed this information in the police

interview. Thus the findings of the current study support the role of risk calculation identified in Chapter 3 and Chapter 6.

Relationship between Projected and Actual Honesty

As hypothesised, a significant positive relationship was found between prospective evidence honesty (measured through the crime scenario) and actual evidence honesty (mock interview). Intended honesty of evidence was a strong significant predictor of actual honesty of evidence provided in a mock-police interview. This shows that intentions did predict actual behaviour (Wallace, Paulson, Lord & Bond, 2005). That intended evidence honesty strongly predicts actual evidence honesty suggests that prospective scores are not solely a results of bravado. Moreover, the fact that the prospective hit-and-run scenario was administered in a pack of other distractor questionnaires means that consistency bias isn't responsible for the relationship between intended and actual alibi witness honesty. Moreover, the prospective and behavioural measures of false evidence utilised in this chapter is a real improvement of previous research methods which used invalidated prospective measures. Although criticism has been levelled at projective measures of behaviour these findings demonstrate that they can reliably be used to assess alibi witness honesty. The findings of the current study therefore validate the use of the projective FEQ measures in Chapter 5 (attitudes to the police and courts and false alibi provision) and Chapter 6 (knowledge of the law and false alibi provision) of the thesis. Thus the thesis has developed a new methodology and tool to assess alibi witness behaviour. This provides a new avenue for alibi witness research and will facilitate further research and understanding on this new aspect of forensic psychology.

Limitations

'Actual' alibi witness honesty was measured through a mock police interview which could be criticised for lack of realism. This process occurred as it is not possible to establish the ground truth in actual police interviews, even when a conviction is secured. Moreover, access to a large sample of interviews

with alibi witnesses was not possible and research based on single case studies can be misleading (Loftus & Guyer, 2002). As highlighted in Chapter 1, the experimental approach permits the relatively newly identified phenomena of alibi witness evidence to be studied in light of existing psychological theory (Berman & Cutler, 1996) and is consistent with the approach taken in the limited existing alibi witness research (for example Allison, Mathews, Michael & Choi, 2009; Burke & Turtle, 2004; Culhane & Hosch, 2004; Dahl, Brimacombe & Lindsay, 2009). Despite the artificial nature of the mock police interview, participants on average rated the interview as towards the realistic end of the scale provided ($M = 64.98$, $SD = 25.80$)¹⁶. Moreover, the ecological validity of the study was enhanced through a serving uniformed police officer conducting the interviews in a realistic mock police station. Anecdotal feedback from participants highlighted the perceived realism of the interview situation and the nerves felt in the interview setting. This effect was even reported by a former police officer participating in the study. Raised state anxiety levels (measured with the STAI) exhibited in most participants subsequent to being interviewed support the notion that the realism of the interview was as high as possible, given the experimental nature of the research. Moreover, high state anxiety levels meant eight participants were excluded from taking part in the interview. This proportion of participants with high anxiety is greater than would be expected, suggesting that the prospect of the interview raised state anxiety levels, thus supporting the ecological validity of the study. Although the sample size was small, the study had sufficient power to detect significant effects, and the cross validity of the regression model was high (see results section) indicating that the predictive value of intended honesty of evidence upon actual interview honesty can be generalised beyond the present sample. This evidence all supports the conclusion that the mock nature of the research does not greatly limit the generalizability of the findings. Furthermore, this again supports the use of prospective measures of alibi honesty in place of behavioural assessments.

¹⁶ Measured on a scale of 0 (unrealistic) to 100 (realistic)

The young sample employed in the study is valid given the previous research illustrating that young people are more likely to disobey the authority and be stopped by the police (Skogan, 2006). Chapter 5 demonstrated that age is a significant predictor of intended alibi evidence honesty such that increasing age is associated with increasing honesty. The current chapter investigated the effect of the relationship between suspect and alibi witness upon alibi witness honesty. Differences due to the relationship between the suspect and alibi witness should be more pronounced amongst this younger sample, therefore using a young sample increased the likelihood of false alibi provision in general. Therefore using a sample of young participants maximised the chances of observing any effects of relationship upon alibi honesty and minimises the likelihood of type 2 errors occurring. Thus the strong association between strangers and alibi honesty, and the more complex pattern for familiar others may not have arisen with an older sample. This is not to say that a type 1 error has occurred, rather a much greater sample would be necessary to find similar trends in older individuals due to the reduced likelihood of false alibis in general, a great challenge in terms of recruitment. However, replication of the current research is necessary given that it represents the initial study of the provision of alibi evidence by motivated and unmotivated alibi witnesses. Building on this research basis, future research should examine the alibi witness and defendant relationship in a more generalizable sample. However, given that this study is the initial study of its type, the findings initiate a promising avenue for future research using this novel research paradigm. Although further research with a larger sample and more diverse sample would be recommended, the sample employed is not a limitation of the current study.

Implications for practice

Previous research shows that juror scepticism is greater towards motivated alibi witnesses than to alibi witnesses unrelated to the defendant (Hosch et al., 2010). The current study suggests that this is not an unfounded bias as there was a significant association between unmotivated alibi witnesses and revealing the truth in police interviews. However, a single unmotivated alibi witness condition was utilised in the study (new colleague) highlighting the need

for further research involving further types of unmotivated alibi witnesses.

Conversely motivated witnesses were not associated with either concealing or revealing implicating information about the suspect, showing that there is a complicated relationship between motivated alibi witnesses and alibi honesty.

The current study demonstrates that not all motivated alibi witnesses are necessarily equally likely to lie, implying that jurors may require direction from the judge to counteract their general alibi witness bias, and their more specific motivated alibi bias. As the research regarding juror evaluations of alibi evidence is limited and slightly contradictory, and this is the first study of its kind, further research is needed to elucidate this complex relationship before valid and reliable recommendations to practice can be made.

In Chapter 5 and Chapter 6 omissions were more common than commissions. Moreover in the current study there was evidence of risk evaluation in relation to which questions were answered deceptively. This has implications for the cognitive interview technique which may be used with witnesses as the emphasis this places on free recall and open questions provides the opportunity for omissions if probing questions are not utilised. The current research utilised a closed question approach as research shows a preponderance of closed questions in police interviews, despite training to avoid this (Ministry of Justice, 2011; Davies, Westcott & Horan, 2008; Fisher, Geiselman & Raymond, 1987; Oxburgh, Myklebust & Grant, 2010). Thus the interviews implemented in the present study mirrored actual (albeit incorrect) police interview procedure as well as facilitated appropriate data analysis techniques. The role of interview approach in allowing concealment of information as opposed to fabrications by alibi witnesses would be a valid line of future research as the findings of Chapter 3 certainly suggest that alibi witnesses would be more honest in response to closed questions than open questions, due the greater acceptability of lying through omission. Moreover, Schweitzer and Croson (1999) discovered that participants were influenced by direct questions, in that they reported being less likely to lie about the condition of a hypothetical car they were selling when asked directly about whether it had a specific problem, than when they are not asked directly. These findings contradict previous investigative interviewing research regarding the efficacy of

open questions with suspects (for example Davies, Westcott & Horan, 2008; Oxburgh & Dando, 2011; Oxburgh, Myklebust & Grant, 2010) and therefore warrants future research attention.

Summary and Conclusions

The current chapter interview found a significant association between amount of information concealed and experimental condition (relationship to suspect), such that a suspect being a new colleague was associated with revealing incriminating information. No significant association between the other conditions and amount of information concealed was found. Consequently, there was no evidence that individuals were more likely to provide a false alibi to assist a defendant in order to prove loyalty to a romantic relationship (Kivivuori, 2007; Zahavi & Zahavi, 1997). Although evidence honesty was significantly associated with non-motivated alibi witnesses (new colleague), there was no association between actual alibi honesty for motivated alibi witnesses (child, best friend or romantic partner). Therefore some support was found for the concept that false alibis are provided based on likelihood of mutual reciprocity (Trivers, 1971). It was suggested that the sample employed should be broadened in future research to be more representative of the population as a whole. This would allow the effect of defendant and alibi witness relationship longevity upon alibi witness honesty to be ascertained, a factor limited by the young age of the current sample. Moreover, research implementing a measure such as the Shulman, Laursen, Kalman and Karpovsky Intimacy Scale (1997) would enable intimacy between alibi witness and defendant as opposed to attachment to be examined.

The study supported the concept that individuals carefully consider the positives and negatives associated with each course of action before deciding to provide false evidence. This supports the findings of Chapter 5 and Chapter 6 that false alibi provision is not an irrational response to a pressured situation. Tentative support was therefore found for the suggestion that police need to employ probing questions when interviewing alibi witnesses in order to minimise evidence concealments and maximise the chances of receiving a thorough and accurate account.

In conclusion the current chapter offers a valid first step into understanding the role that defendant-alibi witness relationship has upon honesty of alibi witness evidence. Further research examining how alibi evidence from motivated and unmotivated alibi witnesses is evaluated by jurors is required before recommendations regarding judicial instructions about alibi witness evidence can be made.

CHAPTER 8: MOCK JUROR EVALUATIONS OF ALIBI EVIDENCE

One factor that may induce people to provide false evidence for others is the belief that their falsehood will be undetected in court, and that it will aid the defendant's case. Limited prior research (Culhane, 2005; Culhane & Hosch, 2004; Golding, Stewart, Yozwiak, Djadali & Sanchez, 2000) suggests however that motivated alibis witnesses (those witnesses with a prior relationship with the defendant) are treated with considerable suspicion by jurors and may not aid the defendant's case. The alibi evaluation literature in general is scarce, thus little research has directly assessed the weight assigned to alibi evidence relative to other forms of evidence. In effect research attention has been focused upon prosecution eyewitnesses (see for example Bradfield Douglass, Neuschatz, Imrich & Wilkinson, 2010) at the expense of understanding the role of alibi witness testimony. Moreover, researchers have recently suggested that alibi timing (alibi disclosed during initial investigations opposed to alibi disclosure during the trial) may be of importance to alibi evaluations (Mathews & Allison, 2010). Despite evidence that delayed *ambush* alibi testimony may be common (Turtle & Burke, 2003; Lord Chief Justice of England and Wales, 2008) no research has examined how this delaying strategy affects alibi evaluations. The research reported in this chapter therefore examines the influence of alibi evidence from motivated and unmotivated alibi witnesses upon trial verdicts, and compares this to trials involving no alibi. Moreover, the stage of the investigation at which the alibi is disclosed will be examined for effects upon juror's verdicts and assessments of evidence veracity. As a whole this chapter aims to uncover how alibi timing and witness relationship impacts upon juror decision making.

Alibi Evaluation Research

The literature is very scarce on alibi research (Sommers & Douglass, 2007). Where an alibi has been included, generally it has not been the main focus of the research. Most of the alibi evaluation research has examined the

role of the relationship between defendant and alibi witness, revealing that jurors have increased scepticism towards motivated alibi witnesses (witnesses with a prior relationship to the defendant) compared to unmotivated alibi witnesses (for example, Burke & Turtle, 2004; Olson & Wells, 2004). The findings of Chapter 7 of this thesis supported this apparent juror bias in that unmotivated alibi witnesses were found to be associated with the provision of truthful evidence. However, the findings relating to motivated alibi witnesses were less clear. The limited research on this point suggests that alibis are only considered by jurors when there is a lack of other strong evidence in the case (Shpurik & Meissner, 2004). Golding et al., (2000) found that unmotivated alibi witnesses countering DNA evidence, reduced guilty verdicts. However, to date there is no UK based alibi research (Olson & Wells, 2004a; Culhane, Hosch & Kehn, 2008) highlighting the need to understand the perception of alibi evidence by British jurors.

Olson and Charman (2011) demonstrated that just 48 hours after initially providing their genuine alibi, mistakes forced 36% of innocent mock suspects to change the content or evidence supporting their alibis. This demonstrates that alibi change is a frequent occurrence. However, as highlighted in the literature review (see Chapter 2) delaying the disclosure of an alibi in order for the defence to gain an advantage through ambushing their trial, may be a common strategy. Thus far, no research has examined whether ambush alibis influence juror evaluations of that alibi, and evaluations of defendant guilt. Sommers and Douglass (2007) assessed how individual mock detectives assessed alibis at the police investigation stage of proceedings, and how mock jurors evaluated alibis at trial, although this did not directly assess ambush strategies. Nonetheless the results indicated that alibis were considered stronger when rated in the police investigation context compared to the trial context. Sommers and Douglass suggested this was due to a view that the alibi must be weak if the case proceeded to trial despite the presence of an alibi. Similarly, Dysart and Strange (2012) found that police generally thought changes to alibis were the result of lies, despite being aware of the limitations of memory. Thus the results support Olson and Wells' (2004b) alibi scepticism hypothesis. The findings of this research however also suggest that ambush alibis in court will

be viewed more negatively than alibis disclosed in a timely fashion. This is due to the delayed disclosure preventing investigation of the alibi and thus strengthening of the alibi scepticism hypothesis. It is therefore important to explore how ambush alibis are evaluated by jurors. Moreover, as in real cases both alibi timing and alibi witness/defendant relationship may not be wholly independent, it would be beneficial to discover how these variables interact.

Summary

There is scarce research on evaluations of alibi evidence. Research illustrates that mock jurors differently assess the testimony of motivated and unmotivated alibi witnesses. There is however no research pertaining to evaluations of ambush alibis although research suggests this may be a strategy used in the courtroom. Furthermore, previous research has tended to assess alibi evidence in isolation, with little research assessing the relative strength of alibi evidence compared to other trial evidence such as DNA, fingerprints and eyewitnesses. Thus the current study examines perceptions of the strength of timely alibis and ambush alibis, and the strength assigned to alibis from motivated and unmotivated alibi witnesses. It is hypothesised that:

1. More not guilty verdicts will be reached when an unmotivated alibi witness is present compared to a motivated alibi witness.
2. More not guilty verdicts will be reached when a timely alibi is provided compared to an ambush alibi.
3. Alibi evidence from motivated witnesses will be rated as less reliable than evidence from unmotivated alibi witnesses.
4. Ambush alibi evidence will be rated as less reliable than timely alibi evidence.
5. Support will be found for the alibi scepticism hypothesis.

Pilot Study

The materials were initially developed and piloted to ensure their clarity and appropriateness. The trial summary was intended to illicit a 'guilty' verdict in the no alibi witness control condition, so that the influence of alibi witness

testimony could be assessed in relation to this. The defence argument came from the defence barrister's opening statement, the defendant, the defendant's friend and, dependent upon experimental condition, an alibi witness.

Conversely the prosecution case consisted of evidence from the victim, a forensic scientist, the attending paramedic and an eyewitness. However, piloting of the materials for each condition in small groups of 4 - 11 persons revealed that *not guilty* verdicts were consistently returned in all conditions. This suggested that the prosecution case was not strong enough in that reasonable doubt existed even in the absence of an alibi witness (control condition). Thus it was not clear whether the experimental conditions returned a *not guilty* verdict because they believed the alibi witness testimony, or because the prosecution case in general was weak. To address this issue, a default *guilty* verdict needed to be rendered in absence of an alibi. Thus if the alibi witness affected decision making, participants in the experimental conditions would return a *not guilty* verdict that could be compared to the *guilty* control group verdict. Conversely, they could return guilty verdicts, illustrating that the alibi witness testimony had little effect on their decision making. However the prosecution evidence provided could not be so conclusive that it was impossible for the alibis presented to be genuine. Thus the materials were amended to include more detailed evidence from the paramedic to support the victim's injuries being serious, and evidence to possibly place the defendant at the scene of the crime in the form of a police officer discussing inconclusive CCTV footage of the incident¹⁷. Individually this prosecution evidence was not conclusive, but together was sufficient to render the necessary default guilty verdict in the control (alibi witness absent) condition.

¹⁷ CCTV footage clearly identifying the defendant would, by default, mean that the alibi was false. Instead the fact that the CCTV footage was not clear meant that it may depict the defendant, or that the alibi witness may be accurate.

Main Study

Participants and Procedure

Participants were recruited through an opportunity sample of psychology students, as well as participants from a community sample recruited through a snowballing technique. The study was hosted online through the SurveyMonkey website (www.surveymonkey.com). Web links to each version of the study (one for each condition) were distributed to potential participants through the SONA psychology research participation scheme at Teesside University and on www.facebook.com. The first webpage of the study informed participants of the study ethical considerations, and also asked people to participate only if they met the requirements for UK jury duty. A total of 180 participants took part, 36 in each condition. The sample was predominantly female with 48 males compared to 131 females (1 participant did not record their sex). The mean age of participants was 21.15 (SD= 9.69) years, with participants ranging from 18 - 63 years of age. The majority of participants were students (74.4%) followed by professional occupations (12.2%) and associate professional and technical occupations (5.6%).

Design

A between participants experimental design was implemented for the study. The experimental manipulation occurred in the written trial summary provided to participants. The alibi witness was either motivated (girlfriend of the defendant) or unmotivated (neighbour of the defendant). These relationships were selected as both alibi witnesses would be able to correctly identify the defendant due to their prior relationship. Due to the timing and nature of the crime (early hours of the morning), the neighbour could provide a plausible reason for seeing the defendant (putting out dustbin) whereas a complete stranger may be presumed to be intoxicated. Thus in order to control for extraneous variables the defendant's girlfriend formed the motivated witness, and a neighbour that knew the defendant by sight only formed the unmotivated alibi witness. A timely alibi occurred when the defendant revealed their alibi to the police in interviews, whereas the ambush alibi occurred when the defendant was said to have only revealed an alibi witness in court. The relationship

between the defendant and the alibi witness and the stage at which alibi evidence was disclosed by the defendant were systematically manipulated to create 5 experimental conditions:

1. No alibi witness
2. Motivated timely alibi
3. Motivated ambush alibi
4. Unmotivated timely alibi
5. Unmotivated ambush alibi

The effect of the experimental manipulation was measured in terms of both the verdict, verdict confidence, and the perceived reliability of each type of evidence presented in the case.

Materials

Participants were presented with an inventory of a juror information sheet, trial summary, case indictment, and questionnaire. These materials were presented in a series of linked webpages (see Appendix 9 for a sample). The participant information outlined how jurors are selected and the role that they play in court. This information was provided to highlight the gravity of serving as a juror in a criminal case. The indictment and trial summary were checked by a qualified lawyer to ensure the charge of grievous bodily harm brought against the defendant was appropriate to the injuries in the scenario, and that sufficient evidence existed that a trial could reasonably occur.

The format of the trial summary was based on that implemented by Golding et al. (2000) comprising of a brief overview of the facts of the trial, the prosecution's case and finally the defence's case. The trial related to a fictional case of an alleged grievous bodily harm (GBH) of a man outside a nightclub due to the potential ceiling effects a more serious and emotive crime could create. Moreover, a fictitious event was chosen to ensure that participants did not have any personal involvement in the offence. However, to encourage participants to take the case seriously and try to reach the 'correct' participants were informed that the case was genuine.

The defence and prosecution opening statements outlined the date and timing of the alleged incident, introduced the witnesses that the prosecution and defence would produce, and stated that the defendant pleaded not guilty. The evidence of each witness was presented in a single paragraph and cross examination responses were also provided to expose the potential weaknesses of each witness's evidence.

The prosecution witnesses included in the case were the victim, a police officer, a forensic scientist, a door attendant and a paramedic. Their evidence demonstrated that the victim's injuries were serious and most likely intentional and gave inconclusive circumstantial evidence that the defendant was responsible. For example, the police officer testified that someone matching the defendant's description was seen running away from the scene on CCTV, although the footage was poor quality, so only the height and build of the offender could be seen. The door attendant testified that the apparently drunk defendant was in the area 30 minutes before the incident. Furthermore the scientist testified that the defendant's fingerprint was on a bottle which had been used to strike the victim. The victim testified that he had a minor altercation with the defendant earlier in the night but did not see his attacker. This level of evidence was necessary to construct a case that in real life would reach court, without being so conclusive that any alibi testimony would be obviously false. Moreover, as alibis are suggested to be only considered by jurors when other evidence is weak (Shpurik & Meissner, 2004), all the prosecution evidence was deliberately circumstantial and inconclusive. Thus, there was sufficient evidence that the defendant could stand trial, but not so much evidence that his alibi (where presented) could not be plausible and accurate.

The defence witnesses included the defendant, a friend of the defendant and, in the experimental conditions only, an alibi witness. In his testimony, the defendant stated that the altercation was minor and he did not attack the victim. This assertion was supported by the defendant's friend. The critical evidence that varied between conditions was that relating to the defendant's alibi. In the no alibi condition the defendant claims to have been home alone at the time of the crime, with no supporting evidence presented. The unmotivated alibi conditions contained testimony from the neighbour of the defendant, claiming to

have seen the defendant at home 15 minutes prior to the attack. Under cross examination the alibi is exposed to be weak as the neighbour admits that the defendant could have left his home address without her knowledge and that she could be mistaken regarding the night she witnessed the defendant arriving home. In contrast to this in the motivated alibi witness conditions an alibi was supplied for the defendant by his girlfriend who claimed the defendant arrived home 15 minutes to the incident. The defendants' girlfriend admits under cross examination that the defendant could have left the house without her knowledge once she fell asleep. In the ambush alibi conditions, under cross examination the alibi witness states *I don't know why I didn't tell the police that I saw Michael get home that night. I only remembered a couple of days ago*. Thus it is implied that the alibi witness was aware earlier in the investigation that the defendant was a suspect, but did not offer an alibi. The defendant gives the exact same response under cross-examination *I don't know why I didn't tell the police that my neighbour saw me get home that night. I only remembered a couple of days ago*.

The Crown Court Bench Book (Judicial Studies Board, 2010) suggests that judges should remind jurors that 1) jurors should be instructed that there is no burden on the defendant to prove that he was elsewhere, and 2) a lying defendant is not necessarily a guilty defendant. However, bearing in mind the paucity of alibi research, the necessity of these instructions and the accuracy of point 2 is unclear. Furthermore, these instructions are advised rather than legally required. Thus the current study did not include these directions in order to ascertain whether they are indeed necessary, and whether they should become a legal requirement.

Participants then indicated their verdict, (*Guilty, Not Guilty*) as well their confidence in this decision (rated from 0; *not at all confident* to 100; *completely confident*). Further questions asked participants to the reliability and influence of the door attendant, victim, defendant, defendant's girlfriend/neighbour (if present), the DNA evidence, the fingerprint evidence, the forensic scientist, the paramedic, the defendant's friend and the CCTV footage. All of these variables were rated on a scale ranging from 0 (not at all reliable/not at all influential) to 100 (completely reliable/completely influential). The final section of the

questionnaire required participants to rate on likert scales the influence and reliability of the different types of evidence in criminal cases in general¹⁸.

Ethics

The research was conducted in accordance with the governing principles of the Code of Human Research Ethics (2006) and guidelines for ethical practice in psychological research online (2007) established by the BPS. The specific study was assessed and approved by the ethics committees at Sheffield Hallam University and Teesside University. The deception regarding the case authenticity was revealed in the debrief stage of the study where participants were also provided with the researcher's contact details.

Results

Verdict

As anticipated, across all conditions the majority of participants found the defendant guilty (125 guilty verdicts compared to 55 not guilty). The default no alibi witness condition rendered 23 guilty verdicts and 13 not guilty verdicts. Similarly hearing an unmotivated timely alibi and unmotivated ambush alibi conditions led to 23 guilty and 13 not guilty verdicts. In comparison 30 guilty verdicts and just 6 not guilty were seen in the motivated ambush alibi condition and 26 guilty 10 not guilty in the motivated timely alibi condition. This suggests that a motivated alibi witness actually detracts from defendant's case and makes guilty verdicts more likely. However, an unmotivated alibi witness had no impact on perceptions of guilt compared to having no alibi witness. See Table 29 for this data.

¹⁸ This data was not analyzed in detail as it did not directly pertain to the question of interest for this chapter

Table 29: Mean (SD) Verdict and Verdict Confidence by Condition

Condition ^a	Verdict	Frequency	Verdict Confidence	Verdict Confidence
No Alibi	Guilty	23	71.09 (14.61)	71.95 (14.21)
	Not Guilty	13	73.46 (13.90)	
Motivated Timely Alibi	Guilty	26	77.19 (11.74)	73.95 (21.82)
	Not Guilty	10	65.50 (12.12)	
Motivated Ambush Alibi	Guilty	30	75.37 (18.37)	71.42 (19.91)
	Not Guilty	6	51.67 (16.02)	
Unmotivated Timely Alibi	Guilty	23	68.04 (15.65)	62.47 (19.54)
	Not Guilty	13	52.62 (22.36)	
Unmotivated Ambush Alibi	Guilty	23	73.52 (9.11)	66.92 (19.24)
	Not Guilty	13	55.23 (26.38)	

Note. ^a n=36

A 2x2x2 hierarchical loglinear analysis was conducted to assess the influence of alibi witness (motivated, unmotivated) and alibi timing (timely, ambush) upon participant verdict (guilty, not guilty). The main effect of verdict was significant, $X^2(1) = 25.78$, $p < .001$, indicating that significantly more participants voted guilty ($n = 102$) than voted not guilty ($n = 42$). All other main effects and interactions were not significant (all $p > .05$) indicating that the motivation and timing of the alibi witness' evidence had no impact upon participant verdicts. Further, Chi² analyses were conducted to compare each of the experimental alibi containing conditions with the no alibi condition. These were all non-significant (all $p > .05$) indicating no significant association between condition and verdict.

Confidence in verdict was rated on a scale of 0 (*not at all confident*) to 100 (*completely confident*). Across the whole sample, participants voting guilty ($M = 73.27$, $SD = 14.59$) were on average more confident in their verdict choice, than those reaching a not guilty verdict ($M = 60.10$, $SD = 20.79$), $t(178) = 4.758$, $p < .001$. Average confidence scores ranged from 62.47 ($SD = 19.53$) in the unmotivated timely alibi condition to 73.94 ($SD = 12.82$) in the motivated timely alibi condition.

Table 29 illustrates that participants hearing no alibi, and those hearing a timely or ambush alibi from the defendant's girlfriend were more confident in their verdict, than participants hearing an alibi from the defendant's neighbour. A oneway ANOVA¹⁹ was conducted to examine the effect of condition (unmotivated timely alibi, motivated timely alibi, unmotivated ambush, motivated ambush alibi, no alibi) upon verdict confidence (0; *not at all confident* – 100; *completely confident*). Although the overall ANOVA was significant, $F(4, 175) = 2.54, p = .042, \omega = .18$ (small), post hoc Bonferroni tests did not support this difference (all $p > .05$).

Reliability of Case Evidence

Table 30 reveals that the DNA evidence and the forensic scientist who presented this evidence were rated as the most reliable forms of evidence in the case ($M = 83.32, SD = 22.08$ and $M = 81.30, SD = 19.40$ respectively). The only 'scientific' evidence not to be rated so highly reliable is the CCTV footage ($M = 52.10, SD = 25.31$) which is admitted in the case to be poor quality.

Table 30: Mean (SD) Case Evidence Reliability across Conditions

Evidence Type	Reliability
Prosecution Scientific Evidence	
DNA	83.32 (22.08)
Fingerprint	80.72 (22.02)
Forensic Scientist	81.30 (19.40)
Paramedic	78.36 (23.65)
CCTV Footage	52.10 (25.31)
Prosecution Person Evidence	
Door attendant	65.29 (24.46)
Victim	58.04 (26.50)
Defence Person Evidence	
Defendant	31.90 (22.05)
Alibi witness	40.39 (24.98)
Defendant's friend	41.71 (23.71)

Note. 0 = Not at all reliable, 100 = completely reliable

¹⁹ Conducting a oneway ANOVA allowed for the 'no alibi' condition to be included in this analysis as this condition straddled both the Alibi Timing and Alibi Witness variables

Table 30 reveals that participants perceived the least reliable evidence to be that provided by the defendant, alibi witness and defendant's friend; namely the defence case. Each of these evidence types were solidly towards the lower *not at all reliable* side of the 0-100 visual analogue scale. The final group of evidence seen is the eyewitness prosecution evidence consisting of testimony from the victim and the door attendant, neither of whom saw the crime occur. Thus the average reliability ratings of the victim and door attendant evidence (M= 58.04, SD= 26.50 and M= 65.29, SD= 24.46 respectively) are lower than those for the scientific evidence, but higher than the defence evidence.

Table 31: Mean (SD) Reliability^a of Alibi Witness Evidence and Defendant Evidence by experimental condition

Evidence type	No Alibi Witness	Motivated Timely Alibi	Motivated Ambush Alibi	Unmotivated Timely Alibi	Unmotivated Ambush Alibi	Mean Average across conditions
Alibi Witness	N/A	33.50 (24.60)	33.33 (25.27)	56.75 (23.17)	37.97 (19.68)	40.39 (24.98)
Defendant	41.25 (22.37)	36.33 (23.74)	37.47 (23.11)	38.78 (20.62)	35.67 (21.04)	37.90 (22.05)

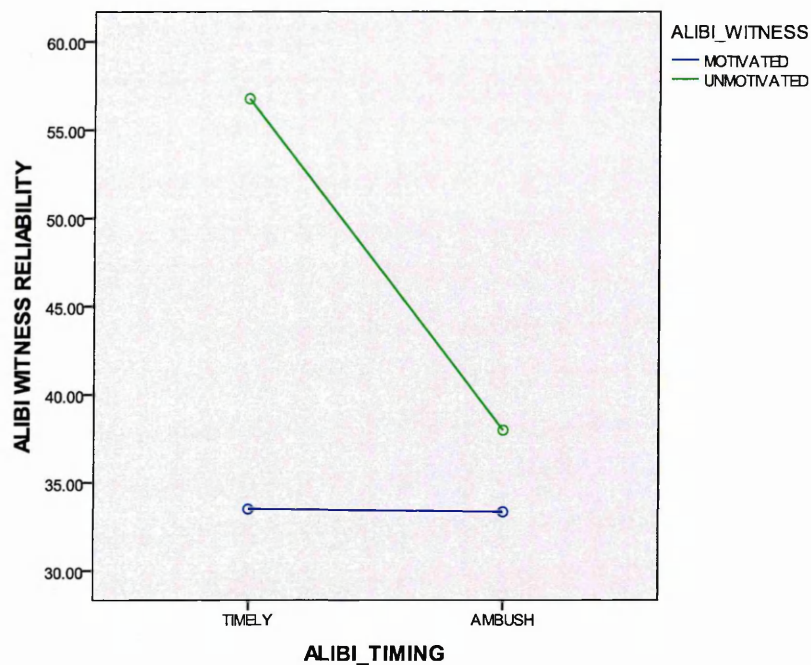
Note. ^a0; Not at all reliable, 100; completely reliable

Ratings of defendant reliability were generally low (less than 50% of available scale) and appeared influenced by the type of alibi evidence presented (see Table 31). The defendant was rated most reliable when they had no alibi witness (M= 41.25, SD= 22.37) and least reliable when an unmotivated witness supported their ambush alibi (M= 35.67 SD= 21.04). A 2x2 ANOVA revealed no significant main effects of alibi timing or alibi witness on ratings of defendant reliability ($F(1, 140) = .071, p = .790, \omega^2 = -.007$ (very small) and $F(1, 140) = .007, p = .931, \omega^2 = -.007$ (very small) respectively). There was no significant interaction between these variables, $F(1, 140) = .331, p = .566, \omega^2 = -.005$ (very small).

Table 31 also illustrates that across the sample as a whole the alibi witness' evidence²⁰ was rated as rather unreliable ($M = 40.39$, $SD = 24.98$). Variation was found between alibi conditions, with the unmotivated timely alibi ($M = 56.75$, $SD = 23.17$) witness perceived as the most reliable, and motivated ambush alibi witness the least reliable witness ($M = 37.97$, $SD = 19.68$). A 2x2 ANOVA was conducted to examine the effect of alibi timing (timely, ambush) and alibi witness (motivated, unmotivated) upon perceptions of alibi witness reliability in the case provided. This revealed a significant main effect of alibi witness, $F(1, 140) = 12.92$, $p < .001$, $\omega^2 = .07$ (medium), and alibi timing, $F(1, 140) = 5.96$, $p = .016$, $\omega^2 = .03$ (very small). Thus timely alibis ($M = 45.13$, $SD = 26.46$) were perceived to be significantly more reliable than ambush alibis ($M = 35.65$, $SD = 22.61$), and unmotivated alibi witnesses ($M = 47.36$, $SD = 23.35$) were believed to be significantly more reliable than motivated alibi witnesses ($M = 33.42$, $SD = 24.76$). There was also a significant interaction between alibi timing and alibi witness, $F(1, 140) = 5.75$, $p = .018$, $\omega^2 = .03$ (very small). Thus a timely unmotivated alibi witness ($M = 56.75$, $SD = 23.17$) was perceived as significantly more reliable than an ambush unmotivated alibi witness ($M = 37.97$, $SD = 19.68$). Similarly, timely alibis from an unmotivated alibi witness were seen to be significantly more reliable than timely alibis from a motivated alibi witness ($M = 33.50$, $SD = 24.60$). However, there was no significant difference between the timely and ambush alibis provided by motivated alibi witnesses. These findings are illustrated in Figure 12 below.

²⁰ All case evidence was scored between 0 (not at all reliable) and 100 (completely reliable)

Figure 12: The Effect of Alibi Witness and Alibi Timing upon Ratings of Self-Reported Alibi Witness Reliability



Discussion

Summary of results

Several of the hypotheses were supported by the data (see Table 32). Specifically the hypothesised trends with regards to the effect of alibi witness motivation and alibi timing upon ratings of alibi witness reliability were supported.

Table 32: Summary of Findings in Relation to the Hypotheses

	Hypothesis	Supported
1	More Not Guilty verdicts will be reached when an Unmotivated Alibi Witness is present compared to a Motivated Alibi Witness.	No - see Chi ² analysis page 221
2	More Not Guilty verdicts will be reached when a Timely Alibi is provided compared to an Ambush Alibi.	No – see Chi ² analysis page 221
3	Alibi evidence from Motivated Witnesses will be rated as less reliable than evidence from Unmotivated Alibi Witnesses.	Yes – see 2x2 ANOVA page 225
4	Ambush Alibi evidence will be rated as less reliable than Timely Alibi evidence.	Partially – see 2x2 ANOVA page 225
5	Support will be found for the Alibi Scepticism Hypothesis.	Yes – see Table 30 page. 223

This study found that alibi witness motivation had a significant effect upon perceptions of alibi witness reliability, such that motivated alibi witnesses were seen as significantly less reliable than unmotivated alibi witnesses. Moreover, more guilty verdicts were reached when the alibi witness was motivated compared to having an unmotivated alibi witness, or no alibi witness (although this trend was not significant). Together this cautiously suggests that whereas an unmotivated alibi witness has no impact upon a defendant's case, a motivated alibi witness actually harms their defence. This is in accordance with previous research regarding the effect of alibi witness upon alibi believability (Allison & Brimacombe, 2010). Hamilton's rule (1964) states that degree of relatedness between individuals predicts the probability of an altruistic act. Jurors seem to apply this rule when evaluating alibi testimony as motivated alibi witnesses were perceived as less reliable, presumably because they were thought to be more likely to lie for the defendant. Related to this, Hosch, Culhane, Jolly, Chavez and Shaw (2011) found that motivated alibi witnesses with a biological relation to the defendant were viewed as less reliable than those related only by marriage. However, both of these witnesses were less reliable than an alibi witness motivated by a social relationship with the defendant. In the current study, the girlfriend of the defendant (motivated alibi witness) was viewed as a less reliable alibi witness than the neighbour of the defendant (unmotivated alibi witness). Thus a girlfriend alibi witness is viewed similarly to a marriage related witness, rather than a socially related alibi witness.

Ambush Alibis

Prior research illustrates that statement inconsistency is commonly associated with deception (Mann, Vrij & Bull, 2004), although it remains unclear whether this belief is accurate (Granhag & Stromwall, 2000; Vrij, 2008). Thus in the current study it was expected that the inconsistent nature of the ambush alibi testimony would correspondingly increase conviction rates when ambush alibi evidence was present. Results demonstrated that a changing alibi (in the form of an ambush alibi) was perceived as less reliable than an alibi witnesses that provided their evidence in a timely manner, providing apparent support for

the presumption that inconsistency is a sign of deception (Mann, Vrij & Bull, 2004). Similarly, although only 28% of police officers surveyed by Dysart and Strange (2012) believed that it was very or extremely likely that a suspect could be mistaken about their whereabouts the majority of participants (81%) thought alibi change was indicative of the original alibi being a lie. Conversely, only 19% thought alibi changes were due to mistaken memory showing that despite awareness of the limitations of alibi witness memory, police are still generally suspicious of changes to alibi stories. On this point, Berman and Cutler (1996) found that novel evidence in court (evidence not previously included in the investigation) was seen as more reliable than contradictory evidence in court, and contradictions between pre-trial and in court evidence.

There were some differences between Brewer and Burke's (2002) research and the current study; namely that the current study featured new evidence from a new witness, rather than new/ inconsistent evidence from an existing witness. Thus, these results suggest that an alibi witness that *contradicts* themselves is perceived as less reliable than an alibi witness whose testimony *ambushes* the court. Brewer and Burke (2002) suggest that changes to testimony erode perceptions of witness confidence in court, a factor consistently demonstrated to be associated with jury guilty verdicts (Cutler, Penrod & Dexter, 1990) despite the inaccuracy of this association (Sporer, Penrod, Read & Cutler, 1995). This explains why the decreased reliability of the ambush alibi witness (as indicated by participants) was not sufficient to impact upon mock juror verdicts in the current study; although less reliable than a consistent witness, they were more reliable than an inconsistent witness. However, the current study is the first to manipulate the constancy of alibi witness testimony rather than eyewitness testimony (Berman & Cutler, 1996; Brewer & Burke, 2002). The exploratory nature of the research and lack of comparative research means the findings should be treated with caution. However, they provide a new avenue for future research on the issue of alibi witness testimony.

Verdicts

Although the current findings support the concept of a negative bias regarding alibi witnesses, the results indicate that the defendant's perceived reliability (and guilt) remains unaffected by having an unreliable alibi witness²¹. This could be because the alibi evidence was amongst the least influential evidence (as self-reported) to the mock juror's decision making. This supports the assertion that jurors consider alibi testimony when lacking other evidence against the defendant (Shpurik & Meissner, 2004). This contradicts the results of similar studies which found higher guilt ratings when a motivated alibi witness testified. However, participants did believe that alibi witness testimony had influenced their judgements, even though this didn't translate to actual verdicts. Utilising a continuous measure of guilt Hosch et al. (2011) found that a corroborating alibi witness reduced belief in defendant guilt by 22%. However, whether this reduction translates into a not guilty verdict is dependent upon participant formulations of the 'reasonable doubt' standard (Dhami, 2008) which have been shown to vary widely (Horowitz, 1997). Horowitz demonstrated that reasonable doubt varies from 60% to 90% certainty in guilt, meaning that a 22% reduction²² may not be sufficient to convince participants of the defendant's innocence. As a dichotomous verdict (guilty, not guilty) was requested from participants it is not possible to ascertain whether the ambush evidence had a more subtle effect upon levels of perceived guilt. As Olson and Wells (2004b) highlight, guilt estimates are not always sensitive enough to measure perceptions of alibis. However, collecting a continuous measure would not allow overall verdict to be gathered due to individual differences in the reasonable doubt standard. Furthermore, as in real world settings jurors are only offered dichotomous verdicts, this format was most appropriate for participant responses.

Although participants recognised ambush alibis as unreliable or weak evidence, they did not appear to believe they reflected a malicious intent to ambush the courts or commit perjury. This is evidenced in the fact that the

²¹ According to participant ratings of evidence reliability

²² This presumes that jurors approach the case with a presumption of guilt. See the section on the story model for further information on this.

unreliability of the ambush witness did not affect ratings of defendant reliability. Olson and Charman (2011) point out that poor memory may lead to either; an inability to recall one's whereabouts; a mistaken account of one's whereabouts; or a lack of support (or convincing support) for one's alibi. In support of this, Olson and Wells (2003) found that when questioned about their alibi just 48 hours after providing it participant's alibis for a given date frequently changed. The frequency of changes was greater when the alibi was required for a date 3 months previously (42%), compared to 3 days previously (30%). This supports the suggestion that an alibi story may drastically change over time as external sources (such as a diary or other's accounts) are consulted to verify whereabouts at the critical time. On this point, Skowronski, Betz, Thompson and Shannon (1991) found that although participants were good at recalling which day of the week an event occurred, they frequently cited the wrong week. Similarly Kurbat, Shevell and Rips (1998) found that when asked to produce alibi corroboration, many participants provided evidence to show where they should have been (such as a university timetable) rather than proof they were actually there (such as CCTV footage of them in a class). They termed reliance on this form of evidence the *calendar effect*.

The calendar effect may be exacerbated if the individual is unaware at the time of the crime that they will later be required to state their whereabouts at the. Thus when an alibi is requested, guessing, and subsequent changes to the alibi may occur (Olson & Wells, 2003). In contrast to this, eyewitnesses may be expected to have more accurate memory as the event is more likely to be significant at the time of memory encoding (Brewer, 1988). Thus, changes to an alibi should be expected and viewed with *less* scepticism than changes to eyewitness testimony (Olson & Charman, 2011). This appears to be somewhat the case as although there is a presumption that motivated alibi witnesses will lie (Burke & Turtle, 2004; Olson & Wells, 2004), there does not appear to be a similar presumption that all ambush alibi witnesses will lie, as ambush testimony only significantly reduced perceptions of unmotivated alibi witness reliability. The findings instead suggest that participants attributed the lack of reliability of unmotivated ambush alibis to "memory failure, mistaken alibi generation, and weak alibi corroborability" (Olson & Charman, 2011 p. 15) rather than malicious

intent. However, the exploratory nature of this research necessitates further research on this point. Future research should use a mock jury paradigm to evaluate whether alibi witness testimony proven to be false compared to unproven false or genuine alibi witness evidence, affects perceptions of defendant reliability and juror verdicts.

Alibi Scepticism Hypothesis

The case was deliberately biased towards a guilty verdict in the control No Alibi condition, in order that the relative effect of an alibi could be ascertained. However, the case was based upon circumstantial evidence so that the presence of an alibi would allow Not Guilty verdicts to be returned. Alibi evidence had no significant effect upon the frequency of guilty verdicts returned. In fact, defendants were rated as most reliable when no witness was presented to support their alibi. This is likely due to the fact that participants in general rated the alibi testimony as amongst the least reliable evidence in the case (second only to the defendant themselves) thus supporting the alibi scepticism hypothesis (Olson & Wells, 2004b). Moreover, the finding that weak alibis do not affect juror decision making (Dahl, Brimacombe & Lindsay, 2009) was specifically supported with Ambush alibis and Motivated alibis rated less reliable than Timely and Unmotivated alibis. Turtle & Burke (2001) suggest that this is due to an overestimation of the ease with which an alibi can be proved. This in turn makes jurors sceptical of changes to alibi evidence (Culhane, 2005).

In support of previous research (Culhane, 2005; Lyndsey, Lim, Murando, & Cully, 1986) the current study findings suggest that rather than enhancing a defendant's case, the presence of an alibi witness actually harms the defendant's case in court. The current study results support Culhane's (2005) implication that even when an alibi witness is available, defendants may have a stronger case if they claim there is no witness to support their alibi. This finding is contrary to intuition and would seem to encourage innocent defendants to commit perjury in order to be believed by jurors. Additionally, these findings suggest that prosecution barristers must only highlight the presence of an alibi witness, regardless of their relationship to the defendant, in order to strengthen their case. Moreover, drawing juror attention to ambush alibis or motivated alibi

witnesses should serve to greatly reduce juror perceptions of defendant reliability. The limited amount of research on this issue means that caution and further research is required prior to these suggestions being implemented in practice.

The Story Model

The greater frequency of guilty than not guilty verdicts supports the predominant model of juror decision making, the Story Model (Pennington & Hastie, 1986) as well as the innuendo effect (Wegner, Wenzlaff, Kerker & Beattie, 1981). Hence the alibi witness testifying last in the case allowed an irreversible 'guilty' story to be established that biased jurors from considering later defence information. A corresponding confirmation bias (Darley & Gross, 1983) prevented jurors from integrating the later exonerating alibi evidence into their schema (Turtle & Burke, 2003). In support of this, the defence evidence (alibi witness, defendant and defendant's friend) was seen as less reliable than the prosecution evidence, supporting Shpurik and Meissner's (2004) suggestion that jurors only consider alibi evidence when the prosecution case is weak.

CSI Effect

The strong scientific evidence presented early in the case in conjunction with generalised alibi scepticism seems to have prevented jurors from considering the later alibi evidence (Shpurik & Meissner, 2004). The public tendency to exaggerate the accuracy and availability of scientific evidence (Lieberman, Carrell, Miethe & Krauss, 2008) is known as the CSI effect (Schweitzer & Saks, 2007). Support for this trend was found in that the scientific evidence (DNA, fingerprint and forensic scientist) was rated the most reliable evidence across all conditions. Previous research demonstrates jurors can rely on mistaken eyewitness identification (Wells et al. 1998) thus the fact that evidence from prosecution non-expert witnesses was seen as less reliable is an interesting and positive finding.

The CSI effect further suggests that the evidence actually presented in trials often disappoints jurors as little (or no) forensic science is presented, or

the evidence that is presented does not live up the standards that television programmes such as CSI set (Schweitzer & Saks, 2007). Thus research suggests that less weight than probability would suggest, is actually assigned by jurors to DNA evidence (Nance & Morris, 2002; Nance & Morris, 2005; Schklar & Diamond, 1999). This trend was not witnessed in the data, potentially because the scientific testimony provided was brief or because of limited understanding of the mechanism by which the CSI effect operates (Turner, 2012). Thus the scientific testimony did not mention the probability of human laboratory error, the factor demonstrated by Schklar and Diamond to be the most worrying element of DNA evidence.

Limitations

As well as rating the specific case evidence, participants rated the reliability and influence of trial evidence in cases in general. This was intended to indicate whether the current case was seen as containing any particularly biased evidence. Ratings of evidence in general and the specific case were very similar suggesting that the findings can be generalised to further cases.

The online nature of the study may be seen as a limitation for two reasons; the potential for different response patterns online, and the lack of jury deliberation. In relation to the former, the analysis conducted in Chapter 5 revealed no effect of presentation modality (online or offline) in an examination of influence of attitudes to the criminal justice system upon alibi witness evidence. Moreover, Pezdek, Avila-Mora and Sperry (2009) tested the impact of trial presentation upon verdicts in a mock jury study of eyewitness testimony. Their findings illustrated that the pattern of findings was consistent regardless of whether participants read a written trial transcript or watched a video of the trial. This led them to conclude that jury research can be conducted using trial transcripts without compromising the external validity of the study. In fact Diamond (1997) points out that while less extensive trial summaries lack ecological validity, their use is entirely appropriate in gauging the reactions different experimental conditions have towards particular evidence manipulations.

Another aspect of the modality was the computer based nature of the data collection. This is a method that has been used in prior jury research. For example Olson and Wells (2004a) had participants rate alibis using a computer programme. Moreover Evans and Schreiber (2010) used online data collection in their jury study examining evaluations of intoxicated eyewitnesses. Evidence demonstrates that the findings of psychological research conducted using web technology do not substantially differ from that collected using traditional pen and paper methodology (Gosling, Vazire, Srivastava & John, 2004). The use of web delivery prevented the inclusion of a deliberation in the study. Bray and Kerr (1979) found just 52% of mock-jury research conducted between 1969 and 1979 involved deliberations. Furthermore, to date, deliberations have not been used in the research examining mock juror evaluations of alibi evidence (for example Sommers & Douglass, 2007; Olson, 2004; Burke & Turtle, 2004; Culhane & Hosch, 2004). This is due to extensive interviews with real jurors revealing that deliberations play a very small role in juror verdicts (Bornstein, 1999; Kalven & Zeisel, 1966; Meyers, Brashers & Hanner, 2000). Indeed experimental research shows that deliberations are not necessary for ecological validity as pre-deliberation ballots correlate highly with final verdicts (Stasser, Kerr & Bray, 1982).

Gosling et al., suggest that the samples generated through web based research are just as representative as those gathered through traditional research methods. Moreover Smith and Leigh (1997) found that the only difference in internet and traditional (pen and paper) samples appears to be that internet samples seem to be broader and more diverse. Despite this observation, a large imbalance in numbers of male and female participants occurred in the study. Although some prior research indicates that female jurors are more likely to convict (Fischer, 1997) this finding is restricted specifically to sexual assault trials (Memon & Shuman, 1998; Moran & Comfort, 1982). Thus as a whole the methodology and sample used in the study is valid and appropriate and highly unlikely to have biased the research findings.

Summary and Conclusions

In summary this chapter aimed to assess whether alibi scepticism bias observed in American mock juror studies (Olson & Wells, 2004; Culhane, Hosch & Kehn, 2008) is prevalent in the UK population. The findings supported the prevalence of alibi scepticism in the UK sample as alibi evidence was deemed amongst the least reliable evidence presented in the case. More specifically, a general negative defence bias was witnessed that supported the Pennington and Hastie's Story Model of juror decision making (1986; 1988), thus furthering Turtle & Burke's (2001) assertion that people underestimate the difficulty of evidencing a genuine alibi.

The current study examined the specific impact of alibi timing (timely, ambush) and alibi witness motivation (motivated, unmotivated) upon juror decision making. In support of prior research (Burke & Turtle, 2004; Olson & Wells, 2004b; Culhane, Hosch & Kehn, 2008) motivated alibi witnesses were perceived as significantly less reliable than unmotivated alibi witnesses. However, the defendant was perceived as most reliable when they had no witness to support their alibi. As changes to testimony have been associated with deception and decreased credibility (Berman & Cutler, 1996; Mann, Vrij & Bull, 2004) it was anticipated, and indeed found, that Timely alibis would be viewed as more reliable than Ambush alibis. That neither of these trends translated into juror verdicts suggests that a 'weak' alibi alone is not sufficient to convince a jury of a defendant's guilt. Rather the findings demonstrate that although evidencing an alibi is perceived to be easier than reality (Turtle & Burke, 2001) inaccurate alibis are not automatically assumed to be indicative of guilt. Instead memory failure, mistakes and weak alibi corroboration (Olson & Charman, 2011) are all accepted as influencing alibi reliability. Thus although unmotivated timely alibi witnesses were perceived as providing the most reliable alibi evidence possible, having an alibi witness in general compared to having no alibi witness, decreased ratings of defendant reliability.

The findings imply that highlighting the presence of alibi witness testimony will strengthen the prosecution case, especially where a motivated and/or ambush alibi is presented. Although this alone may not result in a guilty verdict, it may serve to greatly strengthen the case against the defendant. As

this is the only study addressing this issue, further research should examine the efficacy in securing convictions of the prosecution undermining of alibi witness testimony, prior to educating barristers on this issue.

CHAPTER 9: GENERAL DISCUSSION AND FUTURE WORK

False evidence provided by alibi witnesses has the potential to cause serious harm in that guilty suspects can avoid prosecution, innocent people can be put at risk of arrest and the police may miss the opportunity to gather important evidence (Crown Prosecution Service, 2011). In fact in America only mistaken eyewitness testimony contributes to more miscarriages of justice than alibi evidence. Moreover, research from The Innocence Project indicates that juror beliefs about what constitutes weak alibi evidence, leads to false convictions (Connors, Lundregan, Miller & McEwen, 1996; Wells, Small, Penrod, Malpass, Fulero & Brimacombe, 1998). The empirical research supports this, revealing general alibi scepticism (Dahl, Brimacombe & Lindsay, 2009), and increased scepticism directed towards alibi witnesses who are assumed to have a motivation to lie (Allison & Brimacombe, 2010; Dahl & Price, 2011; Olson & Wells, 2004). Limited research has examined the construction of alibis but has done so from the perspective of the defendant rather than that of the alibi witness (Culhane, Hosch & Kehn, 2008; Kurbat, Shevell & Rips, 1998; Olson & Charman, 2011). Thus prior to this thesis it was unclear whether defendants are correct in presuming their relatives will lie on their behalf.

This thesis had the broad aim of developing understanding of the provision and evaluation of deceptive alibi witness evidence. Through reviewing the relevant research literature (see Chapter 2) several variables of potential influence to alibi witness evidence honesty were uncovered namely; individual constructions of deceptive behaviour (Chapter 3); attitudes towards the criminal justice system (Chapter 5); knowledge of the relevant legislation (Chapter 6); the relationship between alibi witness and defendant (Chapter 7). Moreover, the research indicated that alibi evaluators may be sceptical of ambush alibis which appear inconsistent with previous evidence provided by defendants. Thus the alibi evaluation research was expanded through consideration of the role of alibi timing and alibi witness motivation upon mock juror decision making (Chapter 8). The examination of these variables formed

the 9 objectives of this thesis. This chapter discusses the main findings of the thesis in relation to these nine objectives, and the previous alibi research.

Objective 1

The first objective of this thesis was to determine whether the type of deception used by alibi witnesses influences perceptions of alibi witness testimony acceptability. This objective was addressed in Chapters 3, 4, 5 and 6 of the thesis. As outlined in Chapter 2 the extant deception research and alibi research have focused almost exclusively upon lies. However, other forms of deception, such as omissions, evasions and false confessions may be used by defence witnesses to deflect investigator or juror suspicion from a defendant. Although the distinction between these types of deception has been validated in the general deception research (Bradac, 1983; Galasiński, 2000; Kahneman & Tversky, 1982; Spranca, Minsk & Baron, 1991) the forensic deception literature has not looked at the acceptability of different forms of deceptive alibi witness evidence.

Each of these chapters demonstrated a difference between omitting evidence (encompassing both evasions and omissions), and fabricating/commissions (involving both false confessions and lies). The thesis has shown that omissions and evasions are viewed as more acceptable, and more likely to be engaged in by alibi witnesses, than lies and false confessions. This supports the concept that deceptive alibi witnesses plan their deception (Crown Prosecution Service, 2011) and weigh up the benefits and drawbacks (Cornish & Clark, 1986) before condoning the least risky (Vrij, 2008) and legal forms of deception (evasions). A tendency towards the concealment of incriminating evidence was interpreted as reflecting the belief that lies may be easier to detect than concealments (Vrij, Mann, Fisher, Leal, Milne & Bull, 2008) making omissions a lower risk strategy for alibi witnesses.

This finding implies that the police should be aware of not only what is said in interviews, but also what is not said. As alibi witnesses are less willing to lie than conceal information, by phrasing questions in a manner that prevents

Omissions²³, alibi witnesses may be left with little alternative than to tell the truth. Thus asking specific closed questions may facilitate alibi witness honesty. Contrary to these findings UK investigative interviewing procedures advocate using open and non-leading questions (Davies, Westcott & Horan, 2008; Fisher, Geiselman & Raymond, 1987; Oxburgh, Myklebust & Grant, 2010). However, given that research indicates that open questions are not consistently used (for example Davies, Westcott & Horan, 2008; Dysart & Strange, 2012; Oxburgh & Dando, 2011; Oxburgh, Myklebust & Grant, 2010) the impact of police questioning upon alibi witness honesty is unclear. This is certainly an avenue that future alibi research should explore given the implications for police interview practice. Moreover, closed questions may also lead to a higher number of 'no comment' interviews as this response is appropriate to all questions. Future research should examine whether no comment responses deflect or heighten suspicion of alibi witnesses.

Objective 2

The second objective of the thesis was to discover some of the factors that shape perceptions of the justification of false alibis that can be manipulated in the subsequent chapters of the thesis. This was due to a lack of research directly assessing the provision and perceptions of false alibi testimony. The literature review (Chapter 2) suggested that the relationship between alibi witness and defendant, attitudes to the criminal justice system, actual and perceived guilt of the defendant, and knowledge of the law may potentially influence the honesty of alibi witness evidence. With the exception of the former no research had overtly linked these variables to alibi witness honesty evidence. Thus perceptions of alibi witness deception acceptability were collected in Chapter 3 in order for their impact upon alibi witness honesty to be tested in Chapters 5, 6, 7, and 8. This ensured that the variables studied in these study chapters were indeed relevant to alibis.

²³ In this instance 'omission' is taken to mean the concealing of pertinent information rather than an 'evasion'; avoiding addressing the key issue posed in the question.

The findings of Chapter 3 revealed that in general deceptive alibi evidence was not viewed as particularly justified, thus supporting the general alibi scepticism hypothesis derived from mock juror research (Olson & Wells, 2004b). As discussed in relation to objective 1, the variable exerting the greatest effect upon views of alibi witness deception acceptability was the type of deception (lie, false confession, evasion, omission) used by the alibi witness. Similarly, the responsibility for the truth was placed upon the interviewing techniques employed by the police, and the skill of the police in conducting accurate information gathering interviews was questioned showing some hostility to the police. Given the research presented in Chapter 2 regarding the effect of attitudes to the criminal justice system upon cooperation with the police (Elliott, Armitage & Baughan, 2003; Reisig, Bratton & Gertz, 2007; Sunshine & Tyler, 2003; Tyler & Fagan, 2008; Viki, Culmer, Eller & Abrams, 2006), an analysis of attitudes to the criminal justice system was implemented in Chapter 4 of the thesis. Related to this, some misunderstanding of the legislation was found suggesting that ignorance of the law may contribute to alibi witness deception. The findings suggested that alibi witnesses act according to what they believe *should* be legal rather than what *is* legal (Robinson & Darley, 2004; Schoepfer, Carmichael & Piquero, 2007). This variable was examined further in Chapter 6 of the thesis revealing that knowledge of the law did not in fact have a significant effect upon alibi witness honesty (See Objective 7).

The alibi witness' relationship to the defendant was cited in the content analysis data as a strong influence upon assessments of false evidence justifiability, which supported Triver's (1971) rule of reciprocal altruism. This finding reinforced prior research illustrating the effect of the relationship between alibi witness and defendant upon alibi evaluators (for example Dahl, Brimacombe & Lindsay, 2009; Dahl & Price, 2011; Matthews, Michael & Choi, 2009; Mathews & Allison, 2010). Furthermore, support was found for Hamilton's rule (1964) which considers the degree of relatedness between provider and recipient of an altruistic act upon altruism likelihood. Thus Chapter 7 examined in detail the effect of the relationship between alibi witness and defendant upon alibi witness evidence honesty in police interviews (see Objective 8 for a summary of these findings).

The most surprising finding of Chapter 3 was that no significant effect of defendant guilt upon ratings of alibi witness deception acceptability was found. This suggested an innocence bias in relation to the defendant that mirrors the general deception truth bias (Bond & DePaulo, 2006; Vrij & Baxter, 1999; Vrij; 2008). However alibi witness perceptions of defendant guilt did influence opinions of alibi witness deception acceptability (Backbier, Hoogstraten & Terwogt-Kouwenhoven, 1997). This finding was implemented in the design of Chapter 7 of the thesis as the alibi witnesses here were explicitly questioned about a guilty suspect. Moreover as Chapter 3 and much of the alibi research to date (e.g. Dahl & Price, 2011; Matthews, Michael & Choi, 2009) examined reactions to *other's* deception, Chapters 5, 6 and 7 of the thesis focused upon whether these factors influence one's *own* decision to provide false evidence for others.

Objective 3

The third objective of the thesis was to develop a measure of alibi witness intentions to provide false evidence; the false evidence questionnaire (FEQ). As previous research largely considered the perspective of defendants rather than alibi witnesses, prior to this thesis there were no existing measures of false alibi witness evidence. This meant that a measure focused upon the alibi witness perspective of alibi evidence was created for the thesis.

As detailed above, Chapter 3 demonstrated a distinction in the evaluation of fabrications and concealment by alibi witnesses. Moreover, significant interactions between the type of deception and alibi witness' belief in the defendant's guilt suggest that different forms of deception should be acknowledged in future alibi witness deception research. As previous research has suggested difference in attitudes to the police and courts, the effect of these two settings upon alibi provision was explored. Finally, as previous research indicated that motivated alibi witnesses are more likely than unmotivated alibi witnesses to provide false evidence (Sommers & Douglass, 2007) and Chapter 3 verified the importance of the defendant-alibi witness relationship, the questionnaire focused solely on false evidence provided by motivated alibi witnesses. Thus the FEQ asked whether alibi witnesses would fabricate and

conceal evidence relating to a 'loved one.' The term loved one was selected rather than asking about each type of motivated alibi witness relationship to the defendant. This was due to critique of the within participants design utilised in other research due to potentially leading participants (Hosch, Culhane, Jolly, Chavez & Shaw, 2011) which would have been exacerbated by the copious questioning needed to consider deception type and a range of alibi witness motivations.

Analysis (PCA) revealed the FEQ was logical and internally coherent and had two highly reliable factors; Omissions and Commissions. Thus the structure of the questionnaire supported the findings of Chapter 3, that fabrication and concealment are distinct. Moreover, intentions to provide deceptive alibi evidence were found in Chapter 7 to correlate well with actual honesty of alibi evidence, therefore supporting the validity of projective measures of alibi witness honesty. Thus the FEQ is a key contribution to knowledge created by the thesis as it was utilised in Chapters 5 and 6 (see Objectives 5, 6 and 7) and will facilitate future alibi witness deception research.

Objective 4

This thesis aimed to develop a questionnaire to measure attitudes towards the criminal justice system; the Attitudes towards the Police and Courts Questionnaire (APCQ). This aim was based on the findings of Chapter 3 as well as previous research indicating that good interactions with the police foster a feeling of personal obligation and responsibility to assist the police (Tyler, 2001; Sunshine & Tyler, 2003). The APCQ was developed to consider numerous interrelated aspects of attitudes to the police and courts which prior research failed to consider (see for example Cao & Zhao, 2005; Hinds & Murphy, 2007). Thus, Chapter 5 sought to assess whether negative attitudes towards the criminal justice system shape intentions to provide false evidence for a loved one. In line with the contact hypothesis, it further measured whether experience of the criminal justice system shapes intentions to provide false evidence for others. To facilitate this aim, in Chapter 4 developed the APCQ to measure attitudes to the criminal justice system.

The APCQ was found to possess five distinct factors; Court Functioning, Police Institution, Treatment of the Accused, Punishment and Personal Safety. Each of the factors was found to have a sound theoretical basis and high internal reliability. The APCQ demonstrated support for Albrecht and Green's (1977) notion that the police are not viewed in isolation but as part of the larger CJS. However, use of the measure in later chapters of the thesis supported the internal reliability of the factors, and the finding of significant effects support the validity of the APCQ. The APCQ was demonstrated to be one of the most comprehensive measures of attitudes to the police and courts to date taking into consideration attitudes towards diverse aspects of police and court aims, functioning and behaviour. The creation of the APCQ is a key contribution to knowledge of the thesis and will facilitate further alibi research, as well as more general research into the factors affecting and affected by attitudes to the police and courts.

APCQ and FEQ Validity

Construct validity is difficult to establish in any questionnaire, however by assessing the face validity, objectivity and reliability of a questionnaire a good indication of validity can be established (Robson, 2002). As discussed in Chapter 4 the face validity of the FEQ and APCQ were both high and each had a solid theoretical underpinning. The fact that two factors of the APCQ (Court Functioning and Police institution) were found to be significant predictors of the FEQ Omissions factor, and Police Institution was a positive predictor of the FEQ Commissions factor (see Chapter 5) further supports the validity of these questionnaires. The FEQ data collected in Chapter 4, Chapter 5 and Chapter 6 showed both the Omission and Commission scales to have good internal reliability as illustrated by Cronbach's alpha scores of above .7 (DeVellis, 1991). Moreover, the subscales of the APCQ were demonstrated in Chapter 4 and Chapter 5 to have good internal reliability, as indicated by sound Cronbach's alpha scores. The only factor falling short of the acceptable Cronbach's alpha of .68 (DeVellis, 1991) was the Punishment factor which just fell short (.628) meaning that further validation of this scale is recommended. Further validation

of each of the questionnaires could be initiated through factor analysis of subsequent APCQ and FEQ data²⁴.

Objectives 5 and 6

The fifth objective of the thesis was to discover whether negative attitudes towards the criminal justice system shape the intentions of the general population to provide false evidence for a loved one. Related to this, Objective 6 was to discover whether experience of the criminal justice system shapes the intentions of the general population to provide false evidence for a loved one. These objectives were based on recent research showing that police officers believe distrust of the police and CJS to be one of the main reasons why unmotivated alibi witnesses provide false evidence (Dysart & Strange, 2012). Additionally research shows that positive attitudes of the police and courts are associated with cooperation and abiding other laws (Elliott, Armitage & Baughan, 2003; Sunshine & Tyler, 2003; Viki, Culmer, Eller & Abrams, 2006). The objectives were addressed in Chapter 3 and Chapter 5 of the thesis.

Some hostility to the police was evident in the Chapter 3 qualitative data in that the responsibility for uncovering the truth was placed on the police, rather than on alibi witnesses to volunteer incriminating information about the defendant. However, Chapter 5 found that contact with the police and courts generally and more specifically being a suspect or defendant did not affect alibi witness honesty²⁵. Moreover, as in previous research (Kaukinen & Colavecchia, 1999) attitudes to the police and courts were generally positive. This finding suggests that suspects and defendants do not have an overly negative experience of the CJS and, that this does not have a lasting impact upon their cooperation in this arena (in terms of alibi witness evidence at least).

When looking at attitudes to the criminal justice system (rather than experience) Chapter 5 illustrated that as positivity towards the APCQ Police

²⁴ This was not conducted as it would prevent the other primary objectives of the thesis from being realised. Completing this additional analysis will be considered in future prior to publication of the chapters using these measures.

²⁵ Although it should be noted that very few participants reported having been a suspect or defendant which may have affected the power of these analyses.

Institution factor increased, intentions to omit and fabricate crime relevant information decreased. This supports prior research findings that attitudes towards the police and police legitimacy shape compliance with the police (Sunshine & Tyler, 2003; Tyler, 2004). The findings also suggest that improving views of police legitimacy will discourage alibi witness deception.

Conversely, the Court Functioning APCQ factor was shown to be a significant negative predictor of alibi witness honesty. This poses a problem for criminal justice practice as the more effective the courts are perceived to be, the more deception alibi witnesses intended to exhibit. It was suggested that this was due to deception being seen as more “necessary” in order to assist the defendant when the court was functioning well. This was due to a preponderance of items assessing helping victims loading on this factor. This complements prior research demonstrating that deceptive alibi witnesses chose the most effective strategy to ‘give justice a helping hand’ (Fawcett, 2006) as well as the risk evaluation present in the Chapter 3 qualitative content analysis Legality of Alibi Witness’ Actions subtheme. Thus the findings illustrated that the appropriateness of the alibi witnesses’ statement affects the honesty of both the provision and evaluation (see Chapter 3) of alibi witness evidence. This supported the concept that false alibi witness evidence is a planned act involving risk evaluation. Further research is required to investigate the role of attitudes to the courts upon alibi witness honesty, in order to identify preventative measures.

In summary the thesis found that attitudes to the police affected perceptions of alibi witness deception acceptability. Although enhancing the credibility of the police as a whole should encourage alibi witnesses honesty, it is unclear as to how the courts may facilitate alibi witness honesty.

Objective 7

Objective 7 was to establish whether ignorance of the pertinent legislation affects the honesty of evidence intended to be provided to the criminal justice for a loved one by the general population. As ignorance may be associated with unwittingly breaking the law (Anderson, 2002) awareness of its

Chapter 1: General Introduction and Literature Review

illegality may discourage people from providing false evidence for others. Moreover, it was suggested that greater knowledge of the law associated with increasing age may account for the Chapter 5 finding that Age was a significant positive predictor of alibi witness honesty. Chapter 3 showed that alibi witness deception was not viewed as wholly unacceptable, suggesting that participants evaluated alibis according to what they thought the law should be rather than what it actually is (Robinson & Darley, 2004; Schoepfer, Carmichael & Piquero, 2007). Chapter 3 further revealed that although omissions and evasions were both more acceptable than lies and false confessions, evasions (no comment responses) were on the whole the most acceptable form of false alibi witness evidence (significant interactions in the quantitative data). It was suggested that that no comment responses were the most acceptable due to participant perceptions that a no comment response is always a legal response. This view was supported by the qualitative content analysis in Chapter 3 whereby the onus to find the truth was placed upon the police. Thus moral hypocrisy, ignorance of the law and the resolving of cognitive dissonance (Festinger, 1957) were offered as explanations for the tendency towards evasions found in Chapter 3.

Participant knowledge of the legislation pertinent to deception in the criminal justice system was examined further in Chapter 6. After establishing the success of the experimental manipulation Chapter 6 concluded that knowledge of the law does not affect the honesty of alibi witness evidence. An interesting finding of the study was that participants were very poor at assessing their level of understanding of public justice offences. Initially participants overestimated their understanding and it required an objective test to implement a response shift (Howard, Ralph, Galunick, Maxwell, Nance & Gerber, 1976) to more realistic estimations of understanding. Just as actual knowledge of the law did not significantly affect alibi witness honesty, perceived understanding of the relevant legislation is not associated with alibi witness honesty. The findings were interpreted as reflecting a belief that assisting a loved one is more important than knowing or following the law. This point was followed up in Chapter 7 to address Objective 8 of the thesis. Thus a key contribution of the thesis is the discovery that raising public awareness of the legislation and

convictions for deception is unlikely to discourage alibi witnesses from providing false evidence.

Objective 8

The eighth objective of this thesis was to discover the effect of the relationship between defendant and alibi witness upon alibi witness honesty. This objective was informed by the findings of Chapters 3, 6 and 7.

The analysis of Chapter 3 highlighted the importance of the relationship between defendant and alibi witness in evaluations of alibi witness deception. This character reference concept suggested that alibi witnesses are familiar enough with the defendant to know whether they posed a risk of offending. This would explain why defendant guilt did not have a significant effect on perceptions of deceptive alibi acceptability in Chapter 3. Therefore Chapter 3 appeared to find an innocence bias towards defendants, similar to the truth bias seen in the wider deception research (Millar & Millar, 1997, Vrij, 2008). The findings of Chapter 3 implied that the consideration of “misplaced loyalty to a relative/friend” (Crown Prosecution Service, 2011) in deciding whether to press charges against deceptive alibi witnesses is therefore appropriate. Moreover, the results mirror the concept that good intentions can negate deception seriousness (Backbier, Hoogstraten & Terwogt-Kouwenhoven, 1997) illustrated in the general deception literature. In general Chapter 3 suggested that deception should be more common amongst motivated alibi witnesses. The main Chapter 3 finding in relation to Objective 8 was that assisting a defendant through supporting their false alibi demonstrates loyalty, a character strength that is attractive to long-term romantic partners and friends (Zahavi & Zahavi, 1997).

As Chapter 3 looked at perceptions of the relationship between defendants and alibi witnesses, Chapter 7 implemented a behavioural measure to assess the role of relationship to defendant upon alibi witness honesty. The findings showed that unmotivated alibi witnesses (new colleague) were significantly associated with the provision of honest alibi evidence. Thus the findings suggest that, in terms of deception likelihood, the perception that

unmotivated alibi witnesses are the strongest form of person alibi corroboration (Dahl, Brimacombe & Lindsay, 2009; Golding, Stewart, Yozwiak, Djadali & Sanchez, 2000; Olson & Wells, 2004b) is valid.

However, no clear association between deceptive evidence and motivated alibi witnesses was observed in Chapter 7, showing that although people believe that their relations would support their false alibi (Culhane, Hosch & Kehn, 2008) they may actually overestimate the ease of having their alibi corroborated (Olson & Wells, 2004). Moreover, Hosch, Culhane, Jolly, Chavez & Shaw (2011) found that participants were more willing to lie for a biological than social relation, contradicting the findings of Chapter 7 (no association with deception or truth was found for familial, romantic or social relations). The difference may be due to differing crimes involved in the studies (Hosch et al. used an armed robbery case compared to the hit-and-run in Chapter 7) or the intentional measure used by Hosch et al. and the behavioural measure utilised in the present study. Although the relationship between intentions and actual alibi witness deception was strong it was not perfect. This indicates that Hosch et al's participants may have overestimated their likelihood of lying for certain defendants.

Given that only Chapter 7 of this thesis and Hosch et al. (2011) have studied false alibis from the alibi witness perspective, further research is required to further elucidate the effect of alibi witness relationship with the defendant upon alibi witness honesty. However, it can be concluded that the thesis presented a novel approach to assessing the relationship between alibi witness and defendant upon alibi witness deception. This experimental paradigm can be utilised in the further research which is necessary to improve understanding of this aspect of alibi evidence. Certainly the findings imply that juror scepticism to all alibis should be discouraged, and it is important that jurors be made aware that research has not found a clear link between motivated alibi witnesses and deception. Thus it should be impressed upon jurors that motivated alibi witness testimony is not necessary 'weak' evidence, and that 'weak' alibis are not necessarily indicative of guilt (Connelly, 1983).

Objective 9

The final objective of this thesis was to assess the impact of alibi timing and the relationship between defendant and alibi witness upon juror decision making. Research suggests that ambush alibi testimony may be common in courts (Turtle & Burke, 2003; Lord Chief Justice of England and Wales, 2008) despite evidence disclosure rules. Despite calls for research on this issue (Matthews & Allison, 2010), prior to this thesis it was unknown whether ambush evidence provides defendants with an advantage in court, or whether the inconsistent nature of their defence reduces perceptions of defendant credibility (Brewer, Potter, Fisher, Bond, & Luszcz, 1999; Kerans, 1998; Vrij, 2008). Moreover, given the prior evidence suggesting juror biases towards motivated alibi witnesses (Allison & Brimacombe, 2010; Burke & Turtle, 2004; Culhane & Hosch, 2004; Golding, Stewart, Yozwiak, Djadali & Sanchez, 2000; Hosch, Culhane, Jolly, Chavez and Shaw, 2011) the interaction between alibi witness motivation and timing were assessed in Chapter 8.

It was found that alibi witness timing and motivation did not have a significant effect on verdicts or juror ratings of defendant reliability. It therefore appears that 'weak' alibi witnesses were not seen as indicative of defendant guilt (Connelly, 1983). In contrast to this, ratings of alibi witness reliability were significantly influenced by alibi witness timing and motivation as there was a significant main effect of alibi timing and alibi witness motivation, and a significant interaction between these variables. Unmotivated alibi witnesses seemed to be viewed as fairly honest, as their perceived reliability was significantly reduced by an ambush strategy; timely unmotivated alibi witnesses were rated significantly more reliable than ambush unmotivated alibi witnesses. However, there was no difference in the perceived reliability of timely motivated alibi witnesses and ambush motivated alibi witnesses. It is suggested that for motivated alibi witnesses a type of *floor effect* may have occurred as their reliability (lower than that of timely alibi witnesses) was not significantly affected by ambush strategies. Thus the additional discrediting information (ambush alibi) could not further reduce the very low perceptions of motivated alibi witness reliability.

The examination of alibi timing was a unique development of the thesis, and the findings suggest that ambush alibis were seen as unreliable due to “memory failure, mistaken alibi generation, and weak alibi corroborability” (Olson & Charman, 2011 p. 15; see also Kurbat, Shevell & Rips, 1998) rather than deliberate deception (Mann, Vrij & Bull, 2004). Thus Mathews and Allison’s (2010) suggestion that timing of alibi disclosure may affect juror decision making received some support. Thus it may still be the case that jurors require judicial direction in order to correct this element of alibi bias.

Although alibi witness evidence did not affect ratings of the defendant, the alibi witness and defendant were rated as the most unreliable evidence in the case. Thus although defendants are not presumed to be guilty, they are not seen as particularly reliable. Certainly the results supported the CSI effect (Schweitzer & Saks, 2007) and the innuendo effect established by the defendant even being in court (Wegner, Wenzlaff, Kerker & Beattie, 1981). Therefore the findings of Chapter 8 reinforce prior findings of juror presumptions of motivated alibi witness deception (Allison & Brimacombe, 2010; Burke & Turtle, 2004; Culhane & Hosch, 2004; Golding, Stewart, Yozwiak, Djadali & Sanchez, 2000; Hosch, Culhane, Jolly, Chavez & Shaw, 2011). However, the lack of significant differences in verdict between the conditions implies that the presence of alibi witnesses neither aids nor hinders a defendant’s case. This means that guidance may still be required as to the fact that unmotivated alibi witnesses can make errors due to memory which means that they are not necessarily more reliable than motivated alibi witnesses.

Given that there is limited research in this area, further examination of juror evaluations of alibi evidence is required. However, in general the findings of Chapter 8 imply that although they do not harm the defendant’s case, regardless of motivation and timing, alibi witnesses do not actively aid the defence. Moreover, although jurors possess a negative bias towards motivated alibi witnesses, weak alibis are not inferred as a sign of defendant guilt. It is still advisable to direct jurors about alibi evidence however, as there appears to be an inappropriate blanket dismissal of alibi witness evidence (Shpurik & Meissner, 2004).

Limitations of the thesis

Although efforts were made to ensure the thesis presents a systematic and scientific examination of alibi witness evidence, as with any psychological research limitations to the research exist. A brief discussion of these limitations will now be presented.

Intentions to Provide False Alibi Evidence

Chapter 5 and 6 of the thesis measured participant *intentions* to provide false evidence. This methodological approach was based on that implemented in prior alibi research (Culhane, Hosch & Kehn, 2008; Hosch, Culhane, Jolly, Chavez & Shaw, 2011). However, there is the potential for discrepancies to arise between projected and actual behaviour (Krosnick & Petty, 1995 cited in Wallace, Paulson, Lord & Bond, 2005). Several reasons therefore influenced the adoption of this methodology. Initially, as highlighted in the literature review, this offence is prosecuted relatively infrequently and as such a limited sample of offenders is available for study. Attempts to secure interviews and court transcripts with individuals with convictions for false alibi provision were not successful. However, these two methods were not without their flaws as the offender's own agenda (interview data), and constraints of avenues of legal questioning (court transcripts) could lead to biased and skewed data. Moreover, the limited samples associated with these methods prevent the generalisation of findings to the wider false evidence providing population. Finally, intentions have been demonstrated as the strongest predictor of other forms of law breaking behaviour, such as to exceeding the speed limit (Conner, Lawton, Parker, Chorlton, Manstead & Stradling, 2007; Elliott, Armitage & Baughan, 2003; 2007). Thus questionnaires and experiments utilising the general population's intentions to provide false evidence were appropriate to the thesis aims. Moreover, limitations associated with the measurement of intended behaviours in Chapter 5 and 6 were addressed in Chapter 7, where intended behaviours were contrasted with actual behaviours.

Participant sample

The samples utilised throughout the thesis consisted of predominantly female students. Although critique may be offered regarding the young student sample utilised throughout the thesis, this is standard methodology for deception research (Vrij, 2008; Warren, Schertler & Bull, 2009) and alibi research (Culhane & Hosch, 2004; Culhane & Hosch, Hosch, Culhane, Jolly, Chavez & Shaw, 2011; Dahl, Brimacombe & Lindsay, 2009). Furthermore, prior research indicates minimal differences between students and the general public in forensic psychology research (Bornstein, 1999). The age differences found show that young people view lying as more acceptable than older adults (Arnett Jenson, Jenson Arnett, Feldman & Cauffman, 2004). However, Arnett Jenson et al. studied only reactions to lies told to parents of high school and college students, with mean ages of 15.6 (SD= 1.08) and 20.4 years (SD= 1.23) respectively. Thus whether the college students differ from older adults is unclear. In fact, age is a variable that has been largely neglected in previous research due to the emphasis upon lie detectors rather than the liars themselves.

Based upon Hamilton's rule of genetically related altruism, Hosch, Culhane, Jolly, Chavez and Shaw (2011) suggest that women may be more altruistic than men. Although a search of media reporting and legal databases highlights more cases of females than males being convicted for false alibi witness evidence, the difficulty in adequately locating these cases (due to reporting and recording) means this finding is anecdotal at best. Prior studies indicate some interesting findings relating to gender and deception in social settings; specifically a diary study illustrated that the frequency of lying (defined as intentionally trying to mislead someone) in everyday life is approximately the same for males and females (DePaulo, Kashy, Kirkendol, Wyer & Epstein, 1996). However, DePaulo et al.'s findings illustrated that males told significantly more self-centred lies; lies which protected the liar from upset or embarrassment or provided them with a personal gain, whereas females told significantly more other-oriented lies; lies told assist another gain an advantage or protect them from upset or embarrassment. This finding was more recently supported by Feldman, Forrest and Happ (2002) who utilised DePaulo et al.'s

coding system in their study of deception in new social interactions. Thus it seems that women are more likely than men to tell lies to assist others, whereas men are more likely to tell lies that help themselves. Therefore the female participant dominance in the current thesis means that those individuals most likely to exhibit deceptive alibi witness evidence (arguably an other-oriented lie) were sampled. Thus the samples used in the thesis tap into those most likely to display the behaviours of interest; false alibi witness evidence. This may mean that the thesis findings imply a greater frequency of false alibi evidence than would be expected in the general population. In addition although the number of subtle lies and exaggerations did not differ, Feldman et al. (2002) found that men told more outright lies than women. Given the different nature and consequences of social deception and false alibi witness deception further research is necessary to explore these implications.

Finally, Hosch, Culhane, Jolly, Chavez and Shaw (2011) found that alibi witnesses were more willing to lie for people who actually existed (this was not measured in this thesis) suggesting that the findings of the thesis could actually represent conservative estimates of deceptive alibi witness testimony. Further research following the paradigm implemented in Chapter 7 utilising a measure of actual defendant existence, would help address this point.

Future Research

The literature regarding alibi witnesses has largely been limited in scope to assessing the effect on verdicts of the relationship between alibi witnesses and defendants. The current thesis expanded understanding by previously unexamined aspects of alibi testimony. Although presenting a clear contribution to knowledge in this area, this thesis represents only the beginning of understanding how alibi testimony is received in the courtroom. Given the newness of this research area, and exploratory nature of the thesis, it is unsurprising that the thesis raised many questions. Answering all of these was beyond the scope of the thesis but present clear recommendations for future research.

Hitherto research has solely utilised the prototypical definition of a false alibi; that is an entirely fabricated story regarding the defendant's location at the time of the crime. A main contribution of the thesis is the discovery that defence witnesses may actually be more likely to omit than fabricate information. Thus a key recommendation for future alibi research is to utilise this finding in examining alibi witness omissions and commissions in accordance with the classifications discovered in Chapter 4 of the thesis. Utilising the FEQ in future research will help achieve this goal. Given the tendency towards omission found in the thesis, this approach should allow for a more comprehensive picture of deceptive alibi witness evidence to be uncovered.

In practice alibi stories can take a variety of forms, however, to date Mathews and Allison's (2010) is the sole study directly assessing alibi story content. The current thesis (Chapter 3 and Chapter 8), as with previous studies, involved an innocuous alibi story (at home/asleep). However, Mathews and Allison discovered that a salacious alibi is more beneficial to suspects than an innocuous alibi. The content of the alibi story could therefore greatly affect juror decision making and certainly requires further empirical research. Following on from this future research should utilise the mock juror paradigm to evaluate the impact of proven false motivated and unmotivated alibi witness testimony upon juror decision making. This will clarify whether jurors see changes to alibis as indicative of poor memory (Kurbat, Shevell & Rips, 1998; Olson & Charman, 2011), or whether they do in fact presume malicious intent (Mann, Vrij & Bull, 2004).

At present alibi instructions are recommended in court, although there is no empirical data illustrating either their necessity or positive effect upon jurors. Chapter 8 of the thesis did not employ these instructions in order to examine the biases present without judicial alibi instructions. The thesis indicates that some instructions may be required, although given the exploratory nature of the thesis further research is required. In combination with this, research examining the subjective reasoning of mock jurors in alibi witness cases would be useful in improving understanding of the type of alibi instructions that may be necessary.

The current thesis assessed the role of certain factors in the decision to provide false alibi evidence to the police. It also examined the impact that this

alibi evidence has upon jurors in the courtroom setting. Between these two stages however, alibi testimony may be subject to police scrutiny. There is little understanding of police estimates of deception frequency by defence witnesses and the impact this has upon interviewing behaviour (excepting Dysart & Strange, 2012), although confirmation bias (Darley & Gross, 1983; Snyder, 1984) has been consistently demonstrated to impact upon police interviewing procedure (Kassin, Goldstein & Savitsky, 2003; Hill, Memon & McGeorge, 2008; O'Brien, 2009). Given the plethora of research regarding the poor detection rates of suspect deception (for a review see Vrij, 2008) future research could explore the detection of alibi witness deception. This illustrates the need for further understanding of police beliefs regarding alibi evidence if solid recommendations for practice are to be made. It is therefore recommended that future research examine police interviews with defence witnesses with particular reference to alibi witness motivation and confirmation bias. This would highlight whether police officers hold similar alibi biases to jurors, or whether little suspicion is directed towards alibi witnesses at the police investigation stage of legal proceedings. This would address the Chapter 3 findings which implied that alibi witnesses saw omissions as less likely than lies to arouse police suspicion.

Given the individual differences in alibi honesty found throughout the thesis, future research assessing these is recommended. In particular, understanding how the emotional closeness to the defendant, age and sex of the alibi witness affect false alibi evidence would clarify some of the interpretation presented in the thesis and develop the alibi research literature. This research is essential if recommendations are to be made regarding the evaluation of alibi evidence by police and jurors.

Concluding Remarks

Since the commencement of this thesis more research attention has turned to the topic of alibi evidence. This thesis is one of the first pieces of research to examine alibi witness evidence from the alibi witness perspective (see also Hosch et al., 2011). By increasing understanding of false alibi witness evidence in this way the thesis makes an important contribution to knowledge.

In particular the development of the FEQ forms a key contribution of this thesis, that could facilitate future research assessing the variables affecting alibi witness honesty from the alibi witness perspective.

The tendency towards alibi witnesses omitting key information rather than fabricating false evidence is interesting and has implications for the academic research in this area. Hitherto the alibi research has solely examined false alibis in the strict definition (a false story as to the location of the defendant at the time of the crime). However, this thesis illustrates that actually defence witnesses may be likely to conceal information than fabricate a false story. Moreover, the thesis reveals that concealment of information may occur due to a view that the onus is on police to uncover the truth, rather than upon witnesses to volunteer the truth. This would explain why participants were more likely to conceal information than fabricate information. The thesis therefore suggests that alibi evaluators may increase the chances of alibi witnesses revealing their incriminating information if more specific probing questions are used. However, given that this contradicts existing investigative interviewing research, further empirical research is needed on this point before any recommendations for practice can be initiated.

The use of an experimental approach to examine the provision of motivated and unmotivated alibi witness evidence (Chapter 7) provides a unique perspective to this research area. This research demonstrated that although unmotivated alibi witnesses are associated with honest evidence the dichotomy between motivated and unmotivated alibi witnesses is not as clear as the previous research suggests. The thesis has revealed that some warning to jurors to rectify motivated alibi witness scepticism may be necessary, as deception amongst motivated alibi witnesses is not guaranteed. Similarly the finding that attitudes to the police and courts influence false alibi provision has direct applications to the criminal justice system. Explicitly, it suggests that through improving the reputation of police legitimacy alibi witness deception may be reduced.

The potential for serious harm and miscarriages of justice associated with poor understanding of alibi witness evidence highlights the need for further psychological study of this relatively new research area. As a whole the

findings of this thesis present a solid basis from which further systematic research into false alibi witness testimony can be conducted.

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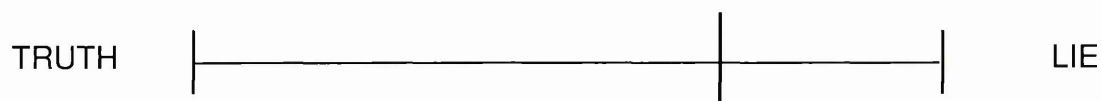
APPENDICES

Appendix 1	Sample of materials used in Chapter 3
Appendix 2	Coding system used in qualitative content analysis in Chapter 3
Appendix 3	Results of qualitative content analysis implemented in Chapter 3
Appendix 4	APCQ
Appendix 5	FEQ
Appendix 6	Sample of materials used in Chapter 6
Appendix 7	Sample hit-and-run scenario used in Chapter 7
Appendix 8	Sample ECR-R scenario used in Chapter 7
Appendix 9	Sample materials used in Chapter 8

Appendix 1: Sample materials used in Chapter 3

INSTRUCTIONS

This study is looking at truthful and deceptive statements and behaviours. You will be required to read a short story and then answer three questions about your attitudes towards the story. Questions 1 and 2 will require you to respond by putting a vertical mark on a sliding scale. Feel free to use the whole of the scale. For example:



CONSENT

You will not have to write your name anywhere on the questionnaire. Please fill out your unique identifier code below using the format; first two letters of your mother's maiden name, day of your birth followed by the first two digits of your house number.

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I agree to take part in this research project, and understand I am free to refrain from answering any questions I do not wish to answer. I have been assured I will not be penalised in any way for withholding information. I understand that my data will be kept confidential and I am happy that any questions I had have been answered to my satisfaction.

By signing below you agree that you have understood your rights and agree to participate.

Signature Date

☐ Male ☐ Female Age

Occupation

ANDREW IS WRONGLY ACCUSED BY THE POLICE OF BURGLARING A HOUSE.
HIS GIRLFRIEND SARAH BELIEVES THAT ANDREW BURGLED THE HOUSE.
SARAH WAS WITH HIM EARLIER IN THE EVENING BUT SHE CAN NOT PROVIDE
AN ALIBI FOR THE TIME OF THE CRIME. WHEN THE POLICE ASK SARAH
"WHERE WAS ANDREW ON THE NIGHT THE HOUSE WAS BURGLED?" SARAH
SAYS "**NO COMMENT.**"

1. Please mark on the line below where you feel the statement in bold above belongs.

TRUTH |-----| LIE

2. Please mark on the line below where you feel the statement in bold above belongs.

TRUTH |-----| LIE

3. Please write down any factors or ideas that influenced your response to question 2.
These can be factors within the story or other factors that you feel are important

Summary of all 24 vignettes created by systematically crossing the following variables:

1. Police action taken (suspected/wrongly accused)
2. Alibi witness belief (guilty/innocent/unsure)
3. Deception type (lie/omission/evasion/false confession)

Wrongly Accused–Guilty–Evasion Condition

ANDREW IS WRONGLY ACCUSED BY THE POLICE OF BURGLARING A HOUSE. HIS GIRLFRIEND SARAH BELIEVES THAT ANDREW BURGLED THE HOUSE. SARAH WAS WITH HIM EARLIER IN THE EVENING BUT SHE CAN NOT PROVIDE AN ALIBI FOR THE TIME OF THE CRIME. WHEN THE POLICE ASK SARAH "WHERE WAS ANDREW ON THE NIGHT THE HOUSE WAS BURGLED?" SARAH SAYS **"NO COMMENT."**

Suspected–Unsure–Evasion Condition

ANDREW IS SUSPECTED BY THE POLICE OF BURGLARING A HOUSE. HIS GIRLFRIEND SARAH IS UNSURE WHETHER ANDREW BURGLED THE HOUSE. SARAH WAS WITH HIM EARLIER IN THE EVENING BUT SHE CAN NOT PROVIDE AN ALIBI FOR THE TIME OF THE CRIME. WHEN THE POLICE ASK SARAH "WHERE WAS ANDREW ON THE NIGHT THE HOUSE WAS BURGLED?" SARAH SAYS **"NO COMMENT."**

Suspected–Innocent–Evasion Condition

ANDREW IS SUSPECTED BY THE POLICE OF BURGLARING A HOUSE. HIS GIRLFRIEND SARAH DOES NOT BELIEVE THAT ANDREW BURGLED THE HOUSE. SARAH WAS WITH HIM EARLIER IN THE EVENING BUT SHE CAN NOT PROVIDE AN ALIBI FOR THE TIME OF THE CRIME. WHEN THE POLICE ASK SARAH "WHERE WAS ANDREW ON THE NIGHT THE HOUSE WAS BURGLED?" SARAH SAYS **"NO COMMENT."**

Wrongly Accused–Innocent–Evasion Condition

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Wrongly Accused–Unsure–Evasion Condition

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Wrongly Accused–Guilty–False Confession Condition

ANDREW IS WRONGLY ACCUSED BY THE POLICE OF BURGLARING A HOUSE. HIS GIRLFRIEND SARAH BELIEVES THAT ANDREW BURGLED THE HOUSE. SARAH WAS

WITH HIM EARLIER IN THE EVENING BUT SHE CAN NOT PROVIDE AN ALIBI FOR THE TIME OF THE CRIME. WHEN THE POLICE ASK SARAH "WHERE WAS ANDREW ON THE NIGHT THE HOUSE WAS BURGLERD?" SARAH SAYS **"ANDREW DID NOT BURGLE THE HOUSE, I DID."**

Suspected–Unsure–False Confession Condition

ANDREW IS SUSPECTED BY THE POLICE OF BURGLARING A HOUSE. HIS GIRLFRIEND SARAH IS UNSURE WHETHER ANDREW BURGLERD THE HOUSE. SARAH WAS WITH HIM EARLIER IN THE EVENING BUT SHE CAN NOT PROVIDE AN ALIBI FOR THE TIME OF THE CRIME. WHEN THE POLICE ASK SARAH "WHERE WAS ANDREW ON THE NIGHT THE HOUSE WAS BURGLERD?" SARAH SAYS **"ANDREW DID NOT BURGLE THE HOUSE, I DID."**

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Wrongly Accused-Guilty-Lie Condition

ANDREW IS WRONGLY ACCUSED BY THE POLICE OF BURGLARING A HOUSE. HIS GIRLFRIEND SARAH BELIEVES THAT ANDREW BURGLERD THE HOUSE. SARAH WAS WITH HIM EARLIER IN THE EVENING BUT SHE CAN NOT PROVIDE AN ALIBI FOR THE TIME OF THE CRIME. WHEN THE POLICE ASK SARAH "WHERE WAS ANDREW ON THE NIGHT THE HOUSE WAS BURGLERD?" SARAH SAYS **"ANDREW DID NOT BURGLE THE HOUSE BECAUSE HE WAS WITH ME."**

Suspected-Unsure-Lie Condition

ANDREW IS SUSPECTED BY THE POLICE OF BURGLARING A HOUSE. HIS GIRLFRIEND SARAH IS UNSURE WHETHER ANDREW BURGLED THE HOUSE. SARAH WAS WITH HIM EARLIER IN THE EVENING BUT SHE CAN NOT PROVIDE AN ALIBI FOR THE TIME OF THE CRIME. WHEN THE POLICE ASK SARAH "WHERE WAS ANDREW ON THE NIGHT THE HOUSE WAS BURGLED?" SARAH SAYS **"ANDREW DID NOT BURGLE THE HOUSE BECAUSE HE WAS WITH ME."**

Suspected-Innocent-Lie Condition

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Wrongly Accused-Unsure-Lie Condition

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Suspected-Guilty-Lie Condition

ANDREW IS SUSPECTED BY THE POLICE OF BURGLARING A HOUSE. HIS GIRLFRIEND SARAH BELIEVES THAT ANDREW BURGLED THE HOUSE. SARAH WAS WITH HIM EARLIER IN THE EVENING BUT SHE CAN NOT PROVIDE AN ALIBI FOR THE TIME OF THE CRIME. WHEN THE POLICE ASK SARAH "WHERE WAS ANDREW ON THE NIGHT THE HOUSE WAS BURGLED?" SARAH SAYS **"ANDREW DID NOT BURGLE THE HOUSE BECAUSE HE WAS WITH ME."**

Wrongly Accused-Guilty-Omission Condition

ANDREW IS WRONGLY ACCUSED BY THE POLICE OF BURGLARING A HOUSE. HIS GIRLFRIEND SARAH BELIEVES THAT ANDREW BURGLED THE HOUSE. SARAH WAS WITH HIM EARLIER IN THE EVENING BUT SHE CAN NOT PROVIDE AN ALIBI FOR THE TIME OF THE CRIME. WHEN THE POLICE ASK SARAH "WHERE WAS ANDREW ON THE NIGHT THE HOUSE WAS BURGLED?" SARAH SAYS **"HE WAS AT MY HOUSE THAT EVENING."**

Suspected – Unsure – Omission Condition

ANDREW IS SUSPECTED BY THE POLICE OF BURGLARING A HOUSE. HIS GIRLFRIEND SARAH IS UNSURE WHETHER ANDREW BURGLED THE HOUSE. SARAH WAS WITH HIM

EARLIER IN THE EVENING BUT SHE CAN NOT PROVIDE AN ALIBI FOR THE TIME OF THE CRIME. WHEN THE POLICE ASK SARAH "WHERE WAS ANDREW ON THE NIGHT THE HOUSE WAS BURGLED?" SARAH SAYS **"HE WAS AT MY HOUSE THAT EVENING."**

Suspected-Innocent-Omission Condition

ANDREW IS SUSPECTED BY THE POLICE OF BURGLARING A HOUSE. HIS GIRLFRIEND SARAH DOES NOT BELIEVE THAT ANDREW BURGLED THE HOUSE. SARAH WAS WITH HIM EARLIER IN THE EVENING BUT SHE CAN NOT PROVIDE AN ALIBI FOR THE TIME OF THE CRIME. WHEN THE POLICE ASK SARAH "WHERE WAS ANDREW ON THE NIGHT THE HOUSE WAS BURGLED?" SARAH SAYS **"HE WAS AT MY HOUSE THAT EVENING."**

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Appendix 2: Coding scheme developed for use in Chapter 3

RELATIONSHIP	
B - Love	Personal motives
	Feelings of guilt
	Feelings of love
	Showing that she cares for him
	Expectation to lie for partner
	It being justified as he is her boyfriend/she's his girlfriend
	Feeling emotionally obliged to lie for him/ help him
	Pressure/desire/need to help boyfriend
	Participants would act in same way
	Fear of jeopardising relationship
	Fear partner won't trust her
	Maintaining relationship when one partner in prison
	Pressure/desire/need to maintain the relationship
	Avoiding conflict within the relationship
	Avoiding betrayal of partner/relationship
	Loyalty/disloyalty
	Protecting partner
C - Character reference	Personal knowledge of the defendant
	Trusting defendant
	Defendant a good person
	Alibi Witness wouldn't date a criminal
	Attachment/feelings biasing alibi witness' judgement of defendant
	Giving partner the benefit of the doubt
ACCURACY OF ALIBI WITNESS STATEMENT	Wanting to believe partner is innocent
	Guilt of defendant/alibi witness
	Defendant innocent/guilty
	Reference to timings i.e. could have done it as couldn't give alibi for whole night
	Can't vouch for defendant's whereabouts
	Lack of evidence
	Alibi witness is/may/not be guilty
	Defendant is/may/not be guilty
	Alibi witness believes defendant is innocent
	Alibi witness doubts defendant
D - Guilt	Honesty of answer
	Facts are what matter
	Whole truth/completely honest
	No false info in Alibi witness' answer
	Silence isn't a lie
	Vague/inaccurate answer
E - Features of the alibi witness' statement	Alibi witness is attempting to deceive/mislead police
	Alibi witness must be hiding something if they can't give an alibi
	'No comment' means alibi witness has something to hide
	'No comment' means alibi witness doesn't know the answer to the question
	If they were guilty they would alibi each other
	Alibi witness waited until the end to say anything to the police
F - Alibi biases	
CRIMINAL JUSTICE SYSTEM	
G - CJS responsibility/errors	Police treat defendants unfairly
	Police pressure caused false confession

	Poor/vague questioning
	Police can't be trusted
	CJS flawed
	'No comment' interpreted as a lie by the police
	Defendant must have a criminal record if police suspect him
H - Illegality of alibi witness' actions	Alibi witness is falsifying evidence
	Alibi witness is hampering police investigation
	Preventing guilty from being caught/punished
	Illegality of lying to the police
	Alibi witness could get into trouble
	Police will find the truth regardless
	Police there for a reason
	Shouldn't protect guilty
	The statement won't affect the police investigation
	Should respect the law
I - Appropriateness of statement	Should protect innocent people
	Lying is wrong
	Lying to the police is wrong
	For the greater good
	You should give as much info as possible to the police
	Don't need to lie
	Legal right to silence
	Other ways to help the defendant
MISCELLANEOUS	
J - Health of alibi witness/defendant	Alibi witness drunk
	Alibi witness is emotional
	Alibi witness has mental illness
	Defendant may have good reason for lying such as a drug problem
K - Vignette information	Not enough information to make a decision
	Alibi witness contradicts self
L - Other	Truth is relative
	Questions over likelihood of a female burglar

Every part of the participants' response should be coded. However, each sentence/unit of speech is coded once only. For example:

'Sarah has her own justification for providing an alibi as he is her boyfriend (B – *Relationship - Love*), therefore she presumably doesn't want him to get into trouble and possibly go to prison (B - *Relationship - Love*). This statement is also justifiable as Andrew was at her house that evening (E - *Features of the Alibi Witness' Statement*), there is no indication in the story as to the police asking her between what times he was at her house (G - *Criminal Justice System - Criminal Justice System Responsibility/Errors*).'

So in the example above each part of the response is coded but no single sentence/unit is coded twice. As above, each participant can have several of the same or different categories within their response

Appendix 3: Themes and Subthemes within Each Condition - Chapter 3

Appendix 3: Themes and Subthemes within Each Condition – Chapter 3																	
Condition			N	Alibi witness/defendant relationship			Accuracy of the alibi witness' statement			Criminal Justice System			Miscellaneous				Subtheme total
Police action taken	Alibi witness belief	Deception type		Love	Character reference	Guilt	Factual correctness	Alibi biases	Responsibility & errors	Legality of alibi witness' actions	Appropriateness of statement	Health of defendant/witness actions	Vignette information	Other factors			
Suspect	Innocent	False Confession	10	11	0	15	0	1	1	1	0	0	0	30			
Suspect	Guilty	Evasion	9	7	0	5	6	0	1	7	0	0	0	27			
Suspect	Unsure	Omission	9	8	2	2	9	0	3	3	0	0	1	35			
Suspect	Guilty	Lie	9	5	2	10	7	0	0	2	0	0	0	30			
Suspect	Innocent	Lie	10	3	1	9	12	1	0	2	0	0	0	28			
Suspect	Unsure	Lie	9	6	3	12	6	0	1	0	0	0	0	30			
Suspect	Innocent	Evasion	10	5	1	7	2	5	1	5	0	1	0	28			
Suspect	Unsure	Evasion	10	4	3	7	5	5	2	5	0	0	0	33			
Suspect	Guilty	Omission	10	2	0	5	9	1	1	1	0	4	1	23			
Suspect	Guilty	False Confession	10	6	0	11	2	0	0	0	0	0	0	23			
Suspect	Unsure	False Confession	10	13	3	10	1	0	2	4	2	4	1	43			
Suspect	Innocent	Omission	10	7	1	8	4	0	2	1	0	1	0	24			
Wrongly accuse	Guilty	Omission	10	6	0	13	7	0	0	4	0	0	0	33			
Wrongly accuse	Unsure	Omission	10	2	0	10	10	0	4	1	0	0	0	27			
Wrongly accuse	Innocent	Evasion	10	6	2	5	2	2	1	7	1	2	0	30			
Wrongly accuse	Unsure	Evasion	9	2	0	9	3	0	1	7	0	0	0	24			

Wrongly accuse	Guilty	Evasion	9	6	1	7	8	3	2	0	3	0	0	0	30
Wrongly accuse	Innocent	Omission	10	5	3	9	7	0	7	0	1	0	0	0	32
Wrongly accuse	Unsure	Lie	10	4	4	12	7	0	2	0	4	0	1	0	34
Wrongly accuse	Innocent	Lie	10	2	1	11	3	0	0	0	4	0	0	0	21
Wrongly accuse	Innocent	False Confession	10	6	0	10	1	1	4	6	7	1	0	0	36
Wrongly accuse	Guilty	Lie	10	7	0	12	1	0	0	1	1	0	0	0	22
Wrongly accuse	Guilty	False Confession	5	3	0	4	0	0	1	1	0	0	0	1	10
Wrongly accuse	Unsure	False Confession	10	5	0	10	0	0	0	0	2	1	5	0	23
Subtheme Total				131	27	213	112	21	36	38	71	5	18	4	676
Theme total					158		346			145			27		

Appendix 4: APCQ

Instructions

- Please read and sign the consent form before completing this booklet
- Please complete the following questions in the order they are presented
- Try to be as honest as possible
- When given a choice of answers, please circle the response that most clearly corresponds with your views
- Your responses will be kept completely confidential

ID Code

You will not have to write your name anywhere on the questionnaire. Please fill out your unique identifier code below using the format; first two letters of your mother's maiden name, day of your birth, first two digits of your house number. For example PA0524

--	--	--	--	--	--

Personal Details

Age: _____ Sex: ☐ Male ☐ Female Race: _____

Please state your occupation: _____

Contact Information

Please return this questionnaire in the freepost envelope provided.

Hannah Fawcett

Psychology

111 The Lodge

Collegiate Crescent Campus

Sheffield Hallam University

Tel: 0114 225 2499

Email: H.Fawcett@shu.ac.uk

Section 1

The following questions ask about the experience of the police of you and your close friends and family. Please read the questions carefully and answer by ticking the boxes that most closely matches your response. Please complete each question in the order it is presented.

1. Have you ever come into direct contact with the police?

☐ Yes ☐ No (Please go to question 5)

2. How many times have you ever come into direct contact with the police?

☐ 1-3

☐ 4-6

☐ 7+

3. How recent was the latest direct contact you had with the police?

☐ Within the last three months

☐ Within the last twelve months

☐ Within the last 5 years

☐ More than 5 years ago

4. How would you classify the nature of the direct contacts?

☐ Reporting a crime

☐ Questioned as a witness

☐ Questioned as a suspect

☐ Asking for information (i.e. directions)

☐ Friend/family member is in the police

☐ Professional capacity

☐ Other (please provide brief details) _____

5. Has a close friend or family member had direct contact with the police within the last three months?

☐ Yes ☐ No (Please go to question 7) ☐ Unsure (Please go to question 7)

6. How would you classify the nature of the direct contacts your friend or family member had with the police?

- ☐ Reporting a crime
- ☐ Questioned as a witness
- ☐ Questioned as a suspect
- ☐ Asking for information (i.e. directions)
- ☐ Friend/family member is in the police
- ☐ Professional capacity
- ☐ Other (please specify) _____

Section 2

The following questions ask about the experience of the criminal courts of you and your close friends and family. Please read the questions carefully and answer by ticking the boxes that most closely matches your response. Please complete each question in the order it is presented.

7. Have you ever come into direct contact with the criminal courts?

- ☐ Yes ☐ No (Please go to question 11)

8. How many times have you ever come into direct contact with the criminal courts?

- ☐ 1-3
- ☐ 4-6
- ☐ 7+

9. How recent was the latest direct contact you had with the criminal courts?

- ☐ Within the last three months
- ☐ Within the last twelve months
- ☐ Within the last 5 years
- ☐ More than 5 years ago

10. How would you classify the nature of the contacts?

- ☐ Defendant in a criminal case
 - Were you acquitted? ☐ Yes ☐ No
- ☐ Witness in a criminal case
- ☐ Jury duty
- ☐ Professional capacity
- ☐ Other (please specify) _____

11. Has a close friend or family member had direct contact with the criminal courts within the last three months?

☐ Yes ☐ No (Please go to question 13) ☐ Unsure (Please go to question 13)

12. How would you classify the nature of the direct contacts your friend or family member had with the criminal courts?

☐ Defendant in a criminal case

☐ Witness in a criminal case

☐ Jury duty

☐ Professional capacity _____

☐ Other (please specify)

Section 3

The following questions ask about your views of the police. Please read the questions carefully and answer by circling the number that most closely reflects your response.

Please complete each question in the order it is presented.

13. I respect the aims of the police

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

14. The police treat all people fairly

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

15. I am worried that I will be the victim of a crime

1	2	3	4	
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

16. I do not feel safe in my neighbourhood at night

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

17. I think that the police are effective in arresting those who have committed crimes

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

18. I think that the perpetrators of many crimes go undetected

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

19. The police are respectful towards victims

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

20. The police are not essential to the functioning of society

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

21. I think the police put the needs of the community before all else

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

22. There is no crime problem in my neighbourhood

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

23. I respect the work that the police do

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

24. The police work hard to solve crimes

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

25. I believe that the police are racist

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

26. I think that the police are corrupt

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

27. I think that the crime rate in my neighbourhood is high

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

28. I consider the police to be lazy

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

29. I think that the police are bullies

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

30. The police are respectful towards witnesses

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

31. The police are respectful towards suspects

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

32. I believe that the crime rate is increasing

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

Section 4

The following questions ask about your opinions of the criminal courts. Please read the questions carefully and answer by circling the number that most closely reflects your response. Please complete each question in the order it is presented.

33. I respect the work of the criminal courts

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

34. I agree with the aims of the criminal courts

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

35. I believe that the criminal courts treat witnesses with respect

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

36. I think that the criminal courts are essential to the functioning of society

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

37. The criminal courts are too lenient in their sentencing

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

38. The criminal courts do not treat victims with respect

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

39. I think that the criminal courts are corrupt

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

40. I think that the criminal courts ensure that justice is done

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

41. I believe that the criminal courts do not always hand out appropriate sentences

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

42. The criminal courts do not respect the rights of victims

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

43. The criminal courts treat all defendants as innocent until proven guilty

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

44. The criminal courts do not treat everyone equally

1	2	3	4	5
Strongly Agree	Moderately Agree	Unsure	Moderately Disagree	Strongly Disagree

45. Judges in the criminal courts work hard

1	2	3	4	5
Strongly Agree	Moderately Agree	Unsure	Moderately Disagree	Strongly Disagree

46. The criminal courts do not give enough offenders custodial sentences

1	2	3	4	5
Strongly Agree	Moderately Agree	Unsure	Moderately Disagree	Strongly Disagree

47. I believe that the criminal courts do not respect the rights of defendants

1	2	3	4	5
Strongly Agree	Moderately Agree	Unsure	Moderately Disagree	Strongly Disagree

48. The criminal courts put the welfare of the community before all else

1	2	3	4	5
Strongly Agree	Moderately Agree	Unsure	Moderately Disagree	Strongly Disagree

49. The criminal courts are not fair

1	2	3	4	5
Strongly Agree	Moderately Agree	Unsure	Moderately Disagree	Strongly Disagree

50. I believe that the criminal courts treat defendants with respect

1	2	3	4	5
Strongly Agree	Moderately Agree	Unsure	Moderately Disagree	Strongly Disagree

51. I believe that the criminal courts are racist

1	2	3	4	5
Strongly Agree	Moderately Agree	Unsure	Moderately Disagree	Strongly Disagree

52. Lawyers in the criminal courts work hard

1	2	3	4	5
Strongly Agree	Moderately Agree	Unsure	Moderately Disagree	Strongly Disagree

This is the end of the questions

Appendix 5: FEQ

Instructions

- Please read and sign the consent form before completing this booklet
- Please complete the following questions in the order they are presented
- Try to be as honest as possible
- When given a choice of answers, please circle the response that most clearly corresponds with your views
- Your responses will be kept completely confidential

ID Code

You will not have to write your name anywhere on the questionnaire. Please fill out your unique identifier code below using the format; first two letters of your mother's maiden name, day of your birth, first two digits of your house number. For example PA0524

--	--	--	--	--	--

Personal Details

Age: _____ Sex: ☐ Male ☐ Female Race: _____

Please state your occupation: _____

Contact Information

Please return this questionnaire in the freepost envelope provided.

Hannah Fawcett

Psychology

111 The Lodge

Collegiate Crescent Campus

Sheffield Hallam University

Tel: 0114 225 2499

Email: H.Fawcett@shu.ac.uk

Section 1

Please answer the following questions with how you would behave in the future, not about how you have acted in the past. You should not reveal first-hand experience of deceiving the police and courts as it is your future intentions that are of interest. Read the questions carefully and answer by circling the number that most closely reflects your response. Please complete each question in the order it is presented.

1. If I thought it would help someone I love, I would withhold relevant information when interviewed by the police

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

2. Even if I thought lying would help someone I love, I would not lie when interviewed by the police

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

3. If I thought it would help someone I love, I would respond 'no comment' to all questions in an interview with the Police

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

4. If I thought it would help someone I love, I would falsely confess to a crime they were suspected of committing

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

5. I would contact the police with false information if I thought it would help someone I love

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

6. I would tell the entire truth to the police even if it harmed the case of someone I love

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

7. I would pretend not to remember the answers to police questions if I thought that it would help someone that I love

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

Section 2

Please answer the following questions about how you would behave in the future, not about how you have acted in the past. You should not reveal first-hand experience of deceiving the police and courts as it is you future intentions that are of interest. Read the questions carefully and answer by circling the number that most closely reflects your response. Please complete each question in the order it is presented.

8. I would not lie in a criminal court, even if I thought it would help someone I love

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

9. I would withhold information in a criminal court if I thought it would help someone I love

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

10. I would pretend not to remember the answers to questions in a criminal court if I thought that it would help someone that I love

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

11. I would tell the entire truth to the criminal courts even if it harmed the case of someone I love

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

12. I would refuse to testify in a criminal court if I thought my testimony would harm the case of someone I love

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

13. I would provide false information in the criminal court if I thought it would help someone I love

1	2	3	4	5
Strongly	Moderately	Unsure	Moderately	Strongly
Agree	Agree		Disagree	Disagree

This is the end of the questions

1. Instructions

This questionnaire is about your knowledge and understanding of the law.

The questionnaire is designed to be completely anonymous, the IP address of your computer will not be stored and there is no section for you to fill in your name. You will be asked however to state your gender, age, occupation and ethnic origin. You are free to leave blank any question you do not wish to answer.

Filling out this questionnaire is taken as you providing informed consent for your data to be used in this research. This means that you are not able to withdraw this questionnaire from the study once it has been submitted as there will be no way of linking you with your questionnaire.

Please only complete the questionnaire if you are over 18 years of age.

You will be required to read some information about the law. Please read all of the information on each page carefully and make sure you understand it before continuing

2.

1. Gender

☐ Male

☐ Female

2. Age

3. Occupation

4. Race/Ethnic Origin

3.

The Law

Public Justice Offences are those that hinder or frustrate the administration of justice, the work of the police, prosecutors and courts. The main types of public justice offence are perverting the course of justice, assisting an offender, wasting police time and perjury. Some of these are tried in a Magistrates Court where locally appointed Magistrates, drawn from the public rather than a jury, decide whether the defendant is guilty. Other more serious cases can only be tried in a Crown Court. This has both a jury and a legally trained Judge. The jury decide whether the defendant is guilty and the Judge then decides on their sentence.

Wasting police time

A charge of wasting police time (section 5(2) Criminal Law Act 1967) can be brought against an individual who provides false information in the course of a police investigation. Cases of wasting police time are tried in a Magistrates Court. The greatest possible penalty for this offence is a sentence of six months' imprisonment and/or a fine.

1. Instructions

This questionnaire is about your knowledge and understanding of the law.

The questionnaire is designed to be completely anonymous, the IP address of your computer will not be stored and there is no section for you to fill in your name. You will be asked however to state your gender, age, occupation and ethnic origin. You are free to leave blank any question you do not wish to answer.

Filling out this questionnaire is taken as you providing informed consent for your data to be used in this research. This means that you are not able to withdraw this questionnaire from the study once it has been submitted as there will be no way of linking you with your questionnaire.

Please only complete the questionnaire if you are over 18 years of age.

You will be required to read some information about the law. Please read all of the information on each page carefully and make sure you understand it before continuing

2.

1. Gender

- ☐ Male
☐ Female

2. Age

3. Occupation

4. Race/Ethnic Origin

3.

The Law

Public Justice Offences are those that hinder or frustrate the administration of justice, the work of the police, prosecutors and courts. The main types of public justice offence are perverting the course of justice, assisting an offender, wasting police time and perjury. Some of these are tried in a Magistrates Court where locally appointed Magistrates, drawn from the public rather than a jury, decide whether the defendant is guilty. Other more serious cases can only be tried in a Crown Court. This has both a jury and a legally trained Judge. The jury decide whether the defendant is guilty and the Judge then decides on their sentence.

Wasting police time

A charge of wasting police time (section 5(2) Criminal Law Act 1967) can be brought against an individual who provides false information in the course of a police investigation. Cases of wasting police time are tried in a Magistrates Court. The greatest possible penalty for this offence is a sentence of six months' imprisonment and/or a fine.

4.

Perverting the course of justice

Perverting the course of justice attracts a maximum penalty of life imprisonment. In order to commit this offence, the behaviour must occur when the course of justice is in progress in the form of a police investigation, court case, or event from which it is reasonable to suppose that a police investigation will follow. This offence must be tried in a Crown Court. As perverting the course of justice may apply to a wide range of acts, its use is reserved for only the most serious incidences of interference with the administration of justice. There were on average 8891 convictions each year between 1995 and 2005 for perverting the course of justice.

Perjury

Perjury occurs when a lawfully sworn witness in court makes a statement that they know or believe to be false (Section 1 Perjury Act 1911). The statement must be important to the case being tried in the court. This offence is triable only in a Crown Court and carries a maximum penalty of seven years imprisonment and/or a fine. Corroboration is always needed before an individual can be charged with perjury. Perjury is commonly viewed as one of the most serious criminal offences as it undermines the principles at the very foundation of the criminal justice system. Between 1995 and 2005 there were on average 246 convictions a year for perjury.

5.

Assisting an offender

The criteria for this offence are that the principal offender has committed an arrestable offence, the accused individual knows or believes that the principal offender has committed the offence and the accused does an act with the intention to impede the apprehension or prosecution of the offender. Punishment for assisting an offender is based upon the punishment applicable to the principal offence that they assisted someone with. Due to this, the penalty for assisting an offender can vary between three and ten years' imprisonment. Assisting an offender can be tried in either a Magistrates Court or a Crown Court, depending upon which court the main offender that they are accused of assisting, must be tried in.

6.

Sentencing Guidelines

Sometimes the same act of deception could be prosecuted as any of the above crimes. In this case the police and the Crown Prosecution Service have considerable discretion in choosing which charge to bring. They use the following guidelines to decide which of the range of possible charges would be most appropriate. The guidelines consider whether the suspects' conduct:

- was spontaneous and unplanned or deliberate and elaborately planned
- was momentary and irresolute or prolonged and determined
- was motivated by misplaced loyalty to a relative/friend or was part of a concerted effort to avoid, pervert, or defeat justice
- whether the activities of the defendant drew in others
- was intended to result in trivial or 'serious harm' to the administration of justice
- resulted in trivial or 'serious harm' to the administration of justice.

7.

Serious harm refers to behaviour that:

- enables a potential defendant in a serious case to evade arrest or commit further offences
- causes an accused to be granted bail when he might otherwise not have
- avoids a police investigation for disqualified driving or other serious offences
- misleads a court
- puts another person in real jeopardy of arrest/prosecution or results in the arrest/prosecution of another person
- avoids a mandatory penalty such as disqualification
- results in the police losing the opportunity to obtain important evidence in a case.

8.

You will now be given short summaries of three cases to read. These are real cases where people have been convicted for providing false evidence to the police and/or the criminal courts.

Case 1

In 2005 Lisa Unwin was convicted with her boyfriend Craig Moran of conspiring to pervert the course of justice and sentenced to 15 months in jail. Unwin claimed gang member Moran was at home watching videos at the time of a raid on a jewellers in which a woman was shot. Moran was convicted of conspiring to rob the shop after being found in a getaway car near the murder scene. Mr Justice Gibbs said "people must be made to realise that providing false alibis is a grave matter and when the false alibi is provided in connection with a really serious crime, the matter is more serious."

Case 2

In 2003 Maxine Carr was sentenced to three-and-a-half years in prison when convicted of conspiring to pervert the course of justice. She was however cleared of two counts of assisting an offender. Carr admitted providing a false alibi for her boyfriend Ian Huntley by saying she was with him at their home when Holly Wells and Jessica Chapman went missing. In actual fact she was filmed on CCTV in a different town at the time of their disappearance and murder. Ian Huntley was found guilty of the murders of school girls Holly Wells and Jessica Chapman and given two life sentences. Carr claimed she believed Huntley was innocent and that she only lied to the police in order to protect him.

Case 3

In 2006 Laura Campbell was jailed for four years after admitting two counts of perverting the course of justice and one of perjury. Campbell told police that her half brother Damien Hanson had been at her flat at the time City banker John Monckton was stabbed to death and his wife attacked during a raid at their home. Campbell provided the alibi after being asked by Hanson, and then repeatedly tried to "corrupt" her friend Sade Haye to endorse her lie. Hanson was convicted for the murder of John Monckton and the attempted murder of his wife.

This is the end of the information. You will now be asked a short series of questions about your knowledge of perjury, perverting the course of justice, assisting an offender and wasting police time

9.

5. On a scale of 0 - 100 how good would you say your knowledge of the laws of perjury, perverting the course of justice, assisting an offender and wasting police time is?

0 = poor 100 = good

10.

6. Please indicate which of the following crimes has the greatest maximum punishment on a scale of 1 - 4 (where 1 is the least serious and 4 is the most serious)

Perjury	<input type="text"/>
Wasting police time	<input type="text"/>
Perverting the course of justice	<input type="text"/>
Assisting an offender	<input type="text"/>

11.

For the following questions you will be given a short summary of an individual's behaviour and will need to decide which charge (if any) out a list of options the police will use. Please read this information carefully and make sure you fully understand it before attempting to answer the question. Please tick the answer you think is correct, not the answer you would like to be correct.

7. Graham is suspected of murdering Lennie and dumping his dismembered torso on moor land. Graham's half brother Lee believes that he is innocent. To help his half brother, Lee makes a hoax phone call to the police falsely suggesting that Lennie's death occurred at a time when it would have been impossible for Graham to kill him.

What offence (if any) do the police charge Lee with?

- ☐ Perjury
- ☐ Wasting police time
- ☐ Perverting the course of justice
- ☐ Assisting an offender
- ☐ No offence
- ☐ I don't know

8. Fatima meets Rico in a nightclub on the night that Charles is fatally stabbed there. Rico is charged with Charles's death. Fatima stands in the witness box in court and says that Rico (now her boyfriend) was not at the nightclub the evening Charles was stabbed, but at home with her.

What offence (if any) do the police charge Fatima with?

- ☐ Perjury
- ☐ Wasting police time
- ☐ Perverting the course of justice
- ☐ Assisting an offender
- ☐ No offence
- ☐ I don't know

9. Shahid is a lawyer who represents John, a man who is charged with abduction and extortion. After John threatens him, Shahid agrees to tell the police that he and John were in a meeting when the alleged abduction and extortion was said to have been committed.

What offence (if any) do the police charge Shahid with?

- ☐ Perjury
- ☐ Wasting police time
- ☐ Perverting the course of justice
- ☐ Assisting an offender
- ☐ No offence
- ☐ I don't know

12.

The following questions are designed to assess your knowledge of the terms, sentencing and courts associated with some British laws. Please read the questions carefully you must tick only one response. Please tick the answer you think is correct not the answer you would like to be correct.

10. The maximum sentence for perverting the course of justice is (Please tick only one response):

- ☐ Dependent upon the main index offence
- ☐ Community service
- ☐ Six months' imprisonment and/or a fine
- ☐ Three years imprisonment and/or a fine
- ☐ I don't know

11. Suspected cases of wasting police time are always tried in (Please tick only one response):

- ☐ Magistrates Court
- ☐ Crown Court
- ☐ Court of Appeal
- ☐ Family Court
- ☐ I don't know

13.

The following questions are designed to assess your knowledge of the terms, sentencing and courts associated with some British laws. Please tick the answer/s you think is/are correct, not the answer/s you would like to be correct.

Please read the questions carefully - you may tick multiple responses.

12. Which criteria must be satisfied to bring a conviction for Assisting an Offender? (tick which ones are applicable)

- ☐ The principal offender has committed an arrestable offence
- ☐ The accused individual knows that the principal offender has committed the offence
- ☐ The accused individual believes that the principal offender has committed the offence
- ☐ The accused individual does an act with the intention to impede the apprehension or prosecution of the offender
- ☐ The act done by the accused individual must result in serious harm
- ☐ I don't know

13. Which of the following is/are necessary condition/s for the offence of Perjury? (tick which ones are applicable)

- ☐ A lawfully sworn witness in court makes a statement that they know to be false
- ☐ A lawfully sworn witness in court makes a statement that they believe to be false
- ☐ The statement must be important to the case being tried in the court
- ☐ The statement must have corroboration
- ☐ I don't know

14. Copy of page:

14. On a scale of 0 - 100 how good would you say your knowledge of the laws of perjury, perverting the course of justice, assisting an offender and wasting police time is?

0 = poor 100 = good

15.

15. If I thought it would help someone I love, I would withhold relevant information when interviewed by the police

- ☐ Strongly agree
- ☐ Moderately agree
- ☐ Unsure
- ☐ Moderately disagree
- ☐ Strongly disagree

16. Even if I thought lying would help someone I love, I would not lie when interviewed by the police

- ☐ Strongly agree
- ☐ Moderately agree
- ☐ Unsure
- ☐ Moderately disagree
- ☐ Strongly disagree

17. If I thought it would help someone I love, I would respond 'no comment' to all questions in an interview with the Police

- ☐ Strongly agree
- ☐ Moderately agree
- ☐ Unsure
- ☐ Moderately disagree
- ☐ Strongly disagree

18. If I thought it would help someone I love, I would falsely confess to a crime they were suspected of committing

- ☐ Strongly agree
- ☐ Moderately agree
- ☐ Unsure
- ☐ Moderately disagree
- ☐ Strongly disagree

19. I would contact the police with false information if I thought it would help someone I love

- ☐ Strongly agree
- ☐ Moderately agree
- ☐ Unsure
- ☐ Moderately disagree
- ☐ Strongly disagree

20. I would tell the entire truth to the police even if it harmed the case of someone I love

- ☐ Strongly agree
- ☐ Moderately agree
- ☐ Unsure
- ☐ Moderately disagree
- ☐ Strongly disagree

21. I would pretend not to remember the answers to police questions if I thought that it would help someone that I love

- ☐ Strongly agree
- ☐ Moderately agree
- ☐ Unsure
- ☐ Moderately disagree
- ☐ Strongly disagree

16.

22. I would not lie in a criminal court, even if I thought it would help someone I love

- ☐ Strongly agree
- ☐ Moderately agree
- ☐ Unsure
- ☐ Moderately disagree
- ☐ Strongly disagree

23. I would withhold information in a criminal court if I thought it would help someone I love

- ☐ Strongly agree
- ☐ Moderately agree
- ☐ Unsure
- ☐ Moderately disagree
- ☐ Strongly disagree

24. I would pretend not to remember the answers to questions in a criminal court if I thought that it would help someone that I love

- ☐ Strongly agree
- ☐ Moderately agree
- ☐ Unsure
- ☐ Moderately disagree
- ☐ Strongly disagree

25. I would tell the entire truth to the criminal courts even if it harmed the case of someone I love

- ☐ Strongly agree
- ☐ Moderately agree
- ☐ Unsure
- ☐ Moderately disagree
- ☐ Strongly disagree

26. I would refuse to testify in a criminal court if I thought my testimony would harm the case of someone I love

- ☐ Strongly agree
- ☐ Moderately agree
- ☐ Unsure
- ☐ Moderately disagree
- ☐ Strongly disagree

27. I would provide false information in the criminal court if I thought it would help someone I love

- ☐ Strongly agree
- ☐ Moderately agree
- ☐ Unsure
- ☐ Moderately disagree
- ☐ Strongly disagree

17.

This is the end of the questions. Thank you for your participation

Please read the following information carefully as you will be asked a series of questions on it. **Imagine you and your mother in this situation.**

You meet your mother at an Italian restaurant at 9pm. The restaurant is busy and so you order a bottle of wine while you wait for a table. After 15 minutes you are shown to a table in a secluded booth at the back of the restaurant. When your main course arrives you order another bottle of wine to share. You both feel quite tipsy at this point. You have a nice evening and finish the second bottle of wine. You each order a coffee with a shot of whisky in it with your desert. By the time you finish your meal and pay both you and your mother are quite drunk.

When you leave the restaurant, your mother tells you that they drove their car to the restaurant. You are worried whether it is safe for your mother to drive after the alcohol they have consumed. Your mother tells you they are fit to drive and offer you a lift home. It is dark and it is raining so you accept the offer rather than walk home. Your mother tells you they have driven after drinking a similar amount before.

You get into their red Vauxhall Corsa and your mother drives you the 10 minutes to your home and drops you off at 11.25pm. Your mother then drives off to their home a further ten minutes away. You are concerned about their ability to drive safely. At 11.30pm you send a text message to your mother to make sure they arrived home safely. Your mother calls you back at 11.35pm to say they have got home. Your mother tells you that they hit something on Smith Street after leaving your house. They say that they weren't concentrating and did not see anything until they hit it. Your mother isn't sure what they hit as they didn't stop to check. They ask you not to tell anyone as they are concerned they will get into trouble.

Two days later the police ask you to come into the police station to be interviewed. The police officer tells you that a teenager was seriously injured in a hit-and-run on Smith Street at about 11.30pm two days earlier. A red Vauxhall Corsa was seen driving away from the scene by a witness. The police officer says that neighbours saw a similar red Corsa outside your house not long before the incident. You realise that this is the collision that your mother told you they were involved in, and that they must have hit a teenager.

At the police station, the police ask you some questions about that night. Put a vertical mark on the line to show how likely it is that you would reveal each of the following pieces of information in the interview.

Remember, to imagine that you and your mother are really in this situation.

1. Your mother drives a red Vauxhall Corsa

Definitely not reveal | Definitely reveal

2. Your mother drank alcohol that night



 Definitely not reveal Definitely reveal

3. Your mother was tipsy that night



 Definitely not reveal Definitely reveal

4. Your mother was drunk that night



 Definitely not reveal Definitely reveal

5. Your mother drove you home that night



 Definitely not reveal Definitely reveal

6. You were concerned whether your mother was safe to drive after the alcohol they had consumed




 Definitely not reveal Definitely reveal

7. Your mother has driven after consuming similar quantities of alcohol before



 Definitely not reveal Definitely reveal

8. Your mother drove away from your house at 11.25pm that night



 Definitely not reveal Definitely reveal

9. Your mother drove along smith street between 11.25pm and 11.35pm that night



 Definitely not reveal Definitely reveal

The statements below concern how you feel about your relationship with your mother. We are interested in how you *generally* experience/d your relationship with your mother, not just in what is happening currently. Respond to each statement by putting a tick in the relevant box to indicate how much you agree or disagree with the statement.

1 = Strongly agree, 2 = Moderately agree, 3 = Mildly agree, 4 = Neither agree or disagree, 5 = Mildly disagree, 6 = Moderately disagree, 7 = Strongly disagree

	1	2	3	4	5	6	7
1	I feel comfortable sharing my private thoughts and feelings with my mother						
2	I find it relatively easy to get close to my mother						
3	When my mother is out of sight, I worry that he or she might become interested in someone else						
4	I tell my mother just about everything						
5	My desire to be very close sometimes scares people away						
6	I get uncomfortable when my mother wants to be very close						
7	I do not often worry about being abandoned						
8	It makes me mad that I don't get the affection and support I need from my mother						
9	It helps to turn to my mother in times of need						
10	It's easy for me to be affectionate with my mother						
11	It's not difficult for me to get close to my mother						
12	Sometimes my mother changes her feelings about me for no apparent reason						
13	My mother makes me doubt myself						
14	I rarely worry about my mother leaving me						
15	I often worry that my mother will not want to stay with me						
16	I feel comfortable depending on my mother						

1= Strongly agree, 2= Moderately agree, 3= Mildly agree, 4= Neither agree or disagree, 5= Mildly disagree, 6= Moderately disagree, 7= Strongly disagree									
1	2	3	4	5	6	7			
17	I don't feel comfortable opening up to my mother								
18	I worry a lot about my relationship with my mother								
19	I am nervous when my mother gets too close to me								
20	I find that my mother doesn't want to get as close as I would like								
21	I usually discuss my problems and concerns with my mother								
22	I worry that I won't measure up to other people								
23	I find it difficult to allow myself to depend on my mother								
24	When I show my feelings for my mother, I'm afraid she will not feel the same about me								
25	I prefer not to be too close to my mother								
26	I often worry that my mother doesn't really love me								
27	I'm afraid that I will lose my mother's love								
28	I find it easy to depend on my mother								
29	My mother really understands me and my needs								
30	My mother only seems to notice me when I'm angry								
31	I talk things over with my mother								
32	I often wish that my mother's feelings for me were as strong as my feelings for her								
33	I'm afraid that once my mother gets to know me, she won't like who I really am								
34	I worry that my mother won't care about me as much as I care about her								
35	I am very comfortable being close to my mother								
36	I prefer not to show my mother how I feel deep down								

1. Consent

This study involves you acting as a juror. You will need to read a summary of a real court case and decide whether the defendant is guilty or not guilty of grievous bodily harm. Grievous bodily harm means serious bodily harm. It is for you to decide whether the harm the alleged victim received is serious, whether it was inflicted by the defendant, and whether he did so intentionally. You will then be required to answer a series of questions about the decision you reached. The study has been approved by the ethics committee at Teesside University.

In order to participate you must be eligible for UK jury duty. This means that you must not ever have been sentenced to imprisonment, or a term of detention, of 5 years or more in the last 10 years served any part of a sentence of imprisonment or detention, received a suspended or been subject to a community order. You must not suffer, or have suffered, from a mental illness, psychotic disorder, mental handicap or severe mental handicap which means you are resident in a hospital or other similar institution or that you regularly attend treatment by a medical practitioner

Before taking part please read your rights:

- You must be over 18 years of age to take part
- Your computer IP address will not be stored
- Only the research team will have access to participant raw data
- Your data will be kept confidential
- You can withdraw at any point by navigating off the webpage without being penalised

BY CLICKING NEXT YOU ARE AGREEING THAT YOU MEET THE REQUIREMENTS FOR JURY DUTY (AS LISTED ABOVE) AND THAT YOU PROVIDE YOUR INFORMED CONSENT TO TAKE PART IN THE STUDY.

2. Background information

1. PLEASE FILL IN THE INFORMATION BELOW.

You will need to quote this unique ID code in an email to H.Fawcett@tees.ac.uk if you wish to withdraw your data from the study. You can withdraw your data for up to 1 week after taking part.

EXAMPLE

If you were born in December, your mother's maiden name was Smith and you lived at number 4, your code would be: DEC S M 0 4

	MONTH OF YOUR BIRTH	FIRST LETTER OF MOTHER'S MAIDEN NAME	SECOND LETTER OF MOTHER'S MAIDEN NAME	HOUSE NUMBER FIRST DIGIT	HOUSE NUMBER SECOND DIGIT
ID code	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

2. Are you

- ☐ Male
- ☐ Female

3. Please state your age

4. Please state your occupation

5. Please state your ethnicity/race

3. Opening speeches

CASE OVERVIEW

This is a criminal trial for the alleged grievous bodily harm of Andrew Jones by the defendant Michael Lowe. It is alleged that Andrew Jones was attacked by Michael Lowe at approximately 12.30am on 1st June 2010 in the car park behind Basement nightclub in Broadfield. Please read the case carefully and make sure that you understand all the evidence.

PROSECUTION BARRISTER'S OPENING SPEECH

We are here to show you that Michael Lowe caused grievous bodily harm to the victim, Andrew Jones. Mr Lowe was so angry that Andrew Jones spilt a drink over him; he waited behind Basement nightclub in order to get revenge. We will show how the defendant was seen in the area in the lead up to the attack, how his fingerprints were found on the bottle used to attack Mr Jones, and how his clothing and build are consistent with those of a man filmed on CCTV running away from the scene of the crime. We will call witnesses to the stand, the victim Andrew Jones, the responding police Officer Pc. Smith, Basement door attendant Joe Powell, Forensic Scientist Dr. Read, and paramedic Stacey Clark.

DEFENCE BARRISTER'S OPENING SPEECH

Michael Lowe has entered a plea of not guilty. Although he was soaked by Andrew Jones' drink, he wasn't angry by this and did not get revenge. The CCTV footage could be of anyone as the quality is poor. The fingerprints are not conclusive evidence as Mr Lowe admits he left his empty beer bottle behind the club on his way home. Mr Lowe was at home at the time of the attack and was not responsible. We will call three witnesses to the stand to demonstrate this, the defendant Michael Lowe, his friend Chris Simms, and his girlfriend Sarah Whitehead.

4. Prosecution case

WITNESS 1: VICTIM ANDREW JONES

Response to the prosecution questions

At about 10.30pm on the 31st May I was jostled in the club and accidentally spilled my drink over Michael Lowe. I did not know him at all at this point. Mr Lowe got angry and shouted 'I'll teach you to be more careful.' Chris Simms then pulled Mr Lowe away before he could hit me. I carried on with my night out and did not see him again. At about 12.30am I became separated from my friends so I left Basement. I left the club and went to the car park behind where it was quiet to call them. I had only been there for a second when I felt something hit the back of my head. I blacked out and don't remember anything else until I woke up in hospital. I was in a lot of pain and had to have time off work because of my injuries.

Response to the defence questions

I admit that I didn't see who attacked me but I don't know of anyone else that holds a grudge against me.

WITNESS 2: BASEMENT DOOR ATTENDANT JOE POWELL

Response to the prosecution questions

I saw Mr Lowe leave the club at approximately 11.55pm. He was obviously quite drunk and was still drinking a bottle of lager and trying to use a mobile phone. I told him he couldn't drink outside the club and he swore at me aggressively and then headed off in the direction of the car park. I didn't hear him again. At 12.30pm I heard a shout and glass breaking behind the club. I ran back there and found Andrew Jones unconscious and bleeding on the floor. I called for an ambulance and the police and waited with him until it arrived.

Response to the defence questions

I didn't see the attack or see the defendant for about 30minutes previous to the attack.

5. Prosecution case

WITNESS 3: PARAMEDIC STACY CLARK

Response to the prosecution questions

I received a call at 12.32 am to go to Basement nightclub. I found Andrew Jones around the back of the club. He had sustained a cut and swelling to the back of the head, a broken cheekbone, a broken jaw, bruising to the stomach and bruising to the back. I took him to hospital for treatment. The injuries looked like he had been hit on the back of the head with a bottle and punched and kicked repeatedly.

Response to the defence questions

No questions asked

WITNESS 4: FORENSIC SCIENTIST DR. READ

Response to the prosecution questions

I analysed a broken beer bottle covered in blood found at the scene of the crime. I found fingerprints matching those of the defendant on the neck of the bottle, consistent with the bottle being held upside down. The blood on the broken base of the bottle matched that of the victim Andrew Jones. In my view the bottle was likely held by the neck and used to strike Mr Jones across the back of the head. The fingerprint evidence strongly suggests this was done by the defendant.

Response to the defence questions

It is possible but highly unlikely that there is another explanation for the fingerprints on the bottle but they are consistent with it being used upside down as a weapon.

WITNESS 5: PC SMITH

Response to the prosecution questions

I arrived on the scene at 12.45pm. The victim had been taken to hospital. I interviewed the bouncer and asked to see the CCTV footage. This did not capture the attack but did show a man of the same height and build as the defendant running away at 12.31am. The man on the CCTV was also wearing jeans and a dark shirt as the defendant was on that night.

Response to the defence questions

I have a lot of experience of watching poor quality CCTV Footage and believe that it shows the defendant running away from the victim.

6. Defence case

WITNESS 1: DEFENDANT MICHAEL LOWE

Response to the defence questions

Andrew Jones spilt his drink on me but I wasn't too upset by this. I didn't threaten him, I was only joking. I got separated from my friend Chris Simms at around 11.50pm and left the club. I took my bottle of lager outside to finish while I called Chris. After a couple of minutes the bouncer asked me to leave so I went home. I threw the bottle away behind the club when I walked past. It's a 20 minute walk to my house and I got in at about 12.15am. My girlfriend woke up when I got home and then we both went straight to sleep. I stayed at home until 9am.

Response to the prosecution questions

As my girlfriend was asleep, she can't confirm that I stayed at home until 9am. I don't know why I didn't tell the police that my girlfriend saw me get home that night. I only remembered a couple of days ago.

WITNESS 2: CHRIS SIMMS

Response to the defence questions

I was with Michael Lowe in the nightclub when Andrew Jones spilt his drink. Michael was annoyed but not overly so. We were separated at about 11.45pm. I didn't see him again until the next day. He tried calling my mobile just before midnight but I didn't hear it and only realised I missed his call on my way home at 1.30am.

Response to the prosecution questions

Yes I pulled Michael away when the drink was spilt over him. He wouldn't have hit Andrew Jones though, I was just making sure.

WITNESS 3: SARAH WHITEHEAD

Response to the defence questions

I have been in a relationship with the defendant for about 2 years and live with him. It's a 20 minute walk from the club to our house. I was in bed and was woken at around 12.15am on the night in question by Michael returning home. We both went to sleep straight away and stayed at home until 9am.

Response to the prosecution questions

I suppose it is possible that Michael could have returned to the club again without my knowledge but I think I would have woken up. I don't know why I didn't tell the police that I saw Michael get home that night. I only remembered a couple of days ago.

7. Decision questionnaire

You will now be asked a series of questions about the case you have deliberated. Please read each question carefully and answer as honestly as possible.

Please consider the evidence you have read very carefully.

Grievous bodily harm means serious bodily harm. To return a guilty verdict you must be confident beyond reasonable doubt that:

- 1) the harm the alleged victim received is serious
- 2) it was inflicted by the defendant
- 3) and if so, that the defendant did so intentionally

6. I think the defendant was

☐ Guilty

☐ Not guilty

7. On a scale of 0-100 how confident are you in your verdict?

0 = not at all confident

100 = completely confident

8.

8. The following questions relate to your beliefs regarding the RELIABILITY of the evidence in this case. The reliability refers to how accurate you think the evidence is.

0 = not at all reliable

100 = completely reliable

	Reliability
The door attendant	<input type="text"/>
The victim	<input type="text"/>
The defendant	<input type="text"/>
The defendant's girlfriend	<input type="text"/>
The DNA	<input type="text"/>
The fingerprint evidence	<input type="text"/>
The forensic scientist	<input type="text"/>
The paramedic	<input type="text"/>
The defendant's friend	<input type="text"/>
The CCTV footage	<input type="text"/>

9. The following questions ask about how much the different types of evidence presented in this case INFLUENCED YOUR VERDICT.

0= not at all

100 = completely

	Influence
The door attendant	<input type="text"/>
The victim	<input type="text"/>
The defendant	<input type="text"/>
The defendant's girlfriend	<input type="text"/>
The DNA	<input type="text"/>
The fingerprint evidence	<input type="text"/>
The forensic scientist	<input type="text"/>
The paramedic	<input type="text"/>
The defendant's friend	<input type="text"/>
The CCTV footage	<input type="text"/>

9.

10. The following questions relate to your beliefs regarding the reliability of evidence IN CASES IN GENERAL. The reliability refers to how accurate you think the evidence is.

0 = not at all reliable

100 = completely reliable

	reliability
Eyewitnesses	<input type="text"/>
Victims	<input type="text"/>
Defendants	<input type="text"/>
Defence witnesses	<input type="text"/>
DNA	<input type="text"/>
Fingerprint evidence	<input type="text"/>
Expert witnesses	<input type="text"/>
CCTV footage	<input type="text"/>

11. The following questions ask about how much the different types of evidence presented INFLUENCE VERDICTS IN CASES IN GENERAL

0 = not at all

100 = completely

	influence
Eyewitnesses	<input type="text"/>
Victims	<input type="text"/>
Defendants	<input type="text"/>
Defence witnesses	<input type="text"/>
DNA	<input type="text"/>
Fingerprint evidence	<input type="text"/>
Expert witnesses	<input type="text"/>
CCTV footage	<input type="text"/>

10. Thank you

This is the end of the questions. This study was looking at juror evaluation of evidence and the case was not in fact a real court case.

Should you have any further questions please contact h.fawcett@tees.ac.uk

Thank you for taking part.