

Scientific Interrogation: The Strategic Use of Evidence (SUE) Technique*

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Abstract

The Strategic Use of Evidence (SUE) technique represents a method of scientific interrogation^{''} that entails the strategic management of case information and evidence. The technique offers guidance to interrogators on the utilization of available information, encompassing pre-interrogation planning, the formulation of strategic questions based on the evidence and the strategic disclosure of evidence^{'''}.

The primary objective of this technique is to enhance the likelihood of discerning deceit by detecting inconsistencies in the statements or comments made by suspects^{''''}.

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'' The term "interrogation" is defined as the act of questioning a suspect, who may or may not provide information, including indications of guilt or knowledge of criminal activity. In this context, the term "interrogation" is understood to encompass the broader concept of investigative interviewing. This can be defined as a non-coercive method for questioning individuals involved in an investigation, such as victims, witnesses, and suspects, with the aim of gathering complete, accurate, and reliable information about an event or situation. The principal objective is to ascertain the truth and facilitate decision-making throughout the investigative process. For these reasons, in this work, the term "investigative interviewing" will be used with the greatest frequency.

''' Although the terms "evidence" and "proof" are often used interchangeably, there are subtle differences in their meaning, especially in the legal context. These differences can vary between Mexico and the United States due to their different legal systems. In this paper, the concept of evidence will be used to refer to any object, substance, mark, document or information that can serve to establish the existence of a crime, identify those responsible or reconstruct the events that occurred.

'''' The terms "suspect," "victim," and "witness" possess fluid roles within an incident. A suspect or victim may also be a primary witness, while the term "witness" can encompass third-party

Numerous studies have shown that the SUE technique enhances the precision of deception detection in various contexts, such as police investigations, employment interviews, and security screening. Police trainees who received SUE training were able to detect deception with an accuracy rate of 85.4%, compared to 56.1% for untrained trainees.

The Strategic Use of Evidence technique is designed to highlight discrepancies between a suspect's statement and the available evidence, exploiting the differing cognitive processes of truth-tellers and liars. This technique is predicated on the assumption that individuals who engage in deception are prone to offering contradictory statements when confronted with evidence that challenges their narrative. This phenomenon occurs when suspects who are deemed to be guilty are compelled to modify their narrative, which often results in discrepancies. Conversely, suspects who are innocent and truthful maintain consistency in their explanations, which align with both the evidence and their original account.

The SUE technique has the potential to detect deceit and has been widely employed by law enforcement agencies and other organizations worldwide.

Some of the essential advantages that SUE offers are:

- Surpasses conventional deception detection methods, such as relying on body language cues, in terms of effectiveness.
- With appropriate training, this technique is user-friendly and straightforward to learn and implement.
- Has versatile applications, suitable for a wide range of settings.

Key words: interrogation, confession, criminal interrogation, statement–evidence inconsistencies, Strategic Use of Evidence (SUE)

Highlights

- Evidence should not be presented at the beginning of the interview.
- SUE draws on the suspects' perceptions of the evidence and their counter-interrogation strategies.
- The Strategic Use of Evidence (SUE) Technique is effective in detecting lies and eliciting information.
- SUE facilitates inconsistencies between the evidence and the lie teller account.

observers. It's crucial to remember that individuals in any of these positions may vary in cooperativeness (cooperative/uncooperative) and honesty (lie tellers/truth tellers). Similarly, a suspect's designation implies probable involvement based on evidence, but not definite guilt. Consequently, there are guilty suspects and innocent suspects.

Background information

The strength of evidence is crucial to the legal system (Canter, & Alison, 1999) and to the interviewing of suspects (Cassel, & Hayman, 1996). An important phase in an investigative interview is the disclosure of evidence and the assessment of the information reported. Researchers at the University of Gothenburg developed the Strategic Use of Evidence (SUE) (Hartwig, 2005). This technique is defined as an information-gathering framework that provides an evidence disclosure protocol and questioning strategy to elicit verbal cues to assess veracity in adults and/or children (Clemens et al., 2010; Hartwig et al., 2011; Hartwig et al., 2014; Tekin et al., 2016). Research has revealed that the SUE technique is one of the most effective lie detection techniques (Hartwig et al., 2006; Vrij et al., 2023), as well as being one of the few techniques that has been recommended to be used in the criminal justice systems (Vrij, & Fisher, 2016). However, the SUE is an evidence-based interview protocol, so interviewers need to possess independent evidence to use it (Vrij et al., 2022).

Swedish researchers revealed that interviewers trained in the SUE technique were more accurate at detecting deception (85.4%) than those not trained, who were instructed to interview the suspects in a manner of their choosing (56.1%) (Hartwig et al., 2006; Vrij, 2000; Vrij, & Granhag, 2006; Vrij et al., 2011). For their part, Luke et al. (2016) found that SUE-trained American interviewers achieved a 65% accuracy rate in lie detection compared to 43% precision with untrained interviewers. According to Luke and his colleagues, the difference in accuracy rates between the studies may be because many of the participants in their study were experienced professionals in the United States (US), who may already have developed their approach to interviewing. In other words, novice interviewers may be easier to teach than experienced ones.

The SUE technique is an active interview technique (Masip, & Herrero, 2015) that uses an active lie detection approach (Hartwig, & Granhag, 2014) by generating different behaviors between truth-tellers and lie-tellers (Vrij, & Granhag, 2012). According to Granhag (2010), SUE comprises a strategic and a tactical level. The strategic level consists of principles that underlie the technique. Three of these principles are related to the suspect (A) perception of evidence; (B) counter-interrogation strategies; and (C) verbal behavior; one principle is related to the interviewer: (D) the interviewer takes the perspective of the suspect (Granhag, & Hartwig, 2015). The tactical level can be divided into three categories:

1) pre-interview assessment of background information (evidence), 2) strategic questions, and 3) strategic disclosure of evidence (Granhag, & Hartwig, 2015).

Strategic level
Principles related to the suspect
The suspect's perception of the evidence

This principle refers to the evidence that the suspect believes the interviewer has (estimated knowledge). Evidence perception is a determining factor for a suspect's verbal behavior, i.e., the suspect's statements in response to the interviewer's questions (May et al., 2017). If the suspect believes that the interviewer has strong evidence, they tend to be forthcoming and reveal more information. On the contrary, if the suspect believes that the interviewer does not have strong evidence, they tend to withhold and disclose less information (Tekin, 2016). The estimated knowledge about the crime allows the suspect to manage their statement content (counter-interrogation strategies of the suspect). "When the suspect is unaware of the interviewer's knowledge, their perception of the evidence will be derived from an underestimation (thinking the interviewer has less evidence than they actually have), or an overestimation (thinking the interviewer has more evidence than they actually have)" (Tekin, 2022, 108).

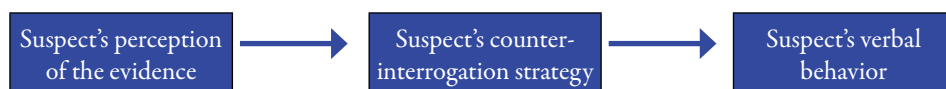
The suspect's counter-interrogation strategies

The term "counter-interrogation strategies" is used to describe the suspect's efforts to portray themselves in a credible manner and persuade the interviewer of their innocence (Clemens et al., 2013; Granhag & Hartwig, 2008; Granhag et al., 2009; Luke et al., 2014). In other words, the objective is to create the impression of honesty. Guilty suspects believe that disclosing many details will damage their credibility, while innocent suspects consider that giving too much information will show their truthfulness (*Impression management*) (Colwell et al., 2006). Impression management is not a factor that is taken into consideration when the SUE is applied. On the contrary, the act of lying during interrogation can be conceptualized as an information strategic game, necessitating the individual to make calculated decisions in order to achieve the desired outcome. The research conducted by Hilgendorf and Irving (1981) demonstrates the considerable number of strategic decision-making processes involved in this process. In this regard, suspects who are deemed to be

guilty tend to decide on a response strategy before the interview commences. This may entail a desire to be forthcoming, to avoid providing responses, or to wholly deny their role. This is known as the Information Management Strategy (Hartwig et al., 2010). The basic strategies (responses) that guilty suspects tend to employ to convince the interviewer of their innocence are to *avoid* revealing critical information or to *escape* or *deny* any involvement in the crime (Hartwig, & Granhag, 2023). The counter-interrogation strategy that the suspects employ during the interview will determine their verbal behavior, i.e., how much information they will reveal (Granhag, & Hartwig, 2015; Tekin et al., 2015). The counter-interrogation strategy is also related to the type of question posed by the interviewer, which has a direct impact on the suspect's response and the potential cues to deception that may emerge. It has been observed that open-ended questions tend to elicit avoidance strategies from suspects, whereas specific, funnel-line questioning has been shown to result in inconsistencies between the suspect's statements and the available evidence (Hartwig & Granhag, 2023).

The suspect's verbal behavior (verbal responses)

Verbal behavior refers to the suspects' statements made during the interview. The suspects' statements are a result of their perception of the evidence, their counter-interrogation strategies, and the nature of the questioning (Clemens, 2013; Hartwig & Granhag, 2023). Based on the amount of information the suspects believe the interviewer has, the suspects may employ a *forthcoming* or *withholding strategy* and provide their statements accordingly.



During the interview process, the suspect's statement is compared to the evidence the interviewer possesses. When the statement contradicts evidence known before the interview, the suspect is said to provide *statement-evidence inconsistencies* (Hartwig et al., 2006; Vredeveldt et al., 2014; Clemens, & Grolig, 2019). For example, a witness reports seeing the defendant arguing with the victim at the liquor store on Friday, January 3 at 9:00 p.m., but the interviewer has two closed-circuit television (CCTV) records that show inconsistencies with the testimony. One record shows the witness at the local airport at the time of the event, the second shows the interior of the liquor store, where only the cashier, the victim, and the offender were present at the time of the event.

If the suspect changes their story as a result of the disclosure of evidence so that their statement fits the evidence (Granhag et al., 2013), this is known as *within-statement inconsistencies*. These two possible interview outcomes (*statement-evidence inconsistencies and within-statement inconsistencies*) are cues to deception (Granhag et al., 2013; Vredeveldt et al., 2014). Statements of guilty suspects are more likely to include statement-evidence inconsistencies and within-statement inconsistencies than those of innocent suspects (Granhag & Hartwig, 2015; Hartwig et al., 2014; Luke et al., 2017).

Principles related to the interviewer

The interviewer takes the perspective of the suspect

Perspective-taking is the ability to consider the world from another person's point of view, allowing one person to anticipate the other's behavior and reactions (Galinsky et al., 2008). An interviewer who understands the perspective of a suspect is more likely to be successful in the interview. Three aspects of perspective-taking that are important for interviewers are: 1) reading the suspect's perception of the evidence, 2) predicting the suspect's counter-interrogation strategy, and 3) predicting the verbal response that will follow (Granhag, & Hartwig, 2008; Justice et al., 2010; Soufan, 2011).

By understanding how the suspect might view the evidence, interviewers can better simulate alternative explanations the suspect might offer (*suspect's information management*). The field of suspect information management examines how a suspect might perceive and manage information related to an investigation. This encompasses their interpretation of the evidence, which may include attempts to downplay its significance or to provide an alternative explanation. By grasping this perspective, investigators can foretell potential justifications or explanations that the suspect might proffer. This anticipation allows for the implementation of more effective questioning strategies, such as the funnel-line of questioning, which includes increasingly specific questions that relate to the evidence without directly revealing it (Hartwig & Granhag, 2023), allowing for the identification of inconsistencies in the suspect's response and the potential uncovering of inconsistencies that provide leads. Ultimately, suspect information management facilitates a more profound comprehension of the suspect's motives and thought processes.

It is important to note that suspects may also engage in perspective-taking, trying to predict what tactics the interviewer will use. In summary, perspective-taking is

a valuable skill because, by taking the perspective of the suspect, interviewers can better understand the suspect's likely reaction and response to questions. This can help interviewers to be more successful in their interviews (Granhag, & Hartwig, 2015).

Suspects' management of incriminating information

The goal of a guilty suspect is to convince the interviewer that he is innocent (Strömwall et al., 2006). The suspect may conceal critical information for fear of the consequences of revealing incriminating information (Neequaye, & Luke, 2018; Srivatsav, 2019). To maintain credibility, a suspect may selectively disclose certain information while concealing incriminating details. (Granhag, & Hartwig, 2015). A suspect will have to decide whether to talk or remain silent, what information to reveal or conceal (Srivatsav et al., 2019), whether to tell the truth or lie (Suchotzki, 2018), and how to answer the interviewer's questions. Suspects will also have to consider how to weave truthful and deceptive information together to appear credible (Verigin et al., 2020). In other words, a suspect's perception of the evidence can influence their choice of counter-interrogation strategy, which in turn affects their verbal response.

Suspects who lie engage in strategic information management, meaning they can choose between an avoidance strategy or an escape/denial strategy (Hartwig & Granhag, 2023). An avoidance strategy is typified by evasive tactics, such as being intentionally vague or avoiding mentioning certain details (Verigin et al., 2019). For example, a suspect may avoid mentioning that he visited a certain place at a certain time when asked to freely provide a narrative in response to an open-ended question. In contrast, an escape strategy involves the denial of a direct question, for example, a suspect could deny that he was at a certain place at a certain time (Hartwig, 2014).

In contrast, truthful suspects have no critical information to conceal, hence they employ a forthcoming strategy by providing a full and truthful account. Truth-tellers are motivated by the belief in a just world (Lerner, 1980). They trust that the world is a fair place and that individuals receive the outcomes they deserve (Hafer & Bogue, 2005). Thus truth-tellers tend to believe that if they are forthcoming, they will be believed simply because they deserve it (Feather, 1999). Truth-tellers' forthcomingness may be based on an illusion of transparency (Gilovich, et al., 1998; Savitsky & Gilovich, 2003). This tendency to over-

estimate the extent to which internal processes are evident in behavior occurs in several contexts (Vorauer & Claude, 1998). Research suggests that innocent people generally hold this illusion of transparency. Kassin and Norwick (2004) found that innocent suspects were more likely to waive their Miranda rights than guilty suspects. Innocent suspects often justified this behavior by arguing that they had nothing to hide and that if they could simply provide their story to the interviewer, he would 'see' that they were innocent.

Tactical level

Pre-interview assessment of background information (evidence)

A pre-interview assessment of evidence is a crucial step in any investigation as it can significantly impact the direction and success of the interview. To ensure objectivity, it is important to categorize and organize evidence. Direct evidence such as DNA, fingerprints, or eyewitness testimony directly links the suspect to a crime scene or act. Circumstantial evidence indirectly suggests the suspect's involvement, such as inconsistencies in the alibi, financial records, or digital footprints (Heller, 2006). Character evidence provides insight into the suspect's personality, past behavior, or reputation but may not be admissible in court (Anderson, 2011). When analyzing evidence, it is important to assess its strength and whether it is independent or corroborative. Independent evidence is evidence that stands alone (e.g., fingerprints), while corroborative evidence supports other findings (e.g., alibi verification) (Walton, & Reed, 2008).

When using the SUE technique, it is crucial to assess the strength of the evidence. The evidence should suggest misconduct rather than providing unquestionable proof of wrongdoing. If the evidence were conclusive proof of a crime, the SUE technique would not be necessary to establish that deceit had occurred (evidence criteria) (Hartwig & Voss, 2017).

Some of the evidence found in a robbery investigation is described below (Table 1). Likewise, it describes how the SUE technique can assist/help to plan how to strategically disclose evidence.

Table 1. Use of evidence in the SUE technique

Source of evidence	The following items may be discovered and collected at the intervention place/crime scene: physical or circumstantial evidence (Samples)	The probative value of the evidence in legal and forensic settings	Physical or Circumstantial Evidence	In general, the item in question can be used for the following purposes:	SUE
Crime scene (victim's corpse, clothing, and incident location) (Murillas, 2022)	Closed Circuit Television (CCTV) records from a neighbor's house	The probative value of CCTV recordings in legal or forensic settings is the capacity of the recording to prove or disprove a fact in a legal proceeding	Physical evidence. (Nieuwkamp, & Mergaerts, 2022)	The use of CCTV recordings can serve to corroborate or refute witness testimony, identify suspects, and reconstruct the events of a crime	1) Establish that a person was at the place or had physical contact with the victim or other objects. 2) Establish the actions that occurred at the place, at the time, and date of the recording (<i>Alibies</i>). 3) Establish the identity of the people involved if the quality of the recording allows it. 4) Establish the context to explain the events depicted in the recording. 5) Establish the location of the recording can help to identify the people and objects in the recording (<i>Alibies</i>)
Suspect	Alibi/ Narrative	The probative value of a suspect narrative relies on whether it can prove or disprove a fact in a legal proceeding. Suspect testimony can be a valuable tool in criminal investigations, but it is important to carefully consider the probative value of the testimony before relying on it because many factors can affect the probative value of suspect testimony, including credibility, motivation, as well as	Circumstantial evidence.	1) Identification of the witness (<i>People</i>). 2) Identification of the places where the suspect was at the time of the crime (<i>Locations</i>). 3) Identification of actions. What was the suspect doing when the crime occurred? 4) Identification of times.	1, 2, 3 & 4) Allows to compare the suspect's statement with the evidence

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		quality of the Investigative Interviewing or Interrogation technique used		Where was the suspect at the time the crime happened?	
Victim & eye-witness (cashier)	Narrative	The probative value of victims' narratives in legal settings is the extent to which they can assist in establishing the facts of a case	Circumstantial evidence	1) Identification of witnesses (<i>People</i>). 2) Identification of the places where the victim was at the time of the crime (<i>Locations</i>). 3) Identification of actions. What was the victim doing when the crime occurred? 4) Identification of times. Where was the victim at the time the crime happened?	1, 2, 3 & 4) Allows to compare the victim's statement with the evidence
Spent casing of a firearm/weapon	Fingerprints	The probative value of fingerprints in legal and forensic settings is high. Fingerprints are one of the most reliable forms of physical evidence and can be used to convict criminals in a court of law	Physical evidence	Fingerprints can be used to identify the person who left them, even if the crime happened a long time ago	Allows the comparison of the suspect's statement with the evidence

Strategic Questions

The questions asked will vary depending on the case, however, it is recommended to use open questions that allow for a free narrative in all cases. The free narrative technique is a questioning approach designed to elicit an uninterrupted account from

a witness, victim, or suspect. The primary objective is to allow the interviewees to freely narrate their story in their own words, using an open-ended questioning style such as TED. This style includes phrases such as ‘tell me’, ‘explain’, or ‘describe what happened’ (Walsh & Bull, 2015). This type of questioning helps establish rapport and prevents the interviewer from influencing the narrative. It allows for minimal interruptions, permits supportive listening, eliminates suggestibility, and influence evasion as deceptive cues.

In order to obtain a comprehensive account of the event, it is recommended that the funnel-line questioning approach be employed (Hartwig & Granhag, 2023). In other words, the questioning should commence with broad, open-ended questions that encourage a free narrative and subsequently transition to more specific questions that address the evidence without disclosing it (Hartwig & Voss, 2017). It appears that the utilization of targeted and direct questioning represents an efficacious methodology for the discernment of inconsistencies between a suspect’s assertion and the evidence presented. The probability of a liar providing a contradictory account is greater when the question is of an incriminating nature.

Example 1:

The following structure was inspired by the work of Luke and Granhag (2021) and Hartwig and Granhag (2023).

“Hello, my name is Eduardo. I’m investigating an incident that took place at the Moe’s liquor store. Last Friday, there was criminal activity at the place, and we believe that you may have been involved, so I’d like to ask you a few questions if you agree”.

Funnel-line questioning approach

1) Broad Open-ended questions

“Please describe, in as much detail as possible your whereabouts yesterday evening?”

*This is a broad, open-ended question that should allow the interviewee to describe the event in their own words (free narrative).

2) Probing questions

“Were you in the vicinity of Moe liquor store around 7 pm?”

*This question narrows the focus to the location and time of the crime without directly revealing that the interviewer has specific information.

3) More Specific Question

“Did you notice anything unusual happening at the liquor store?”

*This question further probes the suspect’s knowledge of the event without disclosing that a robbery occurred.

4) Closed questions

“Did you enter the convenience store at any point yesterday evening?”

*This direct question requires a yes or no answer, potentially leading to a denial if the suspect is guilty.

5) Evidence-Focused Question (Bottom of the Funnel)

“We have reason to believe that the robber was wearing a black jacket with a large tongue patch on the back and blue jeans. Does that sound familiar to you?”

*This question directly challenges the suspect with a piece of evidence, increasing the likelihood of eliciting inconsistencies or contradictions if they are lying.

6) Closing

“Right now, I have no more questions for you. Is there anything you want to tell me before finishing this interview? This interview is over, thank you so much for your time and patience, please stay here until I come back.”

The disclosure of evidence

In a practical setting, interviewers may possess critical evidence that points toward a suspect’s guilt. Therefore, it is crucial to organize and understand how to use evidence during an interview (*pre-interview assessment*) to elicit cues to deception and truth (Granhag et al., 2013). Deciding *when* and *how* to disclose is a crucial factor to consider. If evidence is presented too early in the interview, a guilty suspect can tailor their statement to include a non-incriminating account that fits the evidence (Walsh, & Bull, 2015). Hence, it is important to exhaust the suspect’s story before introducing any evidence-related information. Only after a full account from the suspects is obtained, evidence should be disclosed. This is likely to increase state-

ment-evidence inconsistencies among guilty suspects, but not among innocent suspects (Oleszkiewicz, & Watson, 2021). At that stage, it can be determined that statement-evidence consistencies are indicative of honesty and statement-evidence inconsistencies are indicative of deception (Deeb et al., 2018; Hartwig et al., 2006; McDougall, & Bull, 2015; Vredeveldt et al., 2014).

In the context of investigative interviews, the strategic presentation of evidence assumes great importance in the pursuit of uncovering the truth. In regard to the issue of the number of pieces of evidence disclosed in interviews, there are two principal approaches, which may be broadly classified as follows: the first involves the gradual revelation of all evidence, with each piece being disclosed on its own merits (*Incremental use of total evidence/Sequential evidence disclosure*); the second entails the disclosure of a single piece of evidence at a time throughout the course of the interview (*Incremental use of one piece of evidence/The incremental single evidence focus approach*).

- Sequential evidence disclosure is a method whereby evidence is introduced in a sequential manner, facilitating the construction of a coherent narrative and aiding in the resolution of complex cases or the establishment of timelines. This approach entails the gradual presentation of the total evidence, commencing with Evidence A, then B, and so forth.
- The incremental single evidence focus approach involves the gradual revelation of a single piece of evidence (A) at a time throughout the course of an interview. This process can be repeated with evidence B and C, and so forth. This enables the interviewer to assess the interviewee's credibility. The Evidence Framing Matrix (EFM), a tool designed to facilitate the strategic organization of evidence in investigative interviews, can be employed for this purpose.

Organizing evidence for tactical disclosure using the Evidence Framing Matrix (EFM)

The SUE technique suggests arranging evidence in the order of disclosure (tactical disclosure), beginning with vague evidence (such as evidence that the suspect was in the general area where the crime occurred) and gradually introducing more precise evidence (e.g., the suspect's fingerprints were recovered from the crime scene) (Granhag, 2010; Vredeveldt et al., 2014). To achieve tactical disclosure of evidence, Granhag et al. (2013) developed the Evidence Framing Matrix (EFM).

As shown in Figure 1, this technique allows interviewers to use evidence from two aspects. The first aspect is the strength of the source of the evidence (weak source, e.g., we have information; or strong source, e.g., we have a CCTV recording). The second is the degree of specificity (low specificity, e.g., we have information that locates you in the municipality of Xoxocotlán; or high specificity, e.g., we have information that locates you at Oaxaca airport). Disclosing evidence incrementally, from a weak source/low specificity to a strong source/high specificity will result in lying suspects having to change their story (within-statement inconsistencies) so that their statement fits with the evidence revealed to them (Polman, 2021).

Expressed differently, during disclosure, questions are composed for each piece of evidence, beginning with a general question, and progressing to more specific questions. This is referred to as framing evidence: a general-framed question (Were you in the city of...?) is followed by a more specific question (Were you in the neighborhood of...?) and subsequently by disclosure of the piece of evidence (Your fingerprints were recovered at the crime scene) (Granhag et al., 2013).

Arranging evidence from vague to precise and disclosing it using a general-to-specific questioning strategy magnifies cues of deception and truthfulness while increasing the amount of information obtained from the suspect. Strategic disclosure of evidence prompts lie-tellers to shift their withholding strategy to become forthcoming, adapting to the evidence now aware the interviewer already has (Bull, & Dando, 2010; Granhag et al., 2004; Hartwig et al., 2007).

Note that a piece of evidence that is in its original shape and form, characterized as a weak source and has low specificity will be very difficult to disclose incrementally, and the SUE technique requires at least one piece of evidence to be applied (Granhag et al., 2013).

The authors of this article have successfully used the SUE technique with a single piece of evidence, as well as with several other pieces of evidence arranged in a vague-to-precise disclosure order. Each of the pieces of evidence was framed with general-to-specific questions. There may also be times when introducing all the evidence held by the interviewer is not in the best interests of an ongoing investigation, depending on the type of suspect being interviewed; all this highlights the importance of correctly framing the evidence available for disclosure (Luke et al., 2013).

The authors do not advocate the use of false evidence, minimization or maximization of the seriousness of the crime, bait questions, or deception during interviews.

Challenging the suspect with inconsistencies

When challenging the suspect with contradictions between their statements and the evidence, the interviewer should ask for an explanation of the contradictions with a non-judgmental and non-accusatory demeanor (Luke, & Granhag, 2022). The authors encourage interviewers to always allow suspects, regardless of whether they are victims, witnesses or suspects the opportunity to explain inconsistencies. Inconsistencies can be verbal cues to deception, but they are also a normal memory phenomenon (Fisher et al., 2012; Hartwig & Granhag, 2023), meaning that inconsistencies in a person's speech can be a sign that they are lying, but equally, they can be caused by normal situations of memory processes. In other words, a truthful person might forget a small detail about an event or misremember the order of events.

Eliciting new information through the Strategic Use of Evidence

Shift of Strategy (SOS) Technique

An alternative evidence-based technique for obtaining new information from the suspect is the Shift of Strategy (SOS) Approach. This methodology is an updated version of the SUE-Confrontation technique (Tekin, 2016).

The SOS approach is a technique designed to elicit more information from suspects by creating a social environment that motivates them to maintain their credibility. It also creates the impression that the interviewer knows everything (see also Scharff technique; Oleszkiewicz et al., 2014) by gradually disclosing the evidence (Granhag, 2016; Luke, 2021) and making the suspects feel that they have no choice but to cooperate to maintain their credibility. The SOS approach consists of dividing the testimony into three parts (before the event, after the event, and during the event/critical part). Subsequently, the interviewer will first obtain a free narrative about what happened before the event and will show evidence reactively, i.e., if the interviewer hears an inconsistency with the evidence, they will let the suspect know. The interviewer will then do the same for the other two parts, leaving the critical part till the end. In this way, the interviewer will make the suspects believe that they know everything by gradually disclosing the evidence, thus encouraging the extraction of new information (Luke, & Granhag, 2022).

Strategic Use of Evidence Framework

The SUE interview protocol is dynamic, and the number of phases or stages depends on the interview objectives. These objectives are strategically planned during the pre-interview assessment. It is important to note that while the SUE could use a varied number of phases, they should not be considered tailored stages. See different examples below.

Example 2:

Phase 1 (*the following structure was inspired by Granhag, & Hartwig, 2015*)

- The suspect's perception of the evidence is uncertain: "The interviewer may have some information, but the extent and nature of it is uncertain".
- Employ SUE tactics: Evidence is withheld, and free recall is requested.
- The suspect's perception of the evidence is unclear: "The interviewer doesn't mention any evidence; they may have less information than I thought".
- The suspect's counter-interrogation strategy remains unknown: Do not provide any information that could be incriminating.
- Verbal responses from suspects may be influenced by what they choose to leave out.

Phase 2

- The suspect's perception of the evidence is unclear: "It is still not very clear how much and what information they have".
- Employ SUE tactics: To use evidence effectively, it is important to keep withholding evidence, ask for a free recall, consider alternative explanations, and ask specific questions.
- The suspect's perception of evidence is changing: "They may have less information than I thought".
- The suspect's counter-interrogation strategy: "*Deny* any incriminating actions".
- The suspect's verbal response will be colored by the inconsistency between the statement and the evidence.

Phase 3

- The suspect's perception of evidence is unsure: "It is still not very clear how much and what information they have".
- Employ SUE tactics: Withhold the evidence, ask for a free recall, exhaust alternative explanations, ask specific questions, and disclose under the EFM.
- Suspect's perception of evidence: "They have more than I thought".
- Suspect's counter-interrogation strategy: "I must change my previous statement so as not to contradict the evidence presented to me".
- The suspect's verbal response will be colored by within-statement inconsistencies.

Phase 4

- Employ SUE tactics: The suspect is confronted with inconsistencies within the statement and/or between the statement and the evidence (this is repeated for two or more themes of evidence).
- The suspect's perception of the evidence: "They have more information than I thought, it is better to start giving them the information they already have to avoid contradicting it".
- Employ SUE tactics: Introduce a new topic, a topic for which the interviewer lacks critical information.
- Suspect's perception of the evidence: "I'm sure they have more information on this theme than they are willing to disclose".
- Suspect's counter-interrogation strategy: "I need to avoid being confronted with more inconsistencies, it's better to say what they already know".
- The verbal response will be characterized by the suspect unintentionally revealing information that is new to the interviewer.

Case background example

One Friday night (September 25), Jane Doe left her office after 11:00 p.m. She was walking alone from work to her home, located at 68 John F. Kennedy Blvd, Jersey

City. Two blocks from home she stopped at Moe's liquor store on Journal Square (46-78 John F. Kennedy Blvd) in Jersey City, New Jersey, which is open 24/7. Once inside, she saw a man with short blonde hair, blue eyes, and a red beard wearing a black jacket and blue jeans. She also remembers that the jacket the man was wearing had a big patch of a tongue on the back and he had a tattoo of a dragon with a dagger on the back of his hand.

The guy was arguing with a blonde woman about money in front of the store cashier. She could hear the young man with the beard yelling at the woman that the money she brought was not enough and that she would have to work more if she wanted to be with him. Jane continued on her way until she found the refrigerator at the back of the store, where she picked up a milk carton. Afterward, she walked to the cashier to pay for the milk, then she left the store and continued on her way home.

Minutes later, and a few steps from the main entrance of her house, a man stopped in front of her. The man was wearing a mask and asked her for her purse, threatening her "Give me the bag or I'll kill you". At the same time, he drew a firearm and shot at the ground. After the event, Jane called emergency services (911) and stayed at the scene to give her statement to the police.

In her statement, Jane described the man as approximately six feet tall, noting that he appeared thin and had a strong voice with a southern accent. She added that the man had short blonde hair, blue eyes, a red beard that could be seen under the mask and was wearing a black jacket with a patch of a tongue, blue jeans, and heavy boots. Also, she mentioned that he had a tattoo on the back of one of his hands, a dragon entwined around a dagger and that he looked like the guy she saw minutes earlier arguing with a girl in the store. She also said her purse was white with gold edges and made by Louis Vuitton. She added that the cost of the purse was approximately \$1,000 and inside it were credit cards, her driver's license, and \$300 in cash. She said what worried her most was the driver's license since that document contained personal information such as her address.

Police began the investigation and days later arrested a suspect (Mr. Perez) based on eyewitness testimony (Jane), CCTV records, and fingerprints from a gun casing recovered at the crime scene.

Pre-interview Assessment of Jane Doe Case Background

Step 1: Gather evidence. The first step is to gather as much evidence as possible about the case. **Step 2:** Analyze the evidence. Once the evidence is gathered, it must be analyzed to determine its significance. This includes identifying the strengths and weaknesses of the evidence, and thus determining how it can be used tactically to support the investigation.

Step 3: Develop a plan. This plan should include the following: The specific evidence that will be used, the order (time), and the form (how) in which it will be presented, as well as the technique that will be used to present the evidence, in this example, we used the EFM.

Step 4: Implement the plan. This means presenting the evidence in a clear, concise, and strategic manner.

In the Jane Doe case, one of the pieces of evidence was a CCTV recording. In this case, the evidence meets the criteria to be used with the EFM (as it is not decisive proof of the robbery, nor its shape and form, it has different levels of strength and degrees of precision, thus it can be disclosed incrementally). For example, the first frame of evidence in the Jane Doe case could be a combination of a low degree of specificity and a weak source of evidence (Figure 1, LS/WS quadrant), since we have information that tells us that the suspect recently visited a liquor store in Jersey City. The second frame of evidence can be a combination of a high degree of specificity and a strong source of evidence (Figure 1, quadrant HS/SS), i.e., CCTV footage that tells us that last Friday, September 25, the suspect was at 68 John F. Kennedy Blvd.

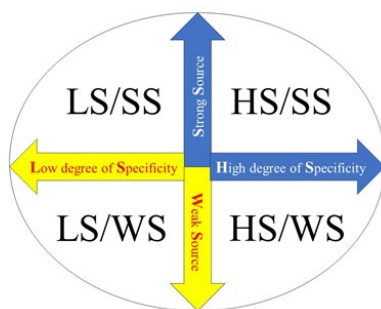


Figure 1. Characteristics of the Evidence Framing Matrix (EFM) that allows us to understand the different ways of presenting evidence considering the two aspects of *Source* and *Specificity*, in four quadrants (Low Specificity/LS), (High Specificity/HS), (Weak Source/WS), (Strong Source/SS)
(Adapted from Granhag, 2010 & Granhag et al., 2013).

Interview with the suspect

Introduction

Interviewer: “Hello, my name is Eduardo. I ’m investigating an incident that took place at the liquor store. Last Friday, there was criminal activity at the place, and we believe that you may have been involved so I would like to ask you a few questions if you agree.”

Suspect: “Yes, of course.”

Interviewer’s open question: “Tell me everything you did last Friday, September 25.”

Suspect: “I got up at nine in the morning, I know it was late, but it was my birthday, and the day before my boss gave me the day off, so I didn ’t have to go to the office. That day I had breakfast at home, later I watched a movie, and then went back to sleep until almost 1:00 p.m. When I got up around 1 pm, the first thing I did was call my girlfriend to invite her to go eat. She accepted and told me she would be home at 3 pm. After I hung up, I took a shower and waited for Ady (girlfriend) to arrive. She arrived on time, and we went to eat Chinese food at Shun Lee West on 43 W 65th St, New York. After that, we walked a couple of blocks to get into the New Plaza Cinema at 35 W 67th St, New York to watch the movie Meg 2. The film finished almost at 8 pm and at the end of the day, we went to my apartment (located in Union Square) around 9:30 pm. Once inside, we drank a couple of beers and then we fell asleep.”

In this example, we will focus on a topic that the suspect did not mention in his initial narrative (the robbery). A spiral questioning should be done about his activities after the movie theater because the suspect omitted information (avoidance strategy).

Interviewer’s open question: “Please describe to me in detail everything you did on Friday, September 25, from the time you left the cinema until you went to sleep.

Suspect: “Hmm... let me think about it... I remember when we left the cinema it was raining very hard, so I decided to go in the car to get a black jacket and a sweater for my girlfriend. Then we went to a nearby restaurant to have a drink and waited for the rain to stop. We stayed there for a while and then we went to my apartment to drink some beers, and that’s it.”

Interviewer's probing question: "Where were you between 11 and 12 p.m. on Friday, September 25?"

Suspect: "Asleep at home."

Interviewer's closed question: "Are you sure you didn't leave your apartment after 10 p.m. on Friday, September 25?"

Suspect: "Yes."

Disclosure of evidence by the interviewer and request for an explanation of inconsistencies

Interviewer: "Mr. Perez, we have information suggesting that you were in Jersey City on Friday night, September 25. Can you tell me about that?"

Suspect: "I was not in Jersey City on Friday, September 25."

Interviewer's disclosure of evidence: "We have CCTV footage that tells us that last Friday, September 25, you were at Moe's liquor store in Jersey City. Can you explain to me how something like this happened?"

Suspect: "No comment." (*This type of response is considered a Counter-Interrogation Tactic [CIT]. For more information, see Alison et al., 2020*).

Interviewer's probing question: "Why were you at 68 John F. Kennedy Blvd. on the night of September 25?"

Suspect: "Maybe the date of the CCTV footage is wrong."

Interviewer's closed question: "Are you sure you didn't walk by 68 John F. Kennedy Blvd, Jersey City, on Friday, September 25?"

Suspect: "Yes."

Interviewer: "Mr. Perez, we have some evidence that suggests that you were outside the victim's house the night of the robbery that took place in Jersey City on Friday night, September 25. Can you tell me about that?"

Suspect: "I was not at the victim's house the night of the robbery."

Interviewer statement: "I understand what you're saying, but our evidence suggests otherwise."

Interviewer: “Mr. Perez, we have a fingerprint expert who has identified your fingerprints on a gun casing found outside the victim’s house at 68 John F. Kennedy Blvd, in Jersey City. Can you explain to me how this is possible?”

Suspect: “Those are not my fingerprints.”

Interviewer statement: “We’re pretty sure they are, Mr. Perez. The fingerprint expert has been doing this for over 20 years and he’s never been wrong.”

Suspect: “No comment.” (*This type of response is considered a Counter-Interrogation Tactic [CIT]. For more information, see Alison et al., 2020*).

Interviewer statement: “Well, I think you know what you need to do. You need to describe to us what happened the night of the robbery.”

Suspect: “As I told you, you have the wrong suspect. On September 25, I was with my girlfriend almost the entire time, from when she picked me up at my apartment until we went to bed. She can corroborate my story. In fact, the only time I was separated from her was when it started raining, and I had to get my red jacket (*within-statement inconsistency*) and her sweater out of the car. We spent the rest of the time together; you can ask her, and she will tell you the truth.

By the way, I remember we went to Jersey City (*within-statement inconsistency*). We went to see a friend of mine who has a gun shop, I was thinking of getting a gun for safety reasons. Once inside, I talked to my friend about the best options, and he also gave me some shells. Once my friend gave me the information I wanted, my girlfriend and I decided to go to a nearby store to get some beers. Then, I drove down John F. Kennedy Boulevard to the apartment, and I remember that somewhere along the way I threw away one of the shell casings that my friend had given me (*within-statement inconsistency*). It’s likely that the cameras caught me passing near the house of the person who was robbed, and maybe I threw the shell casing near the crime scene, and that’s why I’m here, but I didn’t do it.”

Closure

Interviewer: “Right now, I have no more questions for you. Is there anything you want to tell me before finishing this interview?” ... “This interview is over, thank you so much for your time and patience, please stay here until I come back.”

Conclusions

The SUE technique is an empirically validated information-gathering framework that adheres to science-based interview methodologies, i.e., elicits a free recall and allows the suspect to explain any inconsistencies.

We discussed the importance of withholding evidence early in the interview. This should convince guilty suspects that there is no potentially incriminating evidence against them, thus allowing them to provide free-flowing statements with no commitment to giving evidence (e.g., not being obliged to give statements that fit with the evidence). This should enhance the opportunity for statement-evidence inconsistencies, which guilty suspects are unlikely to be able to explain.

Incrementally introducing evidence may suggest to the suspects that the interviewer has more information than they initially thought, and therefore, they may start talking more openly. This should resist their counter-interrogation strategies and further increase statement-evidence and within-statement inconsistencies among the guilty. Only then can interviewers feel more confident that the suspect is deceptive.

In addition, withholding disclosure of evidence early in the interview safeguards innocent suspects from being misjudged as guilty. For some innocent suspects, being confronted with evidence early on can evoke an anxious response, and they may not be able to clearly explain any inconsistencies. Clarifying all aspects of a suspect's story before disclosing evidence should in many cases explain inconsistencies, particularly among the innocent.

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