

SPRING 2026

# “Do You Believe Me?”

The Art of Neutrality and Empathy  
in Investigative Interviewing

**Alex Pollack**

Civil Rights Investigator, University of Virginia

## Why “the Art?”

*“Emerging research suggests that the legal profession not only attracts individuals with certain cognitive styles, such as perfectionism and black-and-white thinking, but may also reinforce these patterns...”*

— The Perfectionist Paradox: Report on the 2024 Lawyer Perfectionism & Well-Being Survey, Krill, Patrick R., et al.

## Why “the Art?”

*“Poorly conducted interviews run a serious risk of eliciting unreliable information, decreasing the amount of information elicited, destroying the credibility of the interviewee, and contaminating the investigative process.”*

— Eliciting Reliable Information in Investigative Interviews, Vrij, Aldert, Lorraine Hope, and Ronald P. Fisher.

WHY “THE ART?”

## **Be in this Moment.**

Not five seconds ago. Not five seconds from now.

Whoever You Are, Whatever Your Role—

## **Be in this Moment.**

Be Ready to Go Off Script,  
and Come Back to the Script.

## **Investigative Interviewing ≠ Temperament.**

It is a Skill that You Can Grow.

## **Being Present is the Art.**

# Today's Agenda

- 01 • One Vision. Two Lenses.**  
Two ways of looking at an investigative interview, and the balance to strike.
- 02 • Setting the Stage**  
How to orient yourself and the interviewee before you get to the substance.
- 03 • When It Gets Hard**  
How to navigate neutrality under pressure. (Or: What not to say.)
- 04 • Real-World Scenario**  
Let's debrief.
- 05 • Five Action Steps for Your Next Interview**

# One Vision

Your Job is to Get Evidence.

But There's Always a Complicating Factor:

“The most amazing thing/ That I've seen in my time/Are all the different people/And all their different minds, minds, minds, minds.” – *No Doubt*, “Different People” (1996).

ONE VISION. TWO LENSES.

LENS ONE

## The Assignment

Allegations. Policy. Scope.

You are there to gather facts relevant to a specific set of allegations under a specific policy.

LENS TWO

## The Person

Assumptions. Needs. History.

You are a neutral investigator, but they are not a neutral party or witness.

*This twin focus — attending to The Assignment and The Person at once — is the art.*

LENS ONE

# The Assignment

## **Allegations. Policy. Scope.**

Your scope is not limitless; it does not cover every professional or personal grievance.

You are there to gather facts relevant to a specific set of allegations under a specific policy.

LENS TWO

# The Person

Assumptions. Needs. History.

You are a neutral investigator, but they are not a neutral party or witness.

Right away, they might be:

**Annoyed**

**Scared**

**Aggressive**

**Tight-lipped**

**Uncertain**

*Or Any Other Emotion Your Script Does Not Explicitly Account For.*

# Setting the Stage

The first few minutes of an interview are not just administrative or logistical.  
They are relational.

## Setting the Stage

*“Most clinicians and researchers agree that the more at ease the interviewee feels in the interview setting, the more information the person is likely to impart.”*

— Psychology and Law: An Empirical Perspective, Brewer and Williams (2005).

# Defining Purpose and Expectations

**They Have Assumptions About You.**

**You Must Define Your Purpose and Expectations Right Away.**

“So Kevin, thanks for taking the time to talk to me today. My name is Alex, and I am a Civil Rights Investigator with INSTITUTION.

I reached out to you to talk about Complaint X.

**Just so you know, in this process, I do not represent or advocate for the Complainant or the Respondent.**

My job is to be the neutral factfinder, talking to people like yourself, gathering evidence, reviewing that evidence under our policy to determine if there’s been a violation.

If you are interested in a support person or advocate, I would be happy to connect you to those resources. Do you have any questions before I continue?”

# Comfort Level

“You can take a break at any point, water, restroom, whatever. Also, this conversation can continue past today, by email or phone, if you remember something later. Today is not the be-all, end-all of our conversation.”

“Please know that retaliation is not allowed per University policy and state and federal law. If you think anything like that is happening, please let me know.”

# When It Gets Hard

After you've defined purpose and expectations.

After you've assessed comfort level.

Just as you're getting into the substance of the complaint...

## The Scenario

Complainant looks at you and says:

***“I’ve been through hell. God is punishing me.”***

What do you NOT say?

## Don't Say:

**X** *“I completely understand. You didn't do anything wrong.”*

You don't know anything Complainant has or has not been through, especially outside of the limited information in the case file.

Talking like this gives the impression of a credibility determination you are not equipped (or supposed) to deliver during an investigative interview.

## Instead, Say:

- ✓ *“These conversations can be difficult, but I am here to listen. I really do appreciate you taking the time to talk to me today.”*

*You are seeing both the Assignment and the Person.*

# **Some Common Assumptions, and How to Disarm Them.**

## *“You’re Just a Front for the Institution.”*

### ✓ Response:

“Thanks for sharing your concern, Kevin.

While our office is part of the institution, I am an investigator, and I am not an advocate for the institution, or for Complainant and Respondent, in this process.

My job has a narrow role: I am the factfinder who is assessing the evidence and determining if there is sufficient evidence of a policy violation.”

## *“Thank You for Supporting Me.”*

### ✓ **Response:**

“I appreciate you sharing these things with me, Kevin.

I should note, just so we are on the same page, that my role in the investigation is quite narrow. While I will listen and review everything you tell me, I want you to understand that I cannot provide you or the other party support in terms of advocating for your position.

I have to remain a neutral factfinder for the integrity of the process.

That said, if I can connect you to any resources for advocacy or support, let me know, and I will do that.”

## *“What Good Is This Going to Do?”*

### ✓ Response:

“Kevin, I cannot promise any particular outcome out of this process.

What I can say is that I will review all the information you share with me, and I will review it carefully.

The more information you can share with me relevant to the allegations, the better job I can do in writing a fair, thorough investigative report of what happened.”

# Four Ways to Make It Less Hard

(And Get the Evidence You Need.)

## 01 Don't Talk Too Much.

*“Investigators and academics have long known the importance of uninterrupted free recall as a key component in managing trauma, building rapport, and obtaining a fulsome and accurate account...”*

Beyond the Silence: Trauma-Informed Interviewing of Sexual Torture and Violence During War and Armed Conflicts, Lucas, Benjamin and Becky Milne.

## 01 Don't Talk Too Much.

*“Both interviewees and interviewers have only limited capacity to process information ...so it is critical not to overload either the interviewee or the interviewer.”*

Eliciting Reliable Information in Investigative Interviews,  
Vrij, Aldert, Lorraine Hope, and Ronald P. Fisher.

## 02 Repeat Their Own Words Back to Them.

(Be Careful with Paraphrasing.)

*“Repetition also has an impact on the patient in that it increases his or her awareness of what has just been put into words...The patient basically listens to him- or herself, which presents the possibility of considering those words and their meaning more carefully.”*

Reformulating and Mirroring in Psychotherapy: A Conversation Analytic Perspective,  
Shaw, D. J., Vrij, A., Leal, S., Mann, S., Hillman, J., Granhag, P. A., and Fisher, R. P. (2015).

## **03 Let Them Talk About Other Stuff...**

Letting someone talk, even off-scope, is not a failure of your process. Done with awareness, it is an investment in the evidence you actually need.

---

## **04 ...And Then, Bring Them Back.**

The key word is awareness — you know you're letting them go, and you know how to come back.

# Real-World Scenario

Off Script

# Meet Mary.

*She is a witness who doesn't want to say the wrong thing.*

---

## THE SITUATION

Mary is a witness in a harassment case. She is a professor, and she is up for tenure. Both the Complainant and Respondent will review Mary's application for tenure. Mary has information relevant to the investigation.

## WHAT YOU'RE READING:

Mary might be hesitant, but she showed up. What does that mean?

# The Critical Moment

Mary says:

*“I’m not sure I should be saying this. I don’t want to get anyone in trouble. I like Complainant and I like Respondent. I just...I don’t want this to come back on me...”*

- What is Mary actually afraid of?
- What can you say to her right now?
- What should you NOT say to her right now?

## Three Paths. Which Do You Take?

### **A** Reassure with a promise.

*“Mary, everything you say here is completely confidential. No one will know you spoke to me.”*

You mean well, but what you’re saying is not accurate, and if she later finds out you were wrong, you’ve harmed the relationship and, perhaps, the investigation.

**X Result: You have promised something you have no control over.**

## Three Paths. Which Do You Take?

### **B** Read the policy at her.

*“Policy 14-741B prohibits adverse action against anyone who participates in protected activity and later submits a complaint under the non-discrimination policy. Policy 14-741B defines retaliation as...”*

You’re seeing Lens One but not Lens Two. You are on top of The Assignment, but are you seeing The Person? Is there another way to communicate this important information?

## Three Paths. Which Do You Take?

### **C** Tell it to her straight.

*“Mary, thank you for sharing that with me. What I can tell you is that, if there ever becomes a situation where someone takes a negative action against your career because you are talking to me today, participating in this process, we have a policy that says retaliation against you, from either Complainant or Respondent, is prohibited. Please let me us know if you think anything like that is happening, and we will review the information you share with us. My job today is to ask you some questions about the situation, and to listen to you, but you can take a break at any point, or ask me questions, or talk about your concerns. This conversation can be ongoing, and we can address later concerns that pop up, too.”*

**✓ Result: You haven’t overpromised. You’ve given her agency. The door is open.**

# Five Action Steps for Your Next Interview

1

Be in *this* Moment. Neutrality and empathy begin before you ask your first question.

2

Hold Both Lenses. See the Assignment and the Person. Twin Focus.

3

Set the Stage Early. Establish tone and purpose ASAP.

4

Be Ready to Go Off (and Back On) Script. Prep and flexibility work in tandem.

5

Give Them Room. This is how you get the evidence.



# Questions.



**Email me: [alexpollack@gmail.com](mailto:alexpollack@gmail.com)**

**Connect with me on LinkedIn: Alex Pollack, UVA Civil Rights Investigator**