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## The Possibility of Communal Biases in Alibi Evaluation: The University of Dayton

Norbert Wessels  
*University of Dayton*

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# **The Possibility of Communal Biases in Alibi Evaluation: The University of Dayton**



Honors Thesis

Norbert Wessels

Department: Sociology

Advisor: Arthur Jipson, Ph.D.

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## **Abstract**

Considering the lack of data surrounding its influences, the current study aims to investigate the influence of identification with a geographic community on the alibi generation process. It does this by examining three questions:

- Do geographic cues allow you to identify with an alibi generator, and therefore have bearing on the evaluation of said alibi?
- Does identification with the alibi generator lead to stronger alibi evaluations?
- Do the answers to the previous two questions indicate bias?

To do this, 104 students at the University of Dayton were asked to engage in an alibi evaluation scenario that judged their opinion on the strength of the alibi and their degree of identification to the alibi generator.. The results confirmed that geographic indicators can increase the believability of the alibi without increasing identification with the alibi generator.

## **Dedication or Acknowledgements**

I would like to thank the University of Dayton Honors Program, Dr. Art Jipson, Dr. Leslie Picca, & Dr. Jeanne Holcomb



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## Discussion

### Importance

By alibi we mean “A plea of having been at the time of the commission of an act elsewhere than at the place of commission” (Olson & Wells 2004). Recently, a trend is arising in the field of Criminal justice that causes us to question the long standing methods of attaining a conviction: inmate exoneration. With 2015 breaking the record for most exonerations in one year, the count for total United States exonerations since 1989 is above 1500 (Gross & Warden 2012). This trend in increasing exonerations is due chiefly to our increasing understanding of DNA evidence. Previously collected DNA evidence can be used to link the alleged crime to a different perpetrator. While alibis do not play a part in all of these cases, studies have proven that a large percentage of those exonerated through DNA evidence has included some form of “weak” or no alibi. The use of a “weak” alibi to sustain a conviction has played a major part in many of these cases (Connors et. Al 1996; Wells et. Al 1998). Even when a “strong” alibi is present, it may not be enough to prove one’s innocence; for example, the case of Joseph Abbitt who was exonerated of his crimes in 2009. Abbitt spent 14 years in prison while serving two life sentences for rapes that he had not committed. He was mistakenly identified by the victims four years after the crime had taken place, and he provided an alibi stating that he was at work at the time of the crime. Even though his story was corroborated by his employer, Abbitt was not able to produce any physical evidence of his work at that time. His employer was assumed to be attempting to hide his guilt, and ultimately the flaws in his alibi were used as evidence against him. Abbitt is just one of the many stories of those convicted with an alibi that had not stood up to what the jury expected. Meaning that

truthful alibi is no clear confirmation of innocence, and in some cases may be used to sustain a conviction against you. While alibis have played a part in the sustaining of these convictions, there has not been a lot of evidence on the use of alibis until the past few decades. The research behind the psychology of alibis was originally added on to the research of eye witnesses (Burke, Turtle, & Olson 2007). As the field began to open up, more research was invested into the myths surrounding the criminal justice system. The increase in exonerations, coupled with the interest in alibis for the past decades has led to research on the inherent dangers of evaluating and generating alibis.

### **Alibi Generation**

The generation of an alibi refers to the process by which the accused should be made to create an alibi for their situation. This process is laden with challenges. For example, a general consensus, among those in law-enforcement and evaluation positions, is that if an alibi were to be considered “true” it would be void of inconsistencies (Burke, Turtle, Olson 2007). That is, if an alibi is to be inconsistent between multiple generations, it would follow that the alibi generator is not telling the truth. This becomes problematic when examining further research into the process of generation. By a true alibi, we are referring to an alibi whose generation was done under the truthful pretenses. By a false alibi, we are referring to an alibi that was purposefully fabricated in an attempt to deceive an alibi evaluator. Those with true alibis, who are not trying to deceive, are more likely to have inconsistencies in their alibis (Strange, Dysart, Loftus 2014). Alibi generators have a tendency to leave out non pertinent information, or even produce information they lack the ability to recall based on time sensitive schemas of what they usually do at that time (Olson & Charman 2012; Leins & Charman 2016). Those who are trying to deceive are

more likely provide (albeit false) information, which is willingly left out by those who are not, in an attempt to prove their innocence (Porter & Yuille 1996). The work of Culhane and colleagues, suggest that personal memory recall is more difficult during sporadic events like that of an interrogation (2013). Their work provides that a truthful recounting of personal information does not compliment the evaluators need for physical information which a deceiver would be more likely to introduce. That is, a deceiver would be more likely to introduce physical information about a location, in an effort to fabricate the story. Here, there is a dichotomy between a truthful alibi and a strong alibi. A truthful alibi, one that creates genuine recalled information, often lacks the qualities of an alibi that evaluators would rate as strong. Where a weak alibi is more likely to lead to a conviction, a strong alibi is more likely to lead towards an innocent verdict. The normal errors in truthful alibis created by human memory deficiencies are more likely to be detrimental to an alibi regardless of the person who is evaluating the alibi (Culhane & Hosch 2013). Therefore, people are not good at distinguishing true and false alibis regardless of their training in deception detection or their involvement with alibis on a regular basis (Meissner & Kassin 2002). The truth remains that, without intimate knowledge or firsthand experience, it is hard to understand the challenges behind generating an alibi or evaluating the truth of one. In fact, evaluators are more likely to judge an alibi more leniently when given the opportunity to generate an alibi themselves (Olson & Wells 2010). This “alibi-generation effect” is due to a proposed understanding of the difficulty of producing a solid alibi. Kassin and Fong found that students were even able to create false alibis after committing mock crimes that trained participants were unable to distinguish from true alibis (1999). The alibi does not exist within a bubble,

removed from other pieces of evidence. In their attempts to discern guilt or innocence, alibi evaluators weigh the merit of an alibi with and against the other pieces of evidence provided to them. In understanding the difficulties associated with alibi generation, it should be important to note that the factors influencing those evaluating will have a significant effect on the perception of truth.

### **Alibi Evaluation**

The evaluation of an alibi is the second complicated process, by which we determine the strength or weakness of an alibi in regards to the probability of its truthfulness. For an alibi to be “strong”, we would expect that it would have a high degree of believability and therefore increase its utility for its expressed purpose. The proposed taxonomy for the “strength” of alibis outlined by Olson and Wells puts a focus on physical evidence in conjunction with the alibi to determine its strength (2004). That is, the strength can only be determined with what can be corroborated; things like witnesses and physical evidence like checks. The harder to fabricate these things are the more likely that they will assist the strength of the alibi. Therefore, a non-personal corroborator of an alibi is more likely to increase the strength of the alibi. However, more research is being done on the evaluation of the alibi with other factors taken into account. For example, Olson and Wells suggested in their taxonomy that a witness with a salacious connection to the alibi generator has a high chance of affecting the perceived strength of the alibi, but research also suggest that the salaciousness included in the alibi alone is enough to change credibility and character perception (Allison et. Al 2014). An evaluator, when exposed to salacious material, is more likely to favorably judge a salacious alibi (Allison et. Al 2012). The factor of “salaciousness” therefore can change



the perception of an alibi regardless of its applicability to a case. However, the degree with which someone attributes salaciousness is subjective to each person. In the absence of objective physical evidence, this bias changes the outcome of an alibi evaluation. This is a factor that has no bearing on the truth of the alibi itself. It should be expected that the information that is expressed in the alibi is where we draw the strength of the alibi, strength drawn from the credibility between the alibi and real world events. This is not the case.

The context that the alibi is given in is also important in how the alibi is judged, ranging from who the person was that took the alibi to where the alibi was given (Price & Dahl 2014; Sommers & Douglass 2007). Those who had to produce alibis for crimes that they had been previously convicted for not only less likely to be believed but also contributed less to the feelings of guilt that evaluators had when determining them guilty (Allison & Brimacombe 2010). These mitigating factors can undoubtedly change the alibi evaluation. The existence of these factors can prove fairly troubling when coupled with evidence that mock jurors with negative views of alibis in general are more likely to produce a guilty verdict (Jung, Allison, Bohn 2013). In a way, the existence of these extraneous factors that have bearing on the alibi strength could ultimately affect the guilt or innocence of a person if ignored completely. To better understand how mock jurors relate to different factors, they must be presented in a way that mirrors a real evaluation. However, the label of the “alibi” alone is enough to cause preconceived notions of guilt (Olson 2013).

The “deck” is, in a way, “stacked” against the generators of the alibi. The factors that judge an alibi as “weak” ultimately lead to the conclusion that the alibi is false. Most

alibi evaluators fail to understand the difference between a false alibi that has been fabricated and one that has been mistaken. Where a false fabricated story has been willingly deceitful, a false mistaken alibi is the product of a generators inability to recall information accurately or the production of information purely for the need to have some sort of information present. Evaluators are more likely to attribute inconsistencies to fabrication; outlined by the “alibi-generation effect” that was stated previously. The factors discussed above are of the same ilk: attributable to the falseness (and thereby weakness of an alibi) by way of misunderstanding of the alibi generation process. The factors that influence alibi evaluation are what we hope to study, in hope that by examining these factors the criminal justice system may reach a more solid and just foundation for all those expected to generate an alibi.

### **Alibi Process**

We understand the difficulties associated with alibi generation, and that alibi evaluation is susceptible to mitigating factors that influence the perception of truth. Where do these mitigating factors find their way into the alibi process? To better understand the two processes that an alibi is involved with, consider the model utilized by Burke, Turtle and Olson based of the alibi process outlined in previous studies pictured in figure 1 (2007, Olson 2002).

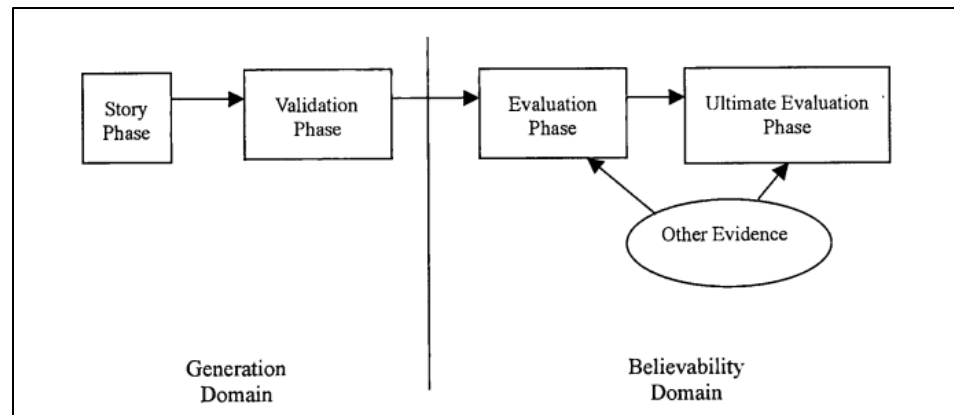


Figure 1

The generation of the alibi takes place within the story phase, where the generator must recall the experience on the date or time in question. As we discussed, the challenges within this phase are often related to recall memory. As opposed to recognition memory, where information is presented and the patient must choose the truthful information, recall memory refers to the creation and recall of past events. This information is extremely susceptible to additional information, in what Loftus called the “misinformation effect” (1999). This refers to the amount of misinformation that is liable to be introduced into a memory after any period of time when attempting to recall a piece of information. The reliance on schemas and everyday mundanity can lead to recognition of events often skewed by days or even weeks when it comes to the recognition of specific events. These are the same memory conditions that plague and mar the reliability of eyewitness accounts; however alibi generators are held to a higher level of accountability regardless of the problems with recall memory (Burke & Marrion 2012).

The validation phase refers to the checking of immediate information to confirm the truthfulness of factors that can be cross referenced. The heavy degree of variability rests within the believability domain. In this stage, the alibi is considered with other

evidence to determine the strength of the alibi and ultimately arrive at a decision of whether or not the alibi was true or false. As previously stated, the Olson and Wells taxonomy relied on the corroboration of the alibi with two main factors: witnesses and physical evidence (2004). The presence of this extra evidence to weigh upon the alibi is expected, but is often lacking. The average alibi generator will be able to provide some sort of alibi witness but often is unable to provide physical evidence to corroborate their story (Culhane, Hosch, Kehn 2008). Where an alibi witness does exist, it is often a friend or a family member. Because an alibi is often seen as easy to forge, the presence of a friend or family corroborator does not do much to the strength of an alibi. As Olson and Wells predicted in their taxonomy, an uninvolved alibi witness with no connection to the generator as well as the presence of physical evidence is the best indicator of a strong alibi. These are the two that are normally lacking. The evidence is not only capable of affecting the alibi; the alibi might in turn affect the evidence. A strong alibi may affect something as strong as DNA evidence (Golding et Al. 2000). Where a strong alibi was introduced to a victim statement corroborated by DNA evidence, the believability of the victim's statement was considered less strong after an alibi was given with the additional input of a non-connected alibi witness.

If there is a lack of other evidence, the evaluation must be considered on its own. This is the phase where personal biases often arise, where personal perceptions of crime are bound to make their way into decision making. Personal conceptions of alibis and those who generate them can have long standing effects as made evident by the fact that many of those first exonerated with DNA evidence had some sort of weak alibi that helped sustain their wrongful conviction (Connors et. Al 1998). Is it possible that a

person's view of a certain group could influence the evaluation of the alibi generated by someone from that group? The corroboration of an alibi by an additional witness can add to the strength depending on the race of the evaluators themselves; non-Hispanic whites focus on friend relationships where Hispanics focus on family relationships (Culhane, Hosch, Kehn 2008). The biases associated with specific communities influence the believability of an alibi. Take, for example, that of the female community. Gender stereotyping influences evaluators to view alibis that fall in line with social notions of gender roles in a more favorable light (Maeder & Dempsey 2013). If a woman's crime were to fall out of line with specific gender roles, her alibi would be stronger as opposed to using the same alibi for a different crime. If a woman were to commit murder, the same alibi for stealing would work even better. It should be noted that I am giving an example of gender related crimes not the severity of the crimes themselves. The same could be extended for race. Where a crime fits evaluators racial biases, an alibi would not be as believable. So, race and gender are mitigating factors that are not under the control of the alibi generator. Regardless of this lack of control, these factors still influence the evaluator's perception of truth and have a bearing on the guilt or innocence of that individual.

### **Communities and Alibis**

The communities of gender and race are what may be referred to as "Transgeographic", a term utilized to explain a non-geographic group characterized by connection through binding characteristics such as ethnicity, experiences, activism, or political beliefs (MacQueen et al 2001). These transgeographic communities (gender and race) have bearing on the outcome of an alibi evaluation. The focus of this paper is to

determine if geographical communities and the ability of an alibi evaluator to recognize the generator of belonging to said community will allow for any sort of change in the perceived strength of the alibi. MacQueen et Al, in their study of HIV patients, arrived at a definition of community: “a group of people with diverse characteristics who are linked by social ties, share common perspectives, and engage in joint action in geographical locations or settings” (2001). Their definition had a focus on the locus of the community as well as the social ties that inherently linked them together, in this case the ailment of being HIV positive. The locus (geographical location), was described as an important part to any community, with social ties being the thing that links a locus together. In this study, I wanted to focus on that of a geographic location to see if the social ties within a locus can affect an alibi evaluation. To do this, we must find a locus that fits MacQueen’s definition of a geographic community.

A college campus is an example of one such locus that would fit that definition. In this case, I am utilizing the University of Dayton for its ease of access. To connect the college community to MacQueen’s definition, we must place the University of Dayton in a geographic context. Simply enough put, the University of Dayton community makes up the area in and surrounding the immediate campus of the University. We would expect the community in question to live within that area. As eighty five percent of the student population live within the campus or surrounding neighborhood, the University of Dayton falls under this category (University of Dayton 2016). The social ties and common perspectives that link the University of Dayton can be found within the student lifestyle itself. One tenant of the University of Dayton’s Marianist Charism espouses that it seeks to create a learning community (*University of Dayton: Mission and Identity*).

The introduction into college lifestyle and living can create a unique sense of belonging which permeates the system of interaction within a college community (Pittman & Richmond 2008). Therefore, the University of Dayton's Student community would meet the second requirement for a geographic community: the social ties. It is possible that these geographic communities have some bearing on the evaluation of an alibi in the same way that the transgeographic communities have.

### **The Study at Hand**

It is this query that the current study aims to investigate, the effects of identification with a geographic college community within the context of the evaluation of an alibi. Phipps et Al suggests that the community bond or "sense of community" is highest within the early formative years of the college experience (2015). Phipps attributes this early increase in the sense of community, or rather the decrease in the later years, to an evolution of need to break out from the community as the student progresses through their college career. This psychological sense of community has a direct effect on a member of the community's interest toward social justice. (Torres- Harding et Al, 2015). If a student feels connected to a community they are more willing to help that community fix its problems. Many students perception of crime on campus is higher than the real amount of crime (Chekwa, Thomas & Jones 2013). If the students feel like crime is a real issue, they will be more willing to participate actively in affecting it

Undergraduate students would have a higher psychological sense of community and therefore a higher interest in the work of evaluating an alibi from someone in their community. The undergraduate students from ages 18 and up are also within the range to be chosen for jury duty. Special care should be taken to ensure that the focus of the study

be the geographic community that the undergraduate students live in. The alibi should use language that focuses simply on the geographic study of the college campus rather than reflecting on the underclassmen or undergraduate experience to invoke feelings of community. This is to avoid representation within the transgeographic community of college students overall.

## **Methods**

### **Participants**

104 paper surveys were distributed to students from the University of Dayton Department of Sociology undergraduate classes (70% Female). Sociology students were chosen because it was easier to gain access to their classrooms. Students were invited to participate, however, participation was not incentivized or mandatory as part of a class. It should be important to note that of the participants 58% were first year students. Interaction with human test subjects for this project was approved by the University's Institutional Review Board. All relevant materials utilized in both face to face interaction and survey materials were reviewed and approved prior to any testing.

### **Design and Overview**

Participants invited to participate in the evaluation process of an artificial alibi by determining its strength. Participants were given an indisputable "facts of the case" document (Document 1A & 1B) with which they would compare their alibi. Document 1A & B describe the commission of a property crime taking place in an apartment building describing an artificial Alibi Generator as the only suspect. After reading through Document 1, the participants were instructed to read the Alibi (Document 2)



generated in defense against the accusation of crime commission. The main dependent variable was the difference between Document 1A and Document 1B. Document 1A provided the facts of the case without reference to the geographical community of the University of Dayton. Document 1B had additional geographical markers that tied the crime to the University of Dayton community, as well as identifying both the alibi generator and victim as University of Dayton students. The expectation is that by identifying the generator and victim as University of Dayton students, the participants would identify more readily with both characters and therefore view the alibi as “stronger”. The participants were then asked to fill out a brief survey utilizing a Likert scale to determine their interpretation of both documents. Document 2 was consistent for both groups. This was done to minimize the influence of the alibi itself. We wanted to measure only the changes brought about by the additional information compared with the alibi. Therefore, the alibi would have to remain consistent for both groups.

## Results

To examine results, the Likert scale answers were codified into discrete variables and a qualitative analysis was done to examine the existence of correlations between those variables. For this study, we will assume that the existence of a p value lower than .05 will correlate to the existence of a statistically significant correlation between two variables. Those participants who received Document 1A to compare to Document 2 will be referred to as the Constant Group. Those participants who received Document 1B to compare to Document 2, will be referred to as the Variable group. Did the inclusion of references to the University of Dayton closely associate the alibi generator with the participant’s identification with that community? It should be important to recognize the

participant's identification with being a part of that community. Of the participants, over 90% agreed in some respect to identify as a University of Dayton Student. The variable addition of the University of Dayton identifiers had little statistical influence on the sense of connection felt between the participant and the alibi generator as seen in Figure 2 ( $p > .05$ ).

Crosstab

			I feel a sense of connection with the Alibi Generator				Total
			Strongly Disagree	Disagree	Uncertain	Agree	
Grouping	Constant	Count	4	22	7	17	50
		% within I feel a sense of connection with the Alibi Generator	50.0%	56.4%	33.3%	47.2%	48.1%
	Variable	Count	4	17	14	19	54
		% within I feel a sense of connection with the Alibi Generator	50.0%	43.6%	66.7%	52.8%	51.9%
Total		Count	8	39	21	36	104
		% within I feel a sense of connection with the Alibi Generator	100.0%	100.0%	100.0%	100.0%	100.0%

Figure 2

The sense of connection felt between the participants and the victim of the crime was equally insignificant. Although the sense of connection to victim and alibi generator was not reported, there was a change in alibi believability depending on if participants received the control or variable Document 1. Participants were more likely to rate the alibi as more believable when placing it within the context of the University of Dayton ( $r = .2, p = .043$ ).

Grouping \* I find the alibi provided by "A" believable Crosstabulation

			I find the alibi provided by "A" believable				Total
			Disagree	Uncertain	Agree	Strongly Agree	
Grouping	Constant	Count	19	10	21	0	50
		% within I find the alibi provided by "A" believable	65.5%	40.0%	43.8%	0.0%	48.1%
	Variable	Count	10	15	27	2	54
		% within I find the alibi provided by "A" believable	34.5%	60.0%	56.3%	100.0%	51.9%
Total		Count	29	25	48	2	104
		% within I find the alibi provided by "A" believable	100.0%	100.0%	100.0%	100.0%	100.0%

Figure 3

From this, we can infer that the additional variable element played a role in influencing the evaluation of the alibi. Interestingly, despite the variable's influence on the believability of the alibi, there was no statistically significant change to the participant's belief about how a jury might interpret the alibi ( $p > .05$ ). The most significant correlation of the data was between the degree of connection to the alibi generator and the believability of the alibi itself ( $r = .497$ ,  $p < .01$ ). Represented on the graph below (Figure 4), it is clear that that identification with the alibi generator is positively correlated. This study failed to find any significant correlations between the demographics (race, gender, and years in college) of the other factors tested for by the Likert scale questions (all  $p > .05$ ). There was no significant qualitative data represented by the surveys.

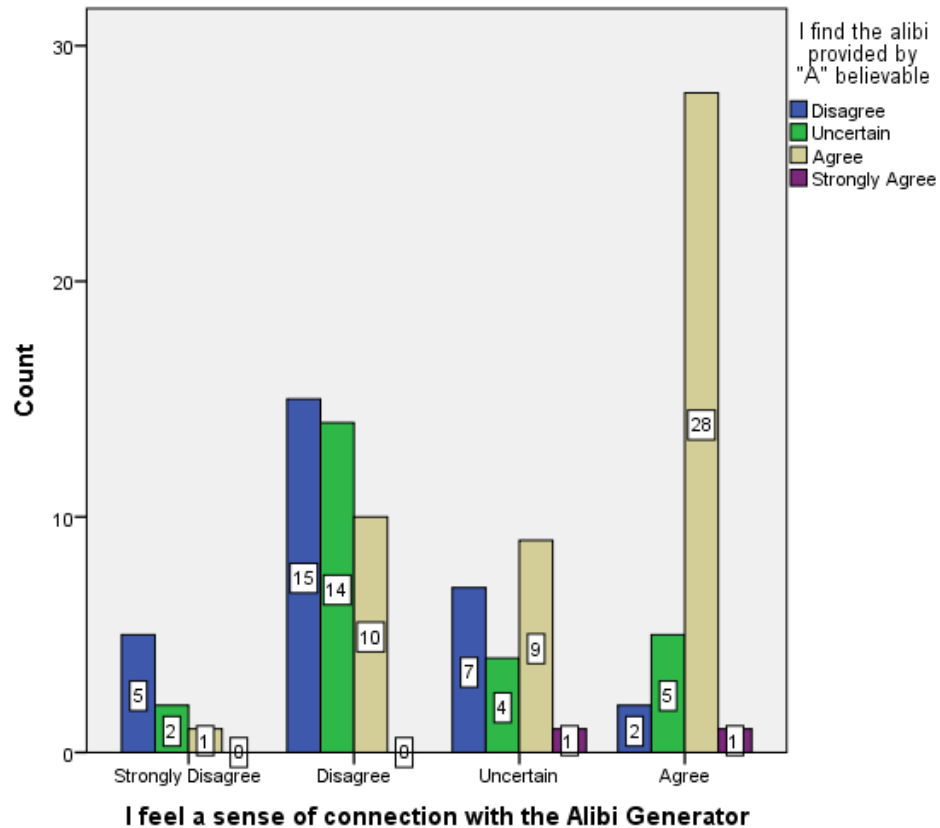


Figure 4

## Discussion

**Did the participants identify as belonging to this community and did they identify the generator as belonging to this community as well?**

I set out, in this experiment, to examine the possible existence of a geographic communal bias in the evaluation of alibis. I believe that the University of Dayton was an acceptable example for the use of a geographic community. The degree to which students identified as connecting the University to their identity was consistently high among all demographics. If the definition of a geographic community requires identification with a locus and the social ties that surround it, the participants certainly met that requirement. Despite the introduction of geographical cues and explicit characterization of the

generator within the University of Dayton community, there was no statistically significant indication that those in Group 2 identified any more with the generator than those in Group 1. This could be due to the fact that the stigma of the proposed crime made it difficult identify with the generator. The problem with this is that there was no external group to compare identification from an outsider's perspective. Because such a high percentage of participants reported identifying with the community, I lacked a statistically significant proportion to determine if lack of identification with the University of Dayton community was correlated to a higher or lower sense of identification to the generator.

#### **Did identification with the alibi generator lead to stronger alibi evaluations?**

Though there was no difference between groups in their identification to the alibi generator, those who did identify with the generator provided literature-consistent results. As expected, the strongest indicator of believability was the sense of connection felt between the evaluator and generator. That is, those who identified as being connected to the alibi generator were more likely to rate their alibi as believable. This is consistent with the existing data. Just as was found with the "alibi-generation" effect, those who identify with the generator were more lenient in their perceptions of truth. They were more likely to rate the generator as having a "strong" alibi. In the scope of this study, reported identification with the generator did not have any bearing on the degree of believability. However, those in Group 2 (who were given geographic indicators) were more likely to rate the alibi as strong. The presence of these two facts (the lack of correlation between the variable and identification and the presence of correlation between the variable and alibi strength) reveal that the presence of a geographic

community had an effect on the alibi strength, if not the intended one. In future research, I would hope to ask about the degree to which the participants identified with the situation of a property crime or more particularly with the identification with a property crime on Dayton's campus. It is possible that the introduction of certain geographic indicators, while having no real physical bearing on the events described in the documents, allowed the students to identify with what it may be like for them to create an alibi. Before reaching the ultimate evaluation phase, participants likely evaluated what it may be like for them to be in the situation of the generator, and identification with their community caused them to be more lenient (without particularly identifying with the generator)

### **Is there any indication of bias found by these results?**

The existence of bias is often difficult to place, as reporting often involves multiple frames of self-reference with which the experimenter cannot account for (Oort, Visser & Sprangers 2009). It is possible that evaluators would be more likely to believe someone with whom they identify, and that geographic communities are a means to that end. In such a case, we could interpret a preference for those within that community and thus a bias. The current study is limited in that it fails to recognize other possible outcomes based around multiple communities. It is possible to identify with multiple communities, and even hold contrary beliefs associated with those you identify (Mashek et. Al 2006). It could well be the case that, for those students that do not identify at University of Dayton students, identification with that community could cause some bias in the opposite direction. Participants could also have identified with the alibi generator on some other level. Though no race, sex, religion or creed was associated with the alibi

generator, identification with the situation of the generator could be enough to increase believability.

The factors that influence alibi evaluation are just as important as the ones that dictate generation. They are woven into the story of guilt or innocence that is likely to decide on the outcome of the lives of those brought into the criminal justice system. It is important to take these factors into account when deciding on future jury instructions, should we find that they have a significant bearing on our interpretation of the events. In this case, the alibi did not change, nor did the facts of the case. Participants, though varied from control to variable, were split in deciding the believability of the alibi. The handful of participants that were swayed to believing the alibi by the additional information could be enough to change a jury's decision. It is this type of information that must be accounted for when creating legal policy on the topic of jury instruction for alibis.

## Appendix

### Document 1A – Facts of the Case

**X** has had her apartment broken into and her room ransacked. She submitted a report to the authorities on Saturday April 11<sup>th</sup>, 2015 at 8:34pm, noting that there was no sign of forced entry and that her door may have been unlocked while her she and her roommates were out to eat. Upon reviewing the footage taken of the front door of the apartment building, **X** and her roommates were seen leaving the apartment at 6:15pm and returning back to their apartment at 7:47pm. Suspect **A** could be seen arriving at 6:26pm to the building. The building requires a key for entrance or for a resident to “buzz” a guest in. **A** is seen calling multiple rooms before being allowed entrance by an unknown tenant. After approximately 40 minutes, **A** is seen exiting the building. No other entrances or exits were recorded that night. **A** was contacted and brought in the next day for questioning about the incident. The following spoken alibi has been recorded and taken with consent from **A** on Sunday, April 12<sup>th</sup> 2015

### Document 1B – Facts of the Case

**X** is a student at the University of Dayton. **X** has had her Garden’s apartment broken into and her room ransacked. She submitted a report to Public Safety on Saturday April 11<sup>th</sup>, 2015 at 8:34pm, noting that there was no sign of forced entry and that her door may have been unlocked while her she and her roommates were out to eat. Upon reviewing the footage taken of the front door of the Stuart Garden’s apartment building, **X** and her roommates were seen leaving the apartment at 6:15pm and returning back to their apartment at 7:47pm. Suspect **A**, also a University of Dayton student, could be seen arriving at 6:26pm to the building. The building requires a cardkey for entrance or for a resident to “buzz” a guest in. **A** is seen calling multiple rooms before being allowed entrance by an unknown tenant. After approximately 40 minutes, **A** is seen exiting the building. No other entrances or exits were recorded that night. **A** was contacted and brought in the next day for questioning about the incident. The following spoken alibi has been recorded and taken with consent from **A** on Sunday, April 12<sup>th</sup> 2015:



**Document 2 – Alibi Provided by “A”**

“I was headed to see my friend Mark who lived in that building. I would say I arrived about 6:30? We had just become friends so I couldn’t exactly remember his room number; I knew it was on the third floor. I couldn’t remember which one it was though, and he wasn’t picking up his cell. I didn’t feel like waiting, so I started ringing doors and eventually someone let me in. I’m not sure who, but I wasn’t standing outside very long. I got into the building and went up the stairs to his floor. I hadn’t called ahead, but Mark and I had talked about me coming over tonight before we went out. My roommates had all left and had not invited me, so I just figured that I would come up and see him. I kept calling him\*, but he wouldn’t answer and I didn’t want to go banging on random peoples doors and just hope him or a roommate opened the door. So, I popped in my headphones and started waiting. I became bored and just walked around the stairway a little, but he wouldn’t call me back. Eventually, I just got bored and left after like 20 or 30 minutes. I knew that it probably seemed weird, but I wasn’t just going to walk into his room if we didn’t know each other that well.”

\*A’s phone shows a record of (1) call to “Mark” at 6:20pm, and (2) calls to “Mark” at 6:33pm.

## Works Cited

- Allison, M., Bohn, L. & Jung S. (2013). Legal decision-making on crimes involving an alibi. *Applied Psychology in Criminal Justice*, 9(1), 45-58.
- Allison, M., & Brimacombe, C. A. E. (2010). Alibi Believability: The Effect of Prior Convictions and Judicial Instructions. *Journal of Applied Social Psychology*, 40(5), 1054-1084.
- Allison, M., Jung, S., Sweeney, L., & Culhane, S. E. (2014). The impact of illegal alibi activities, corroborator involvement and corroborator certainty on mock juror perceptions. *Psychiatry, Psychology And Law*, 21(2), 191-204.  
doi:10.1080/13218719.2013.803275
- Allison, M., Mathews, K. R., & Michael, S. W. (2012). Alibi Believability: The Impact of Salacious Alibi Activities. *Social Behavior & Personality: An International Journal*, 40(4), 605-612.
- Brown, P. Who is the community?/What is the Community. Retrieved from [https://www.brown.edu/research/research-ethics/sites/brown.edu.research.research-ethics/files/uploads/Who%20is%20the%20community%20-%20Phil%20Brown\\_0.pdf](https://www.brown.edu/research/research-ethics/sites/brown.edu.research.research-ethics/files/uploads/Who%20is%20the%20community%20-%20Phil%20Brown_0.pdf)
- Burke, T. M. & Marion, S. B. (2012). Alibi Witnesses. *Conviction of the innocent: lessons from psychological research*, 11, 239-256.
- Burke, T. M., Turtle, J. W., & Olson, E. A. (2007). Alibis in Criminal Investigations and Trials. *Handbook of eyewitness psychology*, 1, 157-174.
- Chekwa, C., Thomas, E. T., & Jones, V. J. (2013). What Are College Students' Perceptions About Campus Safety? *Contemporary Issues in Education Research – Third Quarter*, 6(3), 325-332.
- Chiou, J. (2001). Horizontal and Vertical Individualism and Collectivism Among College Students in the United States, Taiwan, and Argentina. *The Journal of Social Psychology*, 141(5), 667-678.
- Connors, E. T., Lundregan, T., Miller, N., & McEwen, T. (1996). Convicted by juries, exonerated by science: Case studies in the use of DNA evidence to establish innocence after trial. Washington, DC: U.S. Department of Justice, National Institute of Justice (NCJ 161258).

- Culhane, S. E., & Hosch, H. M., (2012), Changed Alibis: Current Law Enforcement, Future Law Enforcement, and Layperson Reactions. *Criminal Justice and Behavior*, 39(7), 958-977. doi: 10.1177/0093854812438185
- Culhane, S. E., Hosch, H. M., & Kehn, A. (2008). Alibi Generation: Data from U.S. Hispanics and U.S. Non-Hispanic Whites. *Journal Of Ethnicity In Criminal Justice*, 6(3), 177-199. doi:10.1080/15377930802243395
- Culhane, S., Kehn, A., Horgan, A., Meissner, C., Hosch, H., & Wodahl, E. (2013). Generation and Detection of True and False Alibi Statements. *Psychiatry Psychology And Law*, 20(4), 619-638.
- Dysart, J. & Loftus, E. & Strange D. (2014). Why errors in alibis are not necessarily evidence of guilt. *Zeitschrift fr Psychologie*, 222(2), 82-89.
- Eastwood, J., Snook, B., & Au, D. (2016). Safety in Numbers: a Policy Capturing Study of the Alibi Assessment Process. *Applied Cognitive Psychology*. doi: 10.1002/acp.3200
- Golding, J. M., Stewart, T. L., Yozwiak, J. A., Djadali, Y. & Sanchez, R. P. (2000). The Impact of DNA Evidence in a Child Sexual Assault Trial. *Child Maltreatment*, 5(4), 373-383.
- Gross, S. R., & Schaffer, M. (June, 2012). Exonerations in the United States, 1989-2012. *Report by the National Registry of Exonerations*. Retrieved from [http://www.law.umich.edu/special/exoneration/Documents/exonerations\\_us\\_1989\\_2012\\_full\\_report.pdf](http://www.law.umich.edu/special/exoneration/Documents/exonerations_us_1989_2012_full_report.pdf)
- Leins, D. A., & Charman, S. D. (2016). Schema reliance and innocent alibi generation. *Legal and Criminological Psychology*, 21, 111-126. doi: 10.1111/lcrp.12035
- Loftus, E. F. (1991). Made in memory: distortions in recollection after misleading information. *The Psychology of Learning and Motivation*, 27, 187-215.
- MacQueen, K. M., McLellan, E., Metzger, D. S., Kegeles, S., Strauss, R. P., Scotti, R., Blanchard L., & Trotter, R. T. (2001). What is Community? An Evidence-Based Definition for Participatory Public Health. *American Journal of Public Health*, 19(21), 1929-1938.
- Maeder, E. M., & Dempsey, J. L. (2013). A Likely Story? The Influence of Type of Alibi and Defendant Gender on Juror Decision-Making. *Psychiatry, Psychology & Law*, 20(4), 543-552. doi:10.1080/13218719.2012.727066

- Marion, S. B., Kukucka, J., Collins, C., Kassin, S. M., & Burke, T. M. (2016). Lost proof of innocence: The impact of confessions on alibi witnesses. *Law And Human Behavior*, 40(1), 65-71. doi:10.1037/lhb0000156
- Mashek, B., Stuewig, J., Furukawa, E., & Tangney, J., (2006). Psychological and behavioral implications of connectedness to communities with opposing values and beliefs. *Journal of Social and Clinical Psychology* 25(4), 404-428.
- Meissner, C. A, & Kassin, S. M. (2002). “He’s guilty!”: Investigator Bias in Judgments of Truth and Deception. *Law and Human Behavior*, 26(5), 469-480.
- Olson, E. A. (2013), “You don't expect me to believe that, do you?” Expectations influence recall and belief of alibi information. *Journal of Applied Social Psychology*, 43, 1238–1247. doi: 10.1111/jasp.12086
- Olson, E. A., & Charman, S. D. (2012). ‘But can you prove it?’ – examining the quality of innocent suspects’ alibis. *Psychology, Crime & Law* 18(5), 453-471. doi: 10.1080/1068316X.2010.505567
- Olson, E. A., & Wells, G. L. (2010). The alibi-generation effect: Alibi-generation experience influences alibi evaluation (English). *Legal And Criminological Psychology*, 17(1), 151-164.
- Olson, E. A., & Wells, G. L. (2004). What Makes a Good Alibi? A Proposed Taxonomy. *Law And Human Behavior*, 28(2), 157-176. doi:10.1023/B:LAHU.0000022320.47112.d3
- Oort F. J., Visser M. R. M., & Sprangers M. A. G. (2009). Formal definitions of measurement bias and explanation bias clarify measurement and conceptual perspectives on response shift. *Journal of Clinical Epidemiology*, 62(11), 1126-1137
- Oyserman, D., Coon, H. M., & Kimmelmeier, M. (2002). Rethinking Individualism and Collectivism: Evaluation of Theoretical Assumptions and Meta-Analysis. *Psychological Bulletin*, 128(1), 3-72. doi: 10.1037//0033-2909.128.1.3
- Phipps, C., Cooper, N., Shores, K., Williams, R., & Mize, N. (2015). Examining the Relationship Between Intramural Sports Participation and Sense of Community Among College Students. *Recreational Sports Journal*, 39, 105-120
- Pittman, L. D., & Richmond, A.. (2008). University Belonging, Friendship Quality, and Psychological Adjustment during the Transition to College. *The Journal of Experimental Education*, 76(4), 343–361. Retrieved from <http://www.jstor.org/stable/20157493>

- Porter, S., & Yuille, J. C. (1996). Language of Deceit: An Investigation of the Verbal Clues to Deception in the Interrogation Context. *Law And Human Behavior*, 20(4), 443-458
- Price, H. L., & Dahl, L. C. (2014). Order and strength matter for evaluation of alibi and eyewitness evidence. *Applied Cognitive Psychology*, 28(2), 143-150. doi:10.1002/acp.2983
- Sommers, S. R., & Douglass, A. B. (2007). Context matters: Alibi strength varies according to evaluator perspective. *Legal And Criminological Psychology*, 12(1), 41-54. doi:10.1348/135532506X114301
- Torres-Harding, S. R., Diaz, E., Schamberger, A., & Carollo, O. (2015). Psychological Sense of Community and University Mission as Predictors of Student Social Justice Engagement. *Journal of Higher Education Outreach and Engagement*, 19(3), 89.
- University of Dayton (2016). Mission and Identity. Retrieved from <https://www.udayton.edu/about/mission-and-identity/index.php>
- University of Dayton (2016). Housing and Residence Life. Retrieved from <https://www.udayton.edu/studev/housing/index.php>
- Wells, G. L., Small, M., Penrod, S., Malpass, R. S., Fulero, S. M., & Brimacombe, C. A. E. (1998). Eyewitness identification procedures: Recommendations for lineups and photo spreads. *Law and Human Behavior*, 22, 603-647.