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- Hagit Limor
investigative reporter
WCPO-TV Cincinnati

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THE IRE JOURNAL

SUMMER 2009

4 **Celebrate watchdog successes**
By Mark Horvit
IRE Executive Director

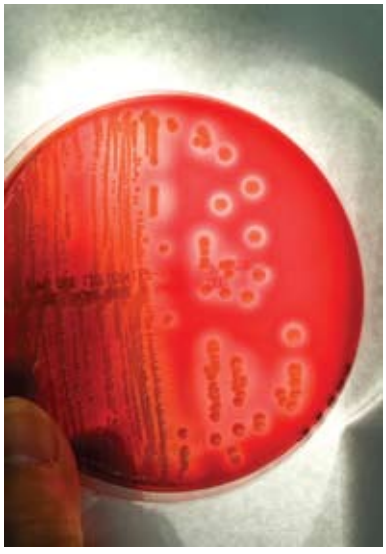
7 **WIDENING WAGE GAP**
Fellowship offers tools for economic analysis
By David Knox
Akron (Ohio) *Beacon Journal*

9 **MAGAZINES MINE FREELANCE TALENT**
By Steve Weinberg
The IRE Journal

10 **MEGACHURCH WITH MEGAMONEY**
Print, TV investigations probe church spending
By Michelle Bearden and Baird Helgeson
The Tampa Tribune
and Rich Gardella
NBC News

13 **NETWORKING NEWS**
Popular Web tools bolster coverage of young drug informant's murder
By Julia Luscher Thompson
Tallahassee Democrat

15 **WORKING THE BEAT**
By Jessica Nuñez



ABOUT THE COVER

The drug-resistant germ MRSA, as seen under a microscope.

Photo by
Mike Siegel, *The Seattle Times*

COVER STORIES:
Pages 16-27

Medical Investigations

16-27

17 **KILLER GERM**
Drug-resistant bug kills more U.S. patients annually than AIDS
By Michael J. Berens and Ken Armstrong
The Seattle Times

20 **DIAGNOSIS: LAWSUIT**
Hospitals sue patients despite state subsidies for charity care
By Fred Schulte

23 **FAULTY DETECTION**
Federal inspections reveal violations in mammography
By Wendy Saltzman
CBS News Atlanta

25 **AIRPORT INSECURITY**
Report prompts reforms in ambulance dispatching
By Arthur Kane
KMGH-Denver

27 **RESOURCES**
By Tori Moss
The IRE Journal

28 **Checking on volunteer fire companies**
By Mike Chalmers
The (Wilmington, Del.) *News Journal*

30 **LAX PROTECTION**
Domestic violence offenders keep their handgun permits
By Jeremy Finley
WSMV-Nashville

31 **BREACH OF TRUST**
Lawyer-client sex leads to sanctions
By J. Todd Foster
Bristol (Va.) *Herald Courier*

33 **Dueling rights**
Free speech vs. open meetings at stake in federal court appeal
By Charles N. Davis
National Freedom of Information Coalition

34 **Snapshots from our blogs**

THE IRE JOURNAL

VOLUME 32 | NUMBER 3

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FROM THE IRE OFFICE

Celebrate watchdog successes

BY MARK HORVIT
IRE EXECUTIVE DIRECTOR

Readers of The IRE Journal know as well as anyone about the tremendous impact of investigative journalism.

Still, every once in awhile, it's nice to be reminded.

I was in Washington, D.C. on a recent Sunday and took my time walking along the row of that day's front-pages that lined the outside of the Newseum. It was inspiring to see the number of papers that featured hard-hitting, locally written enterprise stories – and it wasn't just the big metro dailies. From small communities to large, journalists were taking hard looks at school districts, local government, police departments, even local nonprofits. Moving from page to page – one from each of the 50 states – provided a powerful testimonial to the ongoing power of the press, even in tough economic times.

From D.C., I headed to Baltimore for IRE's annual conference, which drew almost 850 journalists from throughout the United States and the world. In dozens of panels during three-and-a-half days, reporters, editors and producers detailed how they had exposed wrongdoing and injustice. Session after session hammered home the huge difference that investigative journalism is making, every day, in communities around the globe.

For more evidence, look no further than the magazine you're reading now.

Our centerpiece in this issue looks at multiple ways that journalists have brought to light problems in the health care industry. Some are projects that were massive in their time and scope; others came from beat reporters who developed tips while covering the daily news.

Much of the best work takes a story in the headlines and looks for the truth behind the hype. A strong example is the investigation into the scope of the deaths caused by the drug-resistant MRSA germ conducted by Michael Berens and Ken Armstrong of *The Seattle Times* (page 17). They dug in and discovered that the true number of deaths caused by the bug in Washington state had never been made public. In fact, in 10 years that number skyrocketed from about 140 to more than 4,700.

Along similar lines, a team of journalists at KMGH in Denver did extensive follow-up reporting following a jet crash and wound up with a special report on problems with the city's ambulance system (page 25). Like many enterprise reporters, they had to fight through long delays and initially ludicrous fee quotes for public records. Unlike too many reporters, they stuck with it and eventually got the records – and the story.

Their work led to immediate improvements in the ambulance system designed to improve response times.

Another recurring theme in the best watchdog journalism centers on the shortcomings of government agencies that are supposed to protect the public. Wendy Saltzman of CBS Atlanta found that some medical facilities that perform mammograms had been cited multiple times by the U.S. Food and Drug Administration for problems that could lead to missed diagnoses – and those clinics had been allowed to remain open (page 23). The station published what the agency had not – a list of violations, so that potential patients would have the information they need to make potentially life-and-death decisions about their care.

Like a little outrage in your news? Check out the project that Fred Schulte and James Drew of *The Baltimore Sun* did that exposed the practice of many nonprofit hospitals, which were suing patients who could barely pay their household bills in an effort to collect for care, even in cases where they'd received millions of dollars to cover the costs of free and unpaid care (page 20). The reporters spent months building a massive database to help document the practice.

Most reporters don't have the time to devote exclusively to project work. As recent Missouri School of Journalism graduate Jessica Nunez points out (Page 15), that doesn't mean they can't dig in to produce great work.

She quotes Mariana Alvarado, a reporter for a Spanish-language weekly who co-wrote an award-winning project on the deaths of illegal immigrants that brought about changes in the way Mexico and the United States track such deaths:

"I just started working on this on the side, in my free time," Alvarado says. "By the time three months had gone by, I realized I had enough to do a whole series."

Mark Horvit is executive director of IRE and the National Institute for Computer-Assisted Reporting. He can be reached at mhorvit@ire.org or 573-882-2042.

Downie, Johnston, Cribb join IRE Board of Directors

Veteran journalists Leonard Downie Jr. and David Cay Johnston won seats on the IRE Board of Directors during the annual membership meeting June 13 at this year's conference in Baltimore.

Downie, vice president at large and former executive editor of *The Washington Post*, recently joined the journalism faculty at Arizona State University. Johnston, who retired as a reporter at *The New York Times* in 2008, continues to write books, magazine articles and columns.

Four incumbents also were elected to the board for two-year terms: Lise Olsen of *The Houston Chronicle*, Cheryl Phillips of *The Seattle Times*, broadcast journalist Lea Thompson and Alison Young of *The Atlanta Journal-Constitution*.

In addition, Robert Cribb of the *Toronto Star* has joined the IRE Board of Directors to finish the remaining term of a seat vacated by Jason Grotto, who resigned June 26. Under Section 6.10 of IRE's Code of Bylaws, vacancies on the board are to be filled by "the next qualified highest vote recipients among nominees at the last previous election, to serve until the next meeting of the membership…" Cribb was the next highest vote recipient at the election June 13.

Here were the vote totals (including absentee ballots) for the six seats up for election:

Leonard Downie Jr.: 149
Alison Young: 149
David Cay Johnston: 134
Cheryl Phillips: 133
Lea Thompson: 122
Lise Olsen: 115
Robert Cribb: 104

During the meeting, IRE members also approved an amendment to IRE's articles of incorporation that removes the restriction on the number of academic members who can serve on the Board of Directors.

IRE members whose membership status was current through July 1, 2009, were eligible to vote. Members who did not attend the conference were allowed to vote by absentee ballot.

IRE sets 2010 conferences for Phoenix, Las Vegas

The annual Computer-Assisted Reporting Conference will be held March 11-14, 2010, in Phoenix. Next year's annual IRE Conference will take place June 10-13, 2010, in Las Vegas.

IRE has negotiated favorable hotel rates for both conferences to make them as affordable as possible for members.

Check the IRE On the Road blog at www.ire.org/training for updated information about the national conferences, as well as dates and details about upcoming regional workshops and boot camps.

MEMBER NEWS

Michael Beebe and Maki Becker have written "The Bike Path Killer," which chronicles the life of Altemio Sanchez, a seemingly respectable community member who raped and murdered women in the Buffalo, N.Y., area for 30 years.

Abbie Boudreau and **Scott Zamost** of CNN won a 2009 national Clarion Award for investigative reporting for their series "Hurricane Giveaway."

Dwayne Bray and **William Weinbaum** of ESPN were part of a team that won a 2009 Deadline Club Award in feature reporting for "The Lyman Bostock Tragedy," which aired on "Outside the Lines."

Ron Chepesiuk's book "Black Gangsters of Chicago" won a 2009 National Indie Excellence Book Award in the African American nonfiction category, and his book "Gangsters of Harlem" won in the true crime category. He also was awarded a Fulbright Scholarship to teach journalism in Indonesia.

Dan Froomkin is now the Washington bureau chief and blogger for *The Huffington Post*.

Elaine M. Grossman won first place in the Society of Professional Journalists 2008 Washington Dateline Awards in the daily newspaper-general news category for "Critics question Army readiness for post-WMD-attack domestic patrols." The article was published in the National Journal Group's Global Security Newswire.

Brad Heath and **Blake Morrison** of *USA Today* won the 2009 Grantham Prize for Excellence in Reporting on the Environment for "The Smokestack Effect: Toxic air and America's schools."

Mark Katches is now editorial director of California Watch, a nonprofit reporting initiative under the Center for Investigative Reporting. He was deputy managing editor of the *Milwaukee Journal Sentinel*.

Meg Kissinger and **Susanne Rust** of the *Milwaukee Journal Sentinel* received an award of special merit from the Grantham Prize jurors for "Chemical Fallout."

Julie Kramer has written "Missing Mark," which is a sequel to her debut novel "Stalking Susan" that won the Minnesota Book Award for genre fiction and best first mystery from the RT Reviewers Choice Awards.

Jennifer Peebles of Texas Watchdog received the Open Doors Award from the Fort Worth Professional Chapter of the Society of Professional Journalists for making Texas legislators' financial disclosures available via an interactive online map.

Rob Perez and others at the *Honolulu Advertiser* won the 2009 Award for Excellence in Coverage of Trauma for "Crossing the Line: Abuse in Hawai'i Home."

Benny Polacca joined the *Osage News* in Pawhuska, Okla., as a staff writer in March. He previously worked as a reporter for *The Forum* in Fargo, N.D.

Maurice Possley, who left the *Chicago Tribune* in 2008, is joining the Northern California Innocence Project at Santa Clara University Law School.

Steve Rhodes is the founder, editor and publisher of www.BeachwoodReporter.com. The Web site, along with www.ChicagoTalks.org, was awarded best online investigative project by independent media in 2008 by the Society of Professional Journalists.

Sherry Ricchiardi, a professor at the Indiana University School of Journalism and a writer for *American Journalism Review*, has won the National Press Club's Arthur Rowse Award for Press Criticism for a second time.

Hank Phillippi Ryan of WHDH-Boston won the Agatha Award for best first novel for her debut mystery "Prime Time." Her series of mysteries featuring investigative reporter Charlotte McNally continues from MIRA Books with "Face Time" in July, "Air Time" in August and "Drive Time" in February 2010.

Ed Sharpe of the *Glendale Daily Planet* won the third annual Arizona Media Diversity Award, which is given by the Arizona Association of Black Journalists.

John Wasik has written "The Cul-de-Sac Syndrome," a book that digs into the housing crisis. He also has written "The Audacity of Help," which investigates the Obama administration's stimulus plan and budget and was published in August.

Rosemary Winters, Matt Canham and Matthew D. LaPlante of *The Salt Lake Tribune* won the Roy B. Gibson Freedom of Information Award from the Utah Society of Professional Journalists for stories on secret bonuses paid to Sandy City officials.

Please send Member News items to Doug Haddix (doug@ire.org). Read updates online at http://data.nicar.org/irejournal/membernews.

Read updates on Member News and other developments between print editions of The IRE Journal by visiting our expanded Web site: http://data.nicar.org/irejournal

Knight Foundation unveils $15M investigative initiative

The John S. and James L. Knight Foundation is funding a $15 million initiative to help develop new economic models for investigative reporting on digital platforms.

The grants – some ongoing, some new and some yet-to-be announced – will promote local and national investigative reporting. The foundation announced the initiative during IRE's annual conference in Baltimore in June.

"Communities are harmed by what they do not know," said Eric Newton, Knight Foundation's vice president for journalism, in a news release. "A community can't clean up a toxic dump or remove a corrupt official or right any other wrong if its citizens do not know about it. We're awash in information, yet it seems to be getting harder to find good investigative reporting."

By looking for projects that emphasize high-impact stories, digital platforms, diverse revenue streams and national leadership, he said the foundation hopes to "help pioneer models that help keep this important journalism flowing."

The three newest grants are:

- Center for Investigative Reporting, $1.32 million: to launch a new multimedia investigative reporting project in California that encourages print, digital and student journalists to collaborate on stories.
- Sunlight Foundation, $565,000: to develop Web tools so the public can easily access information on congressional lawmakers, their campaign contributions and votes.
- ProPublica, $1.01 million: to help the nation's largest new nonprofit investigative reporting organization create a sustainable business model.

Further details are available at www.knightfoundation.org.

AP distributing stories from nonprofit groups

The Associated Press began a six-month pilot project July 1 to distribute watchdog and investigative journalism from nonprofit organizations to its 1,500 member newspapers. The AP announced the initiative during IRE's annual conference in June in Baltimore.

The AP will distribute work by the Center for Investigative Reporting, the Center for Public Integrity, the Investigative Reporting Workshop and ProPublica.

The journalism organizations will receive a wider distribution of their content. It will be provided via the AP's Web-based delivery system, AP Exchange, at no cost to the newspapers or to the contributing organizations.

"We're seeing exciting growth in foundation-supported and other nonprofit journalism organizations that are producing public service journalism, which is at the heart of AP's news values," said Sue Cross, senior vice president, Global New Media & U.S. Media Markets, in a news release.

If the project is extended, other nonprofit journalism organizations also may be included.

Comprehensive numbers are elusive, but it is clear that increasingly foundations are funding news, the AP said in a news release. Of the 115 news ventures that received funding in the past four years cited by J-Lab at American University in its recent report, 102 – or 87 percent – launched since 2005.

IRE announces 2009 winners of freelance fellowship grants

Recognizing the vital need for freelance investigative work, IRE has awarded its second year of grants – $3,000 from the endowed fellowship fund.

A panel of three judges, all experienced investigative reporters who freelance, reviewed applications and selected the fellows.

The 2009 IRE Freelance Investigative Journalism Fellows, each of whom received a $1,000 award, are:

Jonathan Jones and **Anna Sussman**, founders of backpackjournalist.org, a collaborative international professional reporting project intended to generate stories of global interest from countries in the African Great Lakes region and the Great Rift Valley, the Indian subcontinent and Southeast Asia. Jones, currently a postgraduate fellow with Lowell Bergman's investigative reporting program at the University of California, Berkeley, received the IRE fellowship in support of a narrative-book project about the history of Firestone's rubber operations in Liberia. Sussman, a full-time print, radio and TV freelance reporter, will apply the fellowship award to an investigative project entitled "U.S. Military Aid to Liberia Cause for Concern."

Jim Walls, proprietor of Atlanta Unfiltered, LLC, a Monday-Friday news site, and former investigations editor at *The Atlanta Journal-Constitution*. Walls' fellowship award is in support of the atlantaunfiltered.com Web site, where Walls writes and publishes investigative stories of interest to the Atlanta region, posts public documents with investigative news value, and provides tutorials for journalists and citizens who would like to pursue similar investigations.

Steve Weinberg, contributing editor at *The IRE Journal* and former executive director of IRE, chaired the judging committee.

"Many outlets that use in-depth reporting pay far too little for freelancers to complete their research and writing. Even the magazines, newspapers, broadcast outlets and Web sites paying at the top of the scale rarely cover everything," Weinberg said.

Investigative journalists who earn their living as freelancers are eligible. The deadline is April 30. For more information, please contact IRE staff member John Green at (573) 882-2772 or visit IRE's fellowship Web page: www.ire.org/training/fellowships

IRE supports creation of nonprofit news network

Journalists representing investigative reporting organizations throughout the nation gathered in July to start the process of forming a nonprofit investigative news network.

Representatives from the Center for Public Integrity, the Center for Investigative Reporting, IRE, the Investigative Reporting Workshop, several newly formed regional investigative centers and other groups met at the Pocantico Conference Center in New York.

The goals of the network, as stated in a declaration issued by the group, are to "aid and abet, in every conceivable way, individually and collectively, the work and public reach of its member news organizations, including, to the fullest extent possible, their administrative, editorial and financial wellbeing. And, more broadly, to foster the highest quality investigative journalism, and to hold those in power accountable, at the local, national and international levels."

WIDENING WAGE GAP

Fellowship offers tools for economic analysis

By David Knox
Akron (Ohio) Beacon Journal

Bad economic news from Wall Street to Main Street has dominated the media for months, but the broader debate over whether the middle class is endangered has raged for decades.

In this brawl, newspapers largely sit on the sidelines. Most reporters – myself included – don't have the education or expertise needed to evaluate the reams of statistics and the conflicting interpretations of academic and think-tank studies.

That frustration motivated me to go at the story directly by doing original research as part of a six-month Kiplinger journalism fellowship at Ohio State University.

The immediate aim of the research was to track median wage and salary earnings, which make up three-quarters of all household income, by generations across more than a half century of census data. But the ultimate goal was to build a solid statistical foundation for an in-depth examination of the state of the middle class in rust-belt Ohio and the nation.

The resulting yearlong project, "The American Dream: Hanging by a Thread," found that the middle class is literally shrinking as a percentage of all workers – squeezed on two fronts by steadily decreasing earnings and dramatically increasing costs of the hallmarks of the middle class: home ownership, higher education, affordable health care and secure retirement.

In systematically exploring these issues, the series produced previously unreported findings, including a dramatic loss of one-in-four managerial jobs in Ohio in the past decade, the failure of high-tech industries to generate jobs, and a widening health care gap between Ohio and its geographically and demographically close neighbor, the Canadian province of Ontario.

How the project started

I first learned the power of looking at demographic data through the prism of generations while reporting on the 2000 Census. Although Ohio had grown in population by less than half the national average since 1990, it was far from the bottom of the list.

But when I grouped the population counts into generations according to year of birth, I found Ohio had lost more baby boomers and members of Generation X – the core of the work force – than any state.

The resulting story drew on Internal Revenue Service migration data, which is available from the IRE and NICAR Database Library, that showed those who left Ohio reported higher household incomes the following year. This led me to suspect that poor job prospects for younger workers were driving the exodus. Other projects I did in 2005 and 2006, which were based on U.S. Bureau of Labor Statistics data, provided more evidence of eroding paychecks across the job spectrum.

Pursuing the story further required more resources than I had available at the *Beacon Journal*. The Kiplinger fellowship provided the tools, time and expertise I needed.

The project's dataset was drawn from census microdata samples, as compiled in the Integrated Public Use Microdata Series of the Minnesota Population Center.

Unlike the usual census summary tables, IPUMS data are the answers given by individuals on the census "long-form" questionnaires, which are stripped of names, addresses and other information for privacy.

For the earnings study, the IPUMS samples came from the decennial censuses of 1950-2000 and the American Community Survey for 2001-2006.

After downloading the datasets, I used SAS statistical software to filter the 51 million records to include only persons 16 years and older who lived in a household and who reported some wage or salary income. The datasets were further limited to those who reported working at least 40 weeks during the sampled year.

To track how paychecks changed throughout the years, a simple methodology was used that could be explained to readers: A series of SAS programs sorted the annual inflation-adjusted wages to determine the median earnings of workers – half taking home more and half less – grouped into five-year brackets from ages 20 to 64 and also by gender, race and level of education.

The age groups for each demographic group were then classified by birth years as belonging to the "GI generation," born from 1905-1924; "depression kids," born from 1925-1944; "baby boomers," born from 1945-1964; or "Generation X," born from 1965-1984.

The main reason to use IPUMS is the large sample size – 18 million records were examined, which allows narrowly focused cross-tabulations with small margins of error.

For example, the 2005 ACS dataset included more than 21,000 women, ages 30-34, with a four-year degree or better. Their median annual earnings: $42,083, with a margin of error of plus or minus $510 – less than 1.2 percent – at the 95 percent confidence interval.

The downside of such large datasets is the need for more advanced, therefore expensive, software to handle the data. One of the many advantages of an on-campus fellowship is the availability of virtually any software tools you need and researchers willing to help you use them.

I followed the advice of several journalists and social science researchers and used SAS statistical software for this project and never regretted the choice. In addition to filtering, recoding and sorting the large datasets, SAS programs were used to generate frequency distributions needed to calculate margins of error for each earnings median, using procedures recommended in the Census Bureau's IPUMS technical documentation. Unless I win the lottery, though, SAS won't be returning to my toolbox anytime soon. After finishing the fellowship, I checked into a single-user commercial license for SAS. I was told it would cost $7,200 up front, plus an annual fee of about $2,400.

… the ultimate goal was to build a solid statistical foundation for an in-depth examination of the state of the middle class in rust-belt Ohio and the nation.

Each case study and accompanying data-driven story focused on four key challenges facing the middle class: rising college costs, shrinking career opportunities, the lack of affordable health care and a secure retirement.

From research to real people

Many of the results of the census research – especially the decline in real earnings for younger workers since the early 1970s – echo those of other studies. But one finding – a steady decline since the 1950s in midcareer pay increases for successive generations of male workers – provided additional evidence of a widening income gap between young and old.

That trend would call into question that most succinct statement of the American dream: the belief that children always will do better than their parents.

The widening wage gap also would help explain the persistent anxiety voiced by so many people about their economic future no matter whether the standard indicators – the employment rate, inflation or the stock market – are up or down.

After returning to the *Akron Beacon Journal* in July 2007, I spent about six weeks interviewing, writing the stories, and preparing static and interactive graphics for print and online. Editing took about two weeks. "Incredible Shrinking Paycheck" was published Sept. 30, 2007.

A conventional mainbar presented the findings of the research study, along with commentary from several academic experts.

The second story, "Meet the family: Census data form American portrait," was an experiment – an attempt to translate the research findings into a simple, straightforward narrative using an imaginary extended family that mirrors the socioeconomic characteristics of the average family, as found in the census data.

Obviously, real people could be found to illustrate the various trends uncovered by the research, but we wanted deeper involvement of readers.

From the start, the project was designed to do that by taking advantage of the interactive nature of the Internet. The print version of the project invited readers to explore a "Wage Tracker" interactive graphic on the *Beacon Journal*'s Web site at Ohio.com that allows readers to compare their earnings with those of other generations. Also posted was the study's complete dataset – more than 5,000 median annual earnings broken down by age group and cross-tabulated by gender, race and education.

Readers were asked to fill out a form, available both on paper and interactively on the Web, indicating their willingness to participate in focus groups. Three weeks after the story ran, the *Beacon Journal* hosted seven sessions, involving more than 40 people, throughout three days. Four of the sessions were grouped by age, two by gender and one was exclusively for African-Americans.

David Giffels, the *Beacon Journal*'s metro columnist, was brought into the project to tell the stories of individual families as in-depth narratives exploring the increasing difficulty of getting and staying in the middle class.

Each case study and accompanying data-driven story focused on four key challenges facing the middle class: rising college costs, shrinking career opportunities, the lack of affordable health care and a secure retirement.

The series launched March 16, 2008, and continued in monthly Sunday installments for six months.

Intense public interest led to a companion project, "Reclaim the Dream," which began in June and continues to offer a compendium of practical help to cope with the deepening recession. Participating groups include local universities, public radio and television stations and several foundations, as well as prominent local elected officials and civic leaders.

It's been an unusually satisfying journalistic journey. What began as an academic research project has grown to involve every department at the *Beacon Journal* and reached far beyond the newsroom.

David Knox has been the computer-assisted reporting manager at the Akron Beacon Journal since 1999. He is responsible for data analysis for the newsroom, as well as his own projects.

MAGAZINES MINE FREELANCE TALENT

By Steve Weinberg
The IRE Journal

When I moved from Washington, D.C., to Columbia, Mo., in 1983 to serve as IRE executive director, about 100 magazines received change of address notices from me. As both an investigative journalist and a "regular person," I have relied heavily on magazines to show me the way through life. Most of the magazines to which I subscribe regularly publish in-depth journalism.

It is no secret that in 1983, I could not follow magazine reporting on the Internet. Also, I could not visit Web sites because those creatures did not exist in any meaningful way. Subscribing to magazines or reading them at a library constituted my route to keeping up.

Many of the investigative and explanatory pieces from those magazines ended up in the IRE Resource Center, available to the entire organization's membership. Magazine investigations had been underrepresented in the Resource Center compared to those from daily newspapers and from television newsrooms, so I felt good about redressing the imbalance.

My educated guess is that some IRE members believe my devotion to magazine investigative and explanatory reporting is mostly irrelevant. After all, the Internet era has made medium-specific discussion outmoded, yes?

I say no, and here is the main reason: Unlike newspaper and television newsrooms, many magazines rely heavily on freelance reporters. That reliance allows magazines to tap a talent pool pretty much ignored by other media. You can be sure that a high percentage of magazine investigations found in the IRE Resource Center have been reported by freelancers, myself included. Since 1978, when I left what turned out to be my last newsroom staff writer job, I have relied on freelance assignments from magazines to earn the bulk of my living, or to supplement part-time salaries from IRE and the Missouri School of Journalism.

Some of the most talented investigative reporters in the universe now write solely for magazines after having left newspaper or broadcast newsrooms. Highly obvious names include Jim Steele and Don Barlett of *Vanity Fair* plus Seymour Hersh of *The New Yorker*.

No issue of *Mother Jones*, or any other magazine, qualifies as "typical." Still, every issue of *Mother Jones* during the tenure of the current co-editors, Monika Bauerlein and Clara Jeffery, has been filled with in-depth investigative and explanatory features. The July-August 2009 issue, for example, contains two feature packages: one about the so-called war on drugs, the other about water conservation.

Charles Bowden, book author and freelance magazine writer, contributed the lead story in the narcotics package. The headline and long deck read: "We Bring Fear: When Reporter Emilio Gutierrez Soto Showed Up at the Border Pleading for Asylum, He Wasn't Just Fleeing the Drug Violence. He Was on the Run From the Biggest Cartel of All—the Mexican Army."

Josh Harkinson, a *Mother Jones* staff writer, reported the water package. The lead story carries the headline, "What's Your Water Footprint? If You Thought That Calculating Your Carbon Impact Made You Feel Guilty, Just Wait…" The secondary story carries the headline, "Paying Through the Hose. Why Is Wasting Water So Damn Cheap?"

Stand-alone stories in the July-August issue include:

- "First Do Harm: The Rules Are Crystal Clear—Doctors Can't Take Part in Torture. So Why Won't the Profession Crack Down on Those Who Have?" by freelance writer Justine Sharrock.
- "I Love a Mark in Uniform: Kidnapping. Falsified Documents. Hooters Nights. Meet the Sleaze-bucket Car Dealers Who Prey on Our Troops," by Stephanie Mencimer, a *Mother Jones* Washington correspondent.
- "Forty-Two Hours, $500, 65 Breakdowns: My Lost Weekend With the Trademark Happy, Bathroom-Break Hating, Slightly Spooky Inheritors of est," by *Mother Jones* staff editor Laura McClure.

Here is a small sampling of other investigative and explanatory features I read from the summer issues of various magazines, a sampling wholly inadequate to fully demonstrate the richness and variety of in-depth journalism in periodicals deserving of attention by IRE members:

- "Weathering the Storm: African Americans and Other Minorities Get Sick and Die Younger Than Whites. Arline Geronimus Offers a Controversial Explanation—The Long-Term Stress of Living in a White-Dominated Society 'Weathers' Blacks," by Ryan Blitstein, *Miller-McCune* magazine.
- "Jail Break: How Smarter Parole and Probation Can Cut the Nation's Incarceration Rate," by Mark A.R. Kleiman, *Washington Monthly*.
- "Nuclear War: Inside the Takeover Battle for America's Electricity," by David Whitford, *Fortune* magazine.
- "The Scarlet Woman of Bentonville: Nearly Three Years After Being Fired by Wal-Mart, Marketer Julie Roehm Faces Her Toughest Rebranding Campaign Ever," by Danielle Sacks, *Fast Company* magazine.

Steve Weinberg, a former executive director of IRE, has written eight nonfiction books. He teaches at the Missouri School of Journalism.

Weinberg's partial reading list

The Atlantic
Audubon
Bloomberg Markets
BusinessWeek
Bulletin of the Atomic Scientists
Chronicle of Higher Education
Consumer Reports
Fast Company
Foreign Affairs
Foreign Policy
Fortune
Governing
Harper's
In These Times
Miller-McCune
Mother Jones
The Nation
National Journal
New York (and other city magazines occasionally)
New York Review of Books
New York Times Sunday Magazine
The New Yorker
OnEarth
The Progressive
New Republic
Reason
Rolling Stone
Salon.com
Scientific American
Slate.com
Texas Monthly
Texas Observer
Vanity Fair
Virginia Quarterly Review
Washington Monthly
Washington Post Sunday Magazine
Wilson Quarterly
Wired
Z Magazine

WFLA-Tampa

Paula and Randy White lead an Easter service at Without Walls International Church in Tampa in 2007. The church once ranked as one of the fastest growing congregations in the United States but is now involved in foreclosure proceedings.

MEGACHURCH WITH MEGAMONEY

Print, TV investigations probe church spending

By Michelle Bearden and Baird Helgeson
The Tampa Tribune
and
Rich Gardella
NBC News

NBC News

Randy White arrives for Sunday service in a $170,000 Bentley.

Rolling investigations of the Without Walls International Church in Tampa, Fla., produced high-impact stories that questioned financial operations of the megachurch and caught the eye of a U.S. senator delving into possible tax law violations by American religious organizations.

Reporters from *The Tampa Tribune* and an NBC News producer share details of their investigations and the lessons learned.

Seeds of the investigation

Officially, the investigation into Without Walls International Church began in November 2006. But the groundwork was laid 11 years earlier, when Michelle Bearden began covering the new, edgy nondenominational church in Tampa led by Randy and Paula White, a charismatic couple from Maryland.

Without Walls billed itself as a "vegetable soup" church, drawing Christians from all walks of life: professionals, ex-cons, athletes, teachers, factory workers, business owners. With its energetic ministry outreach, Without Walls evolved into a go-to religious institution in the Tampa Bay area for trendy features and news stories for the paper and our television affiliate.

From the beginning, Randy and Paula were open and accessible. They also were surrounded by an eager-to-please staff that bent over backward to accommodate any request for interviews, photos or television footage. In building relationships and trust with staff and members, Bearden was cultivating future sources who would play a vital role in helping examine the church's finances and operations.

The church, ranked as one of the nation's fastest-growing, outgrew its home in a converted warehouse. Big-name Christian entertainers, authors and professional sports figures came to town to make appearances. Paula launched a popular television show that aired in markets around the world.

Supporters held up Without Walls as the new way to worship, while detractors said the church was more about glitz than the gospel.

As the church grew in status, so did the Whites, moving from a modest home to a high-priced gated community and then, finally, to a luxury residence on Bayshore Boulevard, the toniest address in Tampa. Their hair got blonder, their teeth whiter and their abs tighter.

There were reports of Randy flying to Las Vegas for a front-row seat at the fights, and Paula spending thousands on designer clothes at the area's most exclusive mall. They got a private jet, saying it was for ministry business, and started driving luxury cars.

When tipsters told of long-time staffers being "released" from their jobs (the word "fired" was never used) and how several of the outreach programs had been shut down, Bearden tried unsuccessfully to get former members to talk. An anonymous e-mail nudged the investigation. The writer described an atmosphere of power and control behind the scenes, financial abuses and a "non-Christian work environment" at Without Walls.

This was the payoff for years of covering a beat and cultivating sources. Calling former church members and staffers about a feature story is one thing; asking them to share information about a pastor they once admired but now questioned is another.

Loyalty, guilt, fear of angering God – all of those factors came into play. Over the course of six months, Bearden spoke with 50

people, many of them multiple times. Several eventually talked, but very few went on the record.

For Bearden, the interview with the Whites was the most difficult. By the time of the April 2007 interview, they knew that she had been nosing around their affairs for several months. They felt betrayed. At the end of the two-hour interview, which included specific questions about their personal lives and church finances, Bearden knew that the openness and accessibility she had enjoyed for years had come to an end. In their eyes, she was now the enemy.

The Whites now will respond only through a public relations firm.

Bearden's editor added Baird Helgeson to the investigation. Helgeson, a former city hall reporter and a business writer, devoted the bulk of his time to the tedious chore of finding the documents that provided so much muscle to the story: the cost of Paula's penthouse in New York City, liens filed against the Whites in small-claims court and the apparent lack of academic credentials that Randy had claimed for so many years.

Fruit from public records

Covering a church – or more specifically a religious nonprofit – adds enormous challenges in terms of gathering financial documents because they don't generate many public records.

Religious organizations have a special place in tax law that ensures they don't have to submit financial documents to the Internal Revenue Service as other nonprofit organizations do. That forced the reporters to mine routine and unusual sources to learn whether the Whites were using the church to bankroll their lavish lifestyles.

Reporters looked at liens, lawsuits and other documents that showed the church – which had become a $40 million enterprise – wasn't paying its debts as the married co-pastors bought cars, houses and a jet.

The Whites said their wealth came from their successful private business ventures. They said they took only modest salaries from the church. However, a review of the Whites' private for-profit and nonprofit companies could find no business beyond the church that provided significant income. Most were dormant.

The Whites owned a private jet, but they put a block on its travel records that prevented most people from tracking its whereabouts. We found a source in the airplane industry who was able to track the aircraft and send regular updates as to where it was going. The log showed the jet traveling all over the country, to many cities where the church doesn't appear to have any ministerial interest.

In December 2008, the church sold the jet, according to records obtained by *The Tampa Tribune*. The church declined repeated attempts to discuss the jet and its sale.

A source provided depositions in which the Whites' statements contradicted what they had told their congregation and written in books. For instance, in a deposition, Randy admitted he did not have a doctorate from an accredited university, as he had claimed.

Reporters reviewed bankruptcy and property records of church staffers. They looked at mortgages of key staffers, and the high-risk loans the church used to buy and expand the ministry. They also looked at what became of properties that congregants had donated to the church and tried to establish who profited from them.

After persistent requests, the church released a 2006 audit completed for its lenders. The newspaper published several stories that included detailed information from the audit.

But current and former staffers provided the best and most revelatory documents.

At first, nobody wanted to come forward. Some said they feared God's wrath, others the Whites' and still others cited the biblical exhortation: "Judge not, that ye be not judged."

Persistence paid off as the stories generated more sources. They offered documents and e-mails and suggested other places to look. One former staffer provided a database of some of the church's congregants, which included phone numbers and addresses. This turned into an invaluable resource for getting reaction from church members when news broke, such as the investigation into televangelists sparked by U.S. Sen. Chuck Grassley, an Iowa Republican.

Another source provided dozens of internal documents that spoke to the Whites' management style and showed how they made major spending decisions without consulting the church board. The Whites required senior staffers to sign confidentiality agreements – documents that the Whites have used to dissuade staffers from talking to journalists. The reporters got copies of those, too.

One thing the team didn't anticipate was the story's distribution and discussion in online forums that spun off the original stories. The forums, hosted on a *Tampa Tribune* Web site, became a vibrant community for church members, former members, devout Christians and skeptics. These forums were an invaluable investigative tool. If they didn't always provide people to go on the record, they always prompted ideas for new places to look and narrative threads to pursue.

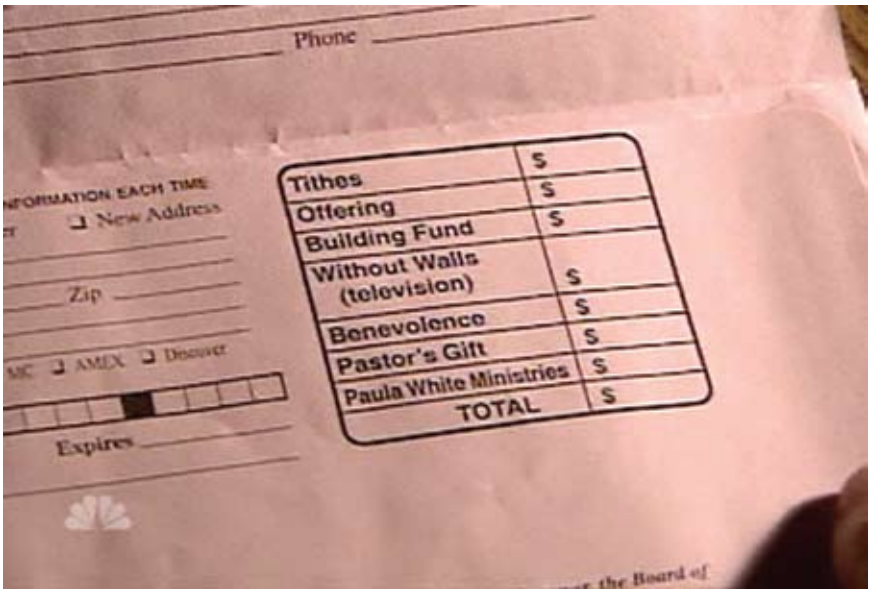
New ground to plow

NBC producer Rich Gardella and correspondent Lisa Myers had read *The Tribune*'s stories and wanted to pursue new leads.

Because of the church organization's tax-exempt status, NBC chose to focus on allegations about violations of IRS law

The forums, hosted on a *Tampa Tribune* Web site, became a vibrant community for church members, former members, devout Christians and skeptics.

NBC News/Tampa Tribune



The journalists reviewed liens, lawsuits and other documents to show that despite being a $40 million enterprise, Without Walls International Church was not paying its bills.

In early November 2008, the Evangelical Christian Credit Union initiated foreclosure proceedings against Without Walls and its branch between Tampa and Orlando. The church defaulted on a $1 million loan, which prompted the California-based lender to recall about $24 million in loans.

or regulation relating to its tax-exempt status.

NBC started with the IRS Tax Guide for 501(c)(3) Churches and Religious Organizations, which can be found at www.irs.gov/pub/irs-pdf/p1828.pdf.

"To be tax-exempt under section 501(c)(3) of the Internal Revenue Code, none of [an organization's] earnings may inure to any private shareholder or individual…"

That is fairly limited guidance and offers lots of room for subjective judgment. As one government source pointed out on background, expenses for a corporate jet to carry church personnel to real church missions might be legitimate, while those to carry a pastor's family to a vacation destination might not.

NBC knew from the outset that proof of allegations about misuse of church monies would be difficult to obtain.

The IRS filings might contain such proof, or at least leads or clues. Since 2006, federal law has required 501(c)(3) church organizations to provide 990-Ts, which report taxable income unrelated to the nonprofit's core functions, in response to public or media requests.

NBC repeatedly asked the Whites and their Without Walls International Church to release them. They refused. The IRS said that Without Walls had not filed 990-Ts since the date in 2006 when those forms became public.

So, the most important sources of information probably would be individuals who were or had been insiders, church staffers or members. NBC scoured by phone and Internet and built a potential contact list of individuals who at some point made public comments about the Whites and their church. One key source was *The Tribune's* online forum. Some contributors had included their e-mail addresses.

About a half-dozen former and present Without Walls church staffers and/or members did talk to NBC. One participated in an on-camera interview with face in silhouette and voice disguised.

Here's some background on three findings from the NBC News investigation:

- The church spreadsheet document in the aired version of the NBC News report, listing $43,129 in "personal offerings" to Paula from a single event. The document listed the names, addresses and telephone numbers of approximately 200 donors and their donations. Many had given $1,000. NBC called individuals to verify the donations. Some said they believed they were donating to the church organization, not to Paula. Others said they intended their gifts to be for Paula's personal use.
- The shot of Randy driving his late-model, $170,000 Bentley convertible to church. A video image really can be worth 1,000 words. A source told us that Randy frequently drove the vehicle to church and kept NBC posted on likely times and dates. A few targeted attempts to get the video led to the successful shot.
- Randy's archived Web bio. Another source said that Randy had claimed academic degrees he never earned from two academic institutions. The source provided a Without Walls church Web page from 2002 with the claims. The current version of the Web page didn't make the claims. The source could have doctored the page. How to prove it was authentic? On the Internet Archive, also known as "the Wayback Machine" at www.archive.org, NBC found several archived versions of the church's Web site from 2002. The links brought up mostly blank screens, but the pastor's bio had been archived in 2002.

More trouble has befallen the church since the initial stories.

In early November 2008, the Evangelical Christian Credit Union initiated foreclosure proceedings against Without Walls and its branch between Tampa and Orlando. The church defaulted on a $1 million loan, which prompted the California-based lender to recall about $24 million in loans.

Randy preached to the congregation that the bank was in error and that the church had plans to sell some of its land to repay the $1 million. The credit union had tried to renegotiate the terms of the loans with the church, but Randy declined to sign an agreement. As of early this year, the foreclosure proceedings were moving forward.

The church also faced about a dozen fire code violations, including failing to prove that its fire alarms and sprinklers would work in a fire.

Around the same time, Ministrywatch.com listed Without Walls and Paula White Ministries among 30 on its "donor alert" list. The ministries do not meet the group's requirements for integrity, accountability and openness.

Following the couple's divorce two years ago, Paula moved to Texas to work at another ministry. In July, Randy announced that he would step down as Without Walls' senior pastor due to unspecified health reasons, and Paula would return to lead the church.

Michelle Bearden is the religion reporter for The Tampa Tribune and WFLA, NBC's Tampa Bay affiliate. Baird Helgeson is a senior general assignment reporter at the Tribune. Rich Gardella has been a producer for NBC News since 1994, working since 2002 primarily with senior investigative correspondent Lisa Myers.

To view materials and documents from the NBC News investigation online:

- www.msnbc.msn.com/id/3032619/#23596941
  NBC Nightly News/Lisa Myers Televangelists Whites 03/12/08
  (TV Aired Report)

- http://deepbackground.msnbc.msn.com/archive/2008/03/12/762204.aspx
  MSNBC.com Televangelists Whites 03/12/08 (Web Posted Report)

- http://deepbackground.msnbc.msn.com/archive/2008/04/02/853424.aspx
  MSNBC.com Televangelists Whites Update 04/03/08 (Web Posted Report)

To view *The Tampa Tribune*'s ongoing coverage, visit www.tbo.com and use "Without Walls" as a keyword search.

NETWORKING NEWS

Popular Web tools bolster coverage of young drug informant's murder

By Julia Luscher Thompson
Tallahassee Democrat

When 23-year-old confidential informant Rachel Hoffman was murdered in a botched drug sting, her story begged to be told, especially to young readers. But young people aren't reading the daily *Tallahassee Democrat* as often as they once did, so we had to find a way to bring the story to them.

Enter Facebook and Twitter.

Social networks popular with the crowd we were trying to reach seemed to be a logical place to start. Several months after we expanded our coverage to these sites, the results have been promising, and we're looking for additional ways to employ social networking techniques to tell Hoffman's and others' stories.

Hoffman was facing charges of possession of marijuana when she agreed to work as a confidential informant with Tallahassee police in May. Other charges were pending. During the sting, her hidden wire failed as she was attempting to buy Ecstasy, cocaine and a gun from two men. Police lost track of her, and she was shot repeatedly.

Police initially blamed Hoffman's death on her allegedly violating protocol, but they refused to release details because it was part of an ongoing investigation.

The debate about the use of confidential informants raged in Tallahassee and police culpability was questioned. After a judge sealed pretrial evidence, we had to look for ways to report the story and keep our coverage alive.

We published stories about Hoffman's background, procedures that different agencies use with confidential informants, the national debate about using informants and what went wrong the night of her death.

"Immediately we saw so much interest online and in the story chats," said lead reporter Jennifer Portman. "Her friends were checking in with our Web site all the time. The morning she went missing, the first place her boyfriend checked was Tallahassee.com."

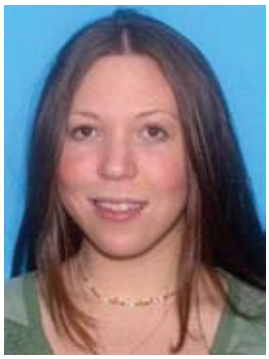
Hoffman's boyfriend and one of her best friends helped provide a turning point in the coverage. The two told Portman many details of Hoffman's last night – details our reporters could not get from police.

"We had law enforcement investigating law enforcement, and you saw all these layers," Portman said. "Not only did we have to get through one law-enforcement agency, but we had the state law-enforcement agency and the DEA involved. ... We had to talk to her friends, her family, her best friend to start filling in some of those blanks of what happened that night."

Hoffman's story was of particular interest to her peers. She had recently graduated from Florida State University, but students were headed out of town for the summer as her saga began.

So as students from FSU, Florida A&M and Tallahassee Community College – some 65,000 of them – flocked back to Tallahassee in August, we looked for ways to get this important story to them. With fewer young people picking up the newspaper, we knew this story warranted something different. We had to bring it to them on their turf and hope that it was the public-service journalism that could energize this elusive audience.

"Rachel Hoffman is someone that so many of those students can relate to," Portman said. "She looks like them, she talks like them. They could so closely identify with her."



Rachel Hoffman

Tapping online tools

With that in mind, we started a Facebook group and Twitter account dedicated to the Hoffman case. Our coverage is online at http://tallahassee.com/hoffman.

As one of the leading social networks among college students and young professionals, Facebook seemed like a logical place to start. Hoffman's friends already had created a group about her there, so we started by inviting those users to the new group dedicated to keeping people updated with developments in the case and hosting an area for discussion about media coverage of it.

The group has more than 800 members – not a huge audience, but made up of readers who might not have known about the story otherwise.

Scott Ellington, 29, a self-employed software developer and FSU graduate, was one such reader. He stumbled upon our coverage through the Twitter account the *Democrat* set up.

Twitter is a growing social network that allows users to post short status updates that other users can read online or receive on their mobile phones as text messages. We update our Twitter account and Facebook page specific to this story every time there's a turn of the screw in the case. Every post is accompanied by a link to a broader story on our site, as well as a special page that contains all of our coverage.

When Ellington saw the Twitter updates, he was intrigued that the story had local impact and that it affected a young person like him.

"She had an education, and she came from a well-to-do family," Ellington said. "I'd say that reflects a lot of young people in this town."

After following the updates on Twitter, Ellington also joined the Facebook group.

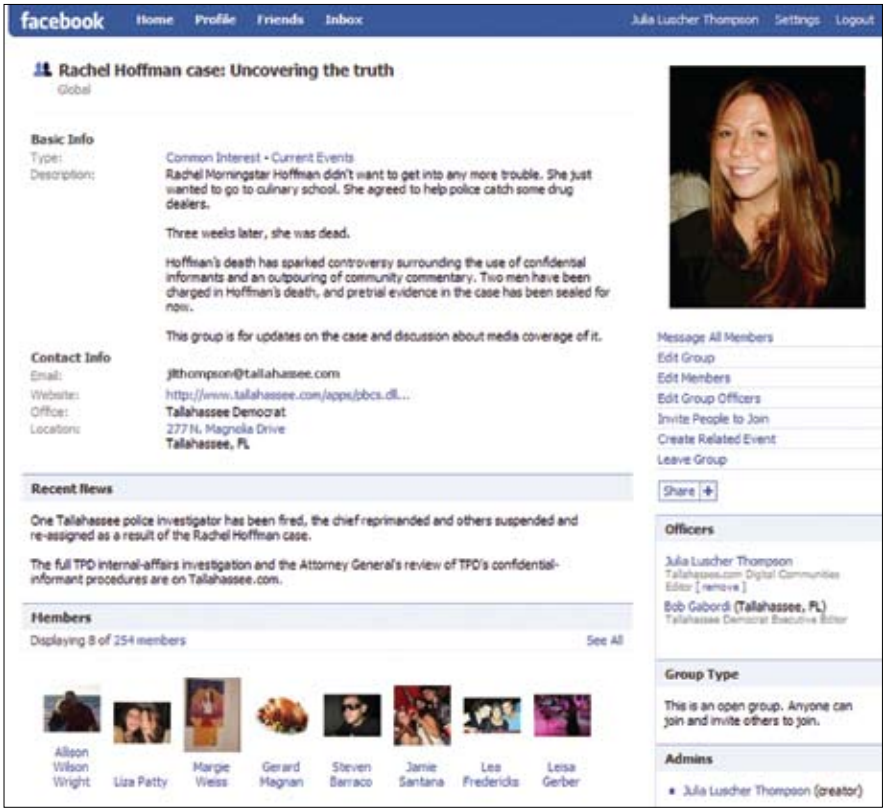
"I'm not a news junkie by any means," he said. "I like to filter my information so I don't get a lot of stuff that I don't care about."

Although Hoffman's case resonated with Ellington, he said he wasn't willing to work for the information. He said that he wouldn't go to a Web site just to find out about it but that he did read the

Elliott McCaskill | *Tallahassee Democrat*

Tallahassee Police Chief Dennis Jones outlines the disciplinary actions that he and the city manager have taken in the Rachel Hoffman case. One investigator was fired, four others were suspended and two – including the chief – have been reprimanded.

The newspaper's online packaging of the Rachel Hoffman story features prominent links to its coverage through Facebook, Twitter and YouTube.



A Facebook page for coverage of the case keeps reporters and editors connected with young adults.

information and follow the links to stories provided via the Facebook group and Twitter account. That made it easier for Ellington to follow developments on the story.

We also uploaded Hoffman-related videos to a YouTube channel to expose them to a wider audience and link to our site.

Gauging the impact

In addition to these tools, we also have used text alerts to keep people updated with developments in the story and streamed a news conference via live video on Tallahassee.com. Before the news conference, we alerted people on our Twitter and Facebook pages.

"I think the story really fit … into these new platforms because of who she was, because she was 23 years old," Portman said. "She was constantly texting, and she was plugged in."

Hoffman's boyfriend sent executive editor Bob Gabordi a message on Facebook soon after we expanded our coverage there.

"I was Rachel Hoffman's boyfriend at the time she was killed. I want to thank you personally for all you have done. I know there have been a lot of people who have gotten mad at you for keeping this on the front pages. I honestly don't think all the facts that are out so far would be available if it weren't for you and your staff."

Although we're working on reporting and presenting this story in new ways and to new audiences, our focus is still the journalism. Our reporters and editors have provided strong content that is making a real difference in Tallahassee.

One police officer has been fired, four others have been suspended, and two – including the chief – have been reprimanded. A new law, Rachel's Law, was passed to provide better proposed to provide better protection to confidential informants.

Along with Portman, reporters Nic Corbett and Corey Clark were part of the reporting team that helped uncover details of the case that held police accountable. Gabordi and former senior project editor Ron Hartung have provided guidance for digital and print coverage, and many others in our newsroom have had a hand in keeping this story alive and important to our readers.

We used to regard social networking sites as competition, but with this story in particular, they have become allies for us to reach an important audience with an important story.

"Because we kept with the story in print and online and were trying to find as many ways to get it to new people as possible, Hoffman has become a part of this community," Portman said. "She's put a face on what is a gray area of law enforcement that needs more scrutiny."

The Tallahassee police internal-affairs investigation and the Florida Attorney General's Office review of the agency's confidential-informant procedures have been released, and our lawyers continue to fight for the release of pretrial evidence. Our reporters and editors are still looking for new ways to report the story and engage readers.

"We were trying to reach out to all kinds of readers however we could," Portman said. "It gave this story and this issue the heightened importance that it deserved. We didn't let it go away, and it would have been easier to."

Julia Luscher Thompson is the digital communities editor for the Tallahassee Democrat and Tallahassee.com. She is a 2006 graduate of the Missouri School of Journalism.

WORKING THE BEAT

By Jessica Nuñez

After five months of relentless reporting – scouring documents, hunting uncooperative sources, trekking through deserts in Arizona and Mexico – Mariana Alvarado produced not only an award-winning story but also one that would change how Mexico and the United States track the deaths of illegal immigrants.

Her article – "Muerte en el desierto" or "Death in the desert" – chronicled the process of identifying one body found in the desert near the Mexican border. It won an Associated Press international reporting award, pushed the Mexican government to change the location of its U.S. DNA testing site to Tucson and prompted the local county medical examiner's office to create a database of illegal border crossers.

Alvarado's story fell into her hands one day when checking in with a regular source on her beat. During a chat with the Mexican consul in Tucson, her source mentioned that Mexico was having a hard time identifying and finding the bodies of people who died in the desert. "I just started working on this on the side in my free time," said Alvarado, one of two reporters at *La Estrella de Tucson*, a weekly Spanish-language paper published by the *Arizona Daily Star*. "By the time three months had gone by, I realized I had enough to do a whole series."

According to an analysis of about 100 IRE Award entry forms from 2002 and 2007, on which reporters and editors are asked to describe how the story got started, more than a quarter said their investigations began with a tip from a source. Almost 20 percent traced their stories to regular beat reporting.

Only one-fourth said their stories were planned projects. The remaining stories came out of breaking news or were assigned by an editor. There was virtually no difference between 2002 and 2007.

As more publications cut staff and restructure, it has become a struggle to stay on top of each day's news. Long-term investigative projects that take reporters away from daily duties are increasingly harder to justify, and investigative teams are being cut and reporters reassigned to other work. These IRE Awards statistics show that a shrinking newsroom doesn't have to mean less investigative reporting – reporters already have been finding ways to do it on the beat. Some believe it's a better approach.

"I don't think the best investigative reporting comes out of I-teams," said Donna Leinwand, the National Press Club president and disaster reporter for *USA Today*. "I think it comes out of beat reporting."

As the *Orlando Sentinel*'s city government reporter since 2001, Mark Schlueb has regularly done large-scale investigative stories, but he has rarely taken time off his beat to work on them exclusively.

"You find the big stories the same way you find the small stories," Schlueb said. "Just have an eye for news, and sometimes the small stories turn into big ones." His biggest piece of advice on performing the duties of beat reporter and investigative reporter simultaneously is to be persistent. "Work on your big story in opportune moments. While you're waiting for someone to call you back on a daily story, call up one of your project sources."

Fresno Bee reporter Mark Grossi said one way to find investigative stories is to pay attention to issues that come up regularly on your beat. "One of the keys in finding these projects is just look for questions that are being asked over and over again and test them," Grossi said. "Maybe there is some kind of conventional wisdom in your area. For me, it was poor air quality. Everyone talked about it, but no one really investigated to get to the bottom of it or painted a clear picture of it on paper."

After he wrote an exhaustive project on air quality in the San Joaquin Valley in 2002 with fellow reporters Russell Clemings and Barbara Anderson, he turned his natural resources beat into a partial air quality beat with the help of a weekly column and blog.

Some believe the best investigative work is fed by a full-time team. Until August, Mark Katches worked as the assistant managing editor for projects and investigations at the *Milwaukee Journal Sentinel*, a paper that decided that building an investigative team would help its revenue more than cutting a team. Today, the Pulitzer Prize-winning team regularly churns out long-term projects, quick-hit investigations and watchdog blogs. Such work resonates with the public, Katches said in an e-mail.

Although times are hard for most papers these days, the *Journal Sentinel* has more resources than most. Katches understands that smaller papers may not be able to devote as many staffers to full-time investigations posts, but he considers an investigative mindset to be just as valuable. "Maybe you can't afford a whole team, but the culture of watchdog journalism has to be critical to any newsroom's mission," he said in an e-mail.

A small paper in Vancouver, Wash., shares that mindset. *The Columbian*'s circulation is less than 50,000, and it recently reduced staff to 50 people. It has no investigative team but does have a lot of beat reporters with watchdog sensibilities.

Erin Middlewood's official job title is part-time features reporter, but she's always on the lookout for stories that go a little deeper. In 2005, she teamed with courts reporter Stephanie Rice to look into how closely the state of Washington monitors child care centers after attending a court hearing on a baby who died in one facility.

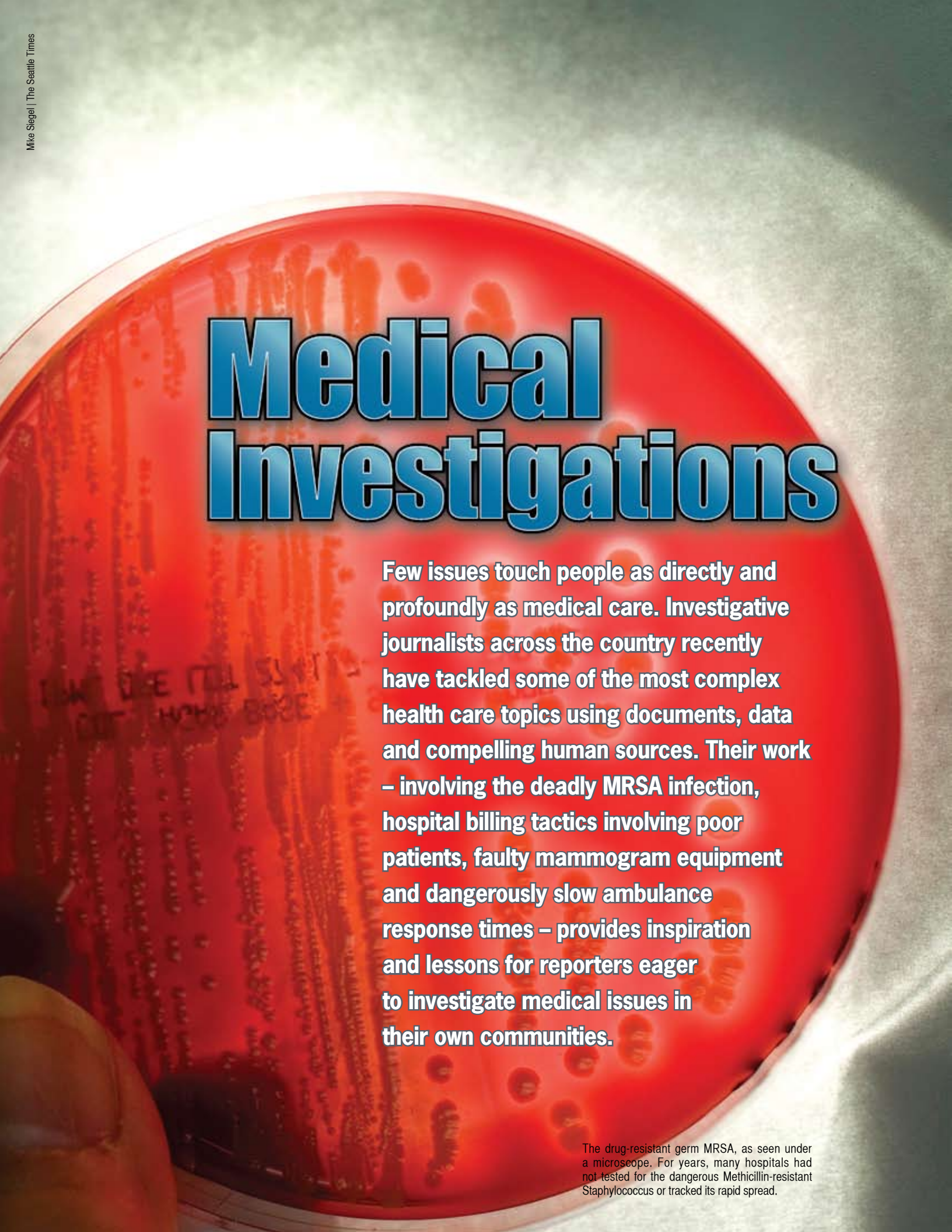
The story took two years to complete with both reporters working on it simultaneously with their regular duties. In the end, it won a Sigma Delta Chi award in 2007 and pushed the governor to allocate more money to scrutinizing child care centers.

"For small papers like ours, I think it's best when the ideas for investigative projects burble up from daily reporting," Middlewood said. *Columbian* reporters try to take advantage of open records laws, she said, and think regularly about how to use public information to get at bigger stories.

Her editor, Elisa Williams, said *The Columbian* has a culture of promoting investigative thinking, and editors regularly plan projects as well. "We feel like the investigative stories are central to why people read us and the role we play in the community," Williams said. "It's just a matter of adjusting your workflow and striking a balance."

"For small papers like ours, I think it's best when the ideas for investigative projects burble up from daily reporting," Erin Middlewood said. *Columbian* reporters try to take advantage of open records laws, she said, and think regularly about how to use public information to get at bigger stories.

Jessica Nuñez received a master's degree from the Missouri School of Journalism in May 2009 and interned at Scripps Howard News Service in Washington, D.C., while writing this article. She is now an associate producer at MLive.com, a division of Advance Internet.



Mike Siegel | The Seattle Times

Medical Investigations

Few issues touch people as directly and profoundly as medical care. Investigative journalists across the country recently have tackled some of the most complex health care topics using documents, data and compelling human sources. Their work – involving the deadly MRSA infection, hospital billing tactics involving poor patients, faulty mammogram equipment and dangerously slow ambulance response times – provides inspiration and lessons for reporters eager to investigate medical issues in their own communities.

The drug-resistant germ MRSA, as seen under a microscope. For years, many hospitals had not tested for the dangerous Methicillin-resistant Staphylococcus or tracked its rapid spread.

KILLER GERM

Drug-resistant bug kills more U.S. patients annually than AIDS

By Michael J. Berens and Ken Armstrong
The Seattle Times

In June 1980, a rogue germ ravaged a Seattle hospital. Doctors spotted the bug early, but they failed to stop it. For months, it jumped from bed to bed and ward to ward while doctors neglected to isolate infected patients or test potential carriers. In the end, 17 patients died.

At the time, the outbreak was not publicly reported. Nor were families of victims told that this tiny killer had a name: MRSA, or methicillin-resistant Staphylococcus aureus.

Even then, MRSA was a well-known problem. It was discovered in the 1960s in the United States and was quickly pegged as an emerging epidemic – breeding and killing everywhere.

Yet, in Seattle and nationally, it remained largely unacknowledged by doctors and unknown to patients for decades. Meanwhile, MRSA grew stronger and spread**.** By 2000, new strains thrived.

The human toll became too high to obscure. In October 2007, the federal Centers for Disease Control and Prevention acknowledged for the first time that MRSA killed more people each year than AIDS.

Seemingly overnight, the media cast MRSA as a microscopic bogeyman. Schools shuttered their doors. Public transportation shut down as buses were wiped clean. Prisons, malls, playgrounds, locker rooms, nursing homes – no place was safe.

But this germ has been quietly killing for decades, mostly inside hospitals.

The crossroads of history and current events – steeped by confidential files and public misinformation – drew us to the story.

Like many stories, this one began with a telephone call. A victim of MRSA revealed how doctors tried to hide or ignore her hospital-acquired infection, which nearly killed her. She had befriended some of the nation's top medical researchers, who agreed to go public.

And like many stories, it was a document – a confidential infection control policy at Seattle's largest public hospital – that exposed what was really happening behind hospital walls.

"Culture of Resistance" revealed that during the past decade, the number of Washington hospital patients infected with the frightening, antibiotic-resistant germ MRSA has skyrocketed from 141 to 4,723 a year. Hundreds of patients have died from MRSA without the infection being publicly disclosed. The hospitals often fail to take basic infection-control measures – such as screening at-risk patients and isolating those with the contagion. The series and updates are online at http://seattletimes.nwsource.com/html/mrsa.

Sadly, this is a story that continues to unfold in hospitals nationally.

Begin with the past

Hospital officials seldom acknowledge infection outbreaks, but doctors often write about these tragedies – and how they stopped them – in trade journals.

One of our favorite search engines is PubMed, which can be found at www.ncbi.nlm.nih.gov/pubmed and is operated by the U.S. National Library of Medicine. That's how we discovered the city's deadliest MRSA outbreak inside a hospital. The problem: The research report, of course, disclosed no names.

We turned to death certificates. We identified the first patient in the outbreak by linking details from the research report to a death certificate. We found a family member who described how hospital officials said nothing about the germ until he confronted them. We made a troubling discovery while electronically trolling hundreds of thousands of death certificates. None mentioned a diagnosis of MRSA as a contributing factor. This seemed to support some contentions that MRSA was not a significant problem.

But then we noticed a news story in another publication in which health officials claimed to know how many people died from MRSA each year. How could this be?

We had examined hospital patient databases to determine how many MRSA cases were diagnosed each year in our state, but we were unable to get a precise death count. It was in trying to reconcile the state's public comments with the lack of data that we discovered an undisclosed records cache.

For years, state health officials supplied the newspaper with a database of death certificates. What they failed to disclose is that it did not contain all of the information written on the certificate hard copy.

In the world of medicine, diseases and maladies are given unique codes under the International Classification of Diseases. MRSA did not have a code. Thus, MRSA was not notated in the database even when doctors cited it on death certificates.

We identified the first patient in the outbreak by linking details from the research report to a death certificate.

Word of our frankness and openness spread, which helped us obtain interviews with dozens of reluctant hospital officials. Some eventually shared infection rates. Many hospital officials were not happy that the series focused on hospital failures, but they respected our professionalism.

We found that the state took all this extra information and put it in another database. We received it after a fierce public records fight. The state initially refused because the information might prove "embarrassing."

With this new database, we uncovered 672 previously unacknowledged deaths linked to MRSA.

This past year, the federal government adopted new MRSA coding in the classification system for the first time – even though MRSA has been a significant disease for decades.

Learn the lingo

Medical researchers embrace obscure terminology and adore acronyms. For instance, it's helpful to know that the CDC maintains the National Nosocomial Infections Surveillance System database, although it does not flag nosocomial infections by hospital or differentiate between HAI staph aureus germs or CA strains linked to USA 300.

A few hours of study can melt the steeliest academic. Demonstrate that you've read research studies. Frame questions to specific reports, preferably ones written by the person you're interviewing. As a result, we scored interviews with researchers who had often shunned the media.

We laughed, though, when a doctor sent us a reading list before he would agree to talk. We did it – well, as best we could – and the doctor was a valuable addition to the story.

Share your findings. We outlined our statistical results and thematic findings with anyone who would listen, from distrustful hospital officials to sympathetic sources. We identified which areas met the stiffest resistance and dug deeper in our reporting.

Our oath to every person interviewed was that there would be no surprises. In other words, we shared every finding, every number, prior to publication. Some journalists favor stealth reporting, but with complex topics this strategy can be foolish and unnecessary.

Word of our frankness and openness spread, which helped us obtain interviews with dozens of reluctant hospital officials. Some eventually shared infection rates. Many hospital officials were not happy that the series focused on hospital failures, but they respected our professionalism.

In the end, we ensured that our reporting was airtight. No one involved in the story challenged our accuracy or fairness.

Mike Siegel | The Seattle Times

Burn team members use MRSA contact precautions as they tend to a patient in isolation at Harborview Medical Center in Seattle.

Follow the paper

Scour the laws that govern your topics. For instance, a review of the Revised Code of Washington found that state health inspectors are required to provide hospitals a four-week notice before conducting an inspection. This seemed ludicrous.

The state once conducted surprise inspections until the hospital industry wielded its lobbying power. We researched legislative history to unearth the details. Our series prompted legislation to reinstate surprise visits.

Also, create a public record inventory. For instance, hospital inspection reports are public. We gathered thousands of pages that revealed violations, from a surgeon who refused to wear a mask during surgery to a blood technician who carelessly brushed her contaminated hands against supplies destined for other patients.

And learn to quantify. For instance, set up a simple spreadsheet to track the results of inspection reports. Create a column for every kind of violation. Was the hospital cited for an infection control violation – yes or no? Did surgeons fail to wear masks? Did a nurse fail to wash hands?

Spreadsheets help identify patterns and core problems. The data work also empowered us to report that the majority of the state's largest hospitals had been cited for unsanitary conditions or failure to adhere to fundamental safety standards. (For a more detailed explanation of the data work, see an article in Uplink, online for subscribers at http://data.nicar.org/uplink.)

One cost-cutting strategy is to review requested public records to avoid copying costs. The newspaper invested in an inexpensive scanner that connects to a laptop. It's always fun to watch the expressions of state officials when we begin to scan public documents rather than pay exorbitant copying costs. The scanner has paid for itself.

Medical Investigations

Mike Siegel | The Seattle Times

MRSA survivor Jeanine Thomas has become one of the nation's most influential patient advocates for hospital transparency.

This quick and painless test, which costs about $20, lets hospitals know who's infected or a carrier. No Washington hospital screens every patient; officials said existing infection control standards are adequate.

Watch and learn

We visited more than a dozen Seattle-area hospitals and pushed to receive tours of facilities even if it was little more than a tightly controlled public relations jaunt. No matter how controlled the situation, you're likely to see interesting things if you know where to look.

At one hospital, an aide sprayed a plastic mattress with disinfectant and immediately wiped it off. The cleanser is supposed to soak on the surface for more than 10 minutes, or it doesn't kill germs.

At another hospital's intensive care unit, nurses held a massive bake sale in the hallway. Folding tables held dozens of desserts and cookies underneath a sign that prohibited food and drink in the area to stop the spread of germs.

If you can't land a tour, then seek interviews inside the hospital. Go early, and observe from the public areas. At one Seattle hospital, we saw scores of patients dragging their intravenous bags on metal poles outside to sneak a smoke. Wearing little more than scanty pull-tie gowns, patients congregated by the dozens then slipped back inside. They spread germs on everything they touched or coughed on.

At this same hospital, we saw a scrub-clad doctor and three other medical staffers sit inside a large concrete planter, their feet in dirt and debris, while eating lunch. All went back inside without changing their shoes or clothes.

This was the same hospital with a confidential infection control policy that allowed patients infected with contagious MRSA to avoid isolation and to wander hallways or go outside to smoke.

Find solutions

It's not enough to report on problems. Examine solutions already in place and question whether a better way exists.

More than two dozen states require hospitals to publicly disclose selected infections. We found that these hospital report cards often hold scant consumer value. In some states, they are useless to consumers or don't cover MRSA. We reached out to many consumer groups such as the MRSA Survivors Network to round up what was happening on the grass-roots level.

We also learned a simple diagnostic test for MRSA could have saved countless lives. This quick and painless test, which costs about $20, lets hospitals know who's infected or a carrier. No Washington hospital screens every patient; officials said existing infection control standards are adequate.

This test became a core to the project's thesis that MRSA was a preventable epidemic.

We profiled success stories that ran side-by-side with details of tragic failures. We outlined how a few hospitals had embraced testing – some more than a decade ago – and lowered MRSA infection rates. These success stories hardened our findings and eroded the argument and the conventional wisdom that hospitals were doing everything they can to stop infections.

Michael J. Berens and Ken Armstrong are reporters on the investigative team at The Seattle Times.

DIAGNOSIS: LAWSUIT

Hospitals sue patients despite state subsidies for charity care

By Fred Schulte

More than three decades ago, Maryland officials devised a novel system to guarantee residents access to hospital care, whether they could afford it or not.

But that system hasn't prevented Maryland hospitals from trying to collect bills by suing tens of thousands of patients, in some cases people barely able to pay household bills, according to "In Their Debt," a three-part series published Dec. 21-23, 2008, in *The Baltimore Sun*.

Investigative reporter James Drew and I spent months building databases from court filings, deciphering arcane hospital financial data and charity care policies, and interviewing patients, hospital representatives and state regulators.

In the end, we documented more than 132,000 collections lawsuits filed by the state's 46 nonprofit hospitals from the start of 2003 through June 30, 2008. In that time, hospitals won more than $100 million in judgments, slapped liens on thousands of homes and garnished wages or bank accounts to collect unpaid bills.

We also found that some hospitals that were aggressive in pursuing patients had received millions of dollars in surplus payments from rate subsidies intended to cover their losses from free and unpaid care.

Though the state hospital association strongly denied it, regulators conceded they didn't know if some hospitals were, in effect, collecting the same bills twice. Officials set the rates that hospitals could charge and built into them subsidies to cover losses from free and unpaid care – about $921 million in 2007 alone.

It was not only the number of lawsuits that seemed remarkable, but also the human stories and patterns that emerged. Hospitals filed nearly a third of the cases statewide in courts in

Though the state hospital association strongly denied it, regulators conceded they didn't know if some hospitals were, in effect, collecting the same bills twice.

Lloyd Fox | Baltimore Sun

Marvin Mandel, former governor of Maryland, helped develop the hospital rate-setting system that went into effect in 1971. Mandel is proud of that legacy but growing concerned that the original intent to provide care for the poor while controlling hospital costs has veered off course as the number of lawsuits has increased throughout the past five years.

Lloyd Fox | Baltimore Sun

More than four years after her treatment at Johns Hopkins Hospital, Nickia Kelly was sued over a $1,100 bill.

Baltimore, where many debtors are "living on the margins," as one law professor put it.

We led the series with the case of Willie Mae White. Johns Hopkins Bayview Medical Center in Baltimore sued the former housekeeper in 2007 after emergency surgery for a brain aneurysm, even though the hospital had sent her a "charity-care" form stating that her responsibility for the bill was "zero."

The lawsuit stunned White, 66. She wrote to the court that she was grateful to the surgeon who had saved her life, but she didn't have the money to pay. She and her husband lived on $1,080 a month from Social Security and $152 in food stamps.

Fearful she might lose her home, White agreed to send in $500 and then $50 a month until the debt was paid, which would have taken nearly six decades. Much of this detail came directly from White's file in the clerk's office at Baltimore City Circuit Court.

Most hospitals wouldn't discuss individual patients or even talk in general about their collections practices. Instead, they referred questions to the Maryland Hospital Association, which argued that its members only sued people who had the means to pay, who ignored repeated requests to do so or who refused to share full details of their finances.

Yet cases such as White's showed that the policies for offering free care to low-income patients weren't always applied evenly. For instance, some patients didn't receive applications for charity-care funds until after the hospital had won a court judgment against them for thousands of dollars, court records showed.

We also found cases in which hospitals had sued to collect bills that HMOs or other health insurers declined to pay. That situation, known as balance billing, violates state insurance codes. In other cases, hospitals had sued people covered by Medicare or Medicaid, which are government health care programs for the elderly and poor. Maryland law forbids hospitals from knowingly suing Medicaid patients.

Some hospitals also assessed 12 percent annual interest on bills starting 60 days after the patient's discharge. That's twice the rate allowed for other consumer debt. This "prejudgment" interest often piled thousands of dollars of new debt onto patients. Once we told state officials about the practice, which is legal, they promised to take steps to put an end to it.

Finally, the court records showed us that some hospitals were more aggressive than others in taking patients to court. Some hospitals routinely sought court orders to garnish wages, tap bank accounts or impose liens on homes, while others rarely did so. Though some hospitals filed thousands of cases during a period of more than five years, others filed just a few hundred. The size of the bills varied wildly, too, from more than $100,000 to less than $50. In the suits over small amounts, court costs and other fees often exceeded the amount of the debt.

The project began in early 2008 after then-Assistant Managing Editor John Fairhall asked me to look into how patients were able to pay hospital bills in the worsening economy. When he took a buyout, investigations editor Bernie Kohn took over and became the primary editor.

From the start, it was clear that court data would be paramount. My first call was to the folks who run the state's online Judicial Information Systems in Annapolis. I asked for a data file of court cases statewide involving debt collection, but I was told it couldn't be done across the state's 24 counties.

I knew I could get at least some of this information, though laboriously, by searching the system's online docket at http://casesearch.courts.state.md.us/inquiry/inquiry-index.jsp. The system allows users to search by date, county and name of a defendant, attorney or plaintiff. I plugged in each hospital as the plaintiff and then downloaded a few hundred cases at a time using the system's Microsoft Excel export option. Later, I deleted all noncollection cases. Some hospitals filed lawsuits under several corporate names or abbreviations, so this process was tedious to say the least. I followed the same procedure with lawyers and linked the two

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Medical Investigations

Lloyd Fox | Baltimore Sun

Single mom and hairdresser Renee D. Alisea faces a lawsuit by Franklin Square Hospital over a $10,800 bill for a 2006 hysterectomy. She underwent the surgery because her sister was dying from ovarian cancer, and a genetic test suggested she could get the same cancer without the surgery. Alisea says the surgeon agreed to perform the surgery for free and had "made arrangements" with the hospital as well.

Lloyd Fox | Baltimore Sun

Following emergency brain surgery, Willie Mae White owed Johns Hopkins Bayview Medical Center $36,224. The hospital informed the 66-year-old former housekeeper in writing that at least part of her bill would be forgiven, but Bayview sued her 15 months later to collect the bill.

Medical Investigations

sets together in Microsoft Access using the court case number as the common field.

Simple queries told us which hospitals and lawyers filed the most cases and allowed us to track the rise in lawsuits during the five years that we studied.

Unfortunately, the system didn't permit downloads of judgments from district courts, where most debt collection cases are heard. These had to be copied by hand and typed into an Access database, one at a time. I quit once I had $101 million worth of hospital judgments. We ran a searchable index of this sample as part of our online presentation.

Human sources were critical, too. Drew and I interviewed legal aid lawyers and others with years of experience dealing with debt collection cases in the district courts and talked to bailiffs, judges and others working in the court system to get their views. Some collection attorneys agreed to be interviewed, but others declined.

Best of all, we watched many cases unfold. The Baltimore district court runs like a giant collections bazaar handling consumer debt cases filed by firms ranging from banks and credit card companies to bail bondsmen and hospitals.

Typically, lawyers for the hospitals hash out repayment plans in the hallways prior to going before a judge, and anyone within earshot can overhear the negotiations. The debtors rarely have a lawyer to advise them, and many seemed to have little understanding of their rights or obligations.

That was clear during a weekly ritual known as the "rocket docket," which is set up by the court to unclog the backlog in cases. We sat in on several of these sessions and watched lawyers confer with debtors as an armed court bailiff stood nearby. We wrote about college student Nickia Kelly's experience. She came to settle a lawsuit filed by Johns Hopkins Hospital concerning a $1,102 charge from an emergency room visit more than four years earlier. After a brief meeting, Kelly agreed to pay $100 a month on the debt. The hospital, in turn, agreed not to press her for nearly $600 in interest and other fees.

Kelly didn't know at the time that she might have been able to raise a defense because Maryland has a three-year statute of limitations on debt. With no lawyer to assist her, the subject never came up. Nobody from Johns Hopkins would discuss the case. After the series ran, court officials announced several initiatives to help ensure the fairness of hearings when people have no attorney.

Like Kelly, many people agreed to talk with us about their debts, either on the spot or in later interviews. Although we couldn't take pictures in the courthouse, several people sued by hospitals agreed to be photographed later. Photographer Lloyd Fox also took the time to shoot powerful video of several patients telling their stories, including Willie Mae White. Their voices and images added greatly to our online presentation.

White, the housekeeper sued by Johns Hopkins for $36,224 even though she had been approved for charity care, came out all right. Two months after we asked the hospital about her case, and a few days before we published the series, Johns Hopkins had a change of heart. The hospital wiped out her debt and cut her a check for $2,207, all the money she had paid under the settlement, plus interest. A Hopkins spokesman said that "a mistake had been made."

Fred Schulte, a veteran investigative reporter whose projects have won two IRE awards, took a buyout from The Baltimore Sun at the end of 2008. He can be reached at fredschulte@hotmail.com.

FAULTY DETECTION

Federal inspections reveal violations in mammography

By Wendy Saltzman
CBS News Atlanta

Just how accurate is your mammogram? A CBS Atlanta investigation discovered that mammograms can be significantly compromised based on the quality of the imaging facility.

The U.S. Food and Drug Administration inspects mammography centers annually, but hundreds of serious violations are not reported to the public. With 1.3 million new cases of breast cancer detected in women each year, the stakes are high. We began our investigation with the goal of releasing the results of those FDA inspections, so our viewers could make educated decisions about their own health care.

Getting started

To start, we requested a computerized list of all FDA violations cited at mammogram facilities in Georgia and a copy of all complaints that citizens filed with the agency for problems with their mammograms during the previous five years. The FDA categorizes violations into one of three levels: 1, 2 and 3 (with 1 being the most serious).

CBS Atlanta

Dr. Lynn Baxter, director of breast imaging for Northside Hospital, warns that without a quality image, even the best doctor could fail to identify breast cancer.

The FDA took about three months to respond to our initial Freedom of Information request. Each subsequent request for even the most minor piece of information took several additional months for a response. So, ask for as much information as possible early, and be prepared for a long wait for each subsequent request.

Analyzing the data

We obtained the records in Microsoft Excel spreadsheet format and were able to determine which facilities had the most violations and which had the most *serious* violations by sorting and summing the records.

Level 1 violations include citations for personnel failing to meet FDA's minimum requirements. Level 2 violations may compromise the quality of the mammography services and typically involve equipment failures. Level 3 violations are generally considered minor and administrative, such as a facility failing to maintain records of quality-control tests.

Once we got our hands on the database of inspection records, it became clear we were missing a crucial piece of information. The FDA database only listed the number of violations for each facility in each category, but there were no details about the specific findings. We requested physical copies of the detailed inspection reports for the centers with the most violations. It took another three months to get those reports.

In addition, the physical inspection reports we received did not included corrective action, fines or the facility's response. The FDA said it had taken disciplinary actions, and even shut down facilities for failing to comply with regulations, but the FDA has failed to respond to our request for that documentation.

We began our investigation with the goal of releasing the results of those FDA inspections, so our viewers could make educated decisions about their own health care.

CBS Atlanta

Pankesh Kadam, owner of AMSCAN Radiology, says the nine violations against the facility are not serious.

The FDA is supposed to keep a record of every complaint about a faulty mammogram, but medical privacy laws shielded those records from release.

Poring through inspections

The actual inspection reports are technical and tedious. They included violations such as doctors failing to show they met minimum education requirements and failures of equipment and quality-control measures.

During a series of meetings with News Director Steve Schwaid, we vetted the data to determine exactly what we had. Many of the violations included administrative citations for missing documentation. But after further investigation and inspection of the records, we were able to show that doctors were cited for not being certified to do their jobs and centers were cited for equipment failures.

We then used the expertise of the director of breast imaging at Northside Hospital, Atlanta's largest breast imaging center, to put the significance of those violations in perspective. Northside has a perfect inspection record and has diagnosed more breast cancer cases than any facility in Georgia.

Dr. Lynn Baxter was able to explain why violations that on paper may seem to be minor could result in the missed detection of breast cancer. She explained what the FDA would not discuss – why patients should be concerned about citations for improper doctor qualifications and failure of equipment tests.

Medical Investigations

Producing the story

Our investigation revealed that a single facility had racked up 23 violations in five years, but the FDA allowed it to remain open. When we confronted officials at the Southside Medical Center in Atlanta, the head radiologist told us they had shut their own doors to correct problems at the facility and ensure the accuracy of mammograms.

The FDA refused to answer questions about specific facilities and would not explain what actions, if any, it had taken in response to the violations. Facilities with repeat Level 1 violations are subject to significant fines, suspension or even revocation of certification.

We also confronted all of the other top violators in Georgia and were locked out, escorted off hospital property and generally not welcomed by the facilities.

When federal inspectors find a substantial risk to the quality of a mammogram, they require facilities to send out a warning letter to their patients. That process could take three months or longer. It takes six to eight weeks from the time of the annual inspection for the FDA to run tests and confirm there is a problem. Then, a facility has another month to send patients a letter. If you add to that the time before the annual inspection when the mammogram was done, it could take a year or more for a patient to learn that the mammogram is inaccurate. That time could be crucial in the early detection of breast cancer.

The FDA says in some cases, those notifications have involved thousands of patients. At the time of this publication, we were still waiting for records of those disciplinary actions.

We faced several challenges, the greatest of which was tracking down a patient whose mammogram had been incorrectly read. The FDA is supposed to keep a record of every complaint about a faulty mammogram, but medical privacy laws shielded those records from release. And in general, the Health Insurance Portability and Accountability Act made it difficult to track down anyone who had a complaint against a hospital or facility.

Adding online extras

As part of our report, we published a list of all mammogram facilities in Georgia and ranked them according to the number of violations. The online database included a detailed breakdown of the number of violations by level. In addition, we provided the FDA's description of the violation levels on our Web site, so viewers could see how their facility ranked.

We drove viewers to our Web site to gain access to that information and had thousands of clicks on the CBS Atlanta site within hours of airing our first report.

Wendy Saltzman is the chief investigative reporter at CBS Atlanta News. Her reports focus on government waste and database investigations.

AIRPORT INSECURITY

Report prompts reforms in ambulance dispatching

By Arthur Kane
KMGH-Denver

The December 2008 crash of a Continental jet at Denver International Airport was a dramatic story but one that most of the city's media dropped after a day or two. None of the 115 passengers and crew died in the fiery crash, which happened the week before Christmas. But KMGH investigative reporter Tony Kovaleski and investigative producers Tom Burke and Arthur Kane decided to dig a little deeper.

The CALL7 Investigators had been looking into Denver's ambulance service for more than six months, so Kovaleski filed an open records request for information on the ambulance and fire response to the crash. With paramedics and firefighters regularly training for incidents like the crash of Flight 1404, we weren't expecting a story from the records. However, when Kovaleski obtained them, the records showed that it took the first ambulance 33 minutes to arrive. That led to an additional two months of investigating and a half hour special titled "33 Minutes to 3-4 Right: Denver's Broken Ambulance System."

The special led to immediate changes, forcing Denver Health – the county hospital that contracts ambulance service for the city – to institute a policy for red-alert incidents such as plane crashes. Our investigation found that the hospital had no policy. And in response to our investigation, Denver Mayor John Hickenlooper vowed that lengthy ambulance responses would never happen again.

We started researching the issue in early 2008 when paramedics approached 7News about problems responding to emergencies in Denver. We filed open records requests, and Denver Health initially came back with a $14,000 price tag. They also tried to hide behind the federal Health Insurance Portability and Accountability Act , saying providing information would violate patient privacy. After weeks of negotiation, we obtained some documents and quickly realized why Denver Health didn't want to hand over the records.

The documents showed that in 12 percent of cases, Denver Health ambulances exceeded the nine-minute national standard for emergency responses. We found response times of nearly 30 minutes to some emergencies. The records and interviews also showed that Denver Health regularly scratched ambulance shifts despite the long wait times. And more than 200 residents regularly called for ambulances with fabricated emergencies. Denver Health managers did nothing to stop those patients from clogging the system.

"Sometimes in Denver you would be a lot better off driving yourself to the hospital," one long-time paramedic said on camera.

After the initial report, Denver Health denied having a problem, but we did not let the issue go away. Less than two months after our first story, a passenger died at the Denver airport while waiting more than half an hour for an ambulance. We obtained records that showed Mark Elgin waited for the ambulance to come from Denver Health – 26 miles away – because no other transport was available. The records also showed Denver Health officials failed to send an available helicopter. We also learned that Denver was the only one of the five busiest U.S. airports not to have an ambulance stationed on its property and that ambulances often came from a dozen or more miles away to airport emergencies.

After our reports, airport and city officials pushed Denver Health to station an ambulance at the airport, which happened in early January. Before then, an ambulance wasn't required

After our reports, airport and city officials pushed Denver Health to station an ambulance at the airport, which happened in early January. Before then, an ambulance wasn't required to be in position at the airport.

KMGH-Denver

Records show that the first ambulance arrived at Denver International Airport 33 minutes after the crash of Flight 1404. None of the 115 passengers or crew died, but at least 40 people suffered injuries.

The first ambulance arrived in 33 minutes. It took 40 minutes for three ambulances to arrive and an hour for 10 other ambulances to arrive on the scene of a crash with at least 40 injuries.

to be in position at the airport.

Once we obtained calls of the ambulance runs from city dispatchers, we reported the delay to the crash and started to dig deeper. There was uproar at City Hall because public safety staff had released the report of emergency response to the crash. The city and Denver Health tried to block the release of many documents and said the records were part of a National Transportation Safety Board investigation.

Through public sources, we obtained radio traffic of the ambulance dispatches the night of the crash. The calls revealed repeated failures in the response.

Through the recordings, records and interviews, we found:

- The first ambulance was sent in non-emergency mode to a confirmed plane crash.
- The city and surrounding suburbs had 12 available ambulances, but the paramedic manager in charge waited to dispatch those vehicles.
- Two medical helicopters were available, but neither was sent.
- The first ambulance arrived in 33 minutes. It took 40 minutes for three ambulances to arrive and an hour for 10 other ambulances to arrive on the scene of a crash with at least 40 injuries.
- Most shocking was that Denver Health had no policy to respond to red alerts and plane crashes at Denver's airport.

KMGH-Denver

The CALL7 Investigators obtained unprecedented access to the wreckage of the plane during the NSTB investigation. Reporter Tony Kovaleski reported from outside the burned out fuselage. The half-hour special investigation detailed problems with the ambulance response to the crash.

Denver Health officials at first disputed our findings and said paramedics were on the scene immediately. That was true because there are two paramedics – without an ambulance – stationed at the airport. Those paramedics had no way to get dozens of injured patients to the hospital for nearly an hour.

City officials became so frustrated with Denver Health that they called a special meeting with 7News, airport officials, hospital managers and paramedics. We taped the meeting for our half-hour special, as it was the only on-camera interview we received from Denver Health for our investigation.

At that meeting, hospital managers admitted for the first time they were not completely happy with the response to the plane crash. Denver Health Chief Executive Officer Patricia Gabow suggested that their response was similar to other mass casualty incidents**.** She pointed out that after a deadly bridge collapse in Minneapolis, injured victims were transported in private pick-up trucks, indicating she believed that was an appropriate EMS response. The hospital officials continued to point out that no one died in the crash, which led a national emergency medical service expert to say that Denver Health managers have their heads "in the sand."

After the meeting, the mayor called the response "unacceptable." After the TV special aired**,** Denver Health put together a policy to respond to red alerts. The policy requires at least four ambulances to be sent at top speed with lights flashing and sirens blaring to red-alert accidents.

Other changes are in the works with Denver's ambulance system, and 7News continues to follow the story. The widow of the man who died at the airport in July waiting for an ambulance said she is happy that ambulance responses are changing. "It's too late for me – too late for my husband's family," Vickie Elgin said. "But if I can prevent someone else from going through this tremendous pain and hardship, then that to me is something me and my family can do."

The stories and the special continue to help save lives at DIA. Two days after the ambulance was stationed at the airport, a woman had a brain aneurysm in the concourse, according to an e-mail from a viewer. Doctors told the woman's family that if the ambulance had not been there, she would have died. "I thought you needed to know that by the pressure that you kept on Denver Health to have an ambulance there a life was saved within 2 days," a viewer wrote.

The 7News stories and the half-hour special can be seen at www.thedenverchannel.com/call7investigators/index.html.

Art Kane is an investigative producer at KMGH-Denver. Before joining the ABC affiliate in 2007, Kane was a reporter at several newspapers around the country.

Medical Investigations

Check out these and other online resources at www.ire.org/resourcecenter. IRE members can order investigative stories, download free tip sheets and read back issues of *The IRE Journal*.

Resources

By Tori Moss
The IRE Journal

Stories

Story No. 22640: Cheryl W. Thompson, Bobbye Pratt, Sarah Cohen, *The Washington Post*. "Special Treatment: Disciplining Doctors" examined the District of Columbia and state medical boards. It showed that the boards rarely revoke licenses and are slow to punish physicians, some of whom are allowed to continue practicing medicine despite proven alcohol and drug problems. (2005)

Story No. 22685: Bob Christie, *The Bakersfield Californian*. "Ailing Hospital, Healthy Pay" found that physicians at Kern Medical Center earn salaries above the national and regional average in a county with one of the lowest costs of living in California. At the same time, the county hospital receives millions per year in bailouts. (2005)

Story No. 23859: Margaret Downing, *Houston Press*. "Mental Anguish" focuses on West Oaks Hospital, a private psychiatric facility with multiple issues involving patient care and staff quality. The investigation began after a mother called Downing regarding West Oaks' care of her 6-year-old mentally disabled daughter, who broke her arm while at the facility and was not treated. (2008)

Story No. 24027: Jim Doyle, Todd Wallack, *San Francisco Chronicle*. The series analyzed San Francisco's 911 medical response system. It found that at least 439 people died from February 2004 to December 2007 while waiting for a late ambulance or after delayed help arrived, the 911 call center does not dispatch calls fast enough, and some say the city needs more paramedics and ambulances. (2008)

Story No. 24149: Chad Terhune, Robert Berner, *BusinessWeek*. The three articles investigated hidden practices that can increase medical bills and hinder patients' abilities to receive treatment or to obtain insurance. Topics include balance billing, wallet biopsies and the practice of health insurers looking at applicants' prescription drug histories to refuse coverage. (2008)

Tipsheets

No. 2354: "Hospital report card," Bernard J. Wolfson, *The Orange County Register*. The tipsheet includes major findings, obstacles, online sources and more regarding the Register's project that rated the quality of care at 26 acute care hospitals in the California county.

No. 2407: "Tipsheet for using CAR to cover stories," David McKie, Canadian Broadcasting Corporation. The tipsheet provides background on CBC News' investigation into adverse drug reactions among children and seniors. It includes 10 strategies that helped tell the story, such as telling the audience what a database can't show and finding strong characters to share their stories.

No. 2435: "Where to dig for great stories on hospitals, doctors and patients," Jim Steele, *Time*; William Heisel, *The Orange County Register*. Learn what to look for and how to get hospital inspection records, patient discharge data, hospital report cards, disciplinary records and more.

No. 2766: "Diagnosing medical data," Laura Beil, *The Dallas Morning News*. The tipsheet outlines how medical evidence is obtained and analyzed. It also lists questions journalists should ask themselves when reviewing medical data.

No. 3297: "Health care on the beat," Duff Wilson, *The New York Times*. The tipsheet lists several Web sites and blogs journalists can use to find medical information on many topics, such as pharmaceuticals and health care fraud.

The IRE Journal

"No Consent: Families unaware county profiting from selling dead relatives' brains for private research use," Chris Halsne, KIRO-Seattle. Halsne detailed how the investigative team fought for records of King County's organ harvesting program and gained information from families of the deceased – many of whom were unaware that their relative's brain and medical records had been sold to an out-of-state research lab. (Nov./Dec. 2005)

"Racial health divide: Series focuses on deadly difference," Beth Marchak, Dave Davis, *The* (Cleveland) *Plain Dealer*. The series, "A Deadly Difference: America's Racial Health Divide," examined how millions of African Americans die of preventable and curable diseases, such as heart disease and homicide, at a higher rate than white Americans. A sidebar provides tips for collecting and using death data from the Centers for Disease Control and Prevention's Web site. (July/Aug. 2000)

Extra! Extra!

"Recession impacts diabetics' health," Linda A. Johnson, The Associated Press. The investigation found that many diabetics are reducing or forgoing doctor visits, medications and testing due to financial pressures. According to the article, "People with other health problems also are cutting back on care amid the recession, but diabetics who don't closely monitor and control the chronic disease risk particularly dire complications: amputations, vision loss, stroke – even death." (Economy, Health: April 14, 2009)

"Georgia ill-prepared for public health emergencies," Alan Judd, *The Atlanta Journal-Constitution*. An evaluation found the state of Georgia is poorly prepared to face public health emergencies. According to the article, "Federal agencies, nonprofit groups and the state's own documents depict a public health system that lacks sufficient money and, at times, basic competencies, an examination by *The Atlanta Journal-Constitution* found." (Health: July 6, 2009)

Uplink

"Q & A on getting health care data," Erica Nochlin, Missouri School of Journalism. Nancy Amons of WSMV-Nashville shared how she obtained data on TennCare, which is Tennessee's Medicaid program. The Q and A touched on how to deal with privacy issues under HIPAA, how to iron out the records request and how crucial it is to clarify what columns represent once you have the data. (April 2009)

"Doctor survey uncovers insurers' meddling," Steve Eder, *The* (Toledo, Ohio) *Blade*. Eder explains how the paper created, issued and used a survey of physicians for the four-part series, "Not What the Doctor Ordered: How insurers dictate medical care." (February 2009)

Online

"Covering health" (www.healthjournalism.org/blog/) The Web site of the Association of Health Care Journalists includes the "Covering health" blog, which provides news and developments in the health care field.

Checking on volunteer fire companies

By Mike Chalmers
The (Wilmington, Del.) *News Journal*

When my editor suggested a look at fire company response times, I thought I'd be done in a few weeks.

Arrival time minus call time equals response time. Find some examples, interview the fire victims, talk to some chiefs and run the story.

But what started out as a perennial CAR classic turned into a yearlong examination of the health and future of Delaware's volunteer fire service, from its sometimes-arcane operating rules and governing structure to its fat bank accounts. The resulting stories ran during three days in early December and informed readers about the challenges facing this vital public service.

This analysis gave us solid facts about each company's response time and told us that, statewide, fire companies fall short of the standard in at least one of every six fires.

From the start, Public Service Editor Merritt Wallick and I knew we'd have to base our story on solid data, not just anecdotes. Delaware has 60 volunteer fire companies, and all of them are known for their independence, tradition and mistrust of outsiders. Many have been around for a century or more, and fire stations serve as anchors for both small towns and the densely populated places that otherwise would lack an identity.

The first data we grabbed were 911 call records. Even though we obtained them at no cost, they presented several problems. First, we had to get data from three counties and three small cities. Some came as Microsoft Excel spreadsheets, and others came as text. All of them came with different codes. I spent a few weeks trying to clean them up with a bunch of parsing and update queries in Microsoft Access before realizing my second problem. Addresses were surprisingly dirty, so it was going to be a headache trying to link each call to a fire company's district, which was crucial because we wanted to compare response times by company. The third problem was that the data listed all of the responding companies, but it did not necessarily give the order. I couldn't tell who got to the scene first. Finally, some calls came in as structure fires when they were actually brush fires, vehicle fires or something else.

The prospect of spending endless weeks cleaning up all that data made my brain hurt.

Then I got lucky. In some State Fire Prevention Commission meeting minutes, I noticed some officials discussing DFIRS, which turned out to be the Delaware Fire Incident Reporting System. With a little more poking around, I found that every company in the state had been logging its fires into DFIRS for the past few years. When I asked for a copy, officials from the commission dragged their feet and clearly weren't interested in helping.

As I was getting ready for a battle, I got lucky again. It turns out that DFIRS feeds into the National Fire Incident Reporting System. With one call to the U.S. Fire Administration, I had a packet of CDs with four years of NFIRS data delivered to my desk in about two days at no cost. It included records of about 6,000 Delaware structure fires.

Participation in NFIRS is voluntary, but more and more local fire companies are logging their incidents into the system. It's in dBASE format, and it's helpfully coded by fire type. There are also tables for medical, hazardous materials and other types of incidents, though they're not filled in as completely as the fires. At the suggestion of a fire administration researcher, I included only structure fires and excluded mutual-aid calls, which narrowed my data to calls within a company's district. From there, I used an Access query to subtract dispatch time from arrival time to get the response time.

Though not all NFIRS data fields are completed, many are, and this made it easier to find noteworthy fires. For example, I could tell that a fire was significant if a lot firefighters worked on it or if the action code was "11," which meant extinguishment. The data also included addresses, which, along with the date and time of the fire, helped me find fires we had written about and photographed for daily news stories.

I needed an objective standard for response times, which I found through the National Fire Protection Association. This nonprofit organization develops all kinds of technical standards for fire companies, and its Standard 1720 covers response times for volunteers. The standard differs by population density, which I calculated using ESRI ArcView 9 and census data. (To get roughly current figures, I used Delaware's 2006 population estimates for census county divisions to update the Census Bureau's 2000 block populations, and then I performed a spatial join in ArcView to link those with each fire district.) For example, urban companies, which are those with more than 1,000 people per square mile, are expected to respond to a structure fire with at least 15 firefighters within 9 minutes 90 percent of the time. The NFIRS data were largely useless in determining how many firefighters arrived within a specific period of time, so I gave fire companies the benefit of the doubt about this. In retrospect, I should have mentioned that in the story, as it would have strengthened our findings.

This analysis gave us solid facts about each company's response time and told us that, statewide, fire companies fall short of the standard in at least one of every six fires.

During this number-crunching period, Merritt passed along a tip that one of the fire companies had hundreds of thousands of dollars in savings, while it continued to ask the state, county and public for money. A quick look at that company's IRS Form 990, which is available at GuideStar, confirmed the tip, so we wondered how many others had hefty savings accounts.

Turns out, nearly all of the fire companies, especially the smallest companies, have substantial savings. The amounts ranged from a few hundred thousand dollars to a couple of million.

I started building an Access database of income, expenses and savings information from the Form 990s. It was a tedious process (60 companies times as many as five years equaled hundreds of pages). However, it paid off when I could say with confidence that companies routinely saved $1 for every $5 they collected and had amassed a total of nearly $70 million in savings.

The companies' records proved they were awash in cash. And all that financial data helped us put some interesting nuggets into perspective. One company boasted of a $58,000 fitness room in its station. Others had invested in several retail and residential rental properties, and one bought a Hummer for the chief's official use.

All this data about operations and finances fueled our stories, of course, but we had much more than we could put in the paper. We also packed nearly all of the data into a clickable map on our Web site.

One layer showed information about operations, such as fire response times, ambulance non-response rates and chiefs' training. Another layer showed all the financial data I had accumulated from the IRS forms. The third layer showed the center point of every property in the state. We had created that layer from the parcel shapefiles that each of Delaware's three counties had given to us for free. Clicking on a point showed the fire and ambulance company that serves that property, as well as the company that is actually closest to it (by a straight line). This illustrated the problem of fire boundaries that had never been redrawn to reflect population shifts.

I had done that analysis in ArcMap with help from ET GeoWizards, a set of tools that perform all kinds of great functions. Many functions are free. The Build Thiessen Polygons tool draws best-fit polygons around a set of points. I essentially redrew the district boundaries based on the location of fire stations, and then I used ArcMap's spatial join function to assign a new district identifier to every property in the state.

In the end, the project generated dozens of e-mailed comments, hundreds of online comments and more than 10,000 hits to the online map. A collection of anecdotes would never have had the same weight that hard data did.

Mike Chalmers works as a reporter for The News Journal in Wilmington, Del.

One company boasted of a $58,000 fitness room in its station. Others had invested in several retail and residential rental properties, and one bought a Hummer for the chief's official use.

LAX PROTECTION

Domestic violence offenders keep their handgun permits

By Jeremy Finley
WSMV-Nashville

Fakher Jamir Omer – 1/11/1971 – had order, kept permit

Joseph Muschler – 12/18/1983 - convicted of domestic assault, kept handgun carry permit

Vickie Deeweese Cooper – 9/13/1957 – had order, kept permit

Michael Wilson – 2/8/1963 – had order, kept permit

It had become a terrible cliché in Davidson County. Each time a woman was killed by a loved one, there always seemed to be a cop muttering nearby, "That order of protection really protected her, didn't it?"

So when a trusted source encouraged me to find out why Tennessee was so lax in stripping people served with protection orders of their guns, I knew I would need hard numbers to sell this investigation to my news director. At the time, I had no idea this idea would prompt the state to examine more than 13,000 protection orders across Tennessee, and that a woman whose case mirrored our investigation's findings would be murdered.

I'd read stories across the country of felons with handgun carry permits, so I decided to see if people served with protection orders were slipping through the system and keeping their guns as well. Federal law says that if you've been served with a court order to stay away from someone and you meet certain qualifications, such as your relationship to the other person, you cannot possess a gun for the length of that ban.

From my time as a crime reporter, I had heard domestic violence experts say time and time again that the only way to protect victims is to remove guns from the equation. If people were allowed to keep their handgun permits, despite being served with an order, then that would be the solid base I needed to explore the problem.

Strategy for investigation

I decided to start small and focus on Davidson County. Nashville has some excellent court clerks who understand public records requests, and through them I quickly collected electronic databases of everyone served with an order of protection during the past three years. I then purchased the state's handgun carry permit list for $80 and prepared to do a simple cross reference to find any matches.

However, it wouldn't be that easy. I also wanted to see if people convicted of domestic abuse had been allowed to keep their handgun permits. I could get a database only of people charged with domestic violence – not convicted – so I'd have to verify that any matches were people who had been convicted.

What I lacked was time. Our resident computer-assisted reporting expert, WSMV reporter Nancy Amons, encouraged me to send my data to NICAR, which did a custom analysis for us.

I ultimately found several matches, but I then had to go through all of those court cases to see if the people with handgun permits had been convicted of domestic violence. I also had to check if they'd been served with a protection order and allowed to keep their gun. We also had to verify that each of these people met the federal requirement for a gun ban.

After much verification, I narrowed down our matches to eight people, but it was enough to demonstrate something was awry in the system. Some of the men were considered violent by the courts, barred from being near their wives and ordered to take anger management classes – yet the state allowed them to carry guns.

Finding who was at fault wasn't easy, but there was clearly a communication breakdown between the state and police officers.

I took our findings to the Tennessee Department of Safety, whose handgun division is responsible for suspending permits if they learn a protection order has been approved. It turned out the state had no idea how the people with gun permits had been able to keep them, despite domestic violence convictions or protection orders against them.

The state took immediate action. It suspended the permits if the person was served with an order and revoked the permits for those convicted of domestic abuse. In addition, the state decided to examine every active protection order – more than 13,000 cases – to see whether handgun permits had been allowed. In the end, 160 handgun permits were revoked or suspended.

Domestic violence experts were furious, saying the system had failed victims by allowing people served with protection orders to carry guns. "To have something so accessible when you're on that violent path, it's just a deadly combination," said Verna Wyatt, an advocate for domestic violence victims.

As a result of our investigation, safety department representatives met with officials with the Tennessee Bureau of Investigation, which oversees a statewide criminal database. Police officers and courts are supposed to enter orders of protection into that database so the safety department can determine whether to suspend or revoke gun permits. It was obvious that hadn't happened in more than 100 cases. Mistakes could have been made with the database, or police or the courts had simply failed to enter information into the system.

The TBI now provides the Department of Safety with monthly updates on all orders of protection, so those names can be compared with the handgun carry permits. As of June, the state was debating whether to make the list off limits to the public after a series of negative stories and a Memphis newspaper's decision to post the data online.

Momentum for reform

Our investigation wasn't done. What was supposed to be a sidebar to our original investigation turned into the story that most disturbed victims' advocates. We wondered whether people served with protection orders actually were required to turn over their guns. And to whom? And who was making sure those guns were turned in as soon as the protection order took effect?

It turned out that Davidson County had no system for collecting guns in such cases. We searched through police and court records and interviewed several judges and their staffs. We found there never had been a gun turned over to a metro agency, at any time, following a protection order. Nashville and the state of Tennessee had no procedure for turning over the guns. No agency or police force enforced the gun ban. We found that other states not only had a firm procedure in place but also specific sites for gun collection and a 24-hour deadline.

"I've never had anyone turn in their weapon," said Judge Carol Solomon of Davidson County family court. "I had a man the other day, and I told him to turn over his gun. And he said, 'I gave it to my brother.' We have no way to police that."

In fact, we found judges who often didn't follow the federal law that requires people served with protection orders to get rid of their weapons. The judges were clearly frustrated because there was no procedure.

continued on page 32

Earl Neikirk | Bristol Herald Courier

Charissa Sturgill said she was standing at this window in the witness room of the Scott County (Va.) Courthouse when her Legal Aid attorney, Wade Compton, grabbed her from behind and put his hands under her clothing. Compton has denied the allegation.

BREACH OF TRUST

Lawyer-client sex leads to sanctions

By J. Todd Foster
Bristol (Va.) *Herald Courier*

The women had several things in common. They were young, poor, emotionally fragile and said their Legal Aid attorney preyed on them sexually, in and out of courthouses.

A three-month investigation by the *Bristol* (Va.) *Herald Courier* showed these women were revictimized by the system designed to protect them, while their offender – a scion of a prominent legal family – was allowed to continue practicing law by a regulatory body that was slow to act.

The case against Wade Compton should have set off alarms in Richmond at the Virginia State Bar. The initial complaint was filed by the Southwest Virginia Legal Aid Society and included statements from three women. "I take no pleasure in submission of this inquiry," society Executive Director Larry T. Harley wrote. "It is alarming, however, that Mr. Compton appears to be preying upon vulnerable female clients during the course of his representation of them."

Yet it took 10 more months before a state bar investigator would interview his first witness. In all, six former Legal Aid clients would accuse Compton of making unwanted sexual advances while he represented them. Two of the women maintained they were raped.

Compton admitted to sexual contact with some of the women, but asserted that certain sexual contacts were consensual and that others did not occur. He agreed, however, that his actions constituted professional misconduct and also agreed to a five-year suspension of his license to practice law in Virginia.

The Virginia State Police has opened a criminal investigation.

In the eyes of the Virginia State Bar, the state Supreme Court arm that polices attorneys, the case's outcome was a resounding success. Compton's suspension was one of the strongest sanctions the state bar had obtained in a case of this type.

Yet the *Herald Courier*'s review of the investigation pinpointed several troubling issues:

- Why did it take 10 months for a bar investigator to interview the first witness?
- Can the state bar protect the public from predatory attorneys? Compton, while claiming all sexual contact was consensual, continued to practice law for more than two and a half years after the initial complaint. He also was elected president of his county bar association a year after the allegations surfaced, and he waited until the eve of his disciplinary hearing to admit a mental "impairment" that rendered him unfit to practice.
- Despite the difficulties in this case and similar cases before, the bar's top prosecutor seemed unaware of a disciplinary tool absent from many state bars' tool kits: a rule – already adopted by 27 states – that bans attorneys from having sex with their clients. Such a rule forces other lawyers to report peers who violate it or face misconduct charges themselves. Yet both Virginia and Tennessee are two of the 14 states whose bar guidelines ignore the issue of attorney-client sex. Compton used the lack of that rule in his defense to investigators.
- Bar investigations are confidential until public disciplinary action is taken, but rumors of the Compton case reached *Herald Courier* investigative reporter Daniel Gilbert in June 2008.

Compton, 40, is from an influential legal family in southwest Virginia. His mother, an attorney, was the longtime elected cir-

The "Breach of Trust" series is available at TriCities.com – keyword Compton.

The lesson for news organizations broadly is that there is a value to learning and scrutinizing the bar rules in their specific states.

cuit court clerk in Russell County. His father is a member of the state bar's governing body. His younger brother is a prosecutor in southwest Virginia.

Compton was a welcome addition in 2002 to the Southwest Virginia Legal Aid Society, a nonprofit agency that represents indigent clients, many of them women involved in divorce, child-custody and domestic-violence cases. Along with Compton's family pedigree, he had seven years of family law experience. The year before, he was appointed to a seat on the society's board of directors.

The Compton name and the confidentiality of bar complaints meant no one was willing to speak on the record about the case. So Gilbert monitored the case's progress as it neared a public hearing. In December 2008, days before the scheduled hearing, Gilbert learned the matter had been settled and that the bar released an order that laid out Compton's sanction and its terms.

The details of the Compton case, however, were buried in a court file in an unexpected venue. Gilbert learned through a source that the file was being housed in Dickenson County, an unlikely location since none of Compton's alleged misdeeds took place there. But Dickenson was the only local jurisdiction that could accommodate the bar proceeding on its docket.

The contents of the file gave explicit accounts of how Compton allegedly exploited the client-attorney relationship. The bar's investigative reports provided a rough timeline.

Using the public documents and other legal sources, Gilbert began piecing together a story of a grim, labor-intensive investigation. He learned through sources that the bar's investigator for southwest Virginia left the job around the time the first Compton complaint was filed and that a new, full-time investigator wasn't hired until eight months later, in January 2007. Gilbert also learned that Compton's family had come to his aid; both his brother and father represented him during the disciplinary phase, even though the father – a member of the state Bar Council – did so in plain violation of the bar's bylaws.

Gilbert also found that the course of the case would have been dramatically different if the state bar had a model rule adopted by the American Bar Association to prohibit attorneys from having sex with clients. The Virginia bar's counsel admitted to the *Herald Courier* that a specific prohibition in the bar's rules would make it easier to prosecute a charge of misconduct. Yet the bar counsel claimed no such sex prohibition is included in any guidelines by the American Bar Association. Gilbert, however, already had researched the ABA's model rules and knew the bar counsel was wrong. The counsel also was surprised to learn from Gilbert that a majority of states had adopted it.

There was another dimension to this case that no public record or analytical tool could reveal: the impact of Compton's actions on his former clients. For this, Gilbert needed finesse and time to gain the clients' trust. He reached out to them directly, when possible, or through others close to them. The reporter spoke directly with three of Compton's clients: One, in hiding, spoke on the condition her name not be published; the other two spoke on the record; and one agreed to be photographed in the witness room where she said Compton first groped her.

On March 15, the *Herald Courier* published a two-day, three-story package. The main story recounted the disciplinary case against Compton, another chronicled the bar's investigative delay in acting and a third quoted legal experts on the merits of a bar rule banning sexual relations between attorneys and clients.

For the Web version, we embedded hyperlinks in the text to 14 documents from the court file, deepening the reporting while enabling us to tell a less sexually detailed account. By not quoting from them graphically and by warning Web viewers with a disclaimer, we sent the message that the newspaper was not salacious or sensational with the story.

The *Herald Courier* is using its opinion page to push the Virginia and Tennessee bars into adopting explicit rules against attorney-client sex. Legal experts have acknowledged the usefulness of such a rule as a prosecutorial tool. Gilbert continues to monitor the Virginia State Police's open criminal investigation into Compton and any reforms the bar undertakes.

The lesson for news organizations broadly is that there is a value to learning and scrutinizing the bar rules in their specific states. Further, catalysts for improving the system do not always come from bodies that police themselves. It is the role of the media – never more so than when it concerns some of society's most marginalized victims – to ask critical questions that alter the status quo. Society's most disenfranchised citizens need to be shielded from its most powerful.

J. Todd Foster is managing editor of the Bristol (Va.) Herald Courier. He has been an IRE member for more than 20 years and in 1992 was part of a Pulitzer-finalist Spokesman-Review team that covered the siege of white separatist Randy Weaver's cabin in North Idaho.

HANDGUNS

continued from page 30

When the legislature convened this past spring, lawmakers grilled the safety department commissioner about the holes our investigation exposed.

Domestic violence advocates point to the terrible fallout – people shot to death after they had successfully sought protection orders.

Judges are currently debating what sort of procedure Nashville should enact and are looking at other states that have adopted similar procedures.

When the legislature convened this past spring, lawmakers grilled the safety department commissioner about the holes our investigation exposed. The department suggested that the state create a uniform database system so that all authorities involved in protection orders could share information.

State Rep. Beth Harwell, R-Nashville, introduced legislation that would set up a procedure for those served with protection orders to turn over their guns to law enforcement within 24 hours. "That's the kind of investigative reporting that lets us know," she said. "I wouldn't have known otherwise. It is a real problem out there." The governor signed a slightly modified measure into law, effective July 1.

Anyone who has covered domestic violence knows if someone wants a gun, they'll likely find a way to get one even if they surrender their guns to a judge or police. But domestic violence experts say the city and the state must do more to remove guns from tense domestic situations. After all, Tennessee is among the top 10 states with the highest number of women killed by men.

Jeremy Finley is an investigative reporter with the WSMV I-Team in Nashville. His investigation won the Freedom of Information award in the Tennessee Associated Press contest.

To keep their watchdog teeth sharp, journalists need to stay connected with the latest news and trends about public records and open meetings at the federal, state and local levels.

IRE FOI Files

Dueling rights

Free speech vs. open meetings at stake in federal court appeal

By Charles N. Davis
National Freedom of Information Coalition

An age-old legal maxim holds that bad facts make bad law. A recent opinion from the Fifth U.S. Circuit Court of Appeals demonstrates that sometimes the facts, however benign, can still produce head-scratching results.

In a ruling that could shake the very foundations of open government laws in Texas, Louisiana and Mississippi, the three-judge panel held that the Texas Open Meetings law must pass a heightened constitutional test under the First Amendment.

The ruling stemmed from an alleged criminal violation of the Texas Open Meetings Act involving an e-mail exchange among four city council members – a quorum of the council – discussing whether to call a meeting to discuss a contract matter.

A Brewster County, Texas, grand jury indicted Avinash Rangra and Katie Elms-Lawrence, another member of the city council, in February 2005 for violating the open meetings law. The other two city council members who participated in the e-mail exchange received immunity from prosecution for their testimony before the grand jury. The district attorney eventually dropped the charges in the case, but the council members argued in federal court that the law violated their First Amendment rights.

Rangra, a current member of the Alpine City Council, and Anna Monclova, a former member of the city council, sued then-83rd District Attorney Frank Brown, Texas Attorney General Greg Abbott and the state of Texas in September 2005. In their original complaint, Rangra and Monclova asked U.S. District Judge Rob Junell of the Western District of Texas in Midland to declare the criminal provisions of TOMA "overly broad and unconstitutionally vague."

In November 2006, Junell held that the First Amendment affords no protection to elected officials' speech during the course of their official duties and dismissed their challenge to the Texas open meetings law. Rangra and Monclova then appealed to the 5th Circuit, which disagreed with Junell and held that elected officials, when carrying out their official duties, have the same free speech rights as other citizens.

The 5th Circuit panel also held that when a state seeks to restrict an elected official's speech on the basis of its content, a federal court must apply strict scrutiny, finding a limitation on speech invalid unless the state proves the regulation is narrowly tailored to further a compelling state interest.

"The First Amendment's protection of elected officials' speech is full, robust, and analogous to that afforded citizens in general," Judge James Dennis wrote for the 5th Circuit panel. The panel remanded the case back to the Western District of Texas for further proceedings.

It said the trial court had not properly considered whether the statute was constitutional under the strict scrutiny standard, and that it should do so now.

That standard requires that, if it will interfere with protected speech, a regulation must be narrowly tailored to advance a substantial government interest. Few laws are upheld as constitutional under this test.

However, the court said that determination in this case must first be made by the federal trial court.

Within the 5th Circuit, where the opinion is now controlling federal law, it could cast immediate doubt on state open meetings laws in Texas, Mississippi and Louisiana.

The court's ruling, if allowed to stand, could lead to challenges of open meetings laws in other states as well, but perhaps the courts will find that transparency is a compelling enough state interest to pass strict scrutiny review.

The ultimate question is whether the First Amendment speech rights of government officials can be limited by the ambit of open government laws. In other words, does the First Amendment grant our public officials the untrammeled right to conspire to cut secret deals, to circumvent public scrutiny and to do as they please with the clear public interest in openness be damned?

Surely the disinfectant of sunshine is a compelling state interest worthy of limiting the free speech rights of those who swear to uphold the state's constitution. Time will tell if the courts protect the legislative will of the people reflected in open government laws.

Charles N. Davis is an associate professor at the Missouri School of Journalism and the executive director of the National Freedom of Information Coalition, which is headquartered at the school. Visit the coalition's Web site at www.nfoic.org.

Does the First Amendment grant our public officials the untrammeled right to conspire to cut secret deals, to circumvent public scrutiny and to do as they please with the clear public interest in openness be damned?

New and expanded blogs on IRE's Web site provide tips, success stories and reporting resources. Here are excerpts from a few recent blog posts, in case you missed them or haven't explored the new online offerings.

Snapshots from our blogs

From "Many Eyes for quick, free data visualization," Uplink blog, http://data.nicar.org/uplink

By Jennifer LaFleur
ProPublica

With resources disappearing from newsrooms, getting the support to build interactive graphics may be an impossible task. One tool that can help is Many Eyes, a project of IBM's Collaborative User Experience research group (http://manyeyes.alphaworks.ibm.com/manyeyes/).

What you can do is limited. You're stuck with the formats and color schemes available – mostly many shades of tan.

But when you need to make some data available to users online in an understandable format, it's a great tool. We used it at ProPublica for some of our stimulus coverage. We used it to compare unemployment to stimulus infrastructure money. (We even added an interactive scatterplot.)

It also is a great place to look for ideas. Lots of folks have put their visualizations on Many Eyes, and you can search by topic or by type of data.

You first need a dataset, which can be just about anything. You also can use datasets already on the site, depending on how you feel about using other people's data.

From "Focus watchdog eyes on business," IRE On the Road blog – www.ire.org/training

By Doug Haddix
IRE training director


Doug Haddix | IRE
Ron Campbell

Tough economic times and financial fraud go hand in hand, from Charles Ponzi and his 1919 pyramid scheme in Boston to Bernie Madoff and massive investor deception. Regardless of your beat, there never has been a better time to do business-related investigations, according to reporter Ron Campbell of *The Orange County Register*.

While everyone's making money during boom times, people don't sweat the financial details, he told 60 journalists who gathered in Salt Lake City for an IRE Better Watchdog Workshop. But during hard times, the fraud often emerges.

In addition to traditional business documents such as Securities and Exchange Commission filings, he encouraged journalists to scour other information on businesses and key leaders, including:

- Delinquent business property taxes, often an early sign of financial trouble.
- Lawsuits and official complaints, including landlord-tenant cases and contract disputes.
- Divorce filings, which can provide telling details about spending and relationships.
- Bankruptcy court documents, which include detailed assets and liabilities as well as an insider explanation of what really went wrong.

ProPublica

Many Eyes software helps ProPublica readers visualize stimulus spending and unemployment rates.

From "Finding nerd joy at IRE '09," IRE On the Road blog – www.ire.org/training

By Dawn Fallik
University of Delaware

IRE Hell is having your panel at the same time as Barlett & Steele AND Eric Nalder. Plus, we were hidden behind the kitchen (Mike Berens cooked a couple omelets before figuring out where we were).

But huzzah! A good 35-40 people showed up to hear four uber-nerds talk about IRS 990 forms (New! Expanded!), disciplinary actions, and how 31 nurses, doctors and techs all reached into the same Cheetos bag at a Seattle hospital before going to check on patients – without handwashing.

Seriously though, there's a certain glow that I get when you start talking about the exciting new Census data, and then members of the audience join in to talk about how the raw data is coming early. (Like this year.) And then we all share stories of quizzing the Census peeps who happen to meander into our paths. Yes, nerd joy.

It's hard to explain to family and friends why there's a certain addiction to coming to the IRE and NICAR conferences. But really, where else can I go where I can talk about string functions and fighting for data and chasing public records without fear of scaring off, you know … music writers. Although, come to think of it, there's probably some really interesting music business data out there.

From "Spreadsheet training sparks stories," IRE On the Road blog – www.ire.org/training

By Jaimi Dowdell
IRE training director

Paul Sloth, a reporter with *The Journal Times* in Racine, Wis., proved that a little hands-on CAR training can go a long way. Less than a month after attending the optional CAR training at a Better Watchdog Workshop in Madison, he's already completed two spreadsheet-based stories.

After only a few hours of training in Excel, Sloth had learned enough to find that a Racine school superintendent is "the second-highest paid public school official in the state." In addition, Sloth analyzed school enrollment numbers to find increased enrollment of Hispanic students in small school districts.

"They might not have been the most sophisticated stories in the world, but it was a chance to quickly start putting some of those skills to use," he said. "Now I'm looking at numbers in a whole new light. Numbers open up a world of possibilities in terms of story ideas."

IRE SERVICES

INVESTIGATIVE REPORTERS AND EDITORS, INC. is a grassroots nonprofit organization dedicated to improving the quality of investigative reporting within the field of journalism. IRE was formed in 1975 with the intent of creating a networking tool and a forum in which journalists from across the country could raise questions and exchange ideas. IRE provides educational services to reporters, editors and others interested in investigative reporting and works to maintain high professional standards.

Programs and Services:

IRE RESOURCE CENTER – A rich reserve of print and broadcast stories, tipsheets and guides to help you start and complete the best work of your career. This unique library is the starting point of any piece you're working on. You can search through abstracts of more than 20,000 investigative reporting stories through our Web site.
Contact: Beth Kopine, beth@ire.org, 573-882-3364

IRE AND NICAR DATABASE LIBRARY – Administered by IRE and the National Institute for Computer-Assisted Reporting. The library has copies of many government databases, and makes them available to news organizations at or below actual cost. Analysis services are available on these databases, as is help in deciphering records you obtain yourself.
Contact: Jaimi Dowdell, jaimi@ire.org, 314-402-3281; David Herzog, dherzog@ire.org, 573-882-2127. To order data, call 573-884-7711.

ON-THE-ROAD TRAINING – As a top promoter of journalism education, IRE offers loads of training opportunities throughout the year. Possibilities range from national conferences and regional workshops to weeklong boot camps and on-site newsroom training. Costs are on a sliding scale and fellowships are available to many of the events.
Contact: Jaimi Dowdell, jaimi@ire.org, 314-402-3281; or Doug Haddix, doug@ire.org, 614-205-5420

Publications:

THE IRE JOURNAL – Published four times a year. Contains journalist profiles, how-to stories, reviews, investigative ideas and backgrounding tips. The Journal also provides members with the latest news on upcoming events and training opportunities from IRE and NICAR.
Contact: Doug Haddix, doug@ire.org, 614-205-5420

UPLINK – Electronic newsletter by IRE and NICAR on computer-assisted reporting. Uplink stories are written after reporters have had particular success using data to investigate stories. The columns include valuable information on advanced database techniques as well as success stories written by newly trained CAR reporters.
Contact: David Herzog, dherzog@ire.org, 573-882-2127

REPORTER.ORG – A collection of Web-based resources for journalists, journalism educators and others. Discounted Web hosting and services such as mailing list management and site development are provided to other nonprofit journalism organizations.
Contact: Mark Horvit, mhorvit@ire.org, 573-882-1984.

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ETHNIC MEDIA WATCHDOG WORKSHOPS

To help meet the training needs of the fastest-growing segment of American journalism, Investigative Reporters and Editors will present Ethnic Media Watchdog Workshops across the country.

IRE will offer Ethnic Media workshops in 2009-2010 for print, broadcast and online journalists. The training, in collaboration with New America Media, is supported by a grant from the McCormick Foundation.

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NEW AMERICA MEDIA

Ethnic media newsrooms reach more than 51 million adults, according to New America Media. More than 3,000 ethnic media outlets serve the expanding audience. Ongoing training for ethnic media journalists remains a critical need, given their extensive reach and rapidly changing markets.

Ethnic media watchdog workshops help journalists sharpen their skills, learn new approaches and add depth to their reporting. Award-winning journalists from around the country volunteer their time to provide training on topics such as the 2010 census, criminal justice, the economy, education, health care, immigration and local government. Hands-on spreadsheet software training also will be offered.

Journalists leave the workshops armed with information about documents, databases and sources that they can begin using immediately to produce high-impact enterprise and investigative stories. Participants also receive a complimentary one-year IRE membership, which enables them to access thousands of journalism tipsheets and other training materials for continuing professional development.

Participants will be better equipped to provide enhanced coverage of their communities, benefiting audiences that are growing in size and influence across the United States.

Complete details:
www.ire.org/training/ethnicmediaws

Become a fan on Facebook and join the conversation (search "IRE Ethnic Media").

Upcoming Ethnic Media Watchdog Workshops:

Sept. 12-13, 2009 **Boston University – Boston, Mass.**
Oct. 10-11, 2009 **Wayne State University – Detroit, Mich.**
Oct. 17-18, 2009 **American University – Washington, D.C.**
Jan. 23-34, 2010 **Tulane University – New Orleans, La.**
April 10-11, 2010 **Columbia College – Chicago, Ill.**