

**DETROIT FREE PRESS
A MAYOR IN CRISIS**

IRE FOI AWARD QUESTIONNAIRE

1) Title of story, collection of stories, or series and names of people who worked on this story.

A Mayor in Crisis, a year of investigative, enterprise, explanatory and deadline reporting.

The coverage was led by investigative reporters Jim Schaefer and M.L. Elrick, and edited by AME/Investigations David Zeman, with significant contributions from investigative reporter Jennifer Dixon and state capitol bureau reporter Dawson Bell.

Other contributors:

Joe Swickard
David Ashenfelter
Zachary Gorchow
Kristi Tanner
Ben Schmitt
Suzette Hackney

2) Date(s) published or aired.

The first story, "Mayor Lied Under Oath, Text Messages Show," broke on www.freep.com on Jan. 23, 2008, and in the print edition of the Free Press the following day. It was written by Schaefer and Elrick. Coverage has continued through Kilpatrick's sentencing on obstruction of justice charges on Oct. 28, 2008, and his former chief of staff's guilty pleas to two related felonies on Dec. 1, 2008.

3) Topic and synopsis of story or series, including major findings.

Our investigation exposed public corruption at the highest levels of government in America's 11th largest city. Schaefer and Elrick's reporting revealed that Detroit Mayor Kwame Kilpatrick and his top aide lied under oath during a police whistle-blower trial and sought to cover up those lies by brokering a secret \$8.4-million settlement paid for with taxpayer dollars. The mayor's legal fees, criminal prosecution and the lost conference business that resulted have pushed the tab for taxpayers in the impoverished city to more than \$14 million. Later Free Press stories revealed that three dozen of Kilpatrick and Beatty's family and friends received dozens of city jobs and promotions, even after Kilpatrick learned some had lied on their resumes about college degrees they never earned; favoritism in the awarding of city contracts, which Kilpatrick and Beatty steered to a close friend and campaign contributor; and, during Kilpatrick's time as a state representative, the role he played in directing hundreds of thousands of dollars in state grant money to programs run by his pastor and a close friend, who funneled tens of thousands of those dollars to Kilpatrick's wife, Carlita Kilpatrick.

MAJOR FINDINGS:

- Detroit Mayor Kwame Kilpatrick and top aide Christine Beatty lied under oath at a police whistle-blower trial, destroyed the careers of veteran cops and cost the cash-strapped city millions of dollars it otherwise would not have had to pay.
- Kilpatrick and a battery of city and city-paid attorneys violated the state Freedom of Information Act and likely violated attorney ethics rules by conspiring to hide a settlement deal in an effort to cover up the mayor's perjury and misconduct.
- Kilpatrick and Beatty's relatives and friends received city jobs and promotions, even after Kilpatrick learned that some of his relatives had lied about their qualifications.
- The mayor's friend, contractor Bobby Ferguson, received unparalleled inside information on contract bids, and has been awarded millions of dollars in city contracts.
- Then-state Rep. Kilpatrick helped his pastor and a close friend obtain hundreds of thousands of dollars in state grant money for their nonprofits, which in turn paid tens of thousands of dollars to Kilpatrick's wife.

4) How the story got started (tip, assignment, etc.).

Elrick and Schaefer had long been aware the mayor and his aides communicated constantly on text messaging devices. After members of the mayor's police security team leveled allegations of wrongdoing at the mayor and some of his top aides, the reporters tried to obtain copies of messages Kilpatrick and Beatty exchanged on the city-issued devices. The mayor's administration was not cooperative. After several years of effort, Schaefer and Elrick finally landed four months' worth of explosive text messages between the mayor and his chief of staff and lover. The messages showed that, despite their sworn testimony, the pair had carried on an illicit affair and conspired to ruin the career of a deputy police chief poised to investigate them.

5) Major types of documents used and if FOI requests were needed. Did you have difficulties obtaining any electronic information you used? How did you resolve this? Did you use FOIA for data under state or federal law?

The reporters used transcripts of text messages, the mayor's appointment calendar, city credit card records, marriage licenses, divorce records, death certificates, declassified census reports, state grant documents, IRS 990 filings, property records and campaign finance reports. Some of the documents were obtained under FOIA, others only after a judge ordered the city to turn over records the newspaper sued for under the Michigan FOIA. One of the reporters' FOIA requests prompted the mayor and his legal team to concoct a secret agreement to cover up the city's settlement deal with the cops. A jury had found in favor of two officers at the conclusion of a whistle-blower trial in September 2007, awarding them \$6.5 million in their suit against the city and Kilpatrick for retaliating against them for allegations made against members of the mayor's inner circle. Kilpatrick vowed to appeal, then abruptly agreed to forego an appeal and pay the cops \$8 million after the cops' lawyer confronted defense lawyers with the explosive texts. Schaefer filed his FOIA requesting a copy of all settlement documents one day after the deal was announced. Rather than turn over the terms of the deal -- which included a provision barring the parties from publicly revealing the text messages — Kilpatrick and his lawyers created a new settlement agreement to hide any reference to text messages

from the Free Press. The paper fought to unseal the information all the way to the Michigan Supreme Court.

6) Major types of human sources used.

The reporters interviewed all of the parties involved in the lawsuit, employees of the company that provided the text messaging devices, legal experts, and current and former advisers to the mayor.

7) Results (if any).

- Mayor Kilpatrick was charged with eight felonies including conspiracy, misconduct in office, obstruction of justice and perjury. In September, he pleaded guilty to two felonies, agreed to repay the city \$1 million as well as the proceeds from his public pensions, resigned from office and agreed not to run for public office for five years. He was sentenced to 120 days in jail and five years' probation on Oct. 28.
- Christine Beatty resigned days after the Free Press broke the text message scandal. She was later charged with seven felonies. In December, months after plea negotiations initially broke down, she pleaded guilty to two felonies. She is to be sentenced in January to 120 days in jail, five years' probation and payment of \$100,000 in restitution.
- Detroit's City Council voted to seek Kilpatrick's resignation and, when he refused, voted to launch removal hearings.
- The City Council also urged Michigan Gov. Jennifer Granholm to remove Kilpatrick for misconduct, a power granted to the governor under state law. Granholm began those hearings in early September. The mayor reached a plea deal with prosecutors after the hearing's first day.
- City Council President Kenneth Cockrel, Jr. became mayor, pledging to replace Kilpatrick's high living with more sober leadership.
- City Council members said they would increase their scrutiny of city contracts and legal settlements as well as reduce the mayor's influence over the head of the city's law department, which the Free Press showed had been compromised by serving the mayor's interests before those of the city.

8) Follow-up (if any). Have you run a correction or clarification on the report or has anyone come forward to challenge its accuracy? If so, please explain.

After breaking the text message story, the Free Press revealed how Kilpatrick and Beatty provided inside information and helped a friend and campaign contributor obtain public contracts; exposed the secret deal crafted to cover up the payoff to cops in return for their silence about the text messages; showed how Kilpatrick and Beatty stocked the city payroll with dozens of family and friends while cutting more than a thousand police and firefighters; and uncovered deals during the mayor's time in the state legislature showing how he directed hundreds of thousands of dollars in state grants to charities run by his pastor and a close friend and how tens of thousands of that grant money was paid to Kilpatrick's wife.

We published one correction: A sidebar chart that listed employee raises mistakenly identified some of the people as mayoral appointees instead of civil-service employees.

We did not include the chart in this entry, and the error did not affect any facts or analysis presented in the accompanying story, published May 11 (included). No other challenges have been made to the accuracy of anything we published over the months of coverage.

9) Advice to other journalists planning a similar project.

Make sure you authenticate explosive documents before you publish them. Make sure you frame sensitive political investigative stories in terms of how the misconduct affects the city and its residents and not primarily on the story's more salacious aspects. Were any laws broken? What was the cost to the public? What could that money have otherwise been used for? This is particularly important in stories, such as this, that involve sexually graphic material. Kilpatrick and Beatty's lies at trial included their denial that they were involved in a sexual and romantic relationship at the time the cops were fired. This was important because the cops claimed, among other things, that they were forced from the department because their investigation would have uncovered the affair. It was important to us, and to the story's credibility, that we properly kept the focus on the fact that the mayor's and Beatty's lies at trial eventually cost the city more than \$14 million – and counting. This was never a story about sexual indiscretions; this was a story about how a public official's lies and cover-ups cost his cash-strapped city millions of dollars.

10) Difficulty, uniqueness of effort, or other special circumstances related to this subject.

This is the first story we're aware of in which text messages sent between public officials were used to expose serious wrongdoing. This story showed the value of a previously unmined resource — text messages — and alerted reporters across the country to a potentially rich trove of information for future investigations.

Because there was so much graphic sexual content, we had to be very careful to focus the story on what really matters to taxpayers: criminal wrongdoing by public officials. Our challenge was to include enough of the sexually charged text messages to clearly show that Kilpatrick and Beatty lied under oath when they denied their affair, but not so much as to seem prurient.

Because the story involved confidential sources, which we used as a last resort, there were many meetings with editors and the paper's attorney to be sure we complied with the Free Press' stringent safeguards.

Breaking this story involved months of delicate effort to authenticate the text messages through a variety of means. The reporters' efforts also provided the basis for the paper's lawyers to successfully sue the city for secret settlement documents and additional text messages.

Also, publication of some of the material contained in the text messages would have been humiliating to people who were not public officials. There was tremendous interest among readers who wanted to see all of the text messages. But, after carefully considering privacy issues as well as the potential impact on people who were not central to the wrongdoing, we released only those messages that were deemed relevant to the wrongdoing.

There also was the sheer effort of reading, categorizing and confirming the authenticity of 14,000 text messages, and using what we found to break not only the first story, but an entire series of stories exposing misconduct at the highest levels of city government.

And finally, there was the pressure brought to bear on the Free Press by the mayor and his supporters, who variously called our reporting a “witch hunt” and suggested that the Free Press and other media had a “lynch mob” mentality. Some members of the Detroit City Council suggested to Publisher David Hunke that some Free Pressers should be concerned for their safety. We took great care to focus on buttoned-down, non-inflammatory reporting that would not fuel the attacks the mayor sought to mount. The result was a focus on the facts of the case and the public issues involved – we walked a tightrope to do the reporting necessary without inflaming the community, which has had a history of racial distrust and tension.

11) Length of time taken to report, write and edit the story.

We published our initial story in January 2008 and had been working on it for several months. Our investigation and follow-up reporting continued through 2008.

12) If you extensively used computer-assisted reporting skills, please answer the following:

a) Did you extensively use any Internet sources? If so, please list address(es) and explain how the site(s) was useful.

We used LexisNexis (www.lexisnexis.com) for addresses, phone numbers and other reference material.

b) Did you obtain or build any electronic databases? If you obtained data, what was its name and source? What was the cost? If you created your own database(s), what records did you use?

We created multiple spreadsheets for articles on city contracts awarded to mayoral friend Bobby Ferguson, including millions of dollars in contracts from the city water department and building authority. We also built databases on the dozens of Kilpatrick and Beatty friends and family members on the city payroll, cross-indexing city personnel lists with court records, meeting minutes from city agencies, and contracts and internal records from the Detroit Economic Growth Corp.

The primary city personnel record, which officials released only in paper form, was the Quarterly Detroit Human Resource Dept. Data System Report (2002-2007). Details of these reports:

- Roughly 1,500 pages.
- Cost \$180.
- We used Excel databases created from Access databases and paper copies for some workers, including those in the mayor’s office.

- Data fields: Employees' name, race, gender, age, tenure, position, classification and salary.

c) Did you have difficulties with the data itself? How did you overcome them?

It was difficult to obtain answers, other than through FOIA, even on simple matters such as department/agency database codes. Some of these matters were resolved by cross-referencing the new data with that contained in records obtained via earlier FOIAs; other matters were resolved independently through sources within city government.

d) Was any analysis done? If so, what?

We examined city staff records, tracking changes in position, department and salary from year to year, and used basic descriptive statistics regarding salary (e.g., median, average salary, percent changes). We also used spreadsheets to tabulate who received city contracts, their ties to the mayor and the amount received.

e) Was data analysis done by your own staff or was outside assistance used? Who?

It was performed by our own staff.

f) What specific software did you use?

Microsoft Access, Microsoft Excel, scanning software.

g) Did this include mapping software?

No.