

Investigative Interviewing 7 Interview memos

Should I write an interview memo?

Note-taking is the foundation for the actual writing of employee statements, results of interview reports, and the investigative report itself. Notes are any recorded facts made contemporaneously with the activity being noted that might be relevant to the investigation.

Notes should be made during the interview. Notes must clearly state who wrote them, when and for what purpose. They should contain as much identifying data as is reasonable. They should also be accurate (factual), objective, complete, concise and clear. If a quote is recorded in the notes, make it clear in the notes that it is a quote.

Don't just drop your handwritten notes in the file. Your notes are your subjective understanding of the matters discussed. They will also be written in your unique shorthand. The risk is that others may review these notes and draw different conclusions from them. Worse, you may be asked to recall things that happened and not be able to decipher what you wrote. If another person is taking notes, then the risks are compounded, especially the risk that the two sets of notes contradict each other in some way. Either way, your investigation is, practically speaking, deprived of the precise information the interviewee offered. You have inadvertently inserted yourself into the investigation process by now having to act as some kind of interpreter to explain what the interviewee said. Stated another way, the value of this interviewee now depends not on what he said, but rather on what you recall that he said. You are, essentially, now the witness to hearsay information.

Instead, as soon as possible after the interview is completed, draft a memo to the file transcribing your notes into simple declarative sentences or a narrative of the conversation. Use as many direct quotes as possible. The memo should be the written recollection of the interview even if you retain your notes. Through this process, you will identify any gaps in your questioning that will require you to get supplemental information from the interviewee. You are also more likely to remember details that you left out of your notes but should be added to the memo. If for some reason you cannot decipher your notes, you will then be able to expeditiously correct the situation.

Can I include my opinions in the interview notes? Aren't they part of what I learned in the discussion?

Good interview notes are complete, accurate, and allow you to recreate their substance in the interview memo. Notes do not contain your editorializing or opinions. If the notes include things other than straightforward descriptions of facts, your objectivity, credibility or opinions will be questioned as a way to neutralize the information in the memo.

Convey the substance of your observations without crossing the line into editorials and opinions. Rather than write that "Bob seems impatient and disinterested," explain in your notes that "Bob frequently looked at his watch, asked how long the interview would take, and stated three times that the interview was a waste of everyone's time." This would be more accurate, and only your observations are possibly at issue, not your judgment and credibility.

Should I have the interviewee review the memo and sign it to prove its accuracy?

No. The memo represents your recollection of information gathered from the interviewee. It does not represent the collaborative process of you and the interviewee. The information, if properly gathered, stands on its own even without the agreement of the interviewee because, presumably, he said those words. There is also a practical problem with seeking the agreement of the interviewee. What will you do if the interviewee disagrees—as opposed to supplementing or clarifying a statement—that he said something that the investigator recalled? How will you reconcile the disagreement? The practical effect of the disagreement will be to undermine the value of your memo by your attempt to underscore the fairness of the process.

If there is a lawsuit, a complaint to a regulatory agency or even an internal inquiry, the memo is going to be produced. If the interviewee is key to your investigation findings, any scrutiny of your conclusions will include a scrutiny of the memo. The memo can be both a sword and a shield. A properly documented interview memo not only will justify a management decision but it can also protect you from a claim that the findings were unsupported, or that the subject did not admit what he actually admitted to you. It can also prove a negative. For example, if an interviewee falsely claims that he said something in the interview that somehow favors his position, its omission from a proper, contemporaneously prepared interview memo is going to show that it is more likely than not that the statement was not made.

Here are some things to remember when taking notes during an interview:

- Take notes at the same time the statements are made. If not, make them as soon as possible afterwards.
- Your notes should identify that you wrote them, when and for what purpose. The notes should contain as much information as possible.
- If you are quoting the interviewee, use quotation marks for the verbatim statements.
- Remember that your notes are a memory resource when preparing the interview memo. The notes should be retained in case the interviewee later disputes what you wrote in the memo.
- If the interviewee gives you material information regarding an element of the business standard involved, make sure you write that down.
- Keep your notes until they are no longer needed. Keep them according your organization's document-retention policy.

Your interviewees are not helping you with the investigation process. People speak to you because they are compelled to. They are not sitting in that room to assist your note taking or help you complete your inquiries. Interviewees should be asked for their information and then allowed to go back to their lives.

If you want to confirm the accuracy of your questioning, a better approach is to recap the major points with your interviewee. Then you note this step in your interview memo, which will also bolster the credibility of your memo. ("I asked the interviewee the question a second time, and he repeated the answer.") And if you misunderstood something, clear it up right there.

What should be included in my interview memo?

Create a template for your interview memos. The template should have an introduction identifying the interviewee, the office address, job title, employment history, and supervisor's name. The memo should have the date, time and place of the interview and identify you as the investigator and anyone else present.

The body of the report should provide details of the interview, and any documents obtained or discussed in the interview. The memo should report facts provided by the interviewee as facts and describe opinions, impressions and conclusions accordingly.

The narrative summary is the heart of the memo. It should include a description of events as close to the interviewee's actual language as possible, even if the grammar is not correct. The more you paraphrase, the less value and credibility the memo will have.

When writing the memo, document only the facts. Use quotation marks only for exact questions and not to emphasize words.

Please remember that an interview memo is intended to memorialize interviewee statements to be used as evidence in your investigation. A memo is not intended to be literature. Don't worry about beginning multiple sentences with "he stated" if that accurately conveys the substance. Using clear words, even if repetitive, is better than exchanging them for synonyms that may affect the meaning.

If your company policy provides for the interviewee to review and sign off on the memo, obtain that review and upload the memo to your database.

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