

# MITIGATING PRETRIAL PUBLICITY WITH A COGNITIVE INTERVIEW

A Thesis  
by  
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Department of Psychology

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## **Abstract**

### MITIGATING PRETRIAL PUBLICITY WITH A COGNITIVE INTERVIEW

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Previous research has found that negative pretrial publicity (PTP) about a defendant biases mock jurors' decision making. Remedies that have been implemented by the court systems to combat negative PTP have shown to be ineffective in reducing juror bias. The present study examined whether or not mock jurors who were exposed to negative PTP could have an improved memory of where information came from and a reduction in guilty verdicts after receiving a Modified Cognitive Interview (CI), compared to mock jurors who did not have the CI. Additionally, I tested to see if source-memory accuracy for trial information mediated the effect of the CI on verdicts. The present study used materials from Christine Ruva (Ruva & Guenther, 2015) to investigate this issue. This was a two-part study, in which participants read the negative PTP or unrelated PTP in Phase 1. In Phase 2 (a week later) participants received the CI, watched the criminal trial video, and finally rendered their verdicts and took the source monitoring questionnaire. This was a 2 (PTP: Negative PTP vs. unrelated PTP) X 2 (Interview: Cognitive Interview vs. No Cognitive Interview) between-subjects factorial design ( $n=163$ ). Results indicated

that the CI did not influence source memory. In contrast, it was found that the CI did influence guilt decisions. Individuals who were exposed to negative PTP and received the CI rendered fewer guilty verdicts than participants in the no CI condition. Further, the mediation analysis suggested that both the CI and trial accuracy scores did predict guilt decisions independently for the negative PTP conditions (more guilty verdicts for better accuracy), however the trial accuracy scores did not mediate the relationship between the CI and guilt decisions.

*Keywords: pretrial publicity, juror bias, jury decision-making, cognitive interview, source memory*

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Mitigating Pretrial Publicity with a Cognitive Interview

Hannah Jackson

Appalachian State University

## Abstract

Previous research has found that negative pretrial publicity (PTP) about a defendant biases mock jurors' decision making. Remedies that have been implemented by the court systems to combat negative PTP have shown to be ineffective in reducing juror bias. The present study examined whether or not mock jurors who were exposed to negative PTP could have an improved memory of where information came from and a reduction in guilty verdicts after receiving a Modified Cognitive Interview (CI), compared to mock jurors who did not have the CI. Additionally, I tested to see if source-memory accuracy for trial information mediated the effect of the CI on verdicts. The present study used materials from Christine Ruva (Ruva & Guenther, 2015) to investigate this issue. This was a two-part study, in which participants read the negative PTP or unrelated PTP in Phase 1. In Phase 2 (a week later) participants received the CI, watched the criminal trial video, and rendered their verdicts and took the source monitoring questionnaire. This was a 2 (PTP: Negative PTP vs. unrelated PTP) X 2 (Interview: Cognitive Interview vs. No Cognitive Interview) between-subjects factorial design ( $n = 163$ ). Results indicated that the CI did not influence source memory. In contrast, it was found that the CI did influence guilt decisions. Individuals who were exposed to negative PTP and received the CI rendered fewer guilty verdicts than participants in the no CI condition. Further, the mediation analysis suggested that both the CI and trial accuracy scores did predict guilt decisions independently for the negative PTP conditions (more guilty verdicts for better accuracy), however the trial accuracy scores did not mediate the relationship between the CI and guilt decisions.

*Keywords: pretrial publicity, jury decision-making, cognitive interview, source-memory*

### Applying a Cognitive Interview to Mitigate Pretrial Publicity Bias

When making a decision of guilt, the court systems ask via jury instruction that jurors use only information that is presented during the trial. However, with the saliency of the media in our society, this could potentially be an unlikely prospect in high-profile cases. These obstacles from the media are difficult to avoid in the society we live in today, and the idea of promoting the “news as entertainment” (Bakhshay & Haney, 2018; Pew Research Center, 1998) has been consuming news outlets for decades. As media outlets tirelessly compete for revenue and viewers, news media predominantly will focus on the most sensationalized accounts of crime (Bakhshay & Haney, 2018). Additionally, the proliferation of online media outlets has only intensified this demand for cringe-worthy news and has provided more options for readers (Bakhshay & Haney, 2018; Beale, 2006). The increasing demand for the most sensational news story, coupled with the dramatic increase in news outlets in general, provides a perfect breeding ground for increasing the likelihood of biasing potential jurors during the deliberation process (Bakhshay & Haney, 2018).

Information that would be considered negative pretrial publicity (PTP) that could violate a defendant’s right to a fair trial includes facts surrounding previous criminal records, statements about the defendant’s character, reports of a confession, and statements from potential witnesses. All these avenues of information share the fact that they were not presented at trial, and therefore should not be used during deliberation because of the risk that the information could be biased or inaccurate. This PTP can be problematic in the court systems because judges have to try and maintain the defendant’s sixth amendment right to a fair trial without violating the constitutional guarantee of

freedom of the press. There are various ways in which the court systems attempt to deal with negative PTP about a defendant. The most extreme action that may be taken is the restriction of press coverage of criminal proceedings, often in the form of gag orders, which is not done in the US. Judges, instead, are more likely to use traditional remedies in an attempt to combat PTP influence. More specifically, these include techniques such as jury instruction, voir dire (jury selection), and deliberation. Despite previous research suggesting that these remedies are ineffective in reducing juror bias due to PTP (Dexter, Cutler & Morgan, 1992; Kerr, Niedermeier & Kaplan, 1999; Kramer, Kerr & Carroll, 1990; Otto, Penrod, & Dexter, 1994), judges are still prone to use them to combat negative PTP. The purpose of this study was to test an intervention that might help jurors remember the source of information learned through PTP, and thus help them keep that information separate from information they obtained from the trial, which could ultimately reduce the bias to find a defendant guilty that is caused by negative PTP.

### **The Impacts of Negative Pretrial Publicity**

Negative PTP has the potential to impart its biasing effects in a variety of ways—most importantly the increase in guilty verdicts (Hope, Memon, & McGeorge, 2004; Kerr et al., 1999; Otto et al., 1994; Ruva & Guenther, 2015; Ruva & Hudak, 2013; Ruva & LeVasseur, 2012; Ruva, Guenther, & Yarbrough, 2011; Ruva, Mayes, Dickman, & McEvoy, 2012; Ruva & McEvoy, 2008; Ruva, McEvoy & Bryant, 2007; Steblay, Besirevic, Fulero, & Jimenez-Lorente, 1999). Another way that negative PTP can impact jury decision making is by impacting defendant credibility. For example, jurors exposed to negative PTP have more negative impressions of the defendant, and overall view them as less credible, compared to jurors exposed to non-related crime articles (Dexter et al.,

1992; Otto et al., 1994; Ruva et al., 2007). Further, Ruva and LeVasseur (2012) found that perceptions of the defendant's credibility mediated PTP's effects on guilt measures. Overall, the more negative impressions resulted in more guilty verdicts.

Another way in which negative PTP can bias mock jurors is the distortion in their overall interpretation of the trial evidence (Hope et al., 2004; Ruva et al., 2011; Ruva & Guenther, 2017). For example, Ruva and Guenther (2015) found that mock jurors exposed to negative PTP were more likely to view ambiguous facts in favor of the prosecution. In contrast, mock jurors exposed to non-related crime articles were more likely to view ambiguous facts about the defendant in a neutral way, highlighting the idea that this PTP exposure has the potential to alter or skew one's interpretation and assessment of specific trial information (Predecisional Distortion theory; Ruva & Guenther, 2015). For example, once jurors are leaning towards a verdict of guilty or not guilty, this distortion of trial evidence could increase the likelihood that they will choose a guilty verdict.

Source-memory errors can impact predecisional distortion (Ruva & Guenther, 2015). It is well established in the literature that misinformation presented prior to an event can influence memory for that event (e.g., Rantzen & Markham, 1992). PTP can impact verdicts when used in the decision-making process, and this may be because jurors don't have accurate source memory for the information they obtained from the PTP. Source-memory errors occur when an individual attributes a piece of information from a particular event as having come from a different source. In other words, they cannot remember where or when a piece of information they learned originated. An example of source-memory errors influencing juror decision making would be a juror



using information obtained from PTP in his or her decision because he or she thought that it was presented at trial. Jurors are instructed before deliberation (via jury instruction) to use only the evidence presented at trial when making a decision of guilt (i.e., to not use PTP information unless that information was also presented at trial).

There is a risk for jurors mistaking the negative PTP as having been presented in the trial, or in both the trial and the PTP, and then using that information during deliberation. Both of these of these instances are inaccuracies in memory that are known as source-memory errors (Rantzen & Markham, 1992; Ruva et al., 2007; Ruva & Guenther, 2015; Ruva & Hudak, 2013; Ruva & LeVasseur, 2012; Ruva & McEvoy, 2008). Any external information presented by the media has the potential to misinform jurors, making them at risk for source-memory errors. Connecting this idea back to predecisional distortion theory, once jurors are leaning towards a verdict, this additional information that jurors learned from the media (but may not be fully aware of its source), could result in the juror leaning towards a guilty verdict—especially if this information is biased or inaccurate.

As noted previously, another mechanism in which PTP is said to impart its biases on the individual juror is through their interpretation of the trial evidence. The story model (Pennington & Hastie, 1988), when applied to jury decision making, postulates that jurors have constructed a mental representation of the trial. This can be made up of trial information, but also information jurors bring to trial, such as PTP. This mental representation is then used as a framework to understand and make sense of subsequent trial evidence. The story model states that jurors may use information from sources other than the trial to fill in gaps in memory. Jurors who have been exposed to PTP might

attempt to fill in the gaps during or after the trial with this PTP information. This corrupts one's memory, which may or may not make them more prone to render guilty verdicts.

Ruva and Guenther (2015) found that mock jurors in the negative PTP condition were less accurate in terms of identifying information presented at trial in the source-memory test. Finally, they found that source-memory errors mediated the effect of PTP on guilt ratings (higher source-memory errors led to higher guilt ratings; Ruva & Guenther, 2015). Finally, it is important to note that of the four out of 14 juries in this study mentioned, at least one juror said that they felt the negative PTP was influencing their verdicts, and those four juries went on to render guilty verdicts (Ruva & LeVasseur, 2012). Not all the jurors in these juries knew that the negative PTP was not from the trial (Ruva & LeVasseur, 2012). This additional evidence further supports the biasing effect of negative PTP.

In some cases, however, jurors do acknowledge the source of PTP information. Ruva and LeVasseur (2012) conducted a content analysis of deliberations and found that 44% of juries (14 juries in the total study) fully acknowledged that a piece of information was from the PTP and went on to discuss the information anyway. This would suggest that some jurors are fully aware that information came directly from certain sources, and other jurors mistakenly believe the information came from a wrong source or potentially both (e.g., trial and PTP). This would be evidence of source-memory accuracy that is seen during deliberation of mock jurors. Court systems have this assumption that the jury deliberation will balance out the risk of individual biases (Bourgeois, Horowitz, Fosterlee, & Graphe, 1995; Davis, Memahon, & Greenwood, 2005; Pritchard & Keenan,

2002; Studebaker & Penrod, 1997). However, research has shown that mock jurors fail to make corrections to other jury members to not discuss PTP information, often times discuss the PTP information anyway, and sometimes discuss the PTP information while fully acknowledging the source from which it came (i.e., no source memory errors; Ruva & Guenther, 2015; Ruva & LeVasseur, 2012). Despite these findings, it is important to investigate source-memory errors because they may have serious consequences with regard to the verdict outcome. On the opposite end of the spectrum, if jurors deliberately disregard instructions from the judge and go forth in knowing using PTP information to construct what they believe is the fair verdict (i.e., source-memory accuracy), this can also lead to an unfavorable outcome for the defendant.

Lieberman and Arndt (2000) proposed an explanation for jurors' resistance to jury instructions to ignore PTP. Reactance Theory (Brehm & Brehm, 1981) posits that individuals will act a certain way when they feel as if their choice is restricted (i.e., they will do the opposite of what they are told). In relation to jury decision-making research, this is seen with regard to the jury instructions. Specifically, Ruva and Guenther (2015) found that all 15 juries discussed PTP even when instructed not to, and the majority of the time they failed to correct other jurors to not discuss the PTP information during deliberation. Further, some jurors openly questioned why the PTP information had not been presented during the trial video (Ruva & Guenther, 2015).

Source-memory errors are especially detrimental during deliberation if jurors do not correct one another. Often times jury members do not have a stringent evaluating process and usually fail to correct the other members to not discuss negative PTP (Ruva & LeVasseur, 2012). Further, content analysis (Ruva & LeVasseur, 2012) revealed

that 26% of juries gave no response when PTP was mentioned—or rather they gave no acknowledgement that the information came from the PTP.

Despite the likelihood of PTP affecting any trial being low, the severity in terms of negative consequences are high. I have chosen to focus on source memory errors in the present study because I want to use a modified version of a memory retrieval technique (Cognitive Interview) to help mitigate source-memory errors. Another reason I have chosen to focus on source memory errors is because one of the instructions jurors are given during trial is to only use information at trial when constructing their verdicts. Even if not all jurors do not have source memory errors, those that do are still capable of influencing their fellow jury members once deliberation occurs—especially when studies have found that jury members often fail to correct one another during deliberation to not discuss PTP information (Ruva & Guenther, 2015; Ruva & LeVasseur, 2012).

### **Proposed Intervention**

For the present study, I applied a modified Cognitive Interview (CI) to the jury decision making process. I tested the efficacy of this particular intervention in an attempt to combat negative PTP bias. This intervention was intended to help participants better identify the source of each piece of information they encounter. In doing so, in the present study, I randomly assigned participants to read either negative PTP or non-related crime articles one week prior to watching the trial video. In Phase 2 before participants watched the trial video, they were randomly assigned to receive either the Cognitive Interview intervention or only the standard jury instruction. The Cognitive Interview has been used in prior research to reduce inaccuracies in memory in eyewitness testimony (Geiselman, Fisher, MacKinnon, & Holland, 1985; Geiselman & Callot, 1990). I instead

applied this remedy to the jury decision-making process to determine if this remedy could reduce biases resulting in source-memory errors and guilty verdicts for mock jurors exposed to negative PTP.

### **Cognitive Interview Background**

The development of the CI involved incorporating mnemonics (i.e., memory-retrieval techniques) that could help facilitate the retrieval stage of the memory process. There are four steps that are typically included in a standard CI procedure: 1) Report everything; 2) Reinstate the context; 3) Recall the events in different orders; 4) Change perspectives (Geiselman, Fisher et al., 1985). For the report everything instruction, the individual would be required to report everything he or she is able to remember about the event, regardless if any details seem unimportant. Reinstating the context requires individuals to mentally reimagine the context in which the event occurred, without any suggestions by the interviewer that might increase the likelihood for false memories. This would involve not only mentally reimaging when and where the event occurred, but also reinstating how the particular individual may have been feeling at the time. For example, this might involve thinking about how the scene looked, or reimaging what a person looked like. Recalling the events in different orders requires individuals to report the events in a certain order, sometimes backwards and sometimes forwards. Finally, changing perspectives requires the individual to take the perspective of the person who was involved in the event (e.g., the perpetrator).

The theoretical background of these mnemonics is based around the idea that a memory trace is composed of various features (Bower, 1967; Underwood, 1969; Wickens, 1970). A retrieval cue is something stored in memory that is linked to

something else. Features are pieces of information an individual would encode from an experience. The extent to which a given retrieval cue is effective depends on how much the features contained in the retrieval cue overlap with the features encoded with the event. Overall, there may be multiple retrieval cues linked to a given memory (Tulving, 1972). The larger number of retrieval cues that are remembered, the more likely it is that they will allow the desired memory to be retrieved. For example, imagine that an individual is trying to remember what the perpetrator looked like, however the individual is not able to retrieve this memory. The CI might help elicit the memory of what the person looked like to the individual by walking him or her through specific mnemonics to help further facilitate details about the perpetrator. To explain the memory retrieval process further, the individual could start by reinstating the context (e.g., How did you feel during the incident? Was it cold outside? Did the perpetrator have a particular smell? Was the perpetrator holding a weapon? What was the perpetrator wearing?—asked by the interviewer). By reinstating the context, the individual could potentially remember information that could serve as one or more retrieval cues for the desired memory.

Research has also tested the effectiveness of a modified CI. This includes the same four mnemonics that a regular CI has, but it also takes into account social dynamics and communication principles. For example, the interviewer may work toward building a rapport with the interviewee or maybe even making him or her feel as if they have control over the flow of the interview (Wright & Holliday, 2005). The CI and the ECI often are compared to a standard interview technique. The standard interview involves building rapport with the individual, asking the individual to recall everything he or she is able to remember (regardless if it seems unimportant), and asking him or her not to make up

information if they are uncertain. Participants are then instructed to give a narration of the events that occurred and are asked to give additional details by the interviewer if the description is too vague. Memon, Meissner, and Fraser (2010) conducted a meta-analysis on the effectiveness of the CI compared to a standard/structured interview. The authors found that the CI, compared to the control interview (standard interview), elicited a large and significant increase in correct details, a smaller but significant increase in incorrect details, and no difference in confabulated details (i.e., made-up details). This indicated that the CI, in comparison to the standard interview, is superior in eliciting correct details about an event. The moderator analysis indicated that the CI was more effective on adults/elderly in comparison to children, meaning that they reported more correct details. Further, the CI remained effective regardless of event type (e.g., emotional vs. neutral) and medium of the recalled memory (e.g., video, scripts, recordings). The overall effectiveness of the CI decreased as the retention interval increased. Lastly, they found that the Enhanced CI (ECI) and modified CI increased the amount of incorrect details compared to the original CI (Memon et al., 2010).

Certain studies have shown the power of context reinstatement and the report everything instruction (Boon & Noon, 1994; Geiselman, et al., 1986)—especially when combined. However, Doss Picart and Gallo (2018) found that although context reinstatement increased correct recognition of old objects, or objects previously seen, it also consistently did the same for incorrect recognition of similar objects as old ones. In other words, researchers concluded that context reinstatement increased the likelihood that participants would confuse conceptual and perceptual information. For example, a potential juror for a criminal trial could have seen on the news a picture of the

defendants' house that contained a lot of hunting gear outside—this could be considered perceptual information. Imagine that this defendant is accused of shooting someone. During the trial however, the juror learns that the defendant lived with his step son who went hunting regularly, and he himself did not own any guns. This could be considered conceptual information. During deliberation, this particular juror could mistakenly confuse both pieces of information, and conclude that it was the defendant's hunting gear and therefore he must be guilty of shooting someone.

Goodwin (2013) looked into context reinstatement and elaborative encoding to address memory inaccuracies and found that participants who engaged in the “think aloud” verbal reports and did the elaborative encoding had higher levels of correct recall, more instances of verbalizations of critical items, and lower false recall in comparison to the rote recall/non elaborative encoding group. Therefore, false recall was lower only after elaborative encoding and reinstating the context (Goodwin, 2013).

For the last two mnemonic devices (change temporal order and change perspectives), the evidence is mixed (Boon & Noon, 1994; Colomb & Ginet, 2012; Davis, et al., 2005; Milne & Bull, 2002). Boon and Noon (1994) found that the change in perspectives was the only instruction that failed to show a memory benefit. Milne and Bull (2002) showed that none of the individual instructions by themselves were any more effective than instructions of simple recall. One reason I left out the change perspectives instruction in the CI is because it may have been difficult for mock jurors to really change perspectives with this individual (i.e., imagine how the defendant who's being accused of murder in this fictitious article and trial video would feel).



There is also evidence to suggest that backward recall may result in less reliance on knowledge-based associations (Li & Lewandowsky, 1995) and may result in fewer schema-based intrusions (e.g., thinking someone has a gun because they are robbing a bank; Geiselman & Callot, 1990). Knowledge-based associations are various relationships in memory that are founded on an accumulation of facts or information. Schema-based intrusions are inaccurate attributions made to a given event or scene that are schematically relevant to that instance (i.e., a typical representation of a given event). For the purposes of this study, I had participants report the events twice, both times in chronological order. Although previous literature as found some benefit for backwards recall, doing this procedure for a single witnessed event is very different from doing it for multiple instances of hearing about someone in the media. Additionally, the negative PTP articles did not really go in a chronological order, and instead were a series of crime articles that depicted various facts surrounding the case. Thus, it may have been more confusing for someone to do backwards recall with PTP, which may have made the intervention ineffective. By chronological order, I just mean that they were required to report the events by starting at the beginning of the article they read first and ending at the last article they read. Additionally, while participants were doing this they were reporting everything they could remember without holding back any information. Past research has suggested that repeated recall can be beneficial for eliciting correct details (Bornstein, Liebel & Scarberry, 1998; Henkel, 2004; Mulligan & Lozito, 2004; Odinet & Wolters, 2006; Roediger & Karpicke, 2006). For the purposes of this study, I combined the report everything instruction and change of temporal order instruction, such that

participants reported everything twice, first starting at the beginning of the first article they read and work forwards in time, and then repeated this process.

Repeated recall to reduce memory inaccuracies has previously been investigated. Henkel (2003) found that source confusion actually increased after people reflected on their memories repeatedly or over long periods of time—especially when they were not carefully considering the source. The present study addressed this issue by instructing participants to critically evaluate each piece of information and where it came from after completing the CI. This happened before jurors watched the trial video.

When looking at the amount of repeated recall to implement, past research suggests that the more this is done, the less item loss occurs (Mulligan & Lozito, 2004). Mulligan and Lozito (2004) investigated repeated recall by either conducting it once or having multiple recall tests—with both types having equal duration. They found that although both groups had equivalent performance at the first session, two days later at the second session, the multiple recall test group exhibited less forgetting and less item loss than the single recall test group. Further, Roediger & Karpicke (2006) investigated the idea of “over learning” (i.e., knowing a topic thoroughly) and their results indicated that the repeated retrieval after specific material had already been learned well enough to be recalled was found to be effective for enhancing long-term retention. Whether information is neutral or negative can have an impact on the effectiveness of repeated recall as well. Bornstein Liebel and Scarberry (1998) had participants view either a nonviolent film or a violent film, and later had three repeated testing procedures. They found that participants exposed to the violent film were better at recalling details of the event, but they were worse at recalling details that came before or after the violent event.

However, both groups recalled significantly more information over successive recall attempts, indicating that memory impairment associated with viewing negative events can be reduced or alleviated with repeated recall. Taken together, this research suggests that repeated recall is effective in terms of reducing memory errors.

### **Present Study**

For the purposes of this study, I used the first three mnemonic devices in the CI (reinstate the context, report everything, and recall events in the same order twice). The CI conducted in Phase 2 was not a face-to-face interview, but instead a structured set of questions that the participants filled out themselves on sheets of paper. In Phase 1 of the present study participants were randomly assigned to read either negative PTP articles about the defendant or articles about a different crime that were not related to the trial. In Phase 2, participants were randomly assigned to receive either a modified CI or only standard jury instructions (CI procedure and instructions described later on). The CI and instructions were administered a week after exposure to the articles read in Phase 1 and just prior to watching the trial video.

Lastly, mock jurors in this present study did not go through any sort of deliberation. Because past research has shown that jury deliberation is ineffective in reducing juror bias attributed to negative PTP, and jurors often fail to even make corrections to other jurors when PTP is mentioned (Hope, et al., 2004; Kerr et al., 1999; Lecci & Casteel, 2015; Otto et al., 1994; Ruva, et al., 2007; Ruva et al., 2011; Ruva & McEvoy, 2008), I decided to leave out the deliberation process and had mock jurors render only individual verdicts. Additionally, because the main focus of this study was to look at the effects of the intervention on source-memory accuracy of individuals, and to

see if there was a relationship between source-memory accuracy and subsequent guilt decisions, including the deliberation did not seem necessary.

As stated previously, the goal for this paper was to find an alternate remedy to combat negative PTP and guarantee the defendant the right to a fair trial. Because of previous research findings, I sought out a different intervention other than what the court systems are currently advising. It would be advantageous to court systems if jurors who are exposed to negative PTP can have their source memories improved with a CI compared to jurors who receive standard jury instructions. I hypothesized that jurors exposed to negative PTP who receive the CI would have a reduction in source-memory errors and guilty verdicts in comparison to jurors exposed to negative PTP who did not receive the CI. Additionally, I predicted that for the negative PTP condition source memory accuracy for trial information would mediate the effect of the CI on guilt decisions. Specifically, I predicted that better source-memory accuracy would result in fewer guilty verdicts.

This remedy could be considered an effective intervention for court systems because it goes beyond simply instructing jurors not to use PTP when rendering a verdict. Participants were partaking in a retrieval strategy, shown to be effective in previous research, intended to help them distinguish between trial information and PTP information. In the real world, judges could simply add this procedure to the jury instruction process. This would require jurors to read and fill out the CI by themselves, which would take only 15-20 minutes. As it was in the present study, a person would be supervising the jurors and would be responsible for reading out the instructions. This could also be considered a practical intervention for the court systems because judges

would not actually have to administer face-to-face interviews with individual jurors one at a time, as this would be time consuming and a waste of resources. Instead, jurors would be walking themselves through an activity to help facilitate accuracy in memory retrieval and to induce a more stringent evaluating process when watching the trial. This would require asking jurors if they remember having seen any previous media coverage on the trial they are participating in. In addition, jurors could potentially be asked to think back a few weeks or months and report any news stations or journal articles he or she may have read about the case. They could then describe if the information from the various news outlet was leaning a certain way in terms of whether or not the defendant was innocent or guilty of the crime. The goal for this procedure would be to elicit as much detail as possible about what the juror learned prior to the trial.

Past research has only tested the CI as a face-to-face interview, whereas the present study had participants complete the CI by writing their responses down like a survey. Despite the fact that this could have led to a reduction in the amount of facts reported because there was no interviewer present to further prompt participants, if this method proved to be effective this study could serve to provide evidence for the testing of the CI in a manner that would not require individuals to be interviewed one at a time, saving time and resources.

## **Method**

### **Participants**

There were 163 participants in this study. There were 117 (72%) women and 46 (28%) men in this study. The ages of participants ranged from 18-25 years old. Participants were recruited through the psychology subject pool (SONA). The IRB at

ASU approved all procedures for this study (1/24/19; see Appendix A). Students were enrolled in introductory or intermediate psychology classes and received course credit for their participation in this study. All participants received consent forms at the beginning of each phase of the study (see Appendices B and C). Based on an a priori power analysis, a minimum of 180 participants were required in order to detect moderate effect sizes ( $f = .25$ ,  $\alpha = .05$ ,  $\beta = .20$ ; Faul, Erdfelder, Lang & Buchner, 2007). I reduced the number of participants from what Ruva and Guenther used ( $n=320$ ) because they used groups of juries to render verdicts, whereas the present study had jurors rendering individual verdicts because no deliberation took place. We estimated a moderate effect size, based on previous literature (Mello & Fisher, 1996; Memon, et al., 2010) that looked at the CI on improving memory accuracy.

### **Design**

This was a 2 (PTP: Negative PTP vs. unrelated PTP) X 2 (Interview: Cognitive Interview vs. No Cognitive Interview) between-subjects factorial design.

### **Stimuli**

***Trial Video.*** All participants watched a reenacted trial about a man (Daniel N. Bias) who was accused of murdering his wife (Lisa Bias). This video was borrowed from Ruva and Guenther (2015). The trial in the video was 29 minutes long, and based on previous research is overall ambiguous in nature (Ruva & Guenther, 2015). In the video the defendant pled not guilty for shooting his wife in the head, and claimed that he was trying to prevent his wife from committing suicide. The trial video included open and closing statements, direct and cross examinations, eyewitness testimony, forensic evidence, and jury instructions asking jurors to use only information presented during the trial when making a decision of guilt (Ruva & Guenther, 2015).

***Pretrial Publicity.*** All participants read about some sort of PTP. For the negative PTP condition, they read about facts surrounding the real case that were combined with biased information about the defendant. For example, this information included facts about the defendant's character, tendencies, past transgressions, and other negative information (see Appendix D). In the unrelated PTP condition, participants read random crime articles (see Appendix E).

***Modified Cognitive Interview.*** The present study used an adapted version of the Cognitive Interview, which included the first three mnemonic devices (reinstate the context, report everything, and recall the event twice in same order). The Cognitive Interview was administered to participants at the beginning of Phase 2 via paper and pencil and took approximately 20 minutes to complete. Participants silently completed the task individually by writing their responses on a piece of paper. Lastly before the actual CI, participants were told that the purpose of doing the CI is to keep information they saw in the PTP article separate from what they are about to watch in the criminal trial video (see Appendix F). In addition, participants were told briefly about the CI (how and why it was developed).

The CI started with participants taking one minute to first reinstate the context, and they did this mentally. Next participants reported everything they were able to remember. They first started at the very beginning of the first article they read and then worked forward in time for eight minutes. Participants were asked to remember the information in the order they read it (i.e., from the first article, then from the second article). This was considered reinstating the events in the sequence they were experienced, which was part of reinstating the episodic contents of the memory.

Participants were required to write their responses down for the report everything instruction. Next, participants reinstated the context again for one minute, and then reported everything they were able to remember, working forward in time again (starting at the beginning of the first article they read). Each task was timed by the researcher.

The instruction for the modified CI included the following:

*Reinstate the context: Try to think about/imagine what the environment looked like surrounding the event in the article. Also think how your own environment looked as you read through the article. Additionally, try to imagine how you felt at the time you were reading the article, and any reactions to the story which you may have had;*

*Report everything: Try to remember everything you read about from the articles, regardless of how small the detail may seem to be. In reporting all the details you are able to remember, this process takes advantage of the fact that memories are linked. Further, remembering one small detail might trigger your memory for another detail you had forgotten about. Overall, try to write down everything you can remember from when you started reading the articles. Throughout this procedure, try and remember the order of the events starting from the very beginning of the article you read, and then work forwards in time. Throughout the task you should be mentally putting yourself back into the original situation and the events you read about previously.*

These instructions were given twice, as participants recalled the events in the same order twice (See Appendix F).

## **Measures**

**Source-monitoring test.** All participants completed a source-monitoring test in order to assess their source memory. This involved participants identifying whether or not information came from the trial they watched, the articles they read, from both, or appeared in neither (i.e., new facts), and there were 10 facts per category. Participants indicated their response on a spreadsheet by marking an “x” in one of the four columns of the spreadsheet (see Appendix G). There were 40 items to categorize that were ordered randomly (same order for all participants), and participants were required to decide how



each of the 40 items fit into one of the four source categories mentioned previously. The source-monitoring test items from Ruva and Guenther (2015) were altered in this study for the purposes of having an equal number of items in each category. With that, I added six new facts to the new facts category so that each category would have 10 items in each.

Overall, participants had two source-memory scores for each category—one for errors and one for accuracy. Error scores for information presented only in the PTP were calculated by counting up the number of times a participant categorized PTP information as having come from the trial or both the trial and the PTP articles. To correct for guessing, I subtracted the number of times a participant categorized new facts as having come from the trial and new facts as having come from both. The accuracy scores were calculated by counting up the number of times participant categorized trial information as having come from the trial. The accuracy scores were also corrected for guessing by subtracting the number of times a participant categorized new facts as having come from the trial. Participants did not know ahead of time how many items were to go in each source category (see Appendix G).

***Guilt measure.*** The defendant in the real crime story (Daniel N. Bias) was charged with first degree murder (legal definitions provided in video). Participants rendered individual verdicts in which they indicated whether they found the defendant Daniel Bias guilty or not guilty of murdering his wife (See Appendix H).

## **Procedure**

***First phase.*** Participants were told that we are interested in their emotional reactions to crime articles. Participants first read on computers either negative pretrial

publicity articles that focused around the *NJ v Bias* case or non-related crime articles (eight articles). Participants were asked to read the articles thoughtfully (for 20-25 minutes), and afterwards were allotted five minutes for a brief recall task in which they were instructed to write down as much information as they were able to remember from the articles. The recall task was conducted to be consistent with Ruva and Guenther (2015). Like in Ruva and Guenther (2015), the recall task was implemented because this has been proposed to resemble a person telling someone else about the details of what they read. Another purpose of the recall task was to make sure the participants actually read and digested the information from the crime stories. Participants were then told they had to come back in a week for the emotional assessment. This deception was used to prevent participants from thinking about the PTP in the time between Phase 1 and Phase 2. The PTP may have had the potential to be a demand characteristic for participants who knew they would be completing the second part of the study of watching the trial in a week.

***Second phase.*** Participants returned a week later to be randomly assigned to either the CI condition or standard jury instruction condition. The standard jury instructions were: “Like actual jurors you are not to use any of this prior information when making decisions about the defendant’s guilt. For this decision you must only use the evidence presented at trial” (Ruva & Guenther, 2015, p. 297). Participants either received standard jury instructions, or the CI and standard jury instructions before watching the trial video. Next, all participants watched the trial simulation video of *NJ vs. Bias* (29 minutes long), and then rendered their verdicts and filled out the source monitoring test. The trial was presented on a computer monitor and each participant

received a set of headphones. Participants were finally debriefed and then excused from the study.

### Results

The main hypotheses were the following: (1) for participants exposed to negative PTP, the CI would result in more accurate source-memory for trial information and less errors for PTP information compared to no CI; (2) for participants exposed to negative PTP, the CI would result in a smaller proportion of guilty verdicts compared to no CI; and lastly (3) for participants exposed to negative PTP, source-memory for trial accuracy would mediate the effect of the CI on guilt decisions. Specifically, higher accuracy would result in less guilty verdicts. The reason I decided to use source-memory accuracy for trial information in my analyses was because the trial information is the only information that CIs supposed to be used when rendering a verdict. For all analyses the alpha level for significance was set at 0.05.

In order to test Hypothesis 1, I conducted two 2 (PTP: Negative PTP vs. unrelated PTP) X 2 (Interview: Cognitive Interview vs. No Cognitive Interview) between-subjects factorial ANOVAs and examined participants' source-memory scores for trial information. I predicted there would be an interaction; it was expected that the participants in the negative PTP-CI condition would have higher accuracy scores and lower error scores for trial information (i.e., better source memory) than those in the no CI-PTP condition. For the first factorial ANOVA (outcome was the corrected for guessing number of accurate responses for trial information), there was not a main effect for PTP type,  $F(1,159)=.071$ ,  $p=.790$ ,  $\eta_p^2=.000$ , suggesting that the type of PTP did not cause a significant difference in the number of statements that were correctly identified as

coming from the trial (see Table 1). There was also no main effect for receiving the CI,  $F(1,159)=.373, p=.542, \eta_p^2=.002$ , suggesting that there was not a significant difference between receiving the CI and not receiving the CI in correctly identifying trial information as having come from the trial. Finally, there was no interaction between the two IVs,  $F(1,159)=.019, p=.890, \eta_p^2=.000$ , suggesting that the CI had the same effect on source-memory accuracy if they received the negative PTP or the unrelated PTP. This result from the first ANOVA also does not support Hypothesis 1 (see Table 1).

Table 1.

*Mean Source-Memory Accuracy Scores by Category*

Condition	Articles	Trial	Both	New	*Trial
Neg. PTP-CI (1.32) ( <i>n</i> =45)	5.93 (2.04)	6.96 (1.17)	5.16 (1.43)	7.80 (1.66)	6.80
Neg. PTP-no CI (1.50) ( <i>n</i> =38)	5.66 (2.62)	6.76 (1.36)	5.34 (1.64)	7.66 (1.77)	6.61
Unrel. PTP-CI (1.87) ( <i>n</i> =42)	1.00 (2.28)	7.07 (1.66)	1.66 (2.59)	8.83 (1.83)	6.83
Unrel. PTP-no CI (1.89) ( <i>n</i> =38)	1.11 (1.98)	6.89 (1.67)	2.13 (2.86)	8.74 (1.69)	6.71

*Note (table above): “\*” means the accuracy score was corrected for guessing. Each category had 10 items (a mean of 10 would be a perfect score; higher scores are better) E.g., A score of 6.80 means they correctly categorized almost 7 out of 10 items. Standard deviations are in parentheses*

*“Neg.” = Negative*

*“Unrel.” = Unrelated*

For the second factorial ANOVA the outcome was the number of source-memory errors for trial information, corrected for guessing. I found a main effect for PTP type,  $F(1,159)=9.27, p=.003, \eta_p^2=.055$ , showing that participants exposed to negative PTP had

lower error scores (see Tables 2 and 3 for all categories). Specifically, this suggests that individuals who received unrelated PTP misidentified the source of trial information significantly more often than individuals who received negative PTP. There was no main effect found for receiving the CI or not,  $F(1,159)=.147, p=.702, \eta_p^2=.001$ , suggesting that the CI did not result in significantly fewer misidentifications of the source of trial information. This does not support Hypothesis 1. Finally, there was no interaction between the two IVs,  $F(1,159)=.435, p=.511, \eta_p^2=.003$ . This result also does not support Hypothesis 1.

It is important to note that the correction for guessing reversed the data pattern for interpreting the results. This was realized after conducting all the analyses. Therefore, I conducted an exploratory analysis on the uncorrected trial source-memory errors. This ANOVA yielded a main effect of PTP type that approached significance,  $F(1,159)=3.074, p=.082, \eta_p^2=.019$ , with a trend toward higher source-memory errors for participants who received negative PTP. The main effect of the CI was not significant,  $F(1,159)=1.183, p=.278, \eta_p^2=.007$ , and the interaction was not significant,  $F(1,159)=.741, p=.391, \eta_p^2=.005$ . I will explore this more in the discussion section.

An additional exploratory analysis was conducted to look at how the PTP and CI influenced participants attributing new information as having come from the wrong source, such as PTP, the trial, or both. With this, an additional ANOVA was run on the correction-for-guessing factor. I found a main effect for PTP,  $F(1,159)=18.73, p<.001, \eta_p^2=.105$ , indicating that participants who received the negative PTP guessed significantly more often compared to those that received unrelated PTP. There was no main effect found for the CI,  $F(1,159)=.27, p=.604, \eta_p^2=.002$ , meaning the CI compared

to no CI did not have an effect on guessing. Finally, the interaction was also not significant,  $F(1,159)=.005$ ,  $p=.942$ ,  $\eta_p^2=.000$ .

Table 2.

*Mean Source-Memory Error Scores by Category*

Condition	Articles	*Articles	Trial	*Trial
Neg. PTP-CI (1.39) ( $n=45$ )	1.29 (1.27)	0.98 (1.12)	1.11 (1.03)	-0.93
Neg. PTP-no CI (1.82) ( $n=38$ )	1.37 (1.73)	1.08 (1.12)	1.16 (1.22)	-1.00
Unrel. PTP-CI (1.34) ( $n=42$ )	1.52 (1.33)	1.24 (1.12)	0.57 (1.40)	-0.36
Unrel. PTP-no CI (1.61) ( $n=38$ )	1.03 (1.24)	0.68 (1.09)	0.97 (1.59)	-0.11

*Note (table above): “\*” means the error score was corrected for guessing  
Each category had 10 items (a mean of 0 would be a perfect score; lower scores are better)*

*E.g., A score of 1.11 means they incorrectly categorized 1/10 of the facts from that category.*

*Standard deviations are in parentheses*

*“Neg.” = Negative; “Unrel.” = Unrelated*

*There were negative numbers because of the correction for guessing; lower numbers still mean lower error scores).*

Table 3.

*Mean Source-Memory Error Scores by Category Continued*

Condition	New	Both
Neg. PTP-CI (1.45) ( $n=45$ )	2.20 (1.66)	4.73
Neg. PTP-no CI (1.72) ( $n=38$ )	2.32 (1.77)	4.55

Unrel. PTP-CI (2.54) ( <i>n</i> =42)	1.17 (1.83)	8.21
Unrel.PTP-no CI (3.03) ( <i>n</i> =38)	1.26 (1.69)	7.61

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*Standard deviations are in parentheses*

*Note: "Neg." = Negative; "Unrel." = Unrelated*

For Hypothesis 2, two binary logistic regressions were used to assess PTP type and the CI as predictors of guilt verdicts (*n*=163). First, I looked at the main effects of the PTP and CI, as well as the interaction. Second, I looked at the simple effects of the CI on the negative PTP and unrelated PTP conditions separately. The outcome variable for all the binary logistic regressions was whether participants rendered guilty or not guilty verdicts.

The first model tested the full factorial design of PTP x CI so I could test for the main effects of both factors and for an interaction. There was a main effect of PTP on individuals' verdicts,  $\chi^2(3)=8.42$ ,  $p=.011$ , such that individuals who received negative PTP were more likely to render a guilty verdict than individuals who received unrelated PTP (see Table 4 for frequencies and percentages of guilt and Table 5 for logistic regression output). There was not a main effect of the CI on individuals' verdicts for both PTP conditions,  $\chi^2(3)=8.42$ ,  $p=.194$ , which indicates that the CI did not influence verdicts. Finally, there was an interaction between the PTP and the CI,  $\chi^2(3)=8.42$ ,  $p=.010$ , such that for individuals who received PTP and the CI, there was a smaller proportion of guilty verdicts than for those who did not receive the CI. In contrast, for individuals who received the unrelated PTP, there was a higher proportion of guilty votes for those who did receive the CI in comparison to those who did not.

Table 4.

*Frequencies and Percentages for Guilt Verdicts by Condition*

Condition	Frequency	Percentage
Neg. PTP-CI (n=45)	23	51.1%
Neg. PTP-no CI (n=38)	29	76.3%
Unrel. PTP-CI (n=42)	26	61.9%
Unrel. PTP-no CI (n=38)	18	47.4%

Note: "Neg." = Negative  
 "Unrel." = Unrelated

Table 5.

*Binary Logistic Regression: Variables in the Equation Output for Main Effects and Interaction*

	B	S.E.	Wald	Sig.	Exp(B)
PTP	1.275	.501	6.477	.011*	3.580
CI	.591	.454	1.691	.194	1.806
CI by PTP	-1.716	.664	6.680	.010*	.180
Constant	-.105	.325	.105	.746	.900

Note: S.E. = Standardized Error; Sig = Significance; Exp(B) = Odds ratio

The second model tested the simple effects of the CI on the negative PTP and unrelated PTP conditions separately (see Table 4 for frequencies and percentages of guilt and Table 6 for logistic regression output). There was an effect of the CI on individuals' verdicts,  $\chi^2(1)=5.73$ ,  $p=.020$ ; individuals who received the CI in the negative PTP condition were significantly less likely to render guilty verdicts than individuals who did not receive the CI. This does support Hypothesis 2.



There was not an effect of the CI on individuals' verdicts for the unrelated PTP condition,  $\chi^2(1)=1.71, p=.194$ , suggesting that individuals who received the CI in the unrelated PTP condition did not have a significant difference in the proportion of guilty verdicts compared to individuals who did not receive the CI.

Table 6.

*Binary Logistic Regression: Variables in the Equation Output for Simple Effects*

PTP	B	S.E.	Wald	p-value	Exp(B)
Unrel. CI	.591	.454	1.691	.194	1.806
Constant	-.105	.325	.105	.746	.900
Neg. CI	-1.126	.484	5.402	.020*	.324
Constant	1.170	.382	9.403	.002*	3.222

*Note: S.E. = Standardized Error; Sig = Significance; Exp(B) = Odds ratio  
 "Unrel." = Unrelated PTP; "Neg." = Negative PTP*

Finally, to test Hypothesis 3, a mediation model was built using only individuals exposed to negative PTP to test whether or not source-memory accuracy for trial information mediated the effect of the CI on guilt decisions. The predictor was the CI and the outcome was guilt decisions. The mediator in the model used individuals' trial accuracy scores.

The first regression equation tested the total effect of the CI on guilt decisions ( $X \rightarrow Y$ ) and was significant,  $c'=-1.52, t(81)=-2.70, p<.01$ ; the CI reduced guilty verdicts for individuals in the negative PTP condition compared to individuals who did not receive the CI in the negative PTP condition. The second equation tested the total effect of the CI on trial accuracy scores ( $X \rightarrow M$ ) and was not significant,  $a=0.19, t(81)=.63, p=.532$ . This would suggest that depending on whether individuals received the CI or not, this did not influence the amount of trial information they accurately categorized.

The third equation tested the direct effect of trial accuracy scores on guilt decisions ( $M \rightarrow Y$ ) and was significant,  $b=.74$ ,  $t(81)=3.33$ ,  $p < .001$ ; if individuals were more accurate in categorizing trial information as having come from the trial in the negative PTP condition, this meant that they voted guilty more in comparison to individuals who were less accurate in categorizing trial information. However, because the CI did not predict trial accuracy score, there is no mediation present. Further, the confidence intervals were:  $[-.3805, .6879]$ , indicating they pass through zero, therefore there is no mediation of trial accuracy scores on the effect of the CI on guilt decisions (see Figure 1). In sum, both the CI and trial accuracy scores do predict guilt decisions independently for the negative PTP conditions, however the effect of the CI on predicting guilt decisions did not depend on whether or not individuals were accurate or not in categorizing trial information as having come from the trial. This finding does not support Hypothesis 3.

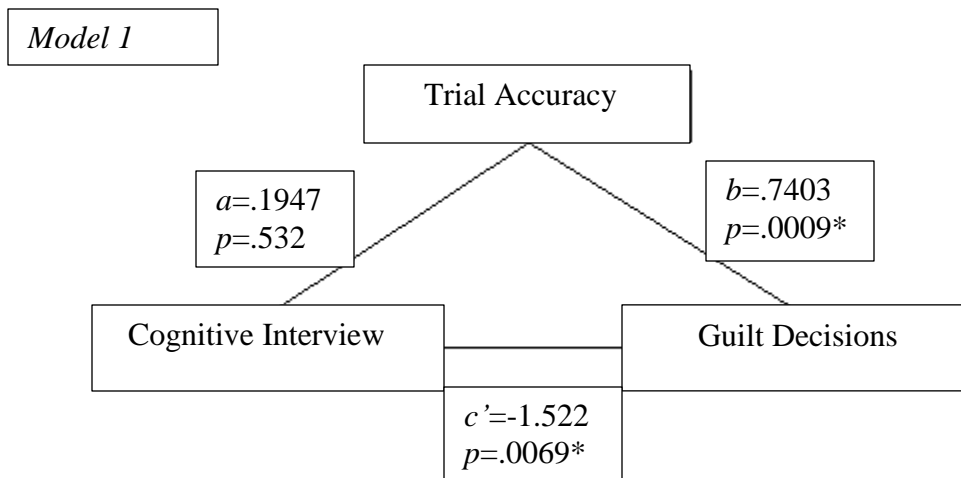


Figure 1.

Mediation Model: Source-memory accuracy mediating CI and guilt decision

## Discussion

To date, there are no clear guidelines established for cases in which PTP is an issue. Because there are no set guidelines to deal with PTP, the present study attempted to extend knowledge in the field by finding an effective intervention that could potentially combat the biasing effects of PTP. With this, instead of using more traditional remedies (e.g., jury instructions, deliberation), I applied the modified Cognitive Interview to address the effects of negative PTP.

The main hypotheses that were tested were the following: (1) for participants exposed to negative PTP, the CI would result in more accurate source memory and less inaccurate source memory compared to no CI; (2) for participants exposed to negative PTP, the CI would result in a smaller proportion of guilty verdicts compared to no CI; and lastly (3) for participants exposed to negative PTP, source memory for trial accuracy would mediate the effect of PTP on guilt decisions.

## Main Findings

The first analysis indicated that exposure to negative PTP and exposure to the CI did not impact source-memory accuracy. However, the second analysis found that individuals exposed to negative PTP did worse categorizing trial information as having come from the trial than individuals in the unrelated PTP condition (source-memory errors). The correction for guessing, however, reversed the data pattern. Prior to this correction for guessing, participants in the negative PTP condition actually had fewer source-memory errors than participants in the unrelated PTP condition. Also, the average value of the guessing correction in the PTP conditions was twice as large as it was in the unrelated PTP conditions. The guesses that I subtracted from the error scores are

statements that participants claimed they saw during the trial, read in the PTP, or both, but did not. These statements are generally consistent with the general information about the defendant, as opposed to being random statements.

For the second hypothesis I predicted that for participants exposed to negative PTP, the CI would result in a smaller proportion of guilty verdicts compared to individuals who were not exposed to the CI. I found that individuals exposed to negative PTP rendered more guilty verdicts than those exposed to unrelated PTP. This could be thought of as a manipulation check to test to see if the negative PTP really did have a biasing effect on mock jurors. This is also consistent with previous research (Ruva & Guenther, 2015). Additionally, I found that individuals who were exposed to negative PTP and the CI voted guilty less frequently than those who were exposed to negative PTP and no CI—which did support Hypothesis 2. For the unrelated PTP, the CI actually resulted in a negative effect on the guilt decisions, indicating that individuals who were exposed to unrelated PTP and received the CI voted guilty more compared to those that did not receive the CI—but this result did not reach significance.

Finally, the third hypothesis proposing mediation was not supported, and although the results suggested that both the CI and the source-memory accuracy scores for trial information independently predicted the guilt decisions, there was no evidence that the CI's effect on the guilt decisions depended on the trial accuracy scores.

### **CI's Influence on Source Memory (or Lack Thereof)**

In regards to the first hypothesis, these results seem to imply that the CI had no effect on accuracy scores or error scores for trial information on the source-memory questionnaire. The CI was predicted to improve source-memory accuracy scores and

reduce error scores. Previous research has found that context reinstatement and report everything when combined are effective retrieval techniques in eliciting correct details about an event (Boon & Noon, 1994; Geiselman et al., 1986). There are however differences between the *modified* CI I used in this study and how the CI has been used in previous research.

First, the modified CI in my study was used only to generate information about the negative PTP or misinformation (facts that are not supposed to be remembered during trial; i.e., should be forgotten), whereas in past research the CI is used to generate information about the primary event that is supposed to be remembered (e.g., disregard the information previous to the event). In relation to this idea, the eye-witness research, the CI is often used to improve memory for what (i.e., detail accuracy; Memon et al., 2010). In contrast, this criminal trial context that I applied a modified CI to was intended to generate memory for *when*— but I found that source memory was not affected by this manipulation.

The modified CI in my study was used to keep information participants read about (negative PTP) separate from information they learned at trial. In doing so, the goal of this was to reduce guilty verdicts—because participants would have been able to say: “That information was from the negative PTP and should not be used when rendering my verdict.” This however, was not the case. The CI had no influence on source-memory errors or accuracy, and only had an impact on guilt decisions. Even further, the CI eye-witness research is always applied to single episodes in chronological order (Memon et al., 2010) whereas the CI in this criminal trial setting was applied to multiple episodes not in chronological order. The negative PTP articles, as mentioned

previously, do not follow any chronological order, and instead depict various facts surrounding the *NJ v Bias* case. The Story model (Pennington & Hastie, 1988) proposes that people have a mental representation of an event, which could either be composed of information he or she knew prior to the event or information learned from the event itself. Further, the story is stored in a temporal order based on how the events in the story unfolded over time. People will then fill in gaps in their memory with information he or she knew prior to the event to form a coherent story. The purpose of the CI in my study was to help participants recall correct facts about the negative PTP or unrelated PTP that was read from the first part of the study. However, these facts from both the negative PTP and the unrelated PTP did not follow any chronological order what-so-ever. An explanation for why the CI did not influence source memory in any way could have been due to the fact that the initial event to be remembered during the CI was not a chronological story, and therefore it may have been difficult for participants to recollect the information in any logical way that could ultimately make a difference on the source-memory questionnaire in comparison to those that did not have the CI.

Another explanation as to why the CI was ineffective in the criminal trial setting is based on when the misinformation (negative PTP) was presented in relation to the primary event. In past research, the typical misinformation paradigm uses the reverse procedure—including those that have used a CI (Holliday et al., 2012). There is usually a time delay, and then participants come back to the lab to be given the CI (Memon et al., 2010). My study had the misinformation (negative PTP) presented a week prior to even watching the primary event—and in between this, and prior to trial, the modified CI was administered. Because the misinformation did not directly follow the trial video, this

may have influenced the effectiveness of the CI. In past research that has used the CI (Memon et al., 2010), participants use the CI to essentially disentangle the misinformation from the main event. In this study, the CI was used to recall facts from the misinformation *only*, and the main event—being the trial video—had not even been viewed yet. Therefore, perhaps the reason the CI did not influence source memory was because the participants were only recalling facts from the misinformation and not both the misinformation and the trial video. Further, getting back to the Story model, the misinformation that was used in this study did not follow any chronological order. Participants in my study had not yet seen the trial video, and therefore could only recall facts from the negative PTP that did not follow any chronological order. If participants had seen the trial video directly after reading the negative PTP, perhaps they may have been able to form a coherent story of the entire *NJ v Bias* case. However, in the present study where someone is acting as a juror almost immediately after reading a bias news article about the case is an unrealistic representation of a real world scenario.

Another difference in my implementation of a modified CI would be the paper and pencil aspect. Having participants simply write down their responses to a CI might have been disadvantageous for this procedure. It could be that when there is not another person in the room who is trained to first build a rapport with that individual, and then continue to ask them additional questions and give extra detail about a given topic—perhaps the individual will not provide as much information as they are capable of. It is also important to point out that speaking is faster than writing—and as obvious as that may sound, it is likely that less information is likely to be generated when someone is

writing it out on a piece of paper in time crunch of eight minutes, than if they were talking face-to-face with an actual person who is also likely to be more engaging.

Another difference would be that I am using this modified CI in the context of a criminal trial, rather than for eye-witness memory. It could simply be that the CI is not effective in a criminal trial setting. One explanation for this lack of effectiveness of the CI could be that the two settings may differ in terms of importance to the person witnessing or learning about an event. Previous research has found that when looking at conversations between partners, people tend to have better memory for their own contributions to the conversation compared to contribution made by the other individual. Additionally, if the topic is of greater importance to a particular individual, this improves memory even further, compared to a topic that is trivial to the individual (Miller, deWinstanley & Carey, 1996).

There are some similarities with the modified CI used in this study to past research on the CI, but each comes with a caveat. First, although I did similarly implement the CI after some sort of time delay, the misinformation (negative PTP) was presented a week before watching the primary event. Further, although I did incorporate pieces of the CI such as the context reinstatement and report everything instructions, these instructions were presented as a paper and pencil test compared to an actual face-to-face interview, and I also used the CI to improve source memory instead of detail accuracy. Additionally, the modified CI was used for a memory that was supposed to be disregarded instead of for a memory that was intended to be remembered. The last similarity was the fact that the modified CI was used on an event that was emotionally arousing in some way. Although this may be true, given that the events read about in this



study did not follow a chronological order, this may take away from this similarity to past research.

Keeping all this in mind, maybe the main reason why the modified CI in this study was ineffective in improving source memory was because of the dramatic differences in the overall implementation of this memory retrieval strategy.

### **CI's Influence on Guilt Decisions**

Although the CI did not have an effect on source memory, this remedy had a different influence on guilt decisions, which is a novel finding for jury decision-making research. The modified version of the CI that was used included context reinstatement and reporting everything—twice in chronological order. It seems that partaking in this modified CI a week after being exposed to negative PTP and just prior to watching the trial video resulted in a reduction in guilty verdicts (51.1% voted guilty) compared to being exposed to negative PTP and receiving only jury instructions (76.3% voted guilty). Therefore it would appear that when having been exposed to biased information about a defendant, partaking in this memory retrieval strategy versus only receiving standard jury instructions influenced perception of guilt. Recalling back to Reactance Theory (Brehm & Brehm, 1981), it has been suggested that the reason jurors have been found to disregard jury instructions to not discuss or use negative PTP when deciding on a verdict, is because people do not like when they feel as though their choice is being restricted in some way. This results in jurors doing the opposite of what they are told, and also could make the negative PTP information more salient to the juror (Ruva & Guenther, 2015). Therefore, Reactance theory could be explaining the bias to vote guilty for participants who read the PTP but don't get the CI. As a reminder, everyone in this study received

jury instructions. However, it would seem that receiving jury instructions alone versus receiving a modified CI prior to the jury instructions resulted in different outcomes in terms of guilt decisions. Participants who received the modified CI were first told that the CI was created to help facilitate the retrieval stage of the memory process. Following this, participants were told the CI has been used in eye-witness research and that it is superior in eliciting correct details about an event than the standard interview. Most importantly, participants are eventually told that in using this procedure, this will help two sets of information distinct in memory; “specifically, you will be keeping the information in the crime articles you read last time separate from the criminal trial video you are about to view” (see Appendix F). Participants in the CI condition were not even told to disregard the information until the end of the CI. Prior to that, the exact opposite occurred: participants were told to recall as much information as possible about the negative PTP. Doing this strategy that involves writing down facts about the negative PTP combined with being told to disregard it overall influenced guilt, but why and how? It could be that attempting to recall the information thoroughly and repeatedly causes the participant to compartmentalize the information or throw it out of their memories entirely when rendering a verdict. Specifically, when participants mentally reinstated the context in which they learned the negative PTP or reported everything about the negative PTP without holding back any information—and afterwards were told to disregard the information—this reduces guilty verdicts. This idea is on the opposite end of Reactance Theory; the modified CI tells participants to remember the negative PTP in great detail, which leads to the information having less of an impact on guilt decisions with less guilty verdicts. In contrast, when participants are told to disregard negative PTP without an

explanation or a chance to think back about what the PTP had even been about, this results the negative PTP having more of an impact on guilt decisions with more guilty verdicts.

Research has examined how resistance to instructions that is associated with Reactance theory could be potentially be combatted (Silvia, 2005). Participants in this study (Silvia, 2005) were assigned to read essays that did or did not threaten their attitudinal freedom. The manipulation in the study was whether or not the communicator of the essay was similar or not to the participant (e.g., identical first names and birthdays). After reading the essay designed to threaten attitudinal freedom, participants in the similarity condition did not experience resistance to the essay. In contrast, participants who read the essay designed to threaten attitudinal freedom and the communicator's similarity to the participant was low or unknown, did experience resistance to the essay. Therefore, it would seem as though similarity to the participant potentially reduces the effects of Reactance theory. In the context of my study, the participants who receive the CI were more familiar with the information than those in the non CI condition prior to rendering verdicts. Familiarity and similarity to the participant are different concepts—but perhaps they are tapping into the same idea that potentially reduces the feeling of having one's choice restricted. Also, something that is similar to an individual is also likely to be familiar to them as well.

Unfortunately, research into the effectiveness of the CI has only looked into how this memory retrieval technique improves memory for overall *detail accuracy*, (Boon & Noon, 1994; Colomb & Ginet, 2012; Davis et al., 2005; Milne & Bull, 2002) but has never been applied to trying to reduce guilty verdicts after being exposed to biased

information. With this, it is hard to really compare these findings to past research, given that they are so novel.

This modified CI, as mentioned previously, has never been used in a trial setting, and the way that the CI was administered was very different from past research.

Therefore, it is important to bring up the content that was written down by participants on both the recall task in Phase 1 and the CI in Phase 2. For the recall task, participants in the unrelated PTP condition typically wrote just under a page of information. The first sentence of the recall task for most participants in this condition began with describing a woman who was being accused of embezzling child support funds. Some participants described her as being a mom, or young woman who was 23, or a woman working for an office. Some participants described her as having been arrested for embezzling child support funds, while other wrote down that she was being accused of embezzling child support fund. Other facts surrounding the case that were brought by various participants included the amount of money that was stolen, exactly how she went about stealing the funds, how the issue was discovered, and how the entire office had been operating under a poor system for years. The recall task for participants in the negative PTP condition most often began with participants saying that a man had been accused of murdering his wife. Others mentioned that he had been arrested for the crime and bail had been set, while others began the recall task by writing down that Lise Bias was found dead, or murdered by her husband. Specific details were also written down by participants. For example, some wrote down the date in which the death occurred, where exactly the victim's body was found in the house, the price of the bond, how the husband changed his story about how his wife was shot, the controlling nature of the husband, how the wife

had recently gotten a job promotion, how the husband had past conflicts and aggressive behavior with other women, and how the husband had already remarried shortly after his wife's death. Similar to the unrelated PTP condition, those in the negative PTP condition wrote down just under a page of information.

The Cognitive interview was implemented a week after reading about the negative PTP or unrelated PTP. For both the unrelated PTP and negative PTP condition, often times participants wrote down similar information as what they wrote during the recall task. Additionally, for both conditions, when it was time to report everything for the second time, most people wrote down the same information as they had for the first report everything task. There were some cases, however, where participants would provide additional information surrounding the case when reporting everything for the second time. I also noticed that overall for the negative PTP condition, participants tended to write down more information on the CI than the unrelated PTP condition—with some responses being 2-3 pages long. The participants in the unrelated PTP condition tended to keep their responses to about a page. Much of the same facts that were written about on the recall task were repeated for both conditions, but often times in greater detail. This could have been because they were given more time during the CI than the recall task. This surface level review of the content from the CI shows that in general participants were generating a lot of detailed descriptions of both the negative PTP and unrelated PTP (but especially the negative PTP), rather than not trying on the task and giving little to no detail about the articles.

### **Trial Accuracy Scores and Guilty Verdicts**

The reason I focused on trial source-memory errors and accuracy, rather than PTP or new source-memory errors and accuracy, was primary because the information that is the most relevant category of information to be retained is the trial information. Moreover, I specifically asked participants to use only trial information when rendering their verdicts. Getting back to the main findings, another interesting result from this study was how source-memory accuracy for trial information predicted guilt, with higher accuracy predicting more guilty verdicts. This effect was independent from the effect of the CI. As mentioned previously, the CI only predicted guilt on its own—but this finding was not dependent on source-memory accuracy for trial information. In contrast, Ruva and Guenther (2015) found that source-memory errors mediated the effect of PTP on guilt—with more source-memory errors predicting higher guilt ratings. Also, recalling back to Ruva and LeVasseur's (2012) content analysis of deliberations: they found that 44% of juries fully acknowledged that certain information was from the PTP, and went on to discuss the information anyway. When comparing the findings of my study to Ruva and Guenther (2015), it could be that neither source-memory accuracy nor source-memory errors are distinct predictors of guilt. Therefore, whether mock jurors' source memory for negative PTP is accurate or not, this might not always be used when jurors render verdicts. Predecisional distortion theory (Hope et al., 2004; Ruva et al., 2011; Ruva & Guenther, 2017) says that once jurors are leaning toward a verdict, this distortion of trial evidence due to the exposure to negative PTP could raise the likelihood they will choose a verdict of guilty. Perhaps having accurate or inaccurate source memory of the trial information may not influence or change the initial distortion

of trial evidence due to reading the negative PTP—and participants render guilty verdicts regardless if they know the accurate source.

### **Replication of Negative PTP Influence on Guilt**

For the sake of replication, it is important to point out that the negative PTP did result in more guilty verdicts than the unrelated PTP. This was what Ruva and Guenther (2015) found in their study for guilt decisions. This shows that participants were biased when rendering verdicts if they received negative PTP, and therefore the CI had some sort of use.

When thinking about how the negative PTP potentially distorts jurors' interpretation of trial evidence, I am relating back to Predecisional distortion theory (Hope et al., 2004; Ruva et al., 2011; Ruva & Guenther, 2017). When applied to jury decision-making, this theory postulates that once jurors are leaning toward a verdict, this distortion of trial evidence due to the exposure to negative PTP could raise the likelihood they will choose a verdict of guilty (Ruva & Guenther, 2015). For example, during the trial video mock jurors might have been presented with ambiguous facts about the case. If that juror was presented negative PTP about the defendant prior to the trial, this could make it more likely that this juror will distort this ambiguous fact in a way that makes the defendant look guilty.

### **No Deliberation Took Place**

It is important to point out that, unlike Ruva and Guenther (2015), I eliminated the deliberation process because of the idea from past research that it is suggested to be ineffective in reducing PTP bias (Dexter et al., 1992; Kerr et al., 1999; Kramer et al., 1990; Otto et al., 1994).

In previous studies that looked at the effect of negative PTP on source memory errors and guilt—more importantly Ruva and Guenther (2015)—deliberation was implemented, and was found to decrease source-memory accuracy compared to jurors who did not go through deliberation. Maybe if deliberation had occurred in the present study, there would have been more pronounced differences in source-memory errors and trial accuracy scores across all categories when comparing the four conditions (the only significant difference was when comparing negative PTP to unrelated PTP for trial errors). It is impossible to know this for certain unless a follow-up study is conducted to address this concern. However, this would be the most logical explanation, especially considering there is evidence that suggests mock jury members usually mention negative PTP at least once during deliberation (Ruva & Guenther, 2015), and often times fail to correct one another when negative PTP is mentioned (Ruva & LeVasseur, 2012).

### **Practical Implications and Future Directions**

It is interesting that the CI did not appear to have an effect on source memory, and instead the CI did have a pronounced effect on guilt decisions for people exposed to negative PTP. These are indeed novel findings in the field, and future research should address how deliberation might affect these outcomes. It would seem that this modified version of the CI does have some practical implications for the future of jury decision-making that need to be brought to the attention of our court systems. More research certainly should be conducted to see what components of this modified CI are the most effective, and also at what point in time in the decision-making process it should be implemented. In the current study, I administered the modified CI a week after the exposure to negative PTP and just prior to watching the trial. It remains to be addressed



how effective this modified CI might be if it were to be implemented weeks or months after negative PTP exposure—which would be more realistic when thinking about real jury settings and media exposure.

This modified CI, as mentioned previously, was administered via paper and pencil, which could have been one of the reasons for its ineffectiveness for the source monitoring questionnaire. However, the fact that this pencil and paper modified CI was effective in reducing juror bias is extremely important for efficiently implementing this procedure in a real jury setting. However, based on these findings, the CI is only effective in reducing guilty verdicts when negative PTP is present—and in contrast this strategy may be harmful in settings where negative PTP is not present. The court systems do not have the time or resources to conduct individual interviews using the modified CI, and this pencil and paper version could be administered quickly and efficiently. The judge would simply read the modified CI instructions for the jury, and jurors would have to mentally reinstate the context that he or she heard or read about negative PTP, followed by writing out details about all the instances of being exposed to any negative PTP. This could take place right after the jury selection process and just prior to the trial beginning. However, because of the low prevalence rate of high-profile cases that have negative PTP associated with them, this procedure would not have to be used very often. Even though high-profile court cases are not prevalent in our society, when they do occur it is important that our court systems have the tools they need to guarantee that defendants receive the right to a fair trial.

### **Limitations**

One limitation to be considered in this field of research is the fact that mock

jurors who participated knew that this was not a real criminal trial, and that no actual repercussions took place by their participation in this study. Additionally, using college students instead of real or potential jurors makes generalizing these findings to a legal setting difficult. In regard to using mock jurors (another limitation), unfortunately the court systems are very resistant in allowing researchers to observe real juries and jurors during a deliberation process because of the fear that this might influence the overall discussion process and the verdict. If the court systems become more lenient in allowing researchers to interact with real-life juries, this might allow further application of these theoretical concepts in a way that could actually influence judges to assess pretrial publicity with greater caution.

Another limitation that was noted earlier is the fact that mock jurors in this present study did not go through any sort of deliberation and rendered individual verdicts. This exclusion of deliberation did admittedly reduce the ecological validity of this study. However, as mentioned previously, the aim for this study was to explore *alternate* remedies to combatting PTP bias on juror's decision-making. Therefore, we left out deliberation based on the rationale that research has shown it to be ineffective in reducing PTP bias.

Another limitation to the study was that the CI has never been used to improve source- memory errors. The CI has however been used to improve inaccuracies in memory, which was the main rationale in applying this intervention to reduce the misinformation effect that arises with negative PTP. Additionally, a potential limitation to this study was that the CI was not administered as a face-to-face interview—as has been done in previous research. Because participants instead wrote down the information

they were to report, this could have resulted in a reduction in the amount of facts reported, especially in comparison to a face-to-face interview where a person is continuously being encouraged by an interviewer to give more detail about a particular event. However, given that the results of this study suggest that this modified CI is effective in reducing guilty verdicts for those exposed to negative PTP, this procedure could be considered a practical remedy to implement in the court systems because judges would not have to conduct face-to-face interviews with every single jury member.

### **Conclusion**

This intervention, as mentioned previously, could be added to the end of the jury selection process. This modified CI would not have to last more than 20-25 minutes, and jurors would be walking themselves through a modified CI in an attempt to keep certain information they saw before the trial separate from the information they are about to see in trial. Most importantly, the goal would be to help reduce guilty verdicts attributed to viewing this negative PTP. Despite the rate of high-profile cases being low, the consequences in terms of verdict outcomes can be detrimental, and for this reason our court systems should consider adopting this memory retrieval strategy to combat this issue.

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### Appendix A. IRB Approval

#### IRB Approval Email

IRB Notice - 19-0075  
2 messages

IRB <irb@appstate.edu>  
To: dickinsonca@appstate.edu, jacksonhm1@appstate.edu  
Thu, Jan 24, 2019 at 2:05 AM

To: Hannah Jackson  
Psychology  
CAMPUS EMAIL

From: Dr. Andrew Shanely, IRB Chairperson  
Date: January 24, 2019  
RE: Notice of IRB Approval by Expedited Review (under 45 CFR 46.110)

STUDY #: 19-0075  
STUDY TITLE: Testing the effects of a cognitive interview in mitigating the negative effects of pretrial publicity  
Submission Type: Initial  
Expedited Category: 7. Surveys/interviews/focus groups  
Approval Date: 1/24/2019  
Expiration Date of Approval: 1/23/2020

The Institutional Review Board (IRB) approved this study for the period indicated above. The IRB found that the research procedures meet the expedited category cited above. IRB approval is limited to the activities described in the IRB approved materials, and extends to the performance of the described activities in the sites identified in the IRB application. In accordance with this approval, IRB findings and approval conditions for the conduct of this research are listed below.

**Study Regulatory and other findings:**

The IRB determined that this study involves minimal risk to participants.

irb approval.html Show all

**Appendix B. Consent Form: Phase 1**

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**Consent Form for Phase 1**

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**Consent to Participate in Research***Information to Consider About this Research**Testing the Effects of a Cognitive Interview in Mitigating the Negative Effects of Pretrial Publicity*

Principal Investigator: Hannah Jackson

Faculty Advisor: Christopher Dickinson, Ph.D.

Department: Psychology

Contact Information: Hannah Jackson: 336-391-6868, [jacksonhm1@appstate.edu](mailto:jacksonhm1@appstate.edu)

Christopher Dickinson: 828-262-8940, [dickinsonca@appstate.edu](mailto:dickinsonca@appstate.edu)

You are being invited to take part in a research study about how personality influences individuals' responses to crime articles. If you take part in this study, you will be one of about 260 people to do so. By conducting this study, we hope to learn how personality influences one's memory and emotional response to crime stories.

The research procedures will be conducted at Appalachian State University, in Edwin Duncan Hall or in Sanford Hall. You will be asked to read several articles about a crime and then complete a brief recall test for the information in the articles in this part of the study. This part of the study will take no longer than 30 minutes, and you will have the opportunity to sign up for the second part of the study at the end of this part. The second part of the study will be conducted on the same day of the week as this part, one week later, and it will take no more than 90 minutes to complete.

You cannot volunteer for this study if are under 18 years of age.

**What are possible harms or discomforts that I might experience during the research?**

To the best of our knowledge, the risk of harm for participating in this research study is no more than you would experience in everyday life.

**What are the possible benefits of this research?**

There may be no personal benefit from your participation in this part of the study.

**Will I be paid for taking part in the research?**

We will not pay you for the time you volunteer while being in this study. However, you can earn 1 ELC credit for your participation. There are other research options and non-

research options for obtaining extra credit or ELCs. One non-research option to receive 1 ELC is to read an article and write a 1-2 page paper summarizing the article and your reaction to the article. More information about this option can be found at: [psych.appstate.edu/research](http://psych.appstate.edu/research). You may also wish to consult your professor to see if other non-research options are available.

### **How will you keep my private information confidential?**

We will make every effort to prevent anyone who is not on the research team from knowing that you gave us information or what that information is. You will be providing your name only for the purposes of when you come back for Part 2. When this study has concluded, all of the names of the participants will be destroyed. This will occur in the summer of 2019. Until then, your data will be protected under the full extent of the law.

### **Who can I contact if I have questions?**

The people conducting this study will be available to answer any questions concerning this research, now or in the future. You may contact the Principal Investigator at 336-391-6868. If you have questions about your rights as someone taking part in research, contact the Appalachian Institutional Review Board Administrator at 828-262-2692 (days), through email at [irb@appstate.edu](mailto:irb@appstate.edu), or at Appalachian State University, Office of Research and Sponsored Programs, IRB Administrator, Boone, NC 28608.

### **Do I have to participate? What else should I know?**

Your participation in this research is completely voluntary. If you choose not to volunteer, there will be no penalty and you will not lose any benefits or rights you would normally have. If you decide to take part in the study you still have the right to decide at any time that you no longer want to continue. There will be no penalty and no loss of benefits or rights if you decide at any time to stop participating in the study. If you decide to participate in this study, let the research personnel know. A copy of this consent form is yours to keep.

By continuing on to the study, you acknowledge you are at least 18 years old, have read and agree to the descriptions and terms outlined in this consent form, and voluntarily agree to participate in this research.

This research project has been approved by the Institutional Review Board (IRB) at Appalachian State University.

This study was approved on: January 24, 2019. The approval will expire on January 23, 2020 unless the IRB renews the approval of this research.

## Appendix C. Consent Form: Phase 2

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### Consent Form for Phase 2

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#### Consent to Participate in Research

##### *Information to Consider About this Research*

##### *Testing the Effects of a Cognitive Interview in Mitigating the Negative Effects of Pretrial Publicity*

Principal Investigator: Hannah Jackson

Faculty Advisor: Christopher Dickinson, Ph.D.

Department: Psychology

Contact Information: Hannah Jackson: 336-391-6868, [jacksonhm1@appstate.edu](mailto:jacksonhm1@appstate.edu)

Christopher Dickinson: 828-262-8940, [dickinsonca@appstate.edu](mailto:dickinsonca@appstate.edu)

You are being invited to take part in a research study about how information people have read about a trial influences their memory for what happened during the trial. If you take part in this study, you will be one of about 260 people to do so. By conducting this study, we hope to learn how information about a defendant that is presented in the media before the trial influences the memory and decision making of jurors for that trial.

The research procedures will be conducted at Appalachian State University, in Edwin Duncan Hall or in Sanford Hall. You will be asked to watch a 29-minute video of a reenactment of a criminal trial. Then, you will be asked to render a verdict for the defendant in the video and will be asked to answer some questions about the video. Before you watch the video, you will receive a standard set of juror instructions, or you will participate in a memory procedure related to the information in the articles you read in Part 1 of the study. This part of the study will take no longer than 90 minutes to complete.

Please note that this study description is different from the description you were given in Part 1. We will explain in detail why this was done at the end of the study. As a brief explanation, if you had known that you would be seeing the trial video in this part of the study, that knowledge might have affected whether or not you thought about the information you read in the articles in Part 1, and that might affect you in this part of the study.

You cannot volunteer for this study if are under 18 years of age.

#### **What are possible harms or discomforts that I might experience during the research?**

To the best of our knowledge, the risk of harm for participating in this research study is no more than you would experience in everyday life.

**What are the possible benefits of this research?**

There may be no personal benefit from your participation in this part of the study, but the information gained by doing this research may help others in the future by providing a way to reduce the potentially biasing effects of information presented in the media about defendants in criminal trials on jurors for those trials.

**Will I be paid for taking part in the research?**

We will not pay you for the time you volunteer while being in this study. However, you can earn **up to 3** ELC credits for your participation. There are other research options and non-research options for obtaining extra credit or ELCs. One non-research option to receive 1 ELC is to read an article and write a 1-2 page paper summarizing the article and your reaction to the article. More information about this option can be found at: [psych.appstate.edu/research](http://psych.appstate.edu/research). You may also wish to consult your professor to see if other non-research options are available.

**How will you keep my private information confidential?**

We will make every effort to prevent anyone who is not on the research team from knowing that you gave us information or what that information is. You will be providing your name only for the purposes of identifying which condition you were in for Part 1. When this study has concluded, all of the names of the participants will be destroyed. This will occur in the summer of 2019. Until then, your data will be protected under the full extent of the law.

**Who can I contact if I have questions?**

The people conducting this study will be available to answer any questions concerning this research, now or in the future. You may contact the Principal Investigator at 336-391-6868. If you have questions about your rights as someone taking part in research, contact the Appalachian Institutional Review Board Administrator at 828-262-2692 (days), through email at [irb@appstate.edu](mailto:irb@appstate.edu), or at Appalachian State University, Office of Research and Sponsored Programs, IRB Administrator, Boone, NC 28608.

**Do I have to participate? What else should I know?**

Your participation in this research is completely voluntary. If you choose not to volunteer, there will be no penalty and you will not lose any benefits or rights you would normally have. If you decide to take part in the study you still have the right to decide at any time that you no longer want to continue. There will be no penalty and no loss of benefits or rights if you decide at any time to stop participating in the study. If you decide to participate in this study, let the research personnel know. A copy of this consent form is yours to keep.

By continuing on to the study, you acknowledge you are at least 18 years old, have read and agree to the descriptions and terms outlined in this consent form, and voluntarily agree to participate in this research.

This research project has been approved by the Institutional Review Board (IRB) at Appalachian State University.

This study was approved on: January 24, 2019. This approval will expire on January 23, 2020 unless the IRB renews the approval of this research.

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**Appendix D. Negative PTP.**

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PTP Articles borrowed from Christine Ruva

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PTP:

**INSTRUCTIONS:** Please read all of the articles contained in these packets thoughtfully. Please do not make any marks on the materials contained in these packets. When you are finished reading all of the stories sit quietly and the experimenter will collect the stories from you.

The articles contained in these packets were taken from a web-based archive for the Morning Call newspaper. This newspaper is located in Allentown, Pennsylvania, and is distributed to some town/cities in Pennsylvania as well as parts of New Jersey. This newspaper was chosen in hopes that most students would be unfamiliar with the stories presented here. If you have read or heard about these stories prior to reading them here, please let the experimenter know at the end of the experiment today

Date: SATURDAY, April 8, 1989  
Page: B09 Edition: SECOND

## BAIL SET AT \$150,000 IN PHILLIPSBURG SLAYING

by JOE NIXON, The Morning Call

Bail was set at \$150,000 yesterday for a Phillipsburg man accused of shooting his wife in the back of the head in late February in their home. Warren County Prosecutor Richard C. Hare asked Warren County Superior Court Judge John Kingfield to set bail at \$150,000, while Bias' attorney, Elizabeth Smith, suggested \$25,000. Smith stated that Bias was not a flight risk and would be unable to make bail for a greater amount. Bias was remanded to Warren County Jail in lieu of bail.

Daniel N. Bias Jr., 26, of 259 Chambers St., was charged by Phillipsburg police Thursday night with the first-degree murder of his wife, Lise Caren Bias, 27. She was found dead Feb. 26, 1989 in the doorway of the couple's bedroom.

Hare told Kingfield a review of the medical, forensic and ballistic evidence indicated the death was homicide. He said suicide was a "physical and medical impossibility," and that Bias intended to deceive authorities into believing the death was suicide. Hare added that the location of the body in the doorway of the couple's bedroom indicates that Mrs. Bias was attempting to exit the bedroom when she was shot.

According to Phillipsburg Patrolman Thomas Walsh, Bias told police that he had just returned home visiting a friend and was fixing something to eat when his wife came downstairs with the weapon and threatened to shoot herself with it. He told the victim to go back upstairs and put the weapon away. Approximately two minutes later, he went upstairs, opened the door, and saw the victim pull the trigger. Bias later changed his story stating that the gun went off when he tried to take it from his wife.

Friends of the victim, Lise, and Daniel Bias recalled that the couple "frequently argued" and that these arguments often started after "Dan had been drinking." Hare said that Daniel Bias was drinking alcohol on the night of Lise' death. A co-worker of Daniel Bias, who was questioned by police as to Bias' nature, said that Bias had a bad temper and was often complaining about his wife. Chris Jensen of Hope, who hunted with Bias, stated that "Dan only married Lise so that he could have children" and when Lise seemed to be choosing a career over his plans for a family he got angry. "He just about shot everything in sight when he started talking about her."

Russell stated that Lise had told family members that the couple often fought about money and the amount of time that Dan spent on the shooting range.

Bias denies both the prosecutor's and the family's assertions. He stated that the couple did not frequently fight about money or the amount of time that he spent on the shooting range.

Date: SATURDAY, April 12, 1989

Page: B09 Edition: SECOND

DEFENDANT IN PHILLISPSBRUG SLAYING RELEASED FROM JAIL

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by JOE NIXON, The Morning Call

Daniel Bias, the Phillipsburg man accused of shooting his wife in the back of the head in late February in their home, was released from jail today on a \$150,000 property bond.

Bias, a tall man with blond hair and a blond mustache, an electrician and a 1980 graduate of Hunterdon Central High School, calmly told Judge Kingfield he understood the charges against him and understood his rights. His father, Daniel Bias Sr., of Whitehouse Station, Hunterdon County, was in the courtroom yesterday. Defense attorney Elizabeth Smith told the court the elder Bias would put his home up, along with his son's, in order to make bail. Warren County Superior Court Judge John Kingfield agreed to release the defendant on a \$150,000 property bond.

Daniel N. Bias Jr., 26, of 259 Chambers St., was charged by Phillipsburg police Thursday night with the first-degree murder of his wife, Lise Caren Bias, 27. She was found dead Feb. 26 in the doorway of the couples bedroom.

Warren County prosecutor Richard C. Hare told Judge Kingfield a review of the medical, forensic and ballistic evidence indicated the death was homicide. He said suicide was a "physical and medical impossibility," and that Bias intended to deceive authorities into believing the death was a suicide. Hare added that the location of the body in the doorway of the couple's bedroom indicates that Mrs. Bias was attempting to exit the bedroom when she was shot.

The prosecutor said some aspects of the case, starting with the initial investigation, "gave us some cause for concern." He said the death was suspicious from the start. According to Hare, Bias is considered "hot-tempered" by friends, and has a history of turbulent relationships with women. Hare said that the women whom he spoken with, who had been in a relationship with Bias at one time, claimed that Dan would often become "threatening" and "abusive" during even the "smallest of arguments." Hare said that one of these women found it necessary to obtain a restraining order against Bias.

After a year of therapy Dan Bias had presumably learned to control his temper and had made a "fresh start" when he married Lise, though the couple still went through some rough patches. It can plainly be seen that Dan's past history will leave a challenge for Defense attorneys to surmount.

Date: FRIDAY, April 21, 1989

Page: B03 Edition: THIRD

#### P'BURG MAN FACES TRIAL IN WIFE'S DEATH

by JOE NIXON, The Morning Call

The Warren County grand jury yesterday returned a three-count indictment against Daniel N. Bias Jr. of Phillipsburg, charging him with the first-degree murder of his wife Lise in late February.

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Phillipsburg police charged Bias, 26, on April 6th with shooting his wife in the back of the head Feb. 26 with a 357-caliber magnum handgun in the couple's home. In addition to first-degree murder, Bias was indicted on charges of possession of a weapon for unlawful acts and for resisting arrest. According to Phillipsburg Patrolman Thomas Walsh, at the time of his arrest Bias did not cooperate with police, causing police to use force in order to take him into custody.

Bias stated that at the time of the arrest he was upset and he could not believe that the police were arresting him for the murder of his wife. Bias stated that "I loved Lise and would never do any-thing to hurt her." He stated that the thought of being arrested for her murder caused him to "snap and lash out against the officers."

Bias, of the 200 block of Chambers Street, is scheduled to enter a plea to the indictments at 9 a.m. May 5 at the Warren County Courthouse. His attorney, Elizabeth Smith of the Public Defender's office, said yesterday her client will plead innocent to the charges and is looking forward to presenting his side of the case at trial.

Warren County Prosecutor Richard C. Hare told County Superior Court Judge John Kingfield at the bail hearing that, based on the evidence in the case, suicide was a "physical and medical impossibility." He said Lise Bias was shot from a distance because the wound was not a contact or close-contact wound. Lise Bias was found in the doorway of the couple's bedroom. The gun, which was legally owned by the defendant, was recovered at the scene.

The prosecutor's office has not said whether it will seek the death penalty in the case. A conviction on first-degree murder carries a minimum sentence of 30 years in prison without parole.

Daniel and Lise Bias had been married for about five years and had moved to Phillipsburg about two and a half years ago from Hunterdon County. Friends of the victim, Lise, and Daniel Bias recalled that the couple frequently argued" and that these arguments often started after "Dan had been drinking." Hare said that Daniel Bias had been drinking alcohol on the night of Lise' death.

Elsa Gasiorowski, Lise mother, and Laura Gasiorowski, her sister, stated that Mrs. Bias was shopping for new clothes for her new job on the day of her death. They said she was very happy because of her promotion and was looking forward to working in her new job.

Laura Gasiorowski said that her sister loved her job at Somerset Trust Company, but Dan did not. Laura stated that her sister was overjoyed about the promotion, but when she called Dan to tell him the news he was angry and began to yell at her over the phone. He told her not to take the promotion, because it meant more hours and more time away from home. Lise told her sister after she got off the phone that she didn't care and she wouldn't let Dan spoil her good mood; she was going to take the job anyway.

Date: Saturday, February 2, 1991

Page: B14 Edition: SECOND

BIAS WILL AWAIT TRIAL AT HOME IN NEW MEXICO

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The Morning Call Phillipsburg resident Daniel Bias Jr. was granted permission yesterday to move to New Mexico while awaiting a murder trial. Bias, 28, of Chambers Street remains free on \$150,000 property bond while awaiting the start of a trial scheduled for October.

Bias is accused of shooting his first wife Lise, in the head in February, 1989. Bias contends that Lise was attempting to commit suicide and the pistol fired when he tried to pull it away. New Jersey Superior Court Judge John Kingfield granted Bias permission to join his wife and daughter in New Mexico. Bias remarried 10 months after the death of his first wife Lise and the couple now has one child. Bail will remain at \$150,000 "The move is permanent inasmuch as Mr. Bias intends to reside there between now and the trial," Bias' attorney, Elizabeth Smith noted.

Assistant Warren County Prosecutor Robert Russell felt the move across the country might jeopardize the trial date, which "absolutely cannot be changed." Judge Kingfield said permission to move to New Mexico was granted on the following conditions:

\*Bias is to remain in contact with the bail unit of the probation department in a method to be determined by the unit. \*Bias is to remain at the address which he will give to the court and cannot move without permission from the court. \*Bias must be available to his defense attorney at any time to prepare for the case.

\*Bias must be present at all pretrial hearings when requested by the court. "The trial will not be adjourned in the future because the defendant is unavailable to counsel," the judge warned.

Date: Saturday, September 7, 1991

Edition: SECOND Section: LOCAL/REGION

#### PARENTS GRIEVE THE LOSS OF THEIR DAUGHTER AND LAY BLAME ON THEIR EX SON-IN-LAW

"My never-ending nightmare began on Feb. 26, 1989, at 11 p.m. when a police officer came to my front door and told us my daughter was dead – shot in the head. This never-ending pain of not seeing her smile or hearing her voice has devastated me."

These are the words of Elsa Gasiorowski, the mother of Lise Bias. As time brings us closer to the trial for Daniel Bias Jr., we decided to talk to Lise's family, Elsa, Laura, and Chester Gasiorowski, to see how they are coping with their loss and preparing for the trial ahead.

Dan is accused of shooting his wife, Lise Gasiorowski Bias, in the head on the night of Feb 26, 1989. Although Dan Bias has pled not guilty, Lise's parents have no doubt that he is the cause of their daughter's death.

To Bias, Mrs. Gasiorowski asks, "Why did you kill my daughter? You are a murderer. Our beloved Lise has been taken away from us. Why did you do it? Why did you take her away from us?"

Taken at the prime of her life, Lise Bias was only 27 years old at the time of her gruesome death. She had just received a promotion at the Somerset Trust Company,

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where she worked. Lise and her sister had gone shopping on the morning of her death for some “corporate” looking clothes. Laura, Lise’s sister, said that Dan had not wanted Lise to take the promotion to supervisor. Laura said that the couple had often argued about having children.

“He wanted her to quit her job and start a family,” Laura said, when asked about Dan and Lise’s relationship. “Lise wanted it all though—a career, family, and loving husband. He just didn’t want the same things for her and did his best to prevent her from following her dreams.”

“Dan Bias Jr. has never shown any emotion about [Lise’s] death -- no remorse.” Lise’s mother says. “He never said he was sorry that Lise was dead. They were married about six years, yet he remarried just 10 months after her death. Not once has he said a good word about my daughter. He sits there stone-faced, self-righteous. Dan is a murderer and should pay for his crime by being in jail for as long as possible without parole.”

“Yeah, I guess he finally got the family he wanted,” Laura added, “Only 10 months after Lise died Dan remarried and now has a child with his new wife. It’s just not fair how he can act like nothing happened, like he doesn’t care that my sister lost her future and her life, while he just goes off and starts a new one with this woman. I don’t see how anyone could marry him knowing the allegations against him right now, regardless of the fact that he hasn’t been in court yet. Especially now that his abusive past has been exposed.”

Indeed, many have been talking about Dan’s past relationships. According to Assistant Warren County Prosecutor Robert Russell, Bias was considered “hot-tempered” by friends and has a history of turbulent relationships with girlfriends.

“Dan has had a long line of turbulent relationships with women, including one who received a restraining order against him, though she does not wish to be quoted,” said Russell. “She did, however, claim that Dan would often become ‘threatening and abusive during even the smallest of arguments.’”

Presumably, after a year of therapy Bias had learned to control his temper and had made a “fresh start” when he married Lise, though the couple still went through some rough patches.

When we went to interview Chester Gasiorowski, Lise’s father, he was too upset to speak with us. Instead, he asked us to include a statement he had written. In his letter he stated, “Lise’s dead, and no one can change that. We are tormented by her loss. Dan Bias Jr. is a coward. He knows exactly what he did. He cost the state of New Jersey over \$1 million to investigate this crime. He shows no emotion. He feels if he keeps quiet and has a good lawyer, he will get off lightly. He will never be found innocent, it’s just not possible. The only question is the degree of his guilt.” Gasiorowski, suffering from cancer, said his daughter was his strength in his fight against the disease. He said Lise had helped him paint his house and that he and his daughter were extremely close. Gasiorowski noted that he helped Bias when he needed a job, and Lise supported him through electricians school.

Date: Monday, October 7, 1991

Page: B03 Edition: THIRD

### The Morning Call

Lise Bias did not like guns and was unlikely to have shot herself to death, her parents say in reaction to Daniel Bias' claim that she committed suicide on Feb. 26, 1989. Since he was charged with the murder of his wife on April 6, Daniel Bias has maintained Mrs. Bias shot herself as he tried to take a revolver from her. Chester Gasiorowski, Mrs. Bias' father, told reporters he had tried to teach his daughter how to fire a pistol in 1984. "She didn't like it. She fired two rounds and never fired again. Lise never had a weapon at any time."

In a video statement made to Phillipsburg police in 1989, Bias said his wife was threatening to shoot herself in the head after an argument and that he tried to take the revolver out of her left hand when it accidentally fired. Gasiorowski says that his daughter was right-handed. He says she had not been hampered in using her right hand after elbow surgery, contrary to what Bias has stated in previous interviews with police. Gasiorowski adds that his daughter helped him paint his house. "After she had the operation on her right elbow, she lifted heavy paint buckets, moved the ladder for me, and held a paintbrush with her right hand," he said.

Lise's family also rejects the idea that she would have killed herself. Lise was excited about a new job and was looking forward being a supervisor, reports her sister, Laura Gasiorowski. On the day of her death and in preparation for her new job Lise went shopping for new clothes. Dan Bias, however, was upset about the promotion because he believed that "Lise would not have time to take care of a family," reports Lise's sister, Laura Gasiorowski. Laura stated that Dan did not want Lise to take the promotion. He wanted to start a family. Laura stated that Lise wanted a career, family and loving husband, but unfortunately, Dan did not want the same things for her.

Date: Friday, October 11, 1991

Page: B01 Edition: THIRD

### DID BIAS KILL HIS WIFE, OR DID SHE KILL HERSELF?

by DENNIS KELLY, The Morning Call

"This defendant is guilty of murder," Chief Assistant Prosecutor Robert Russell told reporters. Bias said he walked into the bedroom of their residence on Chambers Street and found his wife pointing a .357-caliber Magnum at the left side of her head. He said the gun went off when he tried to stop what he thought was an attempted suicide. From a videotaped statement to Phillipsburg Police made by Bias on the night of his wife's death, Bias was quoted as saying, "She's cold. She's jealous. She's got a bad temper. She's in one of her pissy, angry moods." "Even if you didn't like the person, wouldn't you say something nice? Wouldn't you think something nice?" Russell said. "The anger of the guy just knocks you over when he talks about his dead wife."

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Russell questioned why Bias, who he said knew cardiopulmonary resuscitation (CPR), did not administer it to his wife. "He didn't even wipe the blood away from her face." Russell said Mrs. Bias was a young woman with a future who had just received a promotion at work and was shopping for clothing the day of her death, because she wanted a "corporate look."

Lise Bias had a strong family background, visiting her family's house three to five times a week while married to Bias. According to Lise's sister, Laura Gasiorowski, Dan Bias was jealous of the amount of time Lise spent with her family and resented her working. He felt that "she should devote her time to their family and to having children."

"Lise would have left a note," Laura Gasiorowski added. "It makes no sense that Lise was going to kill herself. She wouldn't do that to us, her family." Russell said the state had enough evidence to show that "this man picked up the gun and fired it into her head." Lise's family believes that she would never have killed herself when she had so much to look forward to.

Date: Monday, October 14, 1991

Page: B03 Edition: THIRD

JUDGE WON'T DISMISS BIAS CASE DEFENDANT'S `STORIES' DIFFERED, HE SAYS

by DENNIS KELLY, The Morning Call

There are many unanswered questions as proceedings are set to begin in the trial of Daniel Bias Jr., accused of shooting his wife in the head in 1989 in the couple's Phillipsburg home.

Defense Attorney Elizabeth Smith is preparing several character witnesses to testify to Bias' "honesty and trustworthiness," and prosecuting attorney Robert Russell is preparing to de-bunk each of them.

In a pre-trial motion yesterday, Smith asked for dismissal of the murder indictment. "I know it's a motion that's made as a matter of course," she says, but she feels that the state "can not prove there was purposeful murder or knowing murder."

"There were only four bullets in the gun," Smith said. "If there were six I could see how the jury could conclude it was purposeful."

Phillipsburg Detective John Flynn stated that Bias told him he kept two of the six chambers empty so that if his wife tried to shoot herself, she would have to pull the trigger more than once.

Russell, when confronted with this statement from the defense, refuted it. "This is a cold, calculated murder. When he aimed the gun at her head he knew he was going to kill her. This was not a self-inflicted wound. The only person there was the defendant. What's important is the defendant puts himself there."

He added that "though four bullets were found in the gun, two others were found in the room. Indeed it is suspicious for the other two bullets to be found in the room. If only four were left in the gun, why bother with the other two in the room? Also, if Bias knew his wife to be so emotional as to consider suicide, why keep a loaded weapon in the house at all? There are just too many questions."

Warren County Superior Court Judge John Kingfield denied the defense's dismissal motion. "There is evidence to support the claim of knowing or purposeful murder. The defendant told several stories to the police," Kingfield said, referring to a Phillipsburg

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police report that in Bias' initial call he said his wife shot herself and then later told police the gun went off when he tried to grab it.

"The jury could conclude the defendant was not telling the truth," Kingfield said. "If the jury chooses not to believe the defendant, they could also choose not to believe there was an empty chamber."

Trial proceedings are set to begin next week in the Phillipsburg County courthouse.

Date: Friday, October 18, 1991

Page: B03 Edition: THIRD

## JURY SEATED IN BIAS MURDER TRIAL WIFE-SLAYING CASE TO OPEN OCT. 21

by DENNIS KELLY, The Morning Call

Jury selection is complete and pre-trial motions began yesterday in the trial of a Phillipsburg man accused of fatally shooting his wife in the head.

The trial of Daniel N. Bias, 28, for first-degree murder of Lise Bias on Feb. 26, 1989, gets under way. He is accused of shooting her with a 357-caliber Magnum.

The jury selection process began Monday and ended yesterday after 16 people were chosen. "It went quicker than I thought," Assistant Prosecutor Robert Russell said of the jury selection.

Afterward, Superior Court Judge John F. Kingfield heard the pretrial motions of both attorneys.

Russell said Bias' attorney wanted to exclude the testimony of a psychiatrist, who would have disputed the defense's claim that Bias' wife was suicidal. The psychiatrist will testify that Lise was not suicidal prior to her death and that she had strong family support and her career was taking off. In his defense, Bias said the shooting was accidental and that he was trying to stop a suicide attempt by his wife when the gun went off. Russell said the defense also wanted to eliminate the testimony of a New Mexico witness "who was going to testify about something Bias said." Sources have it that Bias made statements to his New Mexico neighbor that his first wife was "spoiled" and "only thought of herself, refusing to start a family so she could have her career."

The neighbor is reported as saying that Dan now has the family life he always wanted, something his former wife would not give him. Earlier this year, Judge Kingfield allowed Bias to live in New Mexico with his second wife and their child to await a trial date after Bias posted \$150,000 in bail, but Russell said Bias has been living in New Jersey for the past few months. Bias and his first wife lived on Chambers Street at the time of the shooting.

Bias also faces charges of possessing a gun for an unlawful purpose and hindering apprehension or prosecution.

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### Appendix E. Non-related Crime Article

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Non-related Crime articles borrowed from Christine Ruva

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Non-related Crime article:

**INSTRUCTIONS:** Please read all of the articles contained in these packets thoughtfully. Please do not make any marks on the materials contained in these packets. When you are finished reading all of the stories sit quietly and the experimenter will collect the stories from you.

The articles contained in these packets were taken from a web-based archive for the Morning Call newspaper. This newspaper is located in Allentown, Pennsylvania, and is distributed to some town/cities in Pennsylvania as well as parts of New Jersey. This newspaper was chosen in hopes that most students would be unfamiliar with the stories presented here. If you have read or heard about these stories prior to reading them here, please let the experimenter know at the end of the experiment today

Date: SUNDAY, April 29, 1984

Page: B01 Edition: THIRD

Memo: All the cases in this series are real, but in respect for their privacy, the parents' names have been changed.

## LATE SUPPORT CHECKS POINTED WAY TO DOMESTIC RELATIONS OFFICE MESS

TOM MOYLAN and ROSA SALTER, Sunday Call-Chronicle

Right before Christmas 1982, Ann Negoescu of Nazareth noticed her weekly child support checks from the Northampton County Domestic Relations Office were routinely coming late - up to six weeks late in some cases. She was getting behind in paying her bills, and she was angry.

Finally in March she set up a meeting with then-Deputy Domestic Relations Director William N. Davison.

He gave Negoescu a computer printout on her case, but because she knew her ex-husband was

up-to-date on his payments to the domestic relations office, she continued asking questions about why their checks to her were arriving so late. Then, she said, he became impatient.

"When I asked him how much interest they were earning when these checks were held back, he said, with the thumb over the shoulder, 'Look, just get out of here.'

"I was so shocked I just walked out." (Later, Davison called Negoescu's version of the story "biased" and doubted her checks were arriving as late as she claimed.)

A few days later, on St. Patrick's Day 1983, Renee Godshalk, a 23-year-old computer operator in the county domestic relations office, was arrested for embezzling child support payments. Exactly how much is missing is still undetermined, but it could be as much as \$84,000. Another \$30,000 also may be missing either through mismanagement or theft by other parties.

Before Godshalk's arrest, questions about late or missing support checks were rarely heard beyond the confines of the domestic relations office in the basement of the Northampton County Government Center.

But by fall 1983, the head of the domestic relation's office - Joseph V. Hollshwandner - had stepped down and a routine office theft had become a major legislative investigation that uncovered examples of mismanagement and negligence that shocked the community.

The investigation produced testimony that:

- Although the office handled more than \$8 million a year in child support payments, the checking account on which support checks were written was not reconciled for as long as 23 months, meaning that a theft could go unnoticed.

- The domestic relations computer had flaws that could be used to print support checks when no money was credited to an account, flaws which were used to cover stolen cash

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payments and used to cover up thousands of dollars in cash which were missing from a cash bag.

- Some cash child support payments from fathers were held for days, months or even years before they were deposited into the account. Whether their children ever got any money isn't known.

Northampton County - whose domestic relations office boasted an advanced case-tracking system, one of the highest collection rates in the state and which some area lawyers still say is more efficient, fairer in setting support amounts and tougher on enforcement of support orders than other area counties - suddenly found itself with a domestic relations office gone awry.

During testimony, prosecutors and county councilmen summed up the situation in various ways. "A mess," one called it. "A slipshod operation," said another. Local newspapers, eager to expose the scandal, dubbed the affair "Domestigate."

### DOMESTIC RELATIONS EMPLOYEE ACCUSED OF EMBEZZELING CHILD SUPPORT FUNDS

#### The Morning Call

The first indication of a problem came in October 1982 when the checking account into which fathers' child support payments were deposited and from which mothers' support checks were written suddenly became overdrawn. The initial overdraft was \$5,260. An informal accounting later put the amount of support money missing at around \$85,000. One reason the shortages weren't detected sooner was that domestic relations simply wasn't balancing its checkbook on time. The accounting firm of Peat Marwick Mitchell & Co. had warned as far back as 1981 that the checking account wasn't being reconciled with bank statements on a "timely basis." According to testimony, the domestic relations computer system was designed to do the job automatically, but couldn't because the bank didn't produce the information in a compatible computer format.

By March, mothers like Ann Negoescu were complaining that they weren't getting support checks even though the fathers could show receipts of their payments to the domestic relations office.

Working nights and weekends, domestic relations officials were able to document that \$9,450 in support payments were embezzled by computer operator Renee L. Godshalk. She was arrested, jailed and asked by baffled officials to trace her thefts.

Godshalk told officials she would take a cash support payment from a father, ring it up on a cash register and give the father a receipt. She would later pocket the cash and destroy the office receipt. She would then wait until a second father paid his support with a check in the same amount as the cash payment. She credited the check to the first fathers' account. The computer would print a check for the first man's ex-wife but the second man's ex-wife wouldn't get any money until Godshalk used a third fathers' check to cover the second mans' account.

Because cash register tapes were never checked, no one noticed a difference between the amount of money the tape said was received and how much money was on hand at the end of the day.

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Since most of the custodial parents eventually got their support checks, Godshalk also counted on their silence about the lateness of the checks. When someone did complain that a check wasn't received, Godshalk would take care of the complaint by covering it with a support payment from another man.

Domestic relations "sometimes tended to be tough on women who complained they didn't get their check," Dist. Atty. Donald B. Corriere told county council. Mothers, he said, would "gripe" about a missing support check but would forget about it after other checks started coming regularly. As a result, Corriere said, "there was a tendency for those complaints to be so isolated that they weren't of any significance, at least to Miss Godshalk."

In this way, she was able to embezzle money from the system that no one really missed - until January 1983, when a domestic relations accountant found some of the misapplied checks.

Corriere says he's satisfied that Godshalk took \$9,450, but because former Deputy Domestic Relations Director William N. Davison says she took more than \$84,000 using this and another scheme, Corriere has asked the state auditor general for an independent determination of how much was taken and how it was done.

#### COMPUTER FLAW BLAMED FOR ENABLING THEFT OF CHILD SUPPORT FUNDS

##### The Morning Call

A Northampton County Council committee investigating embezzlements and mismanagement in the county domestic relations office will hold one more public hearing and then issue its final report within the next four to six months.

Davison, who was appointed director of the office after Hollshwandner resigned, testified that Godshalk took another \$54,493 under another scheme in which she relied on a flaw in a computer program to cover missing money. He says she would pocket a cash payment and destroy the office receipt but would tell the computer that the father had paid. The computer would then print a check for the mother.

Davison says Godshalk could do that because on certain days when the flawed program was used, there was no way the amount of cash received could be reconciled with the checks that were printed.

The money wasn't missed because there was always a "float" in the checking account totaling thousands of dollars. Since the checkbook wasn't balanced regularly, no one noticed the bogus checks and cash shortage.

Domestic relations officials say that to prevent either scheme from being used again, duties are now separated so that the same person doesn't accept support payments and post them in the computer. The computer flaw was corrected, and officials also say they now check the payments received each day and that the checking account is reconciled twice a month.

Although Godshalk pleaded guilty in June 1983 to taking more than \$84,000, she recanted in August, saying she took "substantially less." In a sworn statement, she said she was told to take the blame for the larger amount by Davison, who said the judges

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wanted to avoid adverse publicity and provide an excuse for the large sums of missing money.

An out-of-county judge (appointed after a Northampton County judge removed himself to avoid the appearance of a conflict of interest), accepted Godshalk's motion to postpone her trial until the state auditor general can determine how much money Godshalk actually took. That report is expected to be released in a week or so.

In the meantime, Godshalk is out on bail, working at another job and awaiting trial for her role in the "Domestigate" scandal.

While Godshalk used a computer flaw to cover her theft of support money, County Controller Kenneth A. Florey found that the same flaw was also used by an office accountant to remove money that was supposedly deposited in the checking account by mistake. The accountant used the flaw to print support checks made payable to mothers or fathers but which were instead deposited in a domestic relations savings account.

"It is clear that this was simply an operation of robbing Peter to pay Paul since the funds were simply shifted from one domestic relations account to another without proper validation," he said.

A computer flaw also resulted in some people getting "duplicate checks," or extra payments they weren't supposed to get.

The president of the computer-consulting firm hired by domestic relations, Schuylkill Computer Services (SCS) of Schuylkill Haven, estimated that 25-50 such checks were printed totaling around \$2,800.

Davison and the county court administrator say that as much as \$20,000 in support money cannot be accounted for because of a variety of computer problems including the duplicate check problem. Until the exact figure is determined, SCS has placed \$38,905 in escrow to cover money which might be missing because of computer problems.

On learning that checks went out in error but weren't returned, County Councilman Richard T. Grucela said, "It's a sad commentary that not one honest person was found in 25-50 people to call up or come in and say, 'Why do I have this check?'"

## MISMANAGEMENT OF DOMESTIC RELATIONS OFFICE RESULTS IN DELINQUENT CHILD SUPPORT PAYMENTS

### The Morning Call

The investigation into embezzlements and mismanagement in the county domestic relations office revealed that some fathers' support payments were apparently sitting in the office undeposited for days, weeks, months or years. Some of those payments were used to help replace several thousand dollars missing from an office cash bag.

One of those payments, a money order dated Aug. 31, 1979, was three years and eight months old when it was deposited. Even then, it went not into the checking account with other support money, but into a savings account.

"Apparently," County Controller Kenneth A. Florey said, "these were checks that were laying around the office and for which the cases were closed or there was some error in terms of depositing." He is still investigating to whom that money belongs and

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questions why Lafayette Trust Bank of Easton accepted \$3,500 worth of checks made out to actual clients of the support system but not endorsed by those payees. It's not known if any mothers or children went without support checks because of payments that were left undeposited, although domestic relations officials have insisted that no fathers went to jail because their support payments were misappropriated and that no beneficiaries lost support money. (One reason for that is that \$135,000 was borrowed from the savings account to cover the overdrawn checking accounts and to reimburse fathers whose money was misappropriated.)

Davison says support payments are now deposited daily and are not held under any circumstances. Support checks, he says, are distributed to mothers "within one day" after a father pays.

Council's investigation also answered the question Ann Negoescu of Nazareth asked in March 1983 about how much interest the domestic relations office earned when it held her support for 4 to 6 weeks: None. Support money is held in a non-interest-bearing checking account. If anyone benefited from the "float" of hundreds of thousands of dollars in the account, it was Lafayette Trust Bank which, council was told, had "overnight" use of the money.

#### COUNTY'S THEFT PROBE NEARS END REPORT DUE IN 4-6 MONTHS

##### The Morning Call

A Northampton County Council committee investigating embezzlements and mismanagement in the county domestic relations office will hold one more public hearing and then issue its final report within the next four to six months.

Councilman Richard T. Grucela, who chairs the special committee, said the committee will hear testimony from representatives of the state auditor general's office within a month and will issue a final report after that. The date of the hearing will depend on when the auditor general's report is released.

Since September, there have been eight council manic hearings at which 16 witnesses testified about the operation of the office. The last hearing was in December.

Grucela said the auditor general's staff has completed its work and will be giving a report of its findings to Dist. Atty. Donald B. Corriere. Those findings will reportedly be released to council and the public after the sentencing of Renee L. Godshalk, a domestic relations computer operator who pleaded guilty to taking child support payments.

According to testimony, there may be \$114,000 missing from the domestic relations office due to embezzlement or mismanagement. Godshalk was arrested for taking \$9,450 and pleaded guilty to embezzling more than \$84,000. She later said she took substantially less than \$84,000 but was told to take the blame for the larger amount by Domestic Relations Director William N. Davison, who said the county could get reimbursed for the missing money and avoid adverse publicity.

The district attorney asked the auditor general to independently determine how much money Godshalk took and how much is missing and why it is missing.

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Council's investigative committee-of-the-whole previously released an interim report in which it made recommendations about how to correct problems in the domestic relations office.

In addition to the district attorney, the auditor general and council, the U.S. Internal Revenue Service has entered the case and audits are being conducted by the county controller and the private accounting firm of Peat Marwick Mitchell & Co.

#### EMBEZZLEMENT AUDIT FINISHED STATE'S FINDINGS BACK NORTHAMPTON COUNTY

by TOM MOYLAN, The Morning Call

A lone computer operator in the Northampton County domestic relations office took from \$39,825 to \$87,259, State Auditor Gen. Al Benedict said yesterday at a press conference in the courthouse.

But while that determination appears to lay to rest the question of how much money computer operator Renee L. Godshalk took from May 1981 to March 1983, Benedict's audit of the domestic relations office produced some findings and recommendations that will remain debated issues and perhaps unsolved mysteries.

The 33-page audit reported that:

- Another \$18,112 is missing from a domestic relations checking account due to duplicate checks, bad checks, undocumented clerical errors, computer errors, outstanding checks or employee theft.
- There isn't enough proof to justify \$59,400 that was paid by domestic relations to a computer consultant and recommended that the county give the state back \$41,500 which it got as partial reimbursement for the computer bill.
- The domestic relations office lacked effective financial management, although some changes are being implemented.
- Domestic relations management was not knowledgeable about its computer system.

The determination of how much money was taken by Godshalk was hailed by court and domestic relations officials as a "vindication" of embattled Domestic Relations Director William N. Davison. The \$87,259 that may be attributed to Godshalk is close to the \$84,000 figure that Davison helped produce before Godshalk claimed that she was talked into taking the blame for the missing money to make the courts look good. But Dist. Atty. Donald B. Corriere said only the theft aspect of the Godshalk case has been cleared up. He said he will now look into an alleged cover-up of information uncovered during the court's internal investigation of the matter and measures to prevent future embezzlements.

The state auditors, who have been working on the case since last fall, said that \$39,825 of missing funds can be "directly attributable" to Godshalk and that another \$47,434 "may be attributable" to the 23-year-old woman. The first figure was likened to "direct evidence" and the second was compared to "circumstantial evidence."

"We feel very strongly that we could support the (district attorney) to a point where we can get a verdict on that," Benedict said.

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## AUDIT PROVES THAT COMPUTER OPERATOR IS RESPONSIBLE FOR MISSING FUNDS

by TOM MOYLAN, The Morning Call

Renee L. Godshalk, computer operator in the Northampton County domestic relations office, pleaded guilty last year to embezzling more than \$84,000, but later said she took substantially less. The auditor general was called in to determine exactly how much she was responsible for.

Officials indicated yesterday that the county's bonding company may reimburse it for all money that it can prove was stolen, whether or not it can be attributed to anyone. Davison said Auditor Benedict's conclusion about Godshalk "clearly is a vindication of what we have been saying all along." He said much of the auditor general's information about thefts coincided with lists Godshalk prepared while working with Davison in his internal investigation.

Of some of the other missing money, Benedict said, "We really don't know and probably never will know where some of this money went."

Benedict said his staff could not document that Schuylkill Computer Services of Schuylkill County provided services to justify a \$59,400 payment it got in June of 1983. Benedict said SCS president Nicholas D'Alio could produce only interim reports about what his employees did. He said a former SCS employee said that he never completed any computer programs for domestic relations before he was told to perform work for another SCS client.

"The only thing they did for that money that we can see," Benedict said, "is that they found \$2,100 worth of (duplicate checks)."

D'Alio could not be reached yesterday for comment, but Court Administrator Al V. Marhefka said the auditors had access to five months' worth of meeting notes documenting what SCS did for its money. Doberstein said he was aware of the memos but said that after "exhaustive" checking was unable to document the work.

The state auditors said a contributing factor to the theft and other losses was less attention paid to accounting controls and simple segregation of duties and an "over-reliance" on the office's computer. One employee could accept payments, record them, post them to computer records and prepare bank deposits. Money could thus be easily taken from the cash drawer and not missed because a dishonest employee could cover his or her theft.

The auditor general said his staff discovered last month that two-year-old computer programs which allow the unauthorized printing of checks still existed. He said the programs were still operational. Benedict and his aides repeatedly said, however, that despite lax conditions like unlocked safes, they had no indications that any other employees took money.

Benedict also said his staff was "somewhat dismayed" that domestic relations installed a bulletproof "cash room" like the kind found at banks when "armed robbery was not a major concern." Benedict did not say how much his 10-month audit cost, saying "we don't deal in cost accounting." He at one point said his was "an expensive service," but said the cost was a "very small percentage" of the half million cost cited for the county by the private accounting firm of Peat Marwick Mitchell & Co.

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## CORRIERE CITES COURT COVERUP YEARS OF NEGLIGENCE WERE HIDDEN, HE SAYS

by TOM MOYLAN, The Morning Call.

The Northampton County district attorney has concluded that "virtually all details" of the embezzlement and mismanagement in the county domestic relations office "were deliberately and surreptitiously concealed from the district attorney, the council, the controller and the public until after the district attorney and the council exerted public pressure on the domestic relations section and began probing."

Testifying at the ninth and perhaps last public hearing of a county council investigative committee on the subject, Dist. Atty. Donald B. Corriere told council yesterday that while there was no cover-up of criminal activity, there was a cover-up of "14 years' worth of incompetence, mismanagement, gross negligence and missing money.

County Council President Gerald E. Seyfried said he thought that Domestic Relations Director William N. Davison had admitted to a court-ordered cover-up "early on" in the county's yearlong investigation. He quoted from Davison's sworn testimony, in which he said the court wanted to keep from Corriere information about the extent of the embezzlement for fear of him turning it into a political football.

Corriere yesterday told Seyfried, "There's been a dispute to some degree on whether there was a cover-up . . . I think we've tried to document it."

To support his contentions, Corriere gave council an 11-page, double-spaced final report that read like a legal brief, complete with parenthetical references to other testimony, audit reports and even news articles. Attached to the memo were 11 "exhibits," including previously undisclosed minutes of domestic relations meetings. Minutes from an Oct. 13, 1982 session said, "WND (William N. Davison) again emphasized that no one discusses this matter with anyone else." The same minutes said that Davison told four domestic relations employees that "under no circumstances is anyone to have any conversation of this problem (a \$5,000-plus checking account overdraft) with the press."

No problems became public until March 17, 1983, when domestic relations computer operator Renee L. Godshalk was arrested for embezzlement. Other problems didn't surface until August and September of last year.

The minutes of an Oct. 26, 1982 meeting said six employees were told by former Domestic Relations Director Joseph V. Hollshwander to "keep quiet" and "don't discuss the matter with anyone, including spouses, parents, etc."

The minutes continue: "JVH (Hollshwander) state that this is the last time the issue is spoken of."

Corriere said that Godshalk's accusation last year that Davison told her to admit to taking more money than she did "is still one of Miss Godshalk's word against Mr. Davison's - no third parties were present at crucial times."

The district attorney said that since Godshalk admitted lying to investigators at the time of her arrest, "proof beyond a reasonable doubt based on her testimony alone would be impossible."

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Corriere's memo concluded by asking: "Who will be watching?" He noted that "no one" watched the domestic relations office for 14 years. He said the state auditor general watched the office while it was conducting an audit, but added "they are no longer there."

Corriere said that over and above the \$87,000 that Godshalk probably took, the domestic relations office is missing another \$115,000 through lost interest, \$15,000 of funds that are missing but not attributable to anyone, and \$40,000 that the county might have to pay back to the state welfare department for a suspect bill.

"Another question must be asked in addition to 'who will be watching,' " Corriere said, "and that is 'which is worse, the embezzlement of a 23- year-old thief which should be recovered through the (bonding company) or the outright loss of up to \$115,000 due to negligence, mismanagement and lack of accountability?'"

During yesterday's hearing, Seyfried noted that council is looking into the hiring of additional domestic relations staff and what to do about the office's maligned computer system.

Corriere told council that there was no other proof that any other domestic relations employees, present or former, were criminally responsible for taking or mishandling money in the office.

Many questions concerned the domestic relations computer. Ted Doberstein of the auditor general's office testified that there was an over-reliance on the computer and no personnel trained to work it. He said that because the computer language was an "obscure" one, the office could use only one computer consultant to keep it running. "I think the county, in essence, has been held hostage because of the lack of expertise about the computers," Doberstein said.

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## Appendix F. Modified Cognitive Interview.

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Cognitive Interview (adapted from Geiselman, Fisher, MacKinnon, & Holland, 1985)

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Before watching the video, you will first be walked through a cognitive interview which will pertain to information you read about the defendant in the crime article, that was considered to be negative pretrial publicity. The Cognitive Interview (CI) was created to help facilitate the retrieval stage of the memory process. The CI has been used to improve eyewitness testimony, and has shown to be superior in eliciting correct detail than a standard interview technique. Using these memory techniques, such as reporting and recalling all aspects of a given memory could potentially help link or uncover other pieces of information in memory. Using this procedure will help you keep two sets of information distinct in memory: specifically, you will be keeping the information in the crime articles you read last time separate from the criminal trial video you are about to view.

### **Cognitive Interview:**

**INSTRUCTIONS:** The following procedure is designed to help you remember what you read from the articles a week ago, with the goal of helping you keep that information separate from the information you will be seeing in the video of the trial. This procedure is known as a cognitive interview, and has been used previously to help eyewitnesses remember details of events they witnessed.

**While completing each task, try to get in the habit of reporting everything you can remember, regardless if it seems unimportant. Responses should be thorough in detail but do not have to be in complete sentences. The purpose of doing the CI is to keep information they saw in the PTP article separate from what they are about to watch in the criminal trial video.**

- 1. Reinstate the context:** *Try to remember everything you can about where you were when you read the articles. Try to mentally put yourself back in that place and time and remember everything you can about your surroundings. Additionally, try to imagine how you felt at the time you were reading the article, and any reactions to the story that you may have had.*

**Please take one minute to think about this (does not require a written response):**

- 2. Report everything:** *Try to remember everything you read about from the articles, regardless of how small the detail may seem to be. In reporting all the details you are able to remember, this process takes advantage of the fact that memories are linked. Further, remembering one small detail might trigger your memory for another detail you had forgotten about.*

*Overall, try to write down everything you can remember from when you started reading the articles. Throughout this procedure, try and remember the order of the events **starting from the very beginning of the first article you read, and then work forwards in time.** Throughout the task you should be mentally putting yourself back into the original situation.*

**Please take 8 minutes to write out responses:**

- 3. Reinstate context:** *Try to remember everything you can about where you were when you read the articles. Try to mentally put yourself back in that place and time and remember everything you can about your surroundings. Additionally, try to imagine how you felt at the time you were reading the article, and any reactions to the story that you may have had.*

**Please take one minute to think about this (does not require a written response):**

- 4. Report everything:** *Try to remember everything you read about from the articles, regardless of how small the detail may seem to be. In reporting all the details you are able to remember, this process takes advantage of the fact that memories are linked. Further, remembering one small detail might trigger your memory for another detail you had forgotten about.*

*Overall, try to write down everything you can remember from when you started reading the articles. Throughout this procedure, try and remember the order of the events **starting from the very beginning of the first article you read, and then work forwards in time.** Throughout the task you should be mentally putting yourself back into the original situation.*

**Please take 8 minutes to write out responses:**

### Appendix G. Source Memory Questionnaire

Items			
From Trial	From PTP	From Both	New Facts
<p>1. Detective John Flynn failed to do any fingerprint testing on the gun that killed Lise Bias.</p> <p>2. On the day of her death Daniel and Lise had an argument about a piece of jewelry that Lise had seen earlier that day</p> <p>3. During the last couple of nights before her death Lise was very clingy. She demanded that Friday and Saturday that Daniel go to bed when she went to bed.</p> <p>4. Daniel Bias had his hand on his wife's head when the gun went off.</p> <p>5. Prior to the night of her death, Lise Bias was brought to Warren County Hospital after having an argument with her husband, in which she had threatened to shoot herself with her husband's gun</p> <p>6. If Lise Bias had shot herself the entry wounds' edges would not have been circular, but rather, they would have been star-shaped.</p> <p>7. On the night of Lise's death when Daniel first saw Lise with the gun in her hand he believed that she was clowning around and was doing it for attention.</p>	<p>1. Lise did not know how to use guns and disliked them.</p> <p>2. Daniel Bias has a bad temper.</p> <p>3. Lise Bias was found in the doorway of the couple's bedroom.</p> <p>4. The prosecutor questioned why Daniel Bias kept a loaded gun in the house if he believed that his wife was suicidal.</p> <p>5. Daniel Bias had been drinking alcohol on the night of his wife's death.</p> <p>6. Just prior to her death Lise had received a promotion at her work.</p> <p>7. Lise Bias did not leave a suicide note.</p> <p>8. On the day of her death Daniel and Lise had an argument about Lise buying new clothes.</p> <p>9. Daniel bias was also charged with resisting arrest.</p> <p>10. Daniel had wanted Lise to quit her job and start a new family.</p>	<p>1. Daniel bias was accused of shooting his wife in the head.</p> <p>2. The defense claims that Lise Bias committed suicide.</p> <p>3. Daniel and Lise had been fighting a lot.</p> <p>4. Lise Bias died in the bedroom.</p> <p>5. Daniel Bias had experience with guns.</p> <p>6. The forensic evidence in the case was poorly handled.</p> <p>7. Daniel Bias was in proximity of his wife before she died.</p> <p>8. Lise Bias was potentially psychologically unstable.</p> <p>9. Lise and Daniel were not the perfect couple.</p> <p>10. Even with Lise's new promotion, she was hospitalized for threatening suicide.</p>	<p>1. Lise's parents had been against her marrying Daniel Bias.</p> <p>2. Lise was Daniel Bias's second wife.</p> <p>3. Daniel Bias refused to take a polygraph (lie detector) test.</p> <p>4. Just prior to his wife's death Daniel Bias was reported to be having an extramarital affair.</p> <p>5. Lise and Daniel split up for several months the year prior.</p> <p>6. Lise spent too much money on the credit card months prior to her death.</p> <p>7. Daniel Bias was heard shouting outside their home the night before the murder.</p> <p>8. Lise bias had started taking antidepressants.</p> <p>9. Lise and Daniel Bias married after knowing each other six months.</p> <p>10. Lise always complained about Daniel staying out too late drinking</p>

8. Lise Bias was standing by the mirror when the gun went off.

9. Daniel Bias had been to the shooting range on the day of his wife's death.

10. The autopsy report of Dr. Isidore Mikalakis indicated that the doctor had performed gentle rinsing on the hair that he clipped from Lise Bias's head.

**Appendix H: Guilt Measure**

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Individual Verdict

Please put an "X" in one of the columns  
indicating your response

Guilty Not  
Guilty Guilty

What is your verdict in  
this case?:

\_\_\_\_\_