Cops and robbers (and eyewitnesses): a comparison of lineup administration by robbery detectives in the USA and Canada

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Cops and robbers (and eyewitnesses): a comparison of lineup administration by robbery detectives in the USA and Canada

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The purpose of this study was to determine how American and Canadian robbery detectives collect identification evidence and whether their practices are consistent with published guidelines. Via a survey, we asked about the use of various lineup practices (e.g., single-blind vs. double-blind administration, sequential vs. simultaneous presentation, and videotaping). Canadian detectives are more likely to use research-based reforms such as double-blind sequential lineups and videotaping. We also assessed how robbery detectives interact with eyewitnesses at four points during a lineup: prior to the lineup, immediately after an identification, and after 12 seconds and 3 minutes have elapsed without an identification. Results showed that at the latter two junctures, officers from both the countries question eyewitnesses in subtle ways that could influence the likelihood of choosing and confidence in the selection. Canadian detectives are less likely than American detectives to do so, however. This finding can be explained by the absence of written guidelines in most US jurisdictions on how officials should interact with eyewitnesses during lineups.

Keywords: eyewitness identification; lineups; feedback effects; subtle influence; lineup reforms

There is now considerable agreement about the variables that affect eyewitness choices at a lineup and the procedures that law enforcement personnel should use to enhance the likelihood of correct identifications and nonidentifications and to reduce the chances of a mistake. The recommended procedures for American jurisdictions are outlined in the National Institute of Justice (NIJ) Guidelines (NIJ, 1999) and Trainers’ Manual (NIJ, 2003) on eyewitness evidence, the American Bar Association (ABA)’s Statement of Best Practices for Promoting the Accuracy of Eyewitness Identification Procedures (ABA, 2004), and the model policies on eyewitness identification published by the International Association of Chiefs of Police (1992, 2010). Procedures for Canadian jurisdictions are provided in the Thomas Sophonow Inquiry Report (Manitoba Justice, 2001; see also Yarmey, 2003). A subset of these recommendations focuses on the procedures that should be adhered to before, during, and after the time that a witness is viewing a lineup. The crux of these advisements is that the lineup administrator should not provide any information to an eyewitness that could affect the eyewitness’ decision, confidence in that decision, or beliefs about the circumstances of the crime. Support for these recommendations comes from studies...
from lab-based settings, yet little is known about how law enforcement personnel operate in practice or the extent to which they incorporate lab-based findings into their day-to-day operations. These concerns formed one objective of this study. To address them, we questioned robbery detectives from the USA and Canada about the procedures used when conducting lineups (e.g., single-blind or double-blind and videotaped or not).

A second objective was to determine how detectives typically interact with eyewitnesses, including what they say during a lineup and whether they provide feedback or other information to the eyewitness at various times during that procedure. In contrast to most of the published research on administrator feedback effects which examines how post-decision comments affect an eyewitness, we asked detectives about feedback they provide during the viewing the lineup. Even discreet feedback provided during the lineup can influence identification choices (Clark, Marshall, & Rosenthal, 2009). But whether administrators provide information to witnesses during the lineup – and if so, what exactly they say – are unanswered questions and a second focus of this study. More generally, we examined the extent to which robbery detectives in the USA and Canada say they follow the recommended procedures for lineup administrations, particularly regarding their conduct during the viewing of a lineup.

**Detectives’ lineup practices**

Do robbery detectives generally follow all of the prescribed recommendations, some subset of them, or none at all? Though several studies have assessed what law enforcement officers know about eyewitness factors (see, e.g., Benton, Ross, Bradshaw, Thomas, & Bradshaw, 2006; Compo, Gregory, & Fisher, 2012), few studies have examined police officers’ practices while conducting lineups (i.e., Beaudry & Lindsay, 2006; Bertrand, Lindsay, Beaudry, Mansour, & Whaley, 2010; Wise, Safer, & Maro, 2011; Wogalter, Malpass, & McQuiston, 2004).

Wogalter et al. (2004) surveyed experienced police officers from various departments across the USA in the early 1990s, inquiring how they prepared and conducted lineups. Findings showed that 20% warned witnesses that suspects’ appearances may change, 26% told witnesses to pick someone only if they were certain, 2% asked witnesses to pick the person who looked most like the perpetrator, 95% gave witnesses the option to select no one, and 86% asked witnesses for a confidence statement, regardless of whether they had chosen someone from the lineup. Most of these procedures are consistent with recommendations from laboratory-based studies and included in the NIJ Guidelines.

From 2007 to 2009, Wise et al. (2011) questioned officers in seven locations in the USA, including three venues with guidelines for identification procedures and four without. One goal was to investigate whether officers’ knowledge and practices were affected by the institution of reforms. Most officers, even those from jurisdictions with guidelines, failed to follow advised practices. In one respect, this finding is unsurprising because only 18% of reform-based officers had read the NIJ Guidelines and received training in their implementation, and a miniscule 1% of nonreform officers had done so. It suggests that further scrutiny of police procedures at lineups and the dissemination of results to law enforcement are vitally necessary to bring the science of the laboratory and the real world of the station house together.

An important caveat applies to these studies and to the current research as well. In all of these efforts, detectives who were asked what procedures they use may have overreported their use of recommended procedures. To the extent that detectives were
aware that certain practices are more likely than others to result in biased results, they may have reported behaviors that are socially desirable. Thus, inferring actual behavior from self-reported behavior should be done with caution. But absent a massive undertaking to record and review what detectives across the continent really do when they interact with eyewitnesses (an oft-proposed reform; see, e.g., Kassin, 1998), data from their self-reports will have to suffice.

**Lineup administrator feedback effects**

Comments and reactions from a lineup administrator can affect the eyewitness in various ways. Douglass and Steblay have described ‘the astonishing power of a casual comment from a line-up administrator to affect eyewitness memory’ (Douglass & Steblay, 2006, p. 860). In their meta-analysis of 20 experimental tests from 14 different studies, Douglass and Steblay documented that feedback provided by a lineup administrator suggesting that the identification was correct affects the eyewitness’s confidence; retrospective reports of confidence in the decision, ease of making an identification, opportunity to observe, and attention paid to the perpetrator; and willingness to testify. They found smaller effects for the impact of disconfirming feedback. Administrator feedback has been shown to inflate a witness’ confidence even when the witness has received unbiased instructions (Clark et al., 2009) and regardless of whether lineups are shown simultaneously or sequentially (Douglass & McQuiston-Surrett, 2006), and the feedback is immediate or delayed (Quinlivan, Neuschatz, Douglass, Wells, & Wetmore, 2012). Effects generalize to both children (Hafstad, Memon, & Logie, 2004) and elderly witnesses (Neuschatz et al., 2005), and feedback influences real eyewitnesses to real crimes (Skagerberg & Wright, 2009). More recently, Dysart, Lawson, and Rainey (2012) showed that these effects persist even when the post-identification feedback is subtle and indirect (e.g., ‘Thanks, you’ve been a great witness’), suggesting that explicit confirmation of a witness’ choice is not essential for affecting a witness’ confidence or retrospective assessment of testimony-relevant factors (e.g., opportunity to view, clarity of memory, and attention paid).

Any commentary from a lineup administrator could be interpreted by a witness as informative, particularly when the witness believes that the administrator knows the identity of the suspect. As a result, the witness’ subsequent beliefs and behaviors are affected. These findings are consistent with the long line of research on expectancy effects whereby one person’s expectations can be communicated to another person in such a way that those expectations are confirmed by the other’s behavior (see, e.g., Darley & Fazio, 1980; Rosenthal, 2002).

To date, the majority of studies on feedback effects have involved statements to the witness at the conclusion of the identification procedure. To our knowledge, only one study (Clark et al., 2009) has examined the impact of feedback given while a witness is viewing the lineup. We provide some detail about this research because it informed the questions we asked.

In Clark et al.’s (2009) study, witnesses viewed a video of a staged carjacking, saw either a target-present or a target-absent lineup, and heard a generic admonition that the perpetrator may or may not be in the lineup. The administrator then interacted with the witness in one of three ways by (1) remaining silent for the entire time that the witness was viewing the photo lineup, (2) remaining silent for 12 seconds and then making ostensibly cautionary statements such as ‘take your time,’ ‘there is no rush,’ and ‘look at
each photo carefully’ (subtle-influence condition), or (3) remaining silent for 12 seconds and then asking the witness whether there was anyone in the lineup who looked more like the perpetrator than others in the lineup (similarity-influence condition). The nature of the administrator’s comments had a powerful effect on witnesses’ choices. Identification rates in target-absent lineups increased from .38 in the no-statement condition to .56 in the similarity-influence condition, consistent with a shift in witnesses’ criterion and relative judgment processes. The likelihood that a designated innocent suspect was falsely identified increased from .02 in the no-statement condition to .13 in the subtle-influence condition. Apparently even subtle, nondirective statements from a lineup administrator can affect identification decisions, perhaps by inducing witnesses to reconsider the responses they were favoring at the time that the statements were made (Clark et al., 2009).

For several reasons, these findings are concerning. Laboratory studies have shown that neither the eyewitnesses (Clark et al., 2009; Dysart et al., 2012) nor the administrators themselves (Greathouse & Kovera, 2009) are generally aware of the existence of this influence on memory and choosing. Yet when evaluators rated the videotaped testimony of witnesses who received confirming feedback, they deemed them to have paid more attention, had a better view, and be more confident than witnesses who received no feedback, and be more believable and accurate than witnesses who received disconfirming feedback (Douglass, Neuschatz, Imrich, & Wilkinson, 2010). Even though evaluators had no idea whether feedback of any kind had been provided to the witnesses, their assessments of witnesses’ statements were affected by the nature of this feedback.

The current study
We questioned robbery detectives from 6 Canadian provinces and 10 US states who attended professional conferences in either 2010 or 2011. We asked about the procedures they use when conducting lineups (e.g., whether they are aware of the suspect’s position in the lineup and whether the lineup is shown sequentially or simultaneously), and how often they give certain instructions prior to showing the lineup. We asked how often they give various responses when the witness has identified someone from the lineup, and after 12 seconds and 3 minutes have passed and the witness has made no identification. Several questions tapped the subtle-influence processes described by Clark et al. (2009): asking witnesses who are unable to make identifications whether they would like more time, reminding them to take time and study each photograph carefully, and asking whether someone in the lineup looked more like the perpetrator than others. We predicted that as a result of the prominence of the Sophonow reforms, Canadian detectives would report using more reform-minded procedures (e.g., double-blind, sequential lineups) than American detectives and would be less likely to report using subtle-influence practices prior to and during a lineup. A finding of this sort would suggest that adapting reforms can increase sensitivity to administrators’ effects on eyewitnesses’ choices.

Methods
Participants
One hundred forty-five participants volunteered to complete a questionnaire during a professional training conference. US participants (n = 55) attended the Western Robbery Conference in Colorado in 2010. They came from 10 states: Colorado (58%), Texas (9%),
Tennessee (7%), California (6%), Missouri (6%), Arizona (4%), Ohio (4%), Utah (4%), Florida (2%), and Virginia (2%). Canadian participants (n = 90) attended the Western Canada Robbery Conference in Alberta in 2011. They came from six provinces: Alberta (61%), British Columbia (26%), Saskatchewan (5%), Ontario (4%), Manitoba (2%), and Quebec (1%). Overall, participants were predominantly male (87% total, 93% the USA, and 83% Canada). Their mean age was 41.78 years (range = 28–66; median for both the USA and Canada = 40). The majority of participants worked for local law enforcement agencies (56% the USA and 58% Canada) rather than state, provincial, or federal agencies.

Eighty-four participants (58%) indicated that they had received special training on conducting lineups, 30 (54%) from the USA and 54 (60%) from Canada. The difference in the number of officers with special training was not significantly different between countries, \( \chi^2(1) = 0.42, p = .52, \Phi = -.05 \).

**Procedure and materials**

Participants completed an anonymous paper-and-pencil survey about their lineup-related beliefs and practices at the request of the first author, a conference speaker, who cited an academic purpose to the study. After giving informed consent, they took between 20 and 30 minutes to complete the four-page survey. They were not compensated for their time.

Several questions focused on specific lineup practices. Participants were asked to estimate the percent of lineups that are presented simultaneously and sequentially and how often they are aware of who the suspect is. Responses to the latter question ranged from 1 (Never) to 5 (Always). Other questions asked whether the agency for whom the participant worked required video recording, and if not, what percent of lineups are recorded. Participants were also asked whether they favored the practice of videotaping lineups. Responses ranged from 1 (Strongly oppose) to 5 (Strongly favor).

Other questions assessed the frequency with which detectives engage in certain verbal behaviors at four points in time: (1) prior to showing the lineup, (2) immediately after a witness made an identification, (3) 12 seconds into the lineup with no identification, and (4) 3 minutes into the lineup with no identification. The specific behaviors and time periods were adapted from Clark et al. (2009). In addition, we chose the 12-second mark because people who make quick identifications and nonidentifications have already responded, and it may become apparent to the administrator at this point that the witness will not make a swift decision. We chose the 3-minute mark because by then both witnesses and administrators would be aware that a quick decision has not occurred. We examined whether administrators’ interactions with witnesses differ as a function of the elapsed time.

Some of the questioned behaviors, such as telling the witness that the suspect may or may not be in the lineup prior to conducting lineup, are best practices and recommended by the NIJ (henceforth referred to as **recommended procedures**). Others, like reminding witnesses to take their time after 12 seconds have elapsed, can detrimentally influence the witnesses’ decisions (Clark et al., 2009) and are not recommended. Participants indicated how often they engaged in these behaviors on a scale from 1 (Never) to 5 (Always). A complete list of the verbal behaviors and instructions, as well as participants’ responses at each point in time, is presented in Table 1, which also notes whether a particular behavior is consistent with recommended procedures.
Table 1. Percent of responses consistent with NIJ recommendations, at four points in lineup process.

<table>
<thead>
<tr>
<th>NIJ</th>
<th>Behavior</th>
<th>Percent correct</th>
<th>Total (%)</th>
<th>CA (%)</th>
<th>U.S. (%)</th>
<th>$\chi^2$</th>
<th>$\Phi$</th>
<th>$P$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-lineup</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Y</td>
<td>The suspect may or may not be in the lineup</td>
<td></td>
<td>95</td>
<td>95</td>
<td>94</td>
<td>0.06</td>
<td>.02</td>
<td>.80</td>
</tr>
<tr>
<td>Y</td>
<td>Individuals in the lineup may not appear exactly as they did during the incident because features can change</td>
<td></td>
<td>88</td>
<td>88</td>
<td>89</td>
<td>0.01</td>
<td>-.01</td>
<td>.94</td>
</tr>
<tr>
<td>Y</td>
<td>It is just as important to clear innocent persons from suspicion as to identify guilty parties</td>
<td></td>
<td>67</td>
<td>69</td>
<td>64</td>
<td>0.41</td>
<td>.06</td>
<td>.52</td>
</tr>
<tr>
<td>Y</td>
<td>Regardless of whether you make an identification, we will continue to investigate the incident</td>
<td></td>
<td>59</td>
<td>57</td>
<td>64</td>
<td>0.65</td>
<td>-.07</td>
<td>.42</td>
</tr>
<tr>
<td>N</td>
<td>We have a suspect in custody and would like to see if you can identify him</td>
<td></td>
<td>93</td>
<td>94</td>
<td>91</td>
<td>0.61</td>
<td>.07</td>
<td>.43</td>
</tr>
<tr>
<td>N</td>
<td>Take your time and study each photograph carefully</td>
<td></td>
<td>4</td>
<td>1</td>
<td>9</td>
<td>5.35</td>
<td>-.20</td>
<td>.02</td>
</tr>
<tr>
<td>Post-identification</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Y</td>
<td>Remind the witness not to discuss results of the lineup with other witnesses or the media</td>
<td></td>
<td>85</td>
<td>79</td>
<td>94</td>
<td>5.90</td>
<td>-.21</td>
<td>.02</td>
</tr>
<tr>
<td>Y</td>
<td>Ask the witness to provide a rating of his or her certainty</td>
<td></td>
<td>30</td>
<td>24</td>
<td>40</td>
<td>4.19</td>
<td>-.18</td>
<td>.04</td>
</tr>
<tr>
<td>N</td>
<td>If applicable, provide information about the results of co-witnesses’ lineups</td>
<td></td>
<td>97</td>
<td>97</td>
<td>98</td>
<td>0.28</td>
<td>-.05</td>
<td>.60</td>
</tr>
<tr>
<td>N</td>
<td>Give the witness positive feedback</td>
<td></td>
<td>64</td>
<td>66</td>
<td>61</td>
<td>0.36</td>
<td>.05</td>
<td>.55</td>
</tr>
<tr>
<td>N</td>
<td>Ask the witness if he or she would be willing to testify about that identification in court</td>
<td></td>
<td>34</td>
<td>38</td>
<td>28</td>
<td>1.60</td>
<td>.11</td>
<td>.21</td>
</tr>
<tr>
<td>N</td>
<td>Describe for the witness the next steps in the investigation</td>
<td></td>
<td>31</td>
<td>30</td>
<td>33</td>
<td>0.19</td>
<td>-.04</td>
<td>.66</td>
</tr>
<tr>
<td>No identification: 12 seconds elapsed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Y</td>
<td>Do nothing; just wait</td>
<td></td>
<td>51</td>
<td>59</td>
<td>38</td>
<td>5.46</td>
<td>.20</td>
<td>.02</td>
</tr>
<tr>
<td>N</td>
<td>Ask the witness whether there is someone in the lineup that looks more like the perpetrator than anyone else</td>
<td></td>
<td>80</td>
<td>89</td>
<td>63</td>
<td>13.21</td>
<td>.31</td>
<td>.00</td>
</tr>
<tr>
<td>N</td>
<td>Remind the witness that appearances can change and a lineup member may look different than he looked at the time of the incident</td>
<td></td>
<td>48</td>
<td>52</td>
<td>40</td>
<td>1.93</td>
<td>.12</td>
<td>.17</td>
</tr>
<tr>
<td>N</td>
<td>Remind the witness to take time and study each photograph carefully</td>
<td></td>
<td>46</td>
<td>52</td>
<td>37</td>
<td>2.82</td>
<td>.15</td>
<td>.09</td>
</tr>
</tbody>
</table>
Finally, a set of questions sought quantitative information about the percent of cases involving eyewitnesses in which a photographic lineup is used and the percent of lineups in which the eyewitness identifies the suspect, identifies a filler, and makes no identification.

Results

We first describe the practices that American and Canadian detectives report using (i.e., double/single-blind, simultaneous/sequential presentation, and videotaped recordings). We then present results concerning verbal behaviors and instructions they give at various points during lineup procedures. Finally, we present data on how often detectives conduct lineups and witnesses make various types of identifications from these lineups.

Table 1 (Continued)

<table>
<thead>
<tr>
<th>NIJ</th>
<th>Behavior</th>
<th>Percent correct</th>
<th></th>
<th></th>
<th>(\chi^2)</th>
<th>(\Phi)</th>
<th>(P)</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>Ask the witness if he or she would like more time</td>
<td>44</td>
<td>43</td>
<td>47</td>
<td>0.21</td>
<td>−0.04</td>
<td>.65</td>
</tr>
<tr>
<td>N</td>
<td>Tell the witness that it’s OK if he or she is unable to make an identification</td>
<td>23</td>
<td>29</td>
<td>12</td>
<td>5.64</td>
<td>.20</td>
<td>.02</td>
</tr>
<tr>
<td></td>
<td>No identification: 3 minutes elapsed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Y</td>
<td>Remind the witness not to discuss results of the lineup with other witnesses or the media</td>
<td>78</td>
<td>72</td>
<td>89</td>
<td>4.94</td>
<td>−0.20</td>
<td>.03</td>
</tr>
<tr>
<td>N</td>
<td>If applicable, provide information about the results of co-witnesses’ lineups</td>
<td>97</td>
<td>96</td>
<td>98</td>
<td>0.19</td>
<td>−0.04</td>
<td>.67</td>
</tr>
<tr>
<td>N</td>
<td>Ask the witness whether there is someone in the lineup that looks more like the perpetrator than anyone else</td>
<td>82</td>
<td>92</td>
<td>65</td>
<td>14.03</td>
<td>.33</td>
<td>.00</td>
</tr>
<tr>
<td>N</td>
<td>Ask the witness how certain he or she is of that decision</td>
<td>68</td>
<td>74</td>
<td>59</td>
<td>2.99</td>
<td>.15</td>
<td>.08</td>
</tr>
<tr>
<td>N</td>
<td>Remind the witness that appearances can change and a lineup member may look different than he looked at the time of the incident</td>
<td>55</td>
<td>59</td>
<td>48</td>
<td>1.50</td>
<td>.11</td>
<td>.22</td>
</tr>
<tr>
<td>N</td>
<td>Ask the witness if he or she would like more time</td>
<td>43</td>
<td>42</td>
<td>46</td>
<td>0.21</td>
<td>−0.04</td>
<td>.65</td>
</tr>
<tr>
<td>N</td>
<td>Tell the witness that it’s OK if he or she is unable to make an identification</td>
<td>12</td>
<td>16</td>
<td>4</td>
<td>3.77</td>
<td>.17</td>
<td>.05</td>
</tr>
</tbody>
</table>

Note: Y indicates a behavior recommended by NIJ Guidelines; N indicates a behavior explicitly not recommended or about which NIJ Guidelines are silent.

CA, Canada; U.S., United States.
Missing data were deleted pairwise for each analysis and percentages are for valid cases only.

**Lineup practices**

We asked questions about three lineup practices: double-blind versus single-blind administration, simultaneous versus sequential presentation, and videotape recording. To assess double-blind procedures, we asked ‘When you conduct a lineup, are you aware of who the suspect is?’ Participants answered on a Likert scale from 1 (Never) to 5 (Always). Higher scores signify more frequent use of single-blind procedures; lower scores signify more frequent use of double-blind procedures.

The overall distribution of this variable was bimodal with peaks at each extreme (1 and 5). This structure was due to different distributions in US and Canadian participants, as shown in Figure 1. Eighty-seven percent of US participants reported using single-blind procedures often or always compared to 36% of Canadian participants. Forty-five percent of Canadian participants reported never or rarely using single-blind procedures compared to 6% of US participants. A nonparametric Mann–Whitney U test showed that these differences were significant, $U = 878, z = -6.24, p < .001$, one-tailed. US participants reported more use of single-blind ($Mdn = 5$, interquartile range 4–5) procedures than Canadian participants ($Mdn = 3$, interquartile range 1–4). There were no differences in use of single-blind procedures between detectives with specialized training ($Mdn = 4$, interquartile range 1–5) and those without ($Mdn = 4$, interquartile range 3–5), $U = 2153.50, z = -0.64, p = .26$, one-tailed.

We also asked participants how often they use simultaneous and sequential presentation of the lineup photos. There were significant differences between American and Canadian detectives for both simultaneous, $U = 363, z = -9.30, p < .001$, one-tailed, and sequential presentation, $U = 419, z = -9.15, p < .001$, one-tailed. US participants reported using simultaneous lineups almost all the time ($Mdn = 100\%$, interquartile range 90–100%). Sixty percent claimed they used simultaneous lineups exclusively (i.e., 100% of the time), and only 8% said they never used them (i.e., 0% of the time).

![Figure 1. Percent of Canadian and American detectives who use single-blind lineup procedures at varying frequencies.](image-url)
Canadian participants reported using sequential presentation almost all the time (Mdn = 100%, interquartile range 100–100%). Eighty-six percent claimed to use sequential lineups exclusively, and only 6% said they never used them. There were no significant differences in the use of sequential and simultaneous lineups between those with and without specialized training (all ps > .09, one-tailed).

Regarding videotaping, there was a significant relationship between country and whether or not participants’ departments required videotaping, χ²(1) = 77.15, p < .001, Φ = .75. Only 2% of the American departments represented required videotaping compared with 79% of Canadian departments represented. Even when videotaping was not required, Canadian participants reported doing so more often (Mdn = 10%, interquartile range 0–83%) than US participants (Mdn = 0%, interquartile range 0–14%). This difference was significant, U = 286.50, z = −1.83, p = .03, one-tailed, as was the difference in opinion about video recordings, U = 791, z = −6.70, p < .001, one-tailed. Canadian participants were more likely to favor video recording (Mdn = 5, interquartile range 4–5) than Americans (Mdn = 3, interquartile range 3–4).

There were also differences regarding videotaping and specialized training. Not surprisingly, more participants with specialized training (57%) than those without (40%) belonged to departments that required videotaping. This difference was only marginal, χ²(1) = 3.66, p = .06, Φ = −.16. There was a significant difference in how much participants favored video recording as a function of training, U = 1761, z = −2.53, p = .006, one-tailed. Those with specialized training reported higher favorability ratings (M = 4.05, Mdn = 4, interquartile range 3–5) than those without (M = 3.59, Mdn = 4, interquartile range 3–5). There were no significant differences based on training in how often detectives videotaped lineups when not required to do so, U = 463, z = −0.26, p = .40, one-tailed.

**Verbal instructions and behaviors**

We asked participants how often they engaged in various behaviors at four points during the lineup process: pre-lineup, post-identification, and 12 seconds and 3 minutes into a lineup with no identification. Participants responded on a scale from 1 (Never) to 5 (Always). For ease of understanding, we recoded these responses to reflect whether they were consistent with procedures recommended by the NIJ Guidelines or Training Manual. We opted to use the NIJ directives because they are more detailed than the Sophonow recommendations and because most of the Sophonow recommendations are also stated in the NIJ directives. For procedures that are stated in the NIJ Guidelines (e.g., ‘Ask the witness to provide a rating of his or her certainty’), we recoded ‘Always’ and ‘Often’ responses as correct and other responses (i.e., ‘Sometimes,’ ‘Rarely,’ and ‘Never’) as incorrect. For procedures that are not recommended by the guidelines, we recoded ‘Never’ and ‘Rarely’ responses as correct and other responses (i.e., ‘Sometimes,’ ‘Often,’ and ‘Always’) as incorrect.

The percent correct for each behavior in the Canadian, American, and total sample is presented in Table 1. For each time period, behaviors are grouped according to whether they are recommended by the NIJ Guidelines and then in descending percent of correct responses. We used contingency tables to test for group differences; accordingly, Table 1 also includes the associated chi-squared test statistics, phi, and probability value for each item. Following Wise et al. (2011), we used 80% as the threshold for distinguishing between correct and incorrect responses; if the percent of correct responses was 80% or
higher, we feel comfortable saying that most detectives are aware of the appropriate and recommended behavior.

Concerning pre-lineup instructions, most participants indicated – in line with recommended procedures – that they tell the witness that ‘The suspect may or may not be in the lineup’ and that ‘Individuals in the lineup may not appear exactly as they did during the incident because features can change.’ Most participants also know that they should not tell witnesses that ‘We have a suspect in custody and would like to see if you can identify him.’ In terms of pre-lineup instructions, there were no significant differences between Canadian and American detectives except for use of the instruction, ‘Take your time and study each photograph carefully.’ US participants are more likely to correctly forego this warning although most participants in both the groups apparently give this directive.

Most participants indicated that after an identification is made, they do not provide information on results of co-witnesses’ lineups, and they remind the witness not to discuss the lineup results; both are recommended procedures. But there was a significant difference in the frequency with which detectives remind witnesses not to discuss lineup results; American participants were more likely than Canadian participants to say that they give this reminder. US detectives are also significantly more likely to get a confidence rating.

Because detectives’ verbal behavior can influence hesitant witnesses to make a choice (Clark et al., 2009), no interaction with the eyewitness is appropriate 12 seconds into a lineup when no identification has been made. In fact, the NIJ Guidelines (1999) state: ‘Avoid saying anything to the witness that may influence the witness’ selection’ (p. 33). However, only half of the participants indicated that they often or always do nothing, but rather, just wait. Canadian detectives are more likely than American detectives to refrain from verbal interaction. Most participants know that they should not ‘Ask the witness whether there is someone in the lineup that looks more like the perpetrator than anyone else’ though Canadian participants are more likely to refrain. No other items in this section reached the 80% mark indicating behavior consistent with the recommended procedures. There were significant differences between Canadian and US participants regarding whether to ‘Tell the witness that it’s OK if he or she is unable to make an identification’; Canadian participants are more likely to correctly report forgoing this instruction.

When no identification has been made, detectives should, according to NIJ Guidelines, ‘Remind the witness not to discuss results of the lineup with other witnesses or the media’ and refrain from other verbal interaction. We assessed whether detectives say they undertake these actions after 3 minutes have passed without an identification. There were significant differences on this item; more US participants (89%) indicated they give this reminder than Canadian participants (72%). Nearly all participants reported that they do not provide information on co-witness lineups. Canadian participants are more likely than US participants (92% vs. 65%) to correctly refrain from asking the witness whether someone in the lineup looks more like the perpetrator than anyone else. Most participants indicated – incorrectly – that they ‘Tell the witness that it’s OK if he or she is unable to make an identification’ at this point. There were significantly more incorrect responses to this item at the 3-minute mark ($M = .12, SD = .32$) than at the 12-second mark ($M = .24, SD = .43$), $t(127) = 3.98, p < .001, d = 0.32$, two-tailed. There were no other differences in the percentage of correct responses to items that we included in both the 12-second and
3-minute sections of the questionnaire (all \( p > .06 \) and all \( d < 0.14 \), two-tailed). This suggests that detectives’ reported actions may not differ markedly at these two junctures.

**Lineup use and identification frequency**

Participants reported, on average, that they use lineups in 42% (SD = 29%) of all cases involving eyewitnesses. Their self-reported estimates of the percent of lineups in which an eyewitness identifies a suspect, identifies a filler, and makes no identification were 42%, 20%, and 39%, respectively. These figures closely match those of Wright and Loftus (2008) who reported that in actual cases, witnesses identify the suspect about 40% of the time, identify a filler 20% of the time, and make no identification about 40% of the time. The estimates in the present study were not significantly different from this benchmark (all \( p > .19 \) and all \( d < .11 \)) and provide some evidence of the ecological validity of our study.

Interesting differences emerged when our data were broken down by country, however. Among US detectives, estimates of the frequency of identifying the suspect, identifying a filler, and making no identification were 54%, 18%, and 31%, respectively, whereas among Canadian detectives, the estimates were 35%, 22%, and 46%, respectively. US participants’ estimate of the frequency with which a suspect was identified was significantly greater than that of Canadian participants, \( t(135) = -5.17, p < .001 \), two-tailed, \( d = -0.91 \), while Canadian participants estimated significantly more nonidentifications than US participants, \( t(134) = 3.62, p < .001 \), two-tailed, \( d = 0.64 \). There was no significant difference in estimates of filler identifications \( t(134) = 1.55, p = .12 \), two-tailed, \( d = 0.28 \).

We also compared US and Canadian respondents’ estimates of their lineup results to the benchmarks provided by Wright and Loftus (2008) using one-sample \( t \)-tests. Compared to the 40% benchmark for suspect identifications, US participants reported significantly more suspect identifications, \( t(51) = 4.80, p < .001 \), two-tailed, \( d = 0.66 \), and Canadian participants reported significantly fewer, \( t(84) = -2.10, p = .04 \), two-tailed, \( d = -0.23 \). Compared to the 40% benchmark for nonidentifications, US participants reported significantly fewer nonidentifications, \( t(51) = -3.15, p = .003 \), two-tailed, \( d = -0.44 \), and Canadian participants reported significantly more, \( t(83) = 2.11, p = .04 \), two-tailed, \( d = 0.23 \). There were no significant differences in foil identifications compared to the 20% benchmark (all \( p > .24 \) and all \( d < .13 \)). We speculate on reasons for these differences in the discussion.

**Discussion**

This study extends previous research in two ways. Whereas a large number of studies use laboratory-based techniques to show how varying lineup procedures affect eyewitnesses’ likelihood of choosing and ultimate choices, few have examined how often detectives use these procedures, and none has done so cross-nationally. In addition, although a great deal of research focuses on how administrators’ post-identification feedback affects eyewitnesses’ behaviors, little research examines the impact of information provided before and during a lineup.

In terms of the practices employed by respondents, American detectives were quite unlikely and statistically less likely than Canadian detectives to report that they used reform-minded practices such as double-blind lineup administration, sequential lineup
presentation, and videotaping. The vast majority of American respondents said they use a single-blind procedure in which the detective administering the lineup knows who the suspect is. While this practice is not inconsistent with the NIJ Guidelines which state that ‘Blind procedures are not included in the Guide but are identified as a direction for future exploration’ (p. 9), the finding is fairly disconcerting nonetheless. A seminal article published in 1998 outlined empirically based recommendations for lineups that included the directive that the person conducting the lineup should not be aware of which lineup member is the suspect (Wells et al., 1998). More than 20 years ago, the International Association of Chiefs of Police advised that officers not assigned to the case should handle lineups as:

this helps to minimize the possibility that the officers who are conducting the investigation will, in their zeal to solve the case, convey … clues to the witness as to which person to pick out, or put pressure on the witness to pick out somebody. (International Association of Chiefs of Police, 1992, p. 3)

The advantages of double-blind lineups have been known for more than two decades, yet many jurisdictions still allow detectives privy to the suspect’s identity to conduct the lineup.

The vast majority of Canadian detectives said they use sequential presentations exclusively (consistent with the Sophonow requirement), whereas three-fifths of American detectives said they use simultaneous presentations exclusively. The latter practice is consistent with NIJ language to the effect that no consensus exists that sequential presentation can be recommended as the preferred procedure.

Few American detectives reported that they videotape lineups, whereas a large majority of Canadian detectives said they did so. Surprisingly, whether detectives had received specialized training in identification procedures had no effect on the likelihood that they used double-blind administration and sequential presentation (though it did enhance opinions about videotaping the procedure). These findings suggest that police training on research-based reforms may be less effective than desired, a point to which we return.

A second objective of this study was to determine how detectives actually interact with eyewitnesses prior to and during a lineup: what they say and what they refrain from saying. We observed few reasons for concern in detectives’ pre-lineup dealings with eyewitnesses, and there were no important differences between the practices of Canadian and American detectives at this stage. Nearly all officers tell the witness that the suspect may or may not be in lineup and refrain from saying that they have a suspect in custody. Importantly though, one-third of both samples fail to tell witnesses that it is important to clear the innocent even though that recommendation is included in both the NIJ Guidelines and Sophonow guidelines. This is perhaps not surprising given that the police typically work closely with the prosecution, rather than the defense.

The self-reported data on detectives’ interactions with eyewitnesses who have made a positive identification are mixed. Most detectives refrain from providing results of co-witnesses’ identifications and remind witnesses not to discuss the lineup results, but fewer than half of Americans and only one quarter of Canadians ask for a confidence rating, despite the fact that the NIJ recommendation is explicit on this point, and the Canadian directive is only somewhat less so. More concerning is the finding that only two-thirds of detectives apparently refrain from giving positive feedback to a witness who has made
an identification. As researchers (e.g., Douglass & Steblay, 2006; Dysart et al., 2012) have shown, this type of feedback can have multiple and serious consequences for innocent suspects.

Equally concerning are ways that detectives interact with eyewitnesses who have not made identifications after 12 seconds and 3 minutes. In a laboratory-based study, Clark et al. (2009) showed that subtle and indirect information provided to eyewitnesses during a lineup can affect their choices and certainty. The present study raises the possibility that in their seemingly innocuous comments and questions, detectives who administer lineups may be providing subtle cues that influence eyewitnesses’ lineup decisions and confidence in their choices.

At the 12-second point, only half of detectives apparently refrain from saying anything to the witness though Canadians are more likely than Americans to refrain. At both the 12-second and 3-minute points, the majority of respondents said that they ask whether witnesses would like more time (akin to telling witnesses to ‘take your time’), and more than one-third of American detectives reported asking the witness whether someone in the lineup resembles the perpetrator more than others. The latter is the very behavior that Clark et al. (2009) determined could affect witnesses’ decisions. In many respects, pre-identification questions of this nature are more troubling than post-identification questions because they can affect the likelihood of choosing, the accuracy of witnesses’ choices, and their certainty moving forward. Overall, these findings suggest that in the ways they talk with eyewitnesses during a lineup, detectives can exert discrete pressure on witnesses to make a choice and to become more certain of the correctness of that choice. But the results also show that Canadian detectives are less likely than Americans to pose the kinds of questions that will exert these subtle influences. At the 12-second and 3-minute marks, Canadian detectives were, according to our data, more likely than American detectives to behave in accordance with recommended procedures, perhaps because the structural lineup reforms implemented in Canada (e.g., double-blind, sequential presentation) sensitize detectives to other nuances involved in conducting lineups.

In addition to asking about common practices and verbal interactions, we asked detectives to approximate how often eyewitnesses selected suspects and fillers from lineups and how often they make no identification. We can compare their estimates with figures from actual cases in the USA as reported by Wright and Loftus (2008). We found that American detectives estimated significantly higher rates of suspect identifications than Canadian detectives and the Wright and Loftus data and that Canadian detectives estimated significantly higher rates of nonidentifications than their American counterparts and the Wright and Loftus data. (The probabilities of suspect identifications and nonidentifications are not inversely related because a variable percentage of eyewitnesses select fillers from the lineup.)

Assuming that the population parameters in the data analyzed by Wright and Loftus are consistent with both of our samples, then the national differences in estimations of suspect identifications and nonidentifications may be simple over- and underestimates. This result would replicate a finding by Wise et al. (2011) and suggests that detectives may not be particularly well-calibrated on the outcomes of lineups. A second possibility is that the population parameters for one or both of our samples are inconsistent with those of Wright and Loftus. This may occur because – as other research has shown – improved procedures like those used in Canada generally decrease the overall suspect identification rate regardless of whether the true perpetrator is present (Clark, 2012).
There is ongoing debate about the causes of this finding (criterion shifts vs. relative decisions) as well as the costs and benefits associated with using the recommended procedures (see, e.g., Clark, 2012; Newman & Loftus, 2012; Wells, Steblay, & Dysart, 2012).

It is important to acknowledge some limitations in our methodology that temper the implications of our findings. First, we used a convenience sample of police officers who attended professional conferences in their respective jurisdictions. These participants may differ in several ways from the population of officers who administer lineups to eyewitnesses. The practices of robbery detectives may also differ from those of other kinds of detectives (e.g., those who investigate sex crimes), including in the extent of their training on administering lineups. Second, we asked about specific behaviors using close-ended questions borrowed from Clark et al. (2009), rather than allowing respondents to tell us in their own words what they do during lineups. Asking specific questions has the advantage of providing uniform data on issues of particular interest but has the disadvantage of limiting the range of responses and increasing the opportunity for socially desirable responding. Because we were interested in comparing detectives’ behaviors to published recommendations, we opted to ask directly whether their actions conform to these endorsements, and we acknowledge that this may have resulted in some biased responses. One might also question our decision to ask detectives about their actions at 12 seconds and 3 minutes into a lineup, rather than at other points in the procedure. We selected these points to assess detectives’ actions when it is becoming apparent that a swift identification will not occur (12 seconds) and when it is becoming apparent that no identification may occur (3 minutes). But we acknowledge that those junctures are arbitrary and that we could have asked detectives about their actions at other times during the administration of the lineup. Finally, we assessed whether officers were following procedures recommended by the NIJ when we could have compared their behavior to voluminous research findings or to the recommendations put forward in other guidelines (i.e., the ABA Statement of Best Practices and the International Association of Chiefs of Policy model policy). Further, the NIJ recommendations are obviously not intended for use in Canada. We made this decision for several reasons: the NIJ Guidelines are generally consistent with research findings and thus constitute ‘best practices’ in conducting lineups; as noted previously, they are relatively detailed and encompass most of the recommendations of the Sophonow Inquiry; and they have been adopted by some state and local jurisdictions, suggesting that there is burgeoning recognition of their merit. In essence, they constitute the ‘gold standard’ of lineup practices, and we suspect that they and other recommendations that flow from empirical research will eventually shape the way that law enforcement agencies administer lineups.

Despite these limitations, one clear finding of the study is that many jurisdictions – particularly in the USA – have not yet adopted ‘best practices’ in lineup presentations. As a result, many police officers apparently interact with eyewitnesses in fairly informal and colloquial ways, as one might engage in a conversation with a friend or acquaintance. This situation stems from lack of clear guidance on the specific procedures and language that detectives should use (and not use) to reduce their influence on eyewitnesses’ choices. In fact, the Police Executive Research Forum (2013) recently surveyed 619 police agencies in the USA and learned that more than 80% lack written policies on how lineups should be conducted. Given the lack of agency guidelines, it is little wonder that police officers conduct lineups in an informal, conversational manner that can lead to untoward results.
This begs the question of why law enforcement agencies, particularly in the USA, have failed to adopt written guidelines or recommended procedures. According to experienced law enforcement officers who assisted Wise et al. (2011) with their survey, detectives are generally suspicious of laboratory-based recommendations because they perceive that researchers are defense-oriented. Wells (2006) suggests other reasons, including a communication gap in which researchers publish their findings in scientific journals that are not readily accessible to law enforcement. Further, like other professionals, police officers learn from their predecessors who may have had little understanding of the nuanced and powerful ways that feedback provided during and after a lineup can affect an eyewitnesses’ behavior. If officers receive any training on eyewitness issues, it is typically a onetime, brief discussion that focuses solely on legal requirements of a lineup (Wells, 2006).

One way to spur reforms in how lineups are conducted is through pressure from prosecutors. At present, many prosecutors may be unfamiliar with promising reforms, and those who are informed may worry that pressuring detectives to modify their practices will acknowledge concerns about previously used procedures. But jurors apparently base their decisions about the accuracy of an eyewitness’ lineup choice (and hence, the defendant’s guilt) on whether the police followed recommended procedures (Lampinen, Judges, Odegard, & Hamilton, 2005), a situation that may prompt prosecutors to reevaluate their hands-off approach. In fact, they may now have an incentive to direct detectives to adhere to research-based reforms which can ultimately reduce the likelihood of mistaken identifications.

Notes
1. The Sophonow guidelines tell detectives to question the witness about the degree of certainty following a positive identification from a live lineup but admittedly say nothing about a certainty rating subsequent to a positive identification from a photospread.
2. Although they do not explicitly recommend double-blind presentation of sequential lineups, as the vast bulk of empirical research would suggest is the preferred procedure.

References


