

The Houston Police Department Eyewitness Identification Experiment:

# SAMPLING, RESEARCH DESIGN, AND DATA COLLECTION

A Report to the Houston Police Department







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William Wells  
College of Criminal Justice  
Sam Houston State University

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## ACKNOWLEDGMENTS

Conducting high-quality field experiments in the criminal justice system presents significant obstacles. Criminal justice scholars have learned it is essentially impossible to conduct good field experiments without the support and cooperation of the people who work in the system every day. Many individuals in the Houston Police Department have supported this experiment and have helped design and launch this study. This space is not adequate to acknowledge the dedication and support these people have demonstrated. The following individuals have played an instrumental role in launching the experiment:

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George Buenik, Assistant Chief

Mark Holloway, Captain

James Jones, Captain

Heather Morris, Lieutenant

Steve Morrison, Sergeant

The men and women of the Robbery Division have also provided a tremendous level of support and have offered insights and recommendations that have helped set the stage for a successful experiment. These men and women are to be commended for embracing the demands of a unique experiment that will benefit police departments in Texas and around the country.

A group of four distinguished scholars serve on the project advisory board and have provided valuable feedback about the design of the study, the treatment conditions being tested, and data collection procedures. The advisory board has collective expertise in the area of research on eyewitness identification procedures and on the nuances of conducting successful field studies with large police agencies. The advisory board includes the following individuals:

Steve Clark, Ph.D., University of California at Riverside

Jennifer Dysart, Ph.D., John Jay College of Criminal Justice

Edward Maguire, Ph.D., American University

Jeremy Wilson, Ph.D., Michigan State University

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## INTRODUCTION

This is the first in a series of reports that will provide detailed information about the Houston Police Department (HPD) Eyewitness Identification Experiment. Subsequent reports will provide updated information on the status of the experiment and preliminary results. The purpose of this report is to describe the study design, sampling procedures, and data collection methods.

The author was selected to serve as the principal investigator on this project in the spring of 2012, but had been informally collaborating with members of HPD on the study plans since summer 2011. In 2011 and 2012 HPD partnered with researchers from Rice University in an attempt to develop software that would allow for photo spreads to be shown to eyewitnesses via laptop computers. The experiment would be conducted in the HPD Robbery Division because the largest volume of photo spread and lineup procedures are conducted by robbery investigators. A decision was made to exclude other investigative units because of the practical complexity this would introduce. The researcher - HPD team was not able to develop software that could be used to display photo spreads to eyewitnesses. HPD personnel made the decision to continue the experiment under the direction of the author, but without computerized display techniques. Instead, the experiment would test “low-tech” procedures that are more frequently used during the course of criminal investigations. In this regard the experiment has strong external validity. This report describes the identification procedures that are being tested, the elements of the research design, and the steps that led up to the start of data collection. Data collection began on January 22, 2013.

## CASE ASSIGNMENT PROCEDURES

The Robbery Division is comprised of a captain and approximately 90 staff, of which approximately 60 are assigned to investigative duties. Within the HPD organizational structure, the Division falls under the Criminal Investigations Command. Investigators in the Division are assigned to one of seven squads: bank, Latino, evening shift, north, south, west, and midwest. Cases assigned to the bank squad are excluded from the experiment because the squad works closely with, and sometimes under the direction of, the Federal Bureau of Investigations (FBI). The FBI is not a collaborator on this study so the bank squad is excluded.

All robbery reports made to HPD are routed to the Robbery Division for investigative review and follow-up. Officers in the case management squad of the Robbery Division review all reports and then provide each case with one of five assignment designations. The case management squad consists of two sergeants and two officers. The squad is typically staffed with two sergeants and four officers but retirements and transfers have reduced this number to its current level. Case managers review each case and examine case characteristics to determine whether solvability factors, or investigative leads, are present. The presence or absence of investigative leads determines how a case is classified for investigative follow-up.

Each case is placed into one of the following categories: work, contact, pending, monitor, office, and transfer. “Work” and “office” cases are assigned to robbery investigators to be investigated because these cases have investigative leads, including names or addresses of suspects, license plate numbers of involved vehicles, or useable video footage. The primary difference between “work” and “office” cases is the relationship between the complainant and suspect. “Office” cases include all cases in which the parties are non-strangers. “Contact” cases do not contain investigative leads so they are not assigned to an investigator. “Pending” cases do not contain strong investigative leads but are assigned to investigators because leads may develop. Examples of pending cases include instances in which video evidence has not yet been retrieved or vehicles have not been examined for the presence of fingerprints or DNA. Once evidence has been examined for the presence of leads the “pending” cases

will be re-classified into another category, such as “contact” or “work.” “Monitor” cases possess the elements of a robbery but they have been assigned to investigative work by another unit, such as the Adult Sex Crimes Unit or the Juvenile Unit. If necessary, robbery investigators may be requested to assist with the investigation. “Transfer” cases are those that have come to the attention of Robbery Division but should be assigned to another investigative division like homicide or sex crimes. In these instances the case will be transferred to the proper law enforcement agency.

A crime analyst is assigned to the Robbery Division and is responsible for reviewing reports and identifying patterns and trends. Division personnel report that the crime analyst and case managers are able to identify cases that are connected to one another through case reviews. These are referred to as “serial” cases. The crime analyst will contact investigators who are assigned to investigate cases that are part of a potential series. The analyst will share information with the investigators that suggest the cases are connected. When investigators determine cases are part of a series the series is provided a series case number. This permits tracking the status and outcomes of the cases that are connected.

## IDENTIFICATION PROCEDURES

During a six-month period between August 1, 2011 and January 31, 2012 Robbery Division personnel conducted over 800 photo procedures and nearly 100 live lineup viewings.<sup>1</sup> While statistics are not available from a sample of similar agencies, anecdotal evidence suggest HPD is somewhat of an outlier in terms of frequently using live lineups.<sup>2</sup> It is also important to note that sometimes live lineups are conducted with eyewitnesses and suspects after a photo spread procedure was conducted with the eyewitness and suspect. Robbery personnel refer to live lineups in these situations as confirmation lineups. In some cases prosecuting attorneys will request these confirmation lineups be conducted once a suspect is in custody.

Robbery investigators use their discretion when determining whether to conduct a live lineup or a photo spread procedure, but circumstances will frequently determine that live lineups are prohibitive. For instance, it is prohibitive to conduct live lineups with suspects who are not in custody or in situations in which suitable individuals cannot be found to participate as fillers in live lineups. Thus, the large majority of eyewitness identification procedures are photo spreads.

For purposes of the experiment data will be conducted on live lineup, video showings, and photo spread procedures. While it is not a primary objective of the study to compare these different procedures, the availability of data will allow for some basic comparisons of selection outcomes across these methods. It is expected that only a relatively small number of live lineup cases across the experimental conditions will be available for analysis, thus reducing confidence in conclusions about potential differences.

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1 This date range is used because data were explicitly collected on photo spreads and lineups conducted during this period of time. These data are not routinely available in a format that permits analysis.

2 Through informal discussions with investigative personnel from Texas police agencies and during observations of eyewitness lineup training sessions conducted in 2012, the author has learned that the large majority, nearly all, agencies and investigators do not utilize live lineup procedures. It is not known how the use of photo spreads compared to live lineups impacts the quality of police investigations.

## EXPERIMENTAL CONDITIONS AND PROCEDURES

The experiment is designed to test the outcomes of four different methods of showing photos and individuals to eyewitnesses:

- blind sequential
- blind simultaneous
- blinded sequential
- blinded simultaneous

Each of these procedures is consistent with HPD eyewitness identification procedures and does not introduce new procedures. All HPD criminal investigators were trained on the use of these procedures in late 2012.

With a simultaneous presentation method the eyewitness views all photos or live lineup members at the same time. In a sequential presentation method, photos and live lineup members are viewed one at a time. With a blind procedure the primary investigator who knows the identity of the suspect prepares the photo spread but an investigator with no knowledge of the suspect's identity conducts the viewing procedure with the witness. Finally, the primary investigator conducts the viewing in a blinded procedure, but a mechanism is used to prevent the investigator from 1) knowing the suspect's position in the photo spread or lineup and 2) knowing which photo or individual the suspect is viewing. The detailed procedures HPD robbery investigators use for this experiment are described in Appendix F. Robbery investigators were provided with these instructions during training sessions held in December 2012. These instructions were modified slightly to include some additional details. The modified instructions were included in a small booklet and distributed to investigators for their reference.

Administering photo spreads and live lineups in a blind manner is relatively straightforward. An independent administrator who does not know the identity of the suspect and who does not know the position of the suspect in the photo spread or lineup can administer the procedure. This minimizes any potential expectancy effects. Blinded procedures can be accomplished in more than one way but the intent is to reduce the chances for the police administrator to influence the witness' selection. As part of the American Judicature Society field experiment, investigators utilized laptop computers to present photo lineups to eyewitnesses.<sup>3</sup> In this instance, the investigator provided the witness with a laptop computer that administered the photos and presented a series of questions to the witness. The involvement of investigators was minimized. Laptop administration methods can help ensure a treatment condition is randomly assigned in each photo viewing opportunity.<sup>4</sup>

A low-technology method that is more widely available to police agencies relies on manila folders or envelopes. This procedure is commonly referred to as the "folder shuffle method" when photos are administered in a sequential manner.<sup>5</sup> Folders and envelopes can also be used with a simultaneous presentation method to reduce the chances an investigator will influence a witness' selection. The experiment relies on the folder method with sequential and simultaneous techniques because it

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3 Wells, Steblay, & Dysart, 2011

4 The use of laptop computers currently presents challenges for administering eyewitness identification procedures in the field. As indicated above, researchers working with HPD were unsuccessful in creating a computerized photo spread administration procedure between September 2011 and March 2012.

5 Innocence Project, n.d.



represents a blinded technique that is likely to be used by many police agencies.<sup>6</sup> The experiment is strong in this respect because the techniques being tested are currently used or being considered for use by HPD and other police agencies in Texas.<sup>7</sup> See Appendix F for a complete description of the blind and blinded procedures used in the experiment.

### Admonishments

The admonishment form HPD used as of January 2013 will continue to be used throughout experiment (See Appendix D).<sup>8</sup> Investigators have been trained to read each item on the form and then, after reading each item, to ask the witness if s/he understands each element. The admonishment includes several elements that are considered best practices<sup>9</sup> and that are pertinent to the experiment. First, pressure to select someone is reduced by instructions that indicate the perpetrator may or may not be present and that the witness is not required to select someone. Second, the witness is informed that the persons may not appear exactly as they did at the time of the crime. Third, the possibility of contamination across witnesses is reduced because witnesses are asked to avoid talking about the case or the identification procedure with other witnesses.

## RANDOMIZATION PROCEDURES

All “work,” “office,” and “pending” reports received by the Robbery Division are being randomly assigned to receive one of the four experimental procedures for showing photo spreads and live lineups to eyewitnesses: blind sequential, blinded sequential, blind simultaneous, or blinded simultaneous. In cases of live and video lineups a blind, an independent administrator who does not know which lineup member is the suspect administers the lineup; the investigator working the case is not present when the eyewitness is viewing the live lineup. The characteristics of the case determine whether a live lineup or a video lineup will be conducted.<sup>10</sup> For instance, prosecutors may request a live viewing when a suspect is in custody and it is not possible to conduct a live or video lineup when a suspect is not in custody. “Work,” “office,” and “pending” cases are assigned to a treatment condition because these are the case classifications that generate investigative activities, including photo viewings and lineups.

6 The Texas Code of Criminal Procedure 38.20 requires that police agencies administer photo spreads in a blind manner or in a proven manner that reduces the chances that an administrator can influence a witness during the procedure. The experiment utilizes a folder to accomplish this with a simultaneous presentation. In addition, the Austin (TX) Police Department participated in a field experiment (Wells et al., 2011) that utilized computers to administer photo spreads. The department abandoned the use of computers at the conclusion of the study and, as of January 2013, uses blind administrators to administer photo spreads in a sequential manner.

7 See Shadish, Cook, and Campbell (2002) for a discussion about value of treatment construct validity and external validity. Studies that test procedures most similar to the treatments that will be used by police agencies generate findings that can be most easily generalized.

8 Implementing a field experiment that is consistent with the way it is designed can be challenging (Weisburd, Petrosino, & Mason, 1993). Decisions were made to avoid changes to many aspects of photo spread and lineup administration methods that would create additional burdens on investigators. For instance, the HPD admonishment form was not modified and audio and video recording requirements were not introduced.

9 United States Department of Justice, 1999; Wells et al., 1998

10 When case managers classify and assign cases to investigators they do not know if it will be possible to conduct a live lineup during the investigation. Thus, it is not possible to randomly assign “photo viewing” and “live lineup” treatments to the criminal cases. The main purpose of the study is to investigate photo viewings, but data will also be gathered for live lineups to ensure procedures, including data collection, are consistent. In addition, with a sufficient sample of live lineups it may be possible to make comparisons with photo viewings.

When a robbery report is routed to the Robbery Division it is automatically assigned an HPD case number (referred to as an “incident number” in HPD databases) by the computerized information management system. For purposes of the study, the case number determines which experimental procedure is used in a case. The last two digits of the case number represent the year the event occurred (i.e., 12 for cases occurring in 2012) and will not determine which procedure is tested. The third digit and the fourth digit from the last digit represent sequential numbers that are automatically generated by HPD data systems. The third from the last digit determines whether a simultaneous or a sequential method is to be used. When the third from the last digit is an even number then a simultaneous procedure is used and when the digit is an odd number a sequential procedure is used. The fourth from the last digit determines whether a blinded or a blind method is used. When the fourth from the last digit is an even number then robbery investigators use a blinded procedure and when the digit is an odd number the investigators use a blind procedure. Robbery investigators do not have discretion in determining the case number that is assigned to a case and they do not control which cases are assigned to them by case managers. Thus, random assignment of cases to treatment conditions will create groups of identification procedures and criminal cases that are roughly equivalent in important ways.<sup>11</sup>

All photo spreads, video showings, and live lineups conducted in a given case utilize the same method that is assigned to the case number. For instance, in the instance of an odd case number that entails the administration of photo spreads to five different witnesses, all five photo spreads are shown with the simultaneous method. This ensures that the same method is used with all witnesses in a case and will minimize potential confusion with jurors, attorneys, and judges if a case proceeds to trial.

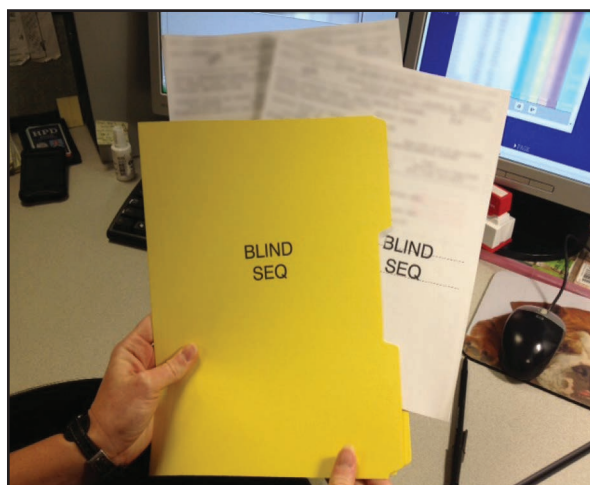
In the case of serial events, all cases in the series utilize one consistent method of administering photo spreads, video showings, or live lineups to witnesses. If no procedure has been conducted with any witnesses when the series is identified, the treatment procedure assigned to the older case in the serial determines which presentation method is used. In these situations, all eyewitness procedures in the cases that are part of a series rely on the same administration procedure (i.e., simultaneous or sequential). When series cases are connected together and different viewing procedures have already been used in these cases, a lieutenant or captain decides which case in the series is most central to the investigation; all future viewing procedures utilize the method that was used in that most central case. Decisions about handling serial cases were made to avoid potential confusion and concern that the use of different methods may cause for jurors, attorneys, and judges should the serial cases advance to court proceedings.

When case managers assign cases to investigators they stamp the procedure to be used on the front page of the case file and stamp the outside of the color-coded case file folder with the eyewitness identification procedure to be used. Red folders are used for blinded simultaneous procedures, green folders are used for blind simultaneous procedures, blue folders are used for blinded sequential procedures, and yellow folders are used for blind sequential procedures. Figure 1 shows the first case in the study that was assigned to a treatment condition.

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11 See Shadish, et al. (2002) for a description of why randomization is uniquely valuable for understanding causal relationships between treatments and outcomes.

Figure 1. The first robbery case assigned to an experimental treatment condition, January 22, 2013.



Adherence to experimental conditions and to administration protocols are measured through several mechanisms and are discussed in detail below. First, survey data are collected from investigators and from complainants and witnesses immediately following the photo spread, video showing, or live lineup (see Appendix A and B). Their reports of the method used are linked through case numbers in order to understand adherence to the experimental conditions. Second, research personnel observe a non-randomly selected set of photo spreads, video showings, and live lineups in order to document aspects of the procedure (see Appendix C). This documentation is used to assess the extent to which protocols are followed in cases. Finally, data are collected from investigative case files and permit an assessment of consistency with survey data and treatment assignment (see Appendix E).

## DATA COLLECTION PROCEDURES

### Surveys

Investigators have been provided with large envelopes containing surveys they complete and that witnesses complete following each identification procedure. Each large envelope includes a detective survey, a witness survey, and a smaller envelope the witness will use to seal the completed survey. After each photo spread and lineup procedure is completed, investigators ask witnesses to complete a survey (Appendix B), seal it in the envelope provided, and hand it to the investigator. Two versions of the witness survey are utilized: one for English speaking/reading witnesses and one for Spanish speaking/reading witnesses. If the witness indicates that he/she does not want to complete the survey the investigator asks him/her to seal the blank survey in the envelope. To increase response rates, investigators ask witnesses to complete the survey at that moment and hand it to them instead of asking them to complete it at a later time and mail it to SHSU. The witness survey includes a subject information sheet approved by the SHSU Institutional Review Board that describes the study and explains the nature of their participation.

The investigator also completes a survey at the conclusion of each identification procedure (see Appendix A for the instrument and Appendix F for the instructions). To answer some questions on this survey the investigator may have to ask questions of the witness and of another investigator when blind procedures are used. Both surveys are placed in the large envelope and returned, via inter-office mail, to the Robbery Division at HPD headquarters. A member of the SHSU research team makes

routine trips to collect the surveys. Survey data are entered into an electronic database at SHSU. When data entry and reliability checks are completed, all surveys are returned to HPD by a member of the SHSU research team. The investigator and witness surveys were created in close consultation with several members of the Robbery Division and HPD executives. The instrument underwent several stages of review and modification.

### Observations

Researchers observe robbery investigators conducting photo spread and lineup procedures and record basic pieces of information (Appendix C). The purpose is to assess the extent to which experimental conditions are being followed and to check on the extent to which data are being recorded accurately and consistently. Researchers are present during procedures and sit or stand in a location where they do not interfere with the procedure but are able to observe and listen to procedures. It is not possible to observe a large, random sample of identification procedures because members of the research team are not available around the clock to observe procedures. Rather, the research team maintains communication with members of the Robbery Division to learn about when procedures are scheduled to be conducted. When a procedure is scheduled and a member of the research team is available to observe the procedure, the research team member arranges to meet with the investigator and observe the procedure. When observational data are collected they are entered into an electronic database at SHSU and will be provided to HPD at the conclusion of the study.

### Case Files

Data consistency is also assessed by comparing investigator survey data, eyewitness survey data, and case file information (see Appendix E). For instance, information documented in the case file about the method that was used to administer photo spreads and the selection outcomes will be compared to the information documented in surveys. In addition, case management data will be used to determine the cases in which survey data are not available. A sample of these robberies will be selected and their case files will be examined to confirm that no photo spread or lineup procedure was conducted in these cases.

## FIDELITY

An important challenge with field experiments in criminal justice is ensuring that research protocols are followed.<sup>12</sup> Criminal justice system actors are accustomed to using their discretion and making individualized, discretionary decisions. Field experiments, like the one described here, impose new protocols, disrupt work routines, and sometimes remove discretion from certain decisions. For these reasons it is important to monitor study fidelity. For the project described here it is important that 1) cases are randomly assigned to administration procedures; 2) investigators use the administration procedure that is assigned to specific cases; and 3) detective and witness surveys are accurately completed and returned. It is critical that the groups of cases assigned to each of the four experimental conditions are, in the aggregate, equivalent. Random assignment to the four treatment conditions and adherence to research protocols are likely to produce groups of cases that are equivalent. The research design includes elements to measure the extent to which research protocols are being followed and that groups are equivalent.

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12 Sherman, Schmidt, & Rogan, 1992; Weisburd et al., 1993



In addition to examining data, the principal investigator maintains regular contact with Robbery Division personnel through phone calls, e-mail correspondence, and face-to-face meetings. This communication occurs on a weekly basis and often entails multiple contacts more than once per week. If data and discussions suggest that some study protocols are not being followed and investigators face challenges, the research team and HPD personnel will discuss solutions.

### Administration Procedures

Simply because a case is supposed to be administered in a particular method does not mean it will be administered in that method. There are a variety of reasons why the assigned method may not be used. For instance, exigencies during a criminal investigation may require that a particular procedure be used, and this may differ from the procedure assigned to the case. It is also possible that mistakes are made and investigators inadvertently deviate from protocols. Researchers will observe a set of photo spread procedures and examine witness and investigator surveys and case file data to determine whether the photo spread and lineup administration method that was assigned to a case was actually used to administer the photo spread or lineup and that protocols were followed. In an ideal situation, a large number of photo spread viewings and lineup procedures would be video and audio recorded so they could be reviewed to understand the extent to which procedures have been followed. This requirement would introduce a new series of procedural requirements that were judged to be cumbersome in the context of the experiment. Introducing an array of procedural changes would potentially undermine treatment fidelity as well investigator buy-in.

In anticipation of changes to the HPD General Orders for identification procedures in September 2012, all criminal investigators underwent training on the use of blind, blinded, sequential, and simultaneous techniques. Despite this training, discussions with investigators revealed a preference for using blinded and simultaneous methods.<sup>13</sup> Thus, many investigators have not used some identification procedures that are tested. The experiment measures the extent to which viewing procedures are being followed by comparing witness and detective surveys and through observations of a sample of photo spreads and live lineups. These data will allow for an understanding about the extent to which viewing procedures are followed.

### Fairness of Photo Spreads

Routine practice is for investigators to create photo spreads by selecting the suspect's photo and filler photographs. This procedure is followed during the course of the experiment in order to replicate normal operating procedures that exist outside of the context of the experiment. This presents a potential threat to the validity of the study if investigators create photo spreads that are biased for some set of treatment conditions. In other words, investigators may intentionally or unintentionally create photo spreads that make it more or less difficult for the witness to select a suspect.<sup>14</sup> If the photo spreads or lineups within a specific treatment condition are more or less challenging than those in other treatment conditions, this makes it difficult to draw conclusions about whether the treatments are responsible for the results. Thus, the experiment will entail an examination of "photo

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13 A member of the project advisory board indicated the term "preference" may be interpreted to mean investigators hold a bias against other methods. The term "preference" is used here to indicate investigators are most comfortable with this method because it is the one most frequently used. During meetings between the author and robbery investigators between November 2012 and January 2013 it became clear that many are open to learning new methods and are interested in using methods that research evidence supports.

14 The author thanks a member of the project advisory board for stressing the importance of this threat to experimental fidelity.

array bias” among a sample of cases. As part of this process a sample of photo arrays will be selected for viewing by a group of individuals who are unfamiliar with the cases. These individuals will read the description of the suspect and then select the person from the photo spread they believe is the suspect. An examination of the selection outcomes across a sample of several individuals will allow for an understanding of the extent to which photo spreads may be biased.<sup>15</sup> While this procedure will not allow for a definitive assessment of all photo spreads conducted during the experiment, it permits an understanding of the extent to which this is a plausible threat in the experiment.

## **PLANNING MEETINGS AND TRAINING**

Several meetings and phone conversations were held with Robbery Division personnel between October and January 2012 prior to launching the study in late January.<sup>16</sup> These meetings were held to explain the study, its history, and purpose; to answer questions; to solicit input about ways to improve the study design and implementation; explain individuals’ roles in the study; and to obtain buy-in and support for the study. A meeting was held October 29, 2012 with seven Robbery Division Lieutenants, including a sergeant who would soon be promoted to the rank of Lieutenant in the Division. The meeting was held to discuss the role of Lieutenants during the study, to answer their questions, and obtain their feedback on the study design, including the survey instruments and procedures to be tested (see Appendix G).

Three training sessions were held with Robbery Division personnel in December 2012 (two on December 5 and one on December 18). The sessions provided background information about the study and its goals and described the procedures that were to be tested (see Appendix H). The main purpose of these meetings was to train investigators on the use of the experimental treatments. These sessions were led by the principal investigator, Robbery Division Captain, and an Administrative Sergeant in the Division. During these sessions the study requirements were explained to investigators who were invited to participate in accordance with the SHSU Institutional Review Board guidelines. Sixty-six members of the Division, including 34 investigators and 23 sergeants, volunteered to participate in the study and contribute survey data. The exact procedures to be tested were verbally explained to the investigators and described on a handout. The procedures were described and demonstrated by the Captain, Sergeant, and principal investigator. At the conclusion of each session, investigators demonstrated each of the four photo procedures (i.e., blinded simultaneous, blind simultaneous, blinded sequential, and blind sequential). Throughout each session investigators discussed aspects of the study and the procedures to be tested.

A meeting was held January 9, 2013 with four Robbery Division case managers to discuss their roles and the procedures to be used when assigning cases to one of the four treatment conditions (see Appendix I). The principal investigator, Robbery Division Captain, and a Robbery Division Lieutenant led this meeting and held discussions with the case managers. Finally, the experiment was discussed during a Robbery Division meeting on January 18, 2013. This meeting was not held solely to discuss the experiment. Rather, this was a routine Division-wide meeting during which the Division Captain emphasized the importance of the study and adhering to protocols, reiterated that investigators should contact him, a lieutenant, or the lead researcher if challenges or problems arise, and addressed investigators’ questions. The principal investigator attended this meeting and also addressed

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15 See Brigham, Ready, & Spier (1990); Malpass (n.d.); Malpass, Tredoux, & McQuiston-Surrett, (2007); Wells & Bradfield (1999)

16 The lead researcher and personnel in the Robbery Division began designing the study and making decisions about procedures in earnest in July 2012. Between July 2012 and the launch of the study in January 2013 the principal investigator frequently met and had phone conversations with a variety of personnel in the Robbery Division, including the Captain, Administrative Sergeant, Administrative Lieutenant, and investigators.

questions. Data collection began Tuesday, January 22, 2013.<sup>17</sup> Robbery cases that were reported to HPD after midnight on January 21 are eligible for inclusion in the study.

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<sup>17</sup> Monday, January 21, 2013 was a City of Houston holiday.

## APPENDIX A

### EYEWITNESS EXPERIMENT INVESTIGATOR SURVEY

If necessary to obtain accurate information, please complete the first section with the witness. Complete the last two sections of this survey without the witness, after the procedure is completed. If this was a blind procedure you may need to obtain information from the lead investigator in order to complete the survey.

Complete this survey for each photo spread and/or lineup you conduct with a witness. For example, complete this survey twice if you show two photo spreads to one witness (i.e., you have two suspects and need to show two photo spreads).

#### **SECTION I: Case background information. Investigator completes with the witness.**

1. **Approximately how long did the witness observe the offender(s) during the crime?** [If more than one offender, refer to the offender the witness/complainant observed longest]

----- 15 seconds or less  
----- More than a 15 seconds, but less than 30 seconds  
----- Between 30 seconds and a minute  
----- More than a minute, but less than 5 minutes  
----- 5 minutes or more  
----- Witness did not want to answer  
----- Witness did not know

2. **Approximately how far away was the offender(s) from this witness/complainant during the offense?** [If more than one offender, refer to the offender the witness/complainant was closest to]

----- Just a few feet (3 feet or less)  
----- More than 3 feet but less than 5 feet  
----- Between 5 and 10 feet  
----- More than 10 feet but less than 25 feet  
----- 25 feet or more  
----- Witness did not want to answer  
----- Witness did not know





**9. Was the witness under the influence of drugs or alcohol when they witnessed the crime?**

- Yes
- No
- Witness did not want to answer
- Witness did not know

**10. Has the witness seen the person (or a photo of the person) they believe committed the crime since the crime occurred?**

- Yes
- No
- Witness did not want to answer
- Witness did not know

**11. What is the relationship between the witness and the offender(s)?** [if multiple offenders, mark all that apply]

- Stranger
- Seen before, but is not very familiar
- Casual acquaintance (met or interacted with only a few times)
- Close acquaintance (met or interacted with several times)
- Witness knows the perpetrator well
- Friends
- Relatives (Specify: -----)
- Witness did not answer
- Witness did not know

**SECTION II: Offense and photo spread / lineup information (investigator completes)**

12. Primary investigator assigned to the case (last, first):

-----

**13. Squad:** -----

14. Investigator who conducted the viewing (last, first):

-----

15. Individual who randomized the photo spread (last, first; N/A if it was a lineup):

-----

**16. Date of viewing (MM/DD/YY):** \_\_\_\_ / \_\_\_\_ / \_\_\_\_ **17. Time of viewing (hh:mm):** \_\_\_\_:\_\_\_\_

**18. Type of viewing:** \_\_\_\_\_ Photo spread                      \_\_\_\_\_ Live lineup                      \_\_\_\_\_ Video lineup

**19. Method:**                      \_\_\_\_\_ Simultaneous                      \_\_\_\_\_ Sequential

**20. Blind procedure:** \_\_\_\_\_ Blinded folder method                      \_\_\_\_\_ Blind administrator

**21. Lineup number:** \_\_\_\_\_ (Can be VL # for the lineup)

**22. Photo spread number:** \_\_\_\_\_ (Dataworks or your reference #)

**23. Video showing tape number:** \_\_\_\_\_ (Can be # generated by photo spread program; VL # for the lineup)

**24. Was an interpreter used for this photo spread or lineup?**                      \_\_\_\_\_ Yes                      \_\_\_\_\_ No

**25. Regarding photo spreads and the suspect's photo that was included in the spread: What is the approximate date the suspect's photo was taken?**                      \_\_\_\_\_

**26. If a photo spread, type of photos used:** \_\_\_\_ Dataworks                      \_\_\_ TDL \_\_\_ Other

**27. What location was used for the identification procedure?**

- Police station
- Home of witness/complainant
- Witness'/complainant's workplace
- Public location like a store or a restaurant
- Other (specify: \_\_\_\_\_)

**28. Identification procedure results (if selected multiple photos/persons, mark all that apply):**

- Viewing #1:        \_\_\_ A photo or person was not selected
- Photo/person #1    \_\_ Positive \_\_ Strong Tentative \_\_ Weak Tentative
- Photo/person #2    \_\_ Positive \_\_ Strong Tentative \_\_ Weak Tentative
- Photo/person #3    \_\_ Positive \_\_ Strong Tentative \_\_ Weak Tentative
- Photo/person #4    \_\_ Positive \_\_ Strong Tentative \_\_ Weak Tentative
- Photo/person #5    \_\_ Positive \_\_ Strong Tentative \_\_ Weak Tentative
- Photo/person #6    \_\_ Positive \_\_ Strong Tentative \_\_ Weak Tentative

- Viewing #2 (if sequential and witness requested):        \_\_\_ A photo or person was not selected
- Photo/person #1    \_\_ Positive \_\_ Strong Tentative \_\_ Weak Tentative
- Photo/person #2    \_\_ Positive \_\_ Strong Tentative \_\_ Weak Tentative
- Photo/person #3    \_\_ Positive \_\_ Strong Tentative \_\_ Weak Tentative
- Photo/person #4    \_\_ Positive \_\_ Strong Tentative \_\_ Weak Tentative
- Photo/person #5    \_\_ Positive \_\_ Strong Tentative \_\_ Weak Tentative
- Photo/person #6    \_\_ Positive \_\_ Strong Tentative \_\_ Weak Tentative

**29. If the witness changed selections, which photo / person number was selected first?** \_\_\_\_\_

**30. If the witness changed selections, which photo / person number was selected last?** \_\_\_\_\_

**31. How many times (laps) did the witness view the sequential photo spread / lineup?** \_\_\_\_\_

**32. What was the suspect's position number in the photo spread / lineup?** \_\_\_\_\_

**33. Is this the first time the witness was shown this suspect in a photo spread / lineup?**

- Yes
- No



**34. If no, about how many days since the first (or most recent) viewing? \_\_\_\_\_**

**35. If this is not the first time the witness was shown this suspect in an identification procedure, why was the current procedure conducted?**

-----  
-----  
-----  
-----

**36. How quickly did the witness make their selection (if they selected someone)?**

- Immediately (5 seconds or less)
- Not immediately, but rather quickly (more than 5 seconds but less than 15 seconds)
- More than 15 seconds but less than 30 seconds
- More than 30 seconds

**SECTION III: Evidence and suspect information (investigator completes)**

**37. Was any corroborating evidence available in this case?**

- Yes  
 ----- No (eyewitness ID may be the only link between an offender and the crime)

**38. If corroborating evidence exists to implicate the suspect in this identification procedure, please rate it below. Leave the box blank if it does not exist for this suspect.**

	<b>Weak</b>	<b>Moderate</b>	<b>Strong</b>
Crime stoppers tip			
Vehicle license plate			
Vehicle description			
Photo/ video surveillance implicating the suspect in this ID procedure			
Phone number, implicating the suspect in this ID procedure			
Confession by the suspect in this ID procedure			
DNA or fingerprint linking the suspect in this ID procedure to crime			
The suspect in this ID procedure was implicated by another witness / suspect			
The suspect in this ID procedure detained or taken into custody at the scene or after a show-up			
The suspect in this ID procedure was in possession of stolen property			

**39. Other corroborating evidence** (please specify and indicate level of strength):

<b>List below:</b>	<b>Weak</b>	<b>Moderate</b>	<b>Strong</b>

**40. Is this a serial case?** (based on what is known at the time of the identification procedure)

- Yes ----- No



**48. Were you able to see any of the photographs or individuals the witness was viewing during the procedure? For example, did they lay down or turn the page(s) with photo(s) so you could see which photo(s) they were looking at?**

----- Yes ----- No

**49. If yes, please explain what happened that allowed you to see the photos or individuals:**

-----  
-----  
-----  
-----

**50. Please describe any other information concerning the photo spread, lineup, or crime that may be of importance for the study.**

-----  
-----  
-----  
-----

**THANK YOU FOR YOUR TIME AND COOPERATION WITH THE STUDY**

## APPENDIX B

Incident number: \_\_\_\_\_

Witness #: \_\_\_\_\_ or Complainant #: \_\_\_\_\_

Photo spread or lineup # with this witness: \_\_\_\_\_

### INSTRUCTIONS

You should complete a survey for each photo spread and live/video lineup you observe. If you were shown two photo spreads and/or live/video lineups, then you are asked complete a survey for each one. The investigator will give you a survey after each procedure.

Please answer each of the questions listed below. Mark only one answer to each question. When you are done, please put the survey in the envelope that is attached to this survey, seal the envelope, and give it back to the person who showed the photos or lineup to you. If you do not wish to complete the survey, place the blank survey in the envelope that is attached to this survey, seal the envelope, and give it back to the person who showed the photos or lineup to you.

1. If you were shown photos, was the envelope that contained the photos sealed shut with tape when the investigator started the procedure?  
\_\_\_\_\_ Yes            \_\_\_\_\_ No            \_\_\_\_\_ I saw a live lineup or a video lineup
2. How were the photos or individuals shown to you?  
\_\_\_\_\_ One at a time, separately            \_\_\_\_\_ All at the same time, on a single page
3. Did you identify a person in the photo spread or lineup who you saw commit the crime you were asked about?  
\_\_\_\_\_ Yes            \_\_\_\_\_ No
4. When you were looking at the photos was a detective able to see which photo(s) you were looking at? For instance, did you lay the photos down so the detective could see them? If you were shown a live or video lineup instead of photos, please indicate this.  
\_\_\_\_\_ Yes            \_\_\_\_\_ No            \_\_\_\_\_ I saw a live lineup or a video lineup
5. If the photos or individuals were shown to you one at a time, how many times did you look through the set of photos or group of individuals?  
\_\_\_\_\_ Once            \_\_\_\_\_ Twice            \_\_\_\_\_ More than twice
6. Was this the first time you viewed a set of photos or individuals for this crime?  
\_\_\_\_\_ Yes            \_\_\_\_\_ No

7. For the crime you were being asked about, were you a victim or only a witness?

\_\_\_\_\_ Victim and witness                      \_\_\_\_\_ Only a witness

8. Where was the lineup or set of photos shown to you?

\_\_\_\_\_ A Houston PD building (e.g. headquarters or a station)

\_\_\_\_\_ My house or apartment

\_\_\_\_\_ Someone else's house or apartment

\_\_\_\_\_ A public location (e.g. outside on the street, in a car/ park, at a restaurant)

\_\_\_\_\_ My workplace

\_\_\_\_\_ Other (specify: \_\_\_\_\_)

9. How are you related to the person you saw commit the crime (check all that apply if there was more than one offender)?

\_\_\_\_\_ Stranger

\_\_\_\_\_ Seen before, but I am not very familiar with him/her/them

\_\_\_\_\_ Casual acquaintance (met or interacted with only a few times)

\_\_\_\_\_ Close acquaintance (met or interacted with several times)

\_\_\_\_\_ I know the offender well

\_\_\_\_\_ Friends

\_\_\_\_\_ Relatives (specify: \_\_\_\_\_)

10. Please list today's date:    Month: \_\_\_\_\_ Day: \_\_\_\_\_

11. Please indicate the time: \_\_\_\_\_ AM or PM

**Thank You For Your Time**



## APPENDIX C

**Incident Number:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

**Type of lineup:**            \_\_\_ Photo            \_\_\_ Video            \_\_\_ Live Lineup

**Procedure used:**            \_\_\_ Simultaneous            \_\_\_ Sequential

**Did the *investigating* detective administer the procedure?** \_\_\_ Yes            \_\_\_ No

**Identification result:**    \_\_\_ Selected someone    \_\_\_ Did not select someone

**If sequential, how many times did the witness view the photos or lineup?** \_\_\_\_\_

**If a photo spread procedure was used, did the detective use the “folder method?”:**

\_\_\_ Yes            \_\_\_ No

If no, describe the procedure that was used:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**During the procedure was the investigating detective in a position to know which photo or lineup member the witness was viewing?**

\_\_\_ Yes            \_\_\_ No

If yes, please describe why or how:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# APPENDIX D



HPD Incident #: \_\_\_\_\_  
Date and Time: \_\_\_\_\_

## WITNESS ADMONISHMENT

My name is (Print) \_\_\_\_\_; and I can understand the English language: Yes: \_\_\_\_\_ No: \_\_\_\_\_ Initials: \_\_\_\_\_

I understand that I will be viewing individuals for the purpose of identifying and eliminating suspects. Upon completion of the procedure I will be asked to indicate my observations. Initials: \_\_\_\_\_

You are admonished that:

1. The individual who committed the offense may or may not be present.
2. You are not required to select any individual and that it is equally important to clear persons not involved in the crime from suspicion as it is to identify persons believed to be responsible for the crime.
3. The investigation shall continue whether or not an individual is identified.
4. Individuals presented may not appear exactly as they did at the time of the incident because features such as head hair, facial hair, and clothing are subject to change.
5. Individuals presented will be positioned in random order.
6. You shall not discuss the identification procedure with other witnesses.
7. While participating in the viewing, you shall not speak or make gestures or outcries that may be seen or heard by other witnesses.
8. While participating in the viewing, you shall not look for guidance from the administrator.
9. The administrator is prohibited from providing feedback to you regarding your selection or non-selection.
10. If you are participating in the viewing of a photo spread, you shall remain in a position so that no one else including the administrator can see the photo spread.

I have read the above admonishments, or they have been read to me; and I understand what is expected of me for this viewing procedure.

◆ Printed name of witness viewing the procedure: \_\_\_\_\_

◆ Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

◆ Interpreter (Print Name): \_\_\_\_\_ Interpreter (Signature): \_\_\_\_\_

\*\*\*\*\*

### POLICE DEPARTMENT USE ONLY

HPD Employee Observations:

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HPD Employee: \_\_\_\_\_ (Print Name) \_\_\_\_\_ (Signature) Employee No.: \_\_\_\_\_

## APPENDIX E

**Incident Number:** \_\_\_\_\_

**Witness #:** \_\_\_\_\_

**Type of offense:** \_\_\_\_\_

**UCR code:** \_\_\_\_\_

**Date of photo spread or lineup:** \_\_\_\_\_

**Location of photo spread or lineup:**

\_\_\_\_\_

**Type of lineup:**            \_\_\_ Photo            \_\_\_ Video            \_\_\_ Live Lineup

**Procedure used:**            \_\_\_ Simultaneous            \_\_\_ Sequential

**What position number was the suspect in?**            \_\_\_\_\_

**Did the investigating detective administer the procedure?** \_\_\_ Yes            \_\_\_ No

**Identification result:**

\_\_\_\_ Positive

\_\_\_\_ Strong tentative

\_\_\_\_ Weak tentative

\_\_\_\_ Negative

**If sequential, how many times did the witness view the photos or lineup?:** \_\_\_\_\_

\_\_\_\_ Nothing indicated in case file supplement about how many laps were viewed.

**Was the witness also a victim in this crime?:**            \_\_\_\_ Yes            \_\_\_\_ No

**Witness confidence statement:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# APPENDIX F

## SUMMARY OF TASKS

### HPD Eyewitness Identification Experiment

January 22, 2013

1. The stamp on the front of the color coded case file will indicate which procedure to use with every identification procedure in the case.

- There are 4 different procedures being examined in the study:
  - Blind simultaneous (independent administrator shows all photos at once, like in a six pack)
  - Blind sequential (independent administrator shows photos one at a time using folders)
  - Blinded simultaneous (primary investigator shows all photos at once using folder method)
  - Blinded sequential (primary investigator shows photos one at a time using folders)
- It is imperative that you use the method that is assigned to the case because the experiment depends on this.

2. Photo spreads will be conducted by the primary investigator using the folder method or by a blind administrator, also using the folder method. All live lineups and video lineups must be conducted by a blind administrator.

- For the blinded photo spread procedure the primary investigator will show the photos to the witness/complainant using the folder method.
- For the blinded photo spread procedure the primary investigator is prohibited from knowing the location of the suspect's photo in the spread (for simultaneous and sequential). After creating the original photo spread, the primary investigator is prohibited from viewing the photo spread once it has been randomized by another investigator.
- For the blind procedure the primary investigator will identify another Robbery Division Investigator that: 1) has no knowledge of the suspect's identity in the photo spread and 2) does not know the suspect's position in the photo spread being viewed by the witness/complainant in the primary investigator's case.

3. Before conducting any viewing method, complete the HPD "Witness Admonishment" form, ensuring that the witness/complainant understands each element in the form.

4. When showing a photo spread, a live lineup, or a video lineup the Robbery Investigator conducting the viewing will take an SHSU envelope that contains a witness/complainant survey and an investigator survey.

- Complete a survey after each photo spread, live lineup, and video lineup you conduct, even when you conduct multiple identification procedures with the same witness/complainant.
- Be sure to place the incident number and the witness/complainant number at the top of both surveys: the witness/complainant survey and the investigator survey.

- It is imperative to ask every witness/complainant to complete a survey after each photo spread, live lineup, and video lineup they participate in, even when they participate in more than one viewing.
  - It may seem insensitive to ask a traumatized victim or witness to complete a research survey. In these cases it is still important to invite the individual to complete a survey. Rely on your professional experiences when asking victims or witnesses if they would like to complete the survey.
- Ask the witness/complainant if he/she needs help reading the survey. If help is required, please read the survey instructions, questions, and responses to the witness. Allow the witness to write down his/her own answers and then seal the survey in the small envelope.

\* In the remainder of this document the generic term “lineup” is used to refer to both live lineups and video lineups.

## BLINDED PHOTO SPREAD SIMULTANEOUS

### Primary Investigator Shows Photo Spread

1. The primary investigator will select the suspect's photo and filler photos (creates the original/file copy photo spread).
2. Someone other than the primary investigator will do the following:
  - i. Use HPD software (Dataworks) to randomly order the photos.
  - ii. Print the number of photo spreads needed for the investigation (randomly ordering the photos for each photo spread that is printed; each witness/complainant will be presented their own randomized photo spread).
  - iii. Tape the photo sheet and the sheet that lists the photo identifiers into a folder. The "identifier" sheet should face the back of the folder so it can be seen through the photo sheet.
  - iv. Place the folder into an envelope, seal the envelope, initial and date across the seal of the envelope, and place evidence tape across the initials and date.
  - v. Provide the sealed envelope to the primary investigator.
3. The primary investigator will show the photo spread to the witness/complainant, following the protocol for a simultaneous photo spread. All photos will be printed on a single page.
4. It is imperative that the primary investigator does not know the position of the suspect in the photo spread. During the procedure the investigator must be positioned so it is not possible to view the photos while the witness/complainant is viewing the photos.
5. Complete the HPD "Witness Admonishment" form, ensuring that the witness/complainant understands each element in the form. After reading each statement ask the witness/complainant if he/she understands and clarify when necessary.
6. Hand the folder with the photo spread to the witness/complainant so the witness/complainant can look at the photo spread.
7. At the conclusion of the procedure inform the witness/complainant about the study and ask them to complete the brief survey (at that moment). The witness/complainant should complete the survey, seal it in the small SHSU mailing envelope, and then hand it back to the person who administered the photo spread. If the witness/complainant does not want to complete the survey (you may ask, but not require, the witness/complainant to write the word "refuse" on the survey) they should seal the blank survey in the small SHSU mailing envelope, and then hand it back to the person who administered the photo spread.
8. Complete the investigator survey and seal it in the large SHSU envelope, along with the witness/complainant survey that is sealed in the smaller SHSU mailing envelope.
9. Return the large SHSU envelope with both surveys (investigator and witness/complainant) to Sgt. Vorpe via inter-office mail.



## BLINDED PHOTO SPREAD SEQUENTIAL

### Primary Investigator Shows Photo Spread

1. The primary investigator will select the suspect's photo and filler photos (creates the original/file copy photo spread).
2. Someone other than the primary investigator will do the following:
  - i. Use HPD software (Dataworks) to randomly order the photos. The photos used for the sequential method must be the same size as those used with simultaneous method.
  - ii. Print the photo spread and cut out the photos.
  - iii. Tape a photo into each light blue cardstock folder using a consistent taping method. The folders must be ordered in the same way they were numbered in the photo sheet that was printed. For example, the photo in position #1 on the sheet will be placed in folder #1. The photo in position #2 will be in folder #2. A small number will be on the back of each folder. It is important that this order is preserved.
  - iv. Place two empty light blue cardstock folders at the end of the photo spread (i.e., folders #7 and #8). Place the photo "identifier" sheet in folder #8. Use a rubber band to hold the stack of cardstock folders together.
  - v. Place the stack of cardstock folders into an envelope, seal the envelope, initial and date across the seal of the envelope, and place evidence tape across the initials and date.
  - vi. Repeat this process creating additional sequential, randomized photo spreads for as many witness/complainants as needed for the investigation. Each witness/complainant must be presented with their own randomized photo spread.
  - vii. Provide the sealed envelope(s) to the primary investigator.
3. The primary investigator will show the photos to the witness/complainant, following the protocols for a sequential photo spread. Photos will be shown to the witness/complainant individually, one at a time.
4. It is imperative that the primary investigator does not know the position of the suspect in the photo spread. During the procedure the investigator must be positioned so it is not possible to view the photos while the witness/complainant is viewing the photos.
5. Complete the HPD "Witness Admonishment" form, ensuring that the witness/complainant understands each element in the form. After reading each statement ask the witness/complainant if he/she understands and clarify when necessary.
6. Hand each folder to the witness/complainant one at a time so they look at the photos individually.
7. Do not offer the witness/complainant the opportunity to view the photo spread a second time. If the witness/complainant asks to view any or all of the photos a second time, hand all of the cardstock folders, individually, to them in the exact order as the first time.
8. Do not show the witness/complainant the blank folders (#7 and #8). These are extras and you can explain to the witness/complainant that they are empty if you are asked about the empty folders.

**9.** At the conclusion of the procedure inform the witness/complainant about the study and ask them to complete the brief survey (at that moment). The witness/complainant should complete the survey, seal it in the small SHSU mailing envelope, and then hand it back to the person who administered the photo spread. If the witness/complainant does not want to complete the survey (you may ask, but not require the witness/complainant to write the word "refused" on the survey) they should seal the blank survey in the small SHSU mailing envelope, and then hand it back to the person who administered the photo spread.

**10.** Complete the investigator survey and seal it in the large SHSU envelope, along with the witness/complainant survey that is sealed in the smaller SHSU mailing envelope.

**11.** Return the large SHSU envelope with both surveys (investigator and witness/complainant) to Sgt. Vorpe via inter-office mail.

## BLIND PHOTO SPREAD SIMULTANEOUS

### **Primary Investigator Does Not Show Photo Spread**

1. The primary investigator will select the suspect's photo and filler photos (creates the original/file copy photo spread).
2. A Robbery Investigator who does not know who the suspect's identity in the case and who does not know the position of the suspect in the photo spread will show the photo spread to the witness/complainant, following the protocols for a simultaneous photo spread. All photos will be printed on a single page.
3. The primary investigator will do the following:
  - i. Use HPD software (Dataworks) to randomly order the photos.
  - ii. Print the number of photo spreads needed for the investigation (randomly ordering the photos for each photo spread that is printed; each witness/complainant will be presented their own randomized photo spread).
  - iii. Tape the photo sheet and the sheet that lists the photo identifiers into a folder. The "identifier" sheet should face the back of the folder so it can be seen through the photo sheet.
  - iv. Place the folder into an envelope, seal the envelope, initial and date across the seal of the envelope, and place evidence tape across the initials and date.
  - v. Provide the sealed envelope to the investigator who will show the photo spread.
4. During the procedure the investigator who shows the photo spread to the witness/complainant must be positioned so it is not possible to view the photos while the witness/complainant is viewing the photos.
5. Complete the HPD "Witness Admonishment" form, ensuring that the witness/complainant understands each element in the form. After reading each statement ask the witness/complainant if he/she understands and clarify when necessary.
6. Hand the folder with the photo spread to the witness/complainant so the witness/complainant can look at the photo spread.
7. At the conclusion of the procedure inform the witness/complainant about the study and ask them to complete the brief survey (at that moment). The witness/complainant should complete the survey, seal it in the small SHSU mailing envelope, and then hand it back to the person who administered the photo spread. If the witness/complainant does not want to complete the survey (you may ask, but not require the witness/complainant to write the word "refused" on the survey) they should seal the blank survey in the small SHSU mailing envelope, and then hand it back to the person who administered the photo spread.
8. Complete the investigator survey and seal it in the large SHSU envelope, along with the witness/complainant survey that is sealed in the smaller SHSU mailing envelope.
  - i. It may be necessary to obtain some information from the primary investigator in the case in order to complete the survey. Please obtain this information when completing the survey.
9. Return the large SHSU envelope with both surveys (witness & investigator) to Sgt. Vorpe via inter-office mail.

## BLIND PHOTO SPREAD SEQUENTIAL

### **Primary Investigator Does *Not* Show Photo Spread**

1. The primary investigator will select the suspect's photo and filler photos (creates the original/file copy photo spread).
2. A Robbery Investigator who does not know who the suspect's identity in the case and who does not know the position of the suspect in the photo spread will show the photo spread to the witness/complainant, following the protocols for a sequential photo spread. Photos will be shown to the witness/complainant individually, one at a time.
3. The primary investigator will do the following:
  - i. Use HPD software (Dataworks) to randomly order the photos. The photos used for the sequential method must be the same size as those used with simultaneous method.
  - ii. Print the photo spread and cut out the photos.
  - iii. Tape a photo into each light blue cardstock folder using a consistent taping method. The folders must be ordered in the same way they were numbered in the photo sheet that was printed. For example, the photo in position #1 on the sheet will be placed in folder #1. The photo in position #2 will be in folder #2. A small number will be on the back of each folder. It is important that this order is preserved.
  - iv. Place two empty light blue cardstock folders at the end of the photo spread (i.e., folders #7 and #8). Place the photo "identifier" sheet in folder #8. Use a rubber band to hold the stack of cardstock folders together.
  - v. Place the stack of cardstock folders into an envelope, seal the envelope, initial and date across the seal of the envelope, and place evidence tape across the initials and date.
  - vi. Repeat this process creating additional sequential, randomized photo spreads for as many witness/complainants as needed for the investigation. Each witness/complainant must be presented with their own randomized photo spread.
  - vii. Provide the sealed envelope(s) to the investigator who will show the photo spread.
4. During the procedure the investigator who shows the photo spread to the witness/complainant must be positioned so it is not possible to view the photos while the witness/complainant is viewing the photos.
5. Complete the HPD "Witness Admonishment" form, ensuring that the witness/complainant understands each element in the form. After reading each statement ask the witness/complainant if he/she understands and clarify when necessary.
6. Hand each folder to the witness/complainant one at a time so they look at the photos individually.
7. Do not offer the witness/complainant the opportunity to view the photo spread a second time. If the witness/complainant asks to view any or all of the photos a second time, hand all of the cardstock folders, individually, to them in the exact order as the first time.
8. Do not show the witness/complainant the blank folders (#7 and #8). These are extras and you can explain to the witness/complainant that they are empty if you are asked about the empty folders.

**9. At the conclusion of the procedure** inform the witness/complainant about the study and ask them to complete the brief survey (at that moment). The witness/complainant should complete the survey, seal it in the small SHSU mailing envelope, and then hand it back to the person who administered the photo spread. If the witness/complainant does not want to complete the survey (you may ask, but not require the witness/complainant to write the word "refused" on the survey) they should seal the blank survey in the small SHSU mailing envelope, and then hand it back to the person who administered the photo spread.

**10.** Complete the investigator survey and seal it in the large SHSU envelope, along with the witness/complainant survey that is sealed in the smaller SHSU mailing envelope.

**i.** It may be necessary to obtain some information from the primary investigator in the case in order to complete the survey. Please obtain this information when completing the survey.

**11.** Return the large SHSU envelope with both surveys (witness & investigator) to Sgt. Vorpe via inter-office mail.

## Notes on Special Instructions When Using TDL Photos

### **When the Photo Lab is Involved**

1. When using TDL photos it will be necessary for personnel in the HPD photo lab to prepare the folder or folders that will be used for the viewing.
2. The primary investigator, with the assistance of photo lab personnel, will select the suspect's photo and filler photos (creates the original/file copy photo spread).
3. The primary investigator will then leave the office where photo lab personnel will randomly arrange the order of the photos and print the photo spread.
4. Photo lab personnel will prepare as many either sequential photo spreads or simultaneous photo spreads as needed for the investigation.
5. Photo lab personnel will then provide the sealed envelope that contains the photo spread(s) to the primary investigator.
  - i. The primary investigator will then follow the procedures for administering the photo spread method that is assigned to the specific case.
  - ii. The above instructions describe the procedures to be used.

### **When using TDL Photos at the Station**

1. The same procedures used with Dataworks are to be followed with TDL photos. See the detailed instructions on previous pages. The only exception is listed below:
2. It is necessary to use a die to randomly place the suspect's photo in the photo spread when TDL photos are used.
  - i. Once the suspect's photo and filler photos have been selected the individual who will randomly assign the suspect's position (the primary investigator in the case of blind administration and someone other than the primary investigator in the cases of blinded administration) will roll a die and place the suspect in the position indicated on the die (1 through 6).



## BLIND LINEUP (live and video) SIMULTANEOUS

1. A minimum of three investigators is needed for this type of viewing with more than two witnesses. The primary investigator will work the back, another investigator will work the front (show the lineup to the witness), and a third investigator will be in the hall to monitor witnesses.
2. Two investigators are needed for this type of viewing with only one or two witnesses. The primary investigator will work the back and a second investigator will work the front (show the lineup to the witness(es)).
3. The primary investigator will select the lineup fillers and work the back.
4. An investigator who does not know the suspect's identity in the case is and who does not know the position of the suspect in the lineup will work the front (conduct the lineup with the witness/complainant,) following the protocols for a simultaneous lineup (live and video). All of the lineup participants/Individuals will be shown to the witness/complainant at the same time.
5. Consistent with HPD policy, the suspect will be allowed to choose his or her position in the lineup as well as all filler positions.
6. Complete the HPD "Witness Admonishment" form, ensuring that the witness/complainant understands each element in the form. After reading each statement ask the witness/complainant if he/she understands and clarify when necessary.
7. At the conclusion of the procedure inform the witness/complainant about the study and ask them to complete the brief survey (at that moment). The witness/complainant should complete the survey, seal it in the small SHSU mailing envelope, and then hand it back to the person who administered the photo spread. If the witness/complainant does not want to complete the survey (you may ask, but not require the witness/complainant to write the word "refused" on the survey) they should seal the blank survey in the small SHSU mailing envelope, and then hand it back to the person who administered the photo spread.
8. Complete the investigator survey and seal it in the large SHSU envelope, along with the witness/complainant survey that is sealed in the smaller SHSU mailing envelope.
  - i. It may be necessary to obtain some information from the primary investigator in the case in order to complete the survey. Please obtain this information when completing the survey.
9. Return the large SHSU envelope with both surveys (witness & investigator) to Sgt. Vorpe via inter-office mail.

## BLIND LINEUP (live and video) SEQUENTIAL

1. A minimum of three investigators is needed for this type of viewing with more than two witnesses. The primary investigator will work the back, another investigator will work the front (show the lineup to the witness), and a third investigator will be in the hall to monitor witnesses.
2. Two investigators are needed for this type of viewing with only one or two witnesses. The primary investigator will work the back and a second investigator will work the front (show the lineup to the witness(es)).
3. The primary investigator will select the lineup fillers and work the back.
4. An investigator who does not know the suspect's identity in the case is and who does not know the position of the suspect in the lineup will work the front (conduct the lineup with the witness/complainant,) following the protocols for a sequential lineup (live and video). All of the lineup participants/Individuals will be shown to the witness/complainant at the same time.
5. Consistent with HPD policy, the suspect will be allowed to choose his or her position in the lineup as well as all filler positions.
6. Complete the HPD "Witness Admonishment" form, ensuring that the witness/complainant understands each element in the form. After reading each statement ask the witness/complainant if he/she understands and clarify when necessary.
7. Lineup members must appear so the witness/complainant views each lineup member individually, one at a time.
8. Do not offer the witness/complainant the opportunity to view the lineup a second time. If the witness/complainant asks to view any or all of the individuals a second time, show all of the individuals, individually, to them in the exact order as the first time.
7. At the conclusion of the procedure inform the witness/complainant about the study and ask them to complete the brief survey (at that moment). The witness/complainant should complete the survey, seal it in the small SHSU mailing envelope, and then hand it back to the person who administered the photo spread. If the witness/complainant does not want to complete the survey (you may ask, but not require the witness/complainant to write the word "refused" on the survey) they should seal the blank survey in the small SHSU mailing envelope, and then hand it back to the person who administered the photo spread.
8. Complete the investigator survey and seal it in the large SHSU envelope, along with the witness/complainant survey that is sealed in the smaller SHSU mailing envelope.
  - i. It may be necessary to obtain some information from the primary investigator in the case in order to complete the survey. Please obtain this information when completing the survey.
9. Return the large SHSU envelope with both surveys (witness & investigator) to Sgt. Vorpe via inter-office mail.

## Witness/Complainant and Investigator Surveys

### Witness/Complainant Survey

After each photo spread and live/video lineup procedure with a witness, the investigator who administers the viewing will ask the witness/complainant to complete a brief survey. It is imperative to ask every witness/complainant to complete a survey after each photo spread, live lineup, and video lineup they participate in, even when they participate in more than one viewing.

The survey will not record any personal identifying information about the witness. The survey will include a subject information cover sheet that describes the study and what they are being asked to do. The survey should be completed immediately after the procedure, not at a later date and then mailed to HPD or SHSU.

The witness/complainant will also be provided with a letter-sized envelope. After the witness/complainant completes the survey they will seal the survey in this letter-sized envelope. The witness/complainant will hand the sealed envelope to the investigator. If the witness/complainant declines to participate, she/he will place the blank survey in the envelope, seal it, and give it to the investigator. When the witness/complainant hands the envelope to the investigator, the investigator will place it in the large SHSU mailing envelope.

Two versions of the witness/complainant survey will be available: one for English speaking/reading witnesses and one for Spanish speaking/reading witnesses.

If a witness/complainant is unable to read, the investigator will need an extra copy of the survey to read from. The investigator will read the survey to the witness (including the instructions and the response options to each item), ask the witness to select the response after each item, ask the witness to place the completed survey in the small SHSU mailing envelope, seal it, and give it back to the investigator. Alternatively, a third party who is with the witness can be asked to aid in completing the survey.

### Investigator Survey

The investigator will complete a separate survey that measures aspects and outcomes of the photo spread or live/video lineup procedure as well as aspects of the crime. To answer some of these survey items the investigator may have to ask questions of the witness/complainant. The investigator survey provides the most important data for the study so it is important that investigators take their time and accurately complete the survey.

The completed investigator survey should also be placed in the large SHSU envelope along with the witness/complainant survey that is in a sealed letter-sized envelope. Return the large SHSU envelope with both surveys to Sgt. Vorpe via inter-office mail.

# APPENDIX G

## Houston Police Department Eyewitness Identification Experiment

October 29, 2012

### Meeting with HPD Robbery Division Lieutenants

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#### OVERVIEW

Reformers have been calling for changes to eyewitness photo spread and lineup procedures over the past decade. States and police agencies have been reforming these procedures based on evidence that has been accumulating from many laboratory studies. Despite a great deal of consistency in these research findings there is concern about these reforms because field studies have been lacking. Only one strong field study exists and it was just completed in 2011.

The purpose of this experiment is to contribute solid evidence from a field setting about the outcomes of different methods of administering photo spreads and lineups.

#### STUDY DESIGN

The single best way to understand the results of a policy change is a true experiment. This project will use a true experiment. These designs can be tricky when used in field settings and this is one reason why nearly all studies of photo spread and lineup procedures have been conducted in labs.

One important key to a good field experiment is ensuring that research protocols are followed. This is a critical aspect of this study and it will affect whether good information is generated.

#### PROTOCOLS

Robbery cases will be randomly assigned to the experimental treatments. These treatments include using a sequential method or a simultaneous method of showing photos and lineups.

It is important that investigators use the method that has been assigned to their cases and not make this decision on their own.

It is also important that investigators follow the all of the exact procedures for administering simultaneous and sequential photo spreads and lineups. Specifically, both methods will be administered in a blind or a blinded manner so the person showing the photos or lineup does not know when the witness is viewing the suspect.

The study design includes elements to measure whether protocols are being followed.

#### DATA COLLECTION

Data will be collected through surveys completed by investigators and witnesses. In addition, some information will be collected from case files and through observations of photo spreads and lineups.

#### LIEUTENANTS' ROLES

It is important that the people who are actually affected by the study and participate in the study understand why protocols exist and support the study. Robbery lieutenants play an important role in this project because they:

- Can communicate to investigators that the study is valuable and that it is critical that they follow the protocols.
- Understand whether investigators are following the research protocols and can identify solutions if problems arise.
- Can assist in interpreting the patterns of results and can identify strengths and weaknesses of the study.
- Facilitate the collection of data.

#### CONTACT INFORMATION

Bill Wells  
College of Criminal Justice  
Sam Houston State University  
936-294-4817  
wmw005@shsu.edu

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# APPENDIX H

## Houston Police Department Eyewitness Identification Experiment

December 5, 2012

Meeting with HPD Robbery Division Investigators and Sergeants

### AGENDA

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1. Sign in

2. Introductions and Study Background

Notes:

- Previous research with police agencies (TTPS)
- Work with HPD (CRU evaluation, rape kit, eyewitness ID)
- My involvement with this study

a. Purpose of the study

NOTES:

- Lab studies and their results; being used to craft policy
- Lack of field experiments: difficult to do; big commitment by agencies (HPD is unique)
- Results will inform HPD, state, and national discussions
- Testing procedures that have never been tested before

b. Field experiments

NOTES:

- Challenging to implement
- Protocols get violated and make the results meaningless
- They're challenging but necessary.
- Success depends on you. Following the protocols.
- Researchers and skeptics will be very critical of this study.

3. Participation and Informed Consent

- The study has been approved by the SHSU IRB.
- Your participation is voluntary; it is up to you to decide.
  - Read through the informed consent document.

#### 4. The Study

##### a. Identification methods being tested

- Sequential and simultaneous
- Blind and blinded
  - No designated unit or IRFs to aid with blind photo spreads

##### b. Which method to use for viewings during the study

- Use the method assigned to your case, don't deviate.
- The assignment is made randomly, so there will not be any bias involved.
- Use the method assigned to the case for all photo spreads and lineups in the case.
- When a serial is identified, all future photo spreads and lineups will be conducted the same way, which is determined by the case that links the serials together.

##### c. Data to be collected

- i. Surveys
- ii. Case files
- iii. Observations

#### 5. Research Protocols

- Entails two things: 1) following the established procedures for photo spreads and live and video lineups and 2) completing surveys.

##### a. Instructions for the methods being tested

- See the instruction sheet
- Working to create small booklets for your use during the course of the study

##### b. Demonstrations and practice

#### 6. Discussion



# APPENDIX I

## Houston Police Department Eyewitness Identification Experiment

January 9, 2013

### Meeting with HPD Robbery Division Case Managers

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#### OVERVIEW

Reformers have been calling for changes to eyewitness photo spread and lineup procedures over the past decade. States and police agencies have been reforming these procedures based on evidence that has been accumulating from many laboratory studies. Despite some consistency in these research findings there is concern about these reforms because field studies have been lacking. Only one strong field study exists and it was just completed in 2011.

The purpose of this experiment is to contribute solid evidence from a field setting about the outcomes of different methods of administering photo spreads and lineups.

#### STUDY DESIGN

The single best way to understand the results of a policy change is a true experiment. This project will use a true experiment. These designs can be tricky when used in field settings and this is one reason why nearly all studies of photo spread and lineup procedures have been conducted in labs.

One important key to a good field experiment is ensuring that research protocols are followed closely. This is a critical aspect of this study and it will affect whether good information is generated.

#### PROTOCOLS

Robbery cases will be randomly assigned to one of the experimental treatments.

It is important that investigators use the method that has been assigned to their cases and not make this decision on their own.

#### DATA COLLECTION

Data will be collected through surveys completed by investigators and witnesses/complainants. In addition, some information will be collected from case files and through observations of photo spreads and lineups.

#### CASE MANAGERS' ROLES

It is important that the people who are actually affected by the study and participate in the study follow the research protocols. Case managers are critical people in this study because they:

- Will ensure that the photo spread and lineup procedure to be used in a case is properly assigned to the case
- Understand when research protocols are not being followed and can identify solutions.

Case managers will assign a photo spread and lineup procedure to each case using the HPD "incident number" that is assigned to the case. This is a random process and should not be changed during the course of the study. Over the life of the project there should be an even distribution of cases across the different procedures being tested.

#### CONTACT INFORMATION

Bill Wells  
College of Criminal Justice  
Sam Houston State University  
936-294-4817 (office) 618-967-8744 (mobile)  
wmw005@shsu.edu

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## CASE ASSIGNMENT PROCEDURES

### Overview

This experiment is examining 4 different procedures:

- Blind simultaneous
- Blind sequential
- Blinded simultaneous
- Blinded sequential

The case incident number will be used to determine which method is assigned to a specific case. Each case will be assigned only one of the four procedures. The third and fourth digits from the last digit in the HPD incident number will determine which procedure is assigned to a case. In this sample incident number the two digits that determine the procedure are underlined: 123456713. In this case the numbers 6 and 7 are used to determine which procedure is assigned to the case.

### Assignment Rules

The fourth from the last digit will determine whether a blind or a blinded method is to be used.

- When the fourth from the last digit is an even number, then a blinded procedure is to be used.
- When the fourth from the last digit is an odd number, then a blind procedure is to be used.

The third from the last digit will determine whether a simultaneous or a sequential method is to be used.

- When the third from the last digit is an even number, then a simultaneous procedure is to be used.
- When the third from the last digit is an odd number, then a sequential procedure is to be used.

## Examples

The following examples illustrate different case assignments:

Even – Even: Blinded simultaneous

Even – Odd: Blinded sequential

Odd – Even: Blind simultaneous

Odd – Odd: Blind sequential

12348413: Blinded simultaneous

12342913: Blinded sequential

12349613: Blind simultaneous

12347713: Blind sequential

## Tasks

When assigning cases to investigators the case managers will need to do the following:

1. Examine the incident number and determine which of the four procedures will be assigned to the case.
2. Place the case file into the appropriate, color-coded folder based on the procedure that is assigned.
  - a. Red is used for blinded simultaneous
  - b. Blue is used for blinded sequential
  - c. Green is used for blind simultaneous
  - d. Yellow is used for blind sequential
3. Stamp the outside of the case file folder with the appropriate stamp to indicate the method that is to be used for that case.
4. Follow routine procedures for ensuring the case file folder is properly routed to the investigator assigned to the case.





# Sam Houston<sup>TM</sup>

STATE UNIVERSITY

MEMBER THE TEXAS STATE UNIVERSITY SYSTEM<sup>TM</sup>