

IT MAY NOT BE THE Economy's Fault

BY MICHAEL J. WEST, CFE/CLEI

MANY PEOPLE COMPLAIN ABOUT THE ECONOMIC DOWNTURN ADVERSELY AFFECTING THEIR INVESTIGATIVE BUSINESS, BUT I BELIEVE IT MIGHT ALSO BE A RESULT OF OTHER CONTRIBUTING FACTORS.

Do you think your down-turn in business activity might be related to lack of quality reports? Do you think there's a possibility that your competition is writing and providing better investigative reports than you? Have they taken some of your business because their reports are better?

Based on recent examples, I think this happens more often than we realize. One PI recently said he doesn't need to write reports because his clients (which are quickly declining in number) are only concerned about the facts and not about reports. Another has told me that as long as they get the major details across, there's no need for detailed written reports. Absurd!

After hearing some of these comments, I addressed the issue with several attorneys. None argued against the point that investigative reports must be comprehensive and detailed. A common theme was that the written report is a representation of what the investigator did on a case. It all goes toward credibility and demonstrating that not only did you accomplish certain steps but also that you recorded all the facts; the good, the bad and the ugly. The report represents you and the quality of your work.

How can you demonstrate to your client that you have accomplished a professional job unless you can articulate everything in a written document? There are exceptions when there won't, or shouldn't, be a report written and those are exceptions agreed upon by all concerned. But I'm talking about the average situation.

A written report should contain all the details, a stand-alone account of your investigative activity. Pay attention to grammar, spelling and word context. Taking too long to get a report to a client is just as bad as not writing one. We deliver a completed report the next workday after completion of an investigation.

Your report might consist of a handful of investigative inserts or one comprehensive document. Nevertheless, you can't do half a job when you write a report. Your client has to rely on what you have done. They have to know the good and the bad. Leaving out or excluding seemingly unimportant details might derail your case.

In situations where your client is hiring you as an expert witness they may be asking for opinions. You must clearly articulate your position and the basis for your conclusions. If you provide an interpretation, be specific and set this information aside in a separate section.

Another common comment was that the investigative report should demonstrate your knowledge of the intricacies of the task at hand and your proper application of how the law works. The report reflects you and your efforts. If you don't know the law and what you can or can't do, your client needs to be aware of it. Overstepping your legal bounds or improperly applying yourself could have disastrous results. It's much better for your client to know this in advance than to learn it when you are being cross-examined.

Establish a standard template for your reports. It can be modified, but you will find that consistency in reports has its rewards.

Several of my attorney clients have remarked that they know every report I send will contain certain types of information and they know exactly where to go in the report to find that information. All of my reports are computer generated.

There are still handwritten reports out there, although everyone I know wants and expects a professional looking report and that means: *no handwritten reports*. A handwritten or sloppily prepared report does nothing to enhance your appearance of expertise.

My reports contain a "Background and Scope" section that includes the basis for the investigation. It also includes a "Conclusion" section that captures the overall results of the investigation and serves as an "executive summary". I include 11 standardized sections in every report. Clients who use my services know what they are going to get.

I always prepare every report in anticipation of litigation. Even if it's a simple job for an individual, you might be surprised when and where that report will surface. Prepare as though you are going to court every time. Write for your reader. Be clear, concise and appropriate. Stay away from jargon or 'cop talk'.

Your clients may prefer different styles of reports; chronological or subject related. This is something you might want to address or something that you learn is a preference of the client. I usually try to get a feel for those preferences before I finalize a report. This might involve providing a client (particularly an attorney) with a draft or pending report and gauge their reaction. Do they ask a lot of questions that might be answered with a change in report style?

I have a binder of four or five different samples of actual reports (redacted, of course) that I use when meeting a new or potential client. The types of reports include a sample of a workers comp/personal injury investigation, a background investigation, a pre-employment investigation, an asset search, as well as other types depending on the client's type of practice. It's served me well and I highly recommend it.

About four years ago, I used this binder to add a new client after he said the reason he didn't use private investigators was that "not a damned one could write a decent report".

Report writing is an art. You have to practice to be good at it. If you are afraid of writing, taking a writing course at your local college will be worth your time.

Take the extra time, consider what you are doing and the reason you are doing it. You will find you are better off than the competition. **PI**

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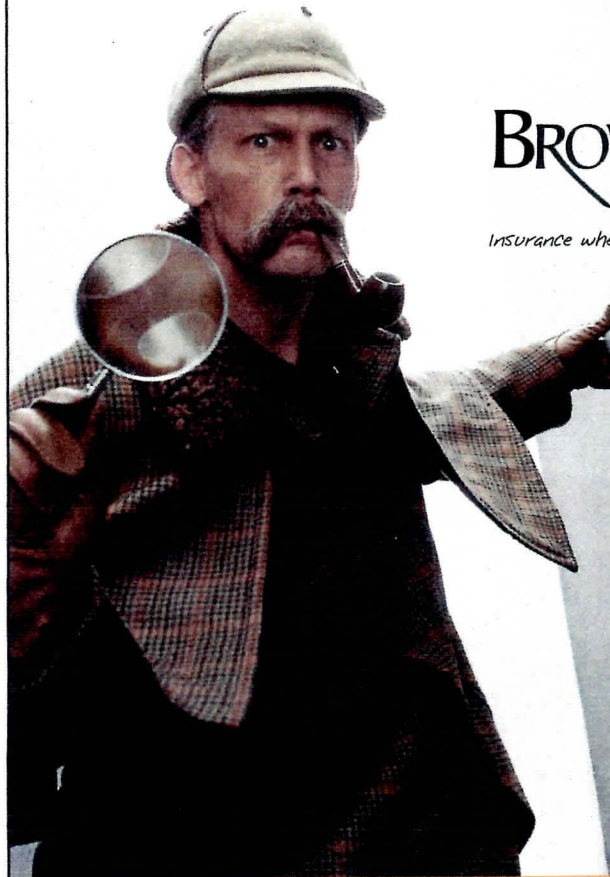
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