



THE IRE JOURNAL

Winter 2011
Volume 34
Number 1

INVESTIGATIVE
BOOKS OF
2010

BREAKING NEWS INVESTIGATIONS

SERIAL KILLERS

Unique database
of murder victims
finds possible links

BANKRUPTCY FILES

User's guide helps
journalists dissect
complicated cases

WELFARE ABUSE

Public aid cards
pay for tattoos,
trips and liquor

IRE Census Toolkit

Investigative Reporters and Editors has produced, gathered and organized a wealth of resources for mining census data. New Census 2010 data will be released on a rolling basis through the summer.

American Community Survey census data comes



out every year now, down to the tract level. Here's a sample of the tools to help IRE members with background, story ideas, data and more ...



Webinars

Need a focused overview with loads of census story ideas, data tips and a detailed timetable of data releases? IRE has produced two half-hour webinars to help you gear up: one for Census 2010 and the other for the American Community Survey. Download them at <http://ow.ly/3PaSf>. Each half-hour webinar costs \$5 (IRE members) or \$10 (nonmembers). Each is a single PDF file with built-in audio.

Custom Data

Through a new partnership with *USA TODAY*, IRE members can download analysis-ready files for census redistricting data, being released through March for all states. The spreadsheet files include comparable Census 2000 data for tracking trends during the past decade at several levels, including state, counties, cities, tracts, school districts and legislative districts. IRE members can download files as they're released state-by-state at <http://ire.org/getcensus>.

Online Resources

Visit our one-stop site: www.ire.org/census. There, you'll find other training opportunities, links to think tanks and other online resources, IRE census tipsheets, IRE Journal stories about census coverage, and official documents and guides from the U.S. Census Bureau. New resources are added regularly.

Census Listserv

IRE maintains various listservs, including one dedicated to the census. Members can search the listserv archives, post new questions seeking advice and contribute their census expertise to the greater IRE community. With each data release, activity picks up on the census listserv as members share knowledge, point out potential problems and help find solutions. Details are online at www.ire.org/join/listserv.html.

THE IRE JOURNAL

WINTER 2011

- 4 IRE's long reach, wide impact**
By Mark Horvit
IRE Executive Director
- 7 BANKRUPTCY MAZE**
Navigating the complex system can uncover tantalizing details
By MaryJo Webster
St. Paul Pioneer Press
- 10 DIALYSIS DATABASE**
Investigation finds disparities in performance and outcomes among centers nationwide
By Robin Fields
ProPublica
- 12 WELFARE WASTE**
Minnesota cash benefits can be used for anything, even liquor and tattoos
By Mark Albert
KSTP-Minneapolis
- 14 Memorable books make an impact**
By Steve Weinberg
- 16 Sun finally shines on subcontractor data**
By Charles N. Davis
Missouri School of Journalism
- 17 Keeping on track**
By Laura Frank
I-News – The Rocky Mountain Investigative News Network

BREAKING NEWS INVESTIGATIONS 18-25

- 19 TRACKING THE SPILL**
Disaster experience, planning mark coverage of Gulf calamity
By Gordon Russell
The Times-Picayune
- 22 TEAM COVERAGE**
Flexible battle plan, regular communication advance the big story
By Drew Griffin and Kathleen Johnston
CNN
- 24 TWO TRACKS**
Assign online, in-depth teams for big breaking news stories
By Mark Higgins
The Seattle Times
- 26 CONNECTING THE DOTS**
Shoe leather, data analysis help Scripps Howard team identify possible serial killings
By Thomas Hargrove
Scripps Howard News Service
- 30 TRACKING GUNS**
Despite federal secrecy, reporters use ingenuity to link guns to dealers
By James V. Grimaldi
The Washington Post
- 34 Snapshots from our blogs**



COVER STORIES:
Pages 18-25

ABOUT THE COVER

When big news breaks in your backyard, such as the Gulf oil spill in April 2010, journalists need to scramble to cover live events while finding ways to dig deeper for follow-ups and investigative stories.

Photo by Michael DeMocker, *The Times-Picayune*

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FROM THE IRE OFFICE

IRE's long reach, wide impact

BY MARK HORVIT
IRE EXECUTIVE DIRECTOR

When I left daily journalism for IRE, I wasn't sure what to expect. Turns out working at IRE is, in many ways, like being in a newsroom. Everyone has too much to do, and we're always juggling multiple projects and racing to beat impending deadlines.

So we don't always take much time to stop and consider what the organization has accomplished.

I was forced to take a minute to take stock recently as part of our latest membership drive. As I compiled information to help reach those who aren't familiar with IRE, I realized that even people who know us well probably don't know everything we've been up to lately.

So here's a quick snapshot:

In the past year, we conducted a full slate of regional workshops, everything from our signature Better Watchdog sessions to seminars focused on the Census, the U.S.-Mexico border, computer-assisted reporting and more. We blanketed the country, from Eugene, Ore., to Miami; from Providence, R.I., to Laredo, Texas. We reached journalists from traditional media, ethnic media, new media, nonprofit media, independent media – you get the idea.

We held three national conferences: the annual IRE Conference, as well as one focused on computer-assisted reporting and one designed for college students.

We conducted customized training for a wide range of organizations, from large media companies to local public radio stations.

In addition to the Campus Coverage Project, we've initiated a series of bilingual border workshops and a program that gives us extended one-on-one training time with four newsrooms. We also expanded our online training with a series of webinars, and we conducted data analysis jobs for news organizations large and small, providing key elements of major investigative projects. And we increased our collection of online tip sheets and our vast library of investigative stories and projects.

Through our in-person training programs alone, we reached almost 3,000 journalists last year.

Our reach is extensive, and the impact of the training this organization provides every week makes a crucial difference in communities across the country and internationally, where journalists put that training into practice, in print, on air and on the Web.

I could keep on going, but it's more important that I remind you that we couldn't do it without:

- The volunteers who speak at our annual conferences and regional workshops. Our members are unmatched in their willingness to share their hard-won knowledge and the enthusiasm with which they do it.
- The editors, publishers, station managers and other executives who understand the value of investigative and watchdog journalism and the power of providing training in those skills to their staffs. Everyone's budget is tight. But many of those managing the purse strings understand that a small investment in training makes a huge difference in the quality of the coverage they can provide.
- The foundation leaders and individual donors who support the work of IRE and other nonprofit organizations focused on investigative reporting. It is impossible to overstate the impact now and in the future that these generous and visionary individuals are having on the news industry and on the public, which relies on journalists to right wrongs and shine a light on dark dealings.
- The staff I work with at IRE. An organization our size shouldn't be able to do everything IRE has accomplished this past year. Each of them works tirelessly, and with a passion for the mission that it is my privilege to witness every day.

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.

Six seats up for election on IRE board

The filing period has begun for those planning to run for the IRE Board of Directors. Six seats on the 13-member board are up for election. The election will be held June 11 at the IRE annual conference in Orlando, Fla.

The IRE Board serves as the governing body of IRE and generally meets in person twice a year to discuss and vote on IRE business. One of the meetings is at the annual IRE conference in June. The board periodically has conference calls.

Directors serve on committees and task forces made up of board members and appointed non-board IRE members.

The seats are for two-year terms, and incumbents may seek re-election to the board. A board position is unpaid; board members and their news organizations are expected to pay all, or a substantial amount, of travel expenses to board meetings. IRE will provide limited help in cases of need. Candidates must be IRE members in the professional or academic category.

Board members are expected to help raise funds and contribute financial or other resources to the organization. In addition, they lose eligibility to enter the IRE Awards contest if they have a significant role in the contest entry.

Here is the schedule for this year's elections. Details about each part of the process are available online at www.ire.org. Full information about election procedures is available online at <http://bit.ly/cHCSPz>.

- April 26: Deadline for candidates to file and appear on absentee ballots; opening day for absentee ballot requests.
- April 29: Candidates' statements posted online on the IRE website.
- May 24: Last day to request absentee ballots.
- May 25: Deadline for candidates to be listed on the website (5 p.m. CDT).
- June 1: Deadline for absentee ballots to reach the IRE office.
- June 10: Final deadline (at noon CDT) to declare candidacy for the election-day ballot.
- June 11: Board elections at annual membership meeting.

Submit your declaration of candidacy to IRE membership coordinator John Green at jgreen@ire.org. Requests for absentee ballots should be submitted to ballots@ire.org.

In addition to selecting new board members, those in attendance at the June meeting will select two members for the Contest Committee, which will judge the IRE Awards. Anyone interested in those positions can contact the IRE office for further details.

IRE welcomes new development officer

Last fall, Alan Lynes joined the IRE staff as development officer. Alan will oversee IRE's fundraising and development work. He joins our organization following several years working as an independent consultant, advising nonprofits as well as public agencies and others.

Previously, he was director of major gifts at Stephens College in Columbia, Mo. He spent several years working in New York City, including management positions in the arts and education. He was the first president of an advocacy association in New York state – Association of Teaching Artists – that championed the work of artists in the schools and community settings.

Alan began his career performing with professional dance companies, and directed his own company – Sundance – which also ran a dance school and a nonprofit foundation.

To contact Alan, call 573-884-2222 or e-mail him at alan@ire.org.

MEMBER NEWS

Seattle writer **Rick Anderson** has published a new book: "Seattle Vice: Strippers, Prostitution, Dirty Money, and Crooked Cops in the Emerald City."

Brad Branan has joined the *Sacramento Bee* as a senior reporter. Previously, he was a senior reporter at the *Fresno Bee*.

Nate Carlisle, Matthew D. LaPlante and Tony Semerad of the *Salt Lake Tribune* won the 2010 Don Baker Investigative Reporting Award from the Utah Headliners Chapter of the Society of Professional Journalists. They won the award for their investigation of the Logan Northern Canal, which collapsed and killed three people in 2009.

Roger-Luc Chayer, editor of Gay Globe Media, was elected vice president of the Montreal chapter of the Canadian Association of Journalists.

Lee Davidson has joined the *Salt Lake Tribune* as a political reporter. Previously, he covered politics for the *Deseret News*.

Steve Eder has joined the *Wall Street Journal* to cover hedge funds. He previously was a banking reporter for Reuters.

Adam Goldman has moved to the Washington, D.C., bureau of the Associated Press to join the investigative team covering terrorism and intelligence. Previously, he was at the AP's New York City metro bureau.

Julia Lyon of the *Salt Lake Tribune* won first place in the feature writing category of the 2010 C.B. Blethen Memorial Awards for Distinguished Newspaper Reporting for her project "A Missing Peace."

continued on page 6

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

MEMBER NEWS

from page 5

The following IRE members received the 2011 Alfred I. DuPont-Columbia Awards:

Brian Ross, chief investigative correspondent for **ABC News' 20/20**, received the award for his investigation into the failure of USA Swimming, the national governing board assigned to protect young female swimmers. Other IRE members of the news team were **Megan Chuchmach**, producer; **Avni Patel**, producer; **Rhonda Schwartz**, chief investigative producer; and **David Sloan**, executive producer.

CBS News, 60 Minutes: The Blowout. Scott Pelley and his team won the award for a two-part investigation into the explosion on the Deepwater Horizon. Other IRE members of the news team were: **Jeff Fager**, executive producer; **Bill Owens**, executive editor; **Michael Radutzky**, senior producer; **Graham Messick**, producer, and **Solly Granatstein**, producer.

KCET, Los Angeles, won for a series of reports on the rapid and often illegal growth of medical marijuana shops. The news team included: **John Larson**, **Steve Lopez**, **Vince Gonzales**, reporters; **Karen Foshay**, producer; and **Brian Frank**, Web associate producer.

KING-TV, Seattle, and **Susannah Frame** won for *Waste on the Water*, a series on the misused tax dollars in the Seattle ferry system. The news team also included **Kellie Cheadle**, producer.

9News/KUSA-TV, Denver, won for *Keys to the Castle*, an investigation into foreclosure fraud. The news team included: **Jace Larson**, investigative reporter, and **Nicole Vap**, investigative executive producer. **NPR** and **Laura Sullivan** won for *Bonding for Profit*, a three-part series on the flawed bail bonds system. **WTHR-TV**, Indianapolis, and **Bob Segall** won for *Reality Check: Where are the Jobs?* The investigation showed how the state inflated job statistics.

Three projects win Philip Meyer Journalism Awards

Three major investigative reports that used social science research methods as key parts of their probes have won the 2010 Philip Meyer Journalism Award.

- The *Los Angeles Times* took first place for its project "Grading the Teachers." Using gain-score analysis, the staff analyzed test scores of individual students and their teachers to identify the most and least effective teachers based on the how much their students' test scores improved.
- Second place went to "Sexual Assault on Campus," a project spearheaded by the Center for Public Integrity. The series utilized survey methods to outline the impact of unreported sexual assaults on campuses across the country.
- Third place went to *The Orange County Register* for "Immigrants and the California Economy." Through census and immigration data, the series revealed that the state of California relies on immigrant labor more than any other state. Analysis of these two data sets showed immigration enforcement policies have been ignored for decades in the state.

The Meyer Award recognizes the best uses of social science methods in journalism. The awards were presented in Raleigh, N.C., at the 2011 Computer-Assisted Reporting Conference. The first-place winner received \$500; second and third received \$300 and \$200, respectively.

The award is administered by the National Institute for Computer-Assisted Reporting (a joint program of IRE and the Missouri School of Journalism) and the Knight Chair in Journalism at the Walter Cronkite School of Journalism and Mass Communication at Arizona State University.

The Meyer Award is in honor of Philip Meyer, professor emeritus and former Knight Chair of Journalism at the University of North Carolina at Chapel Hill. Meyer is the author of "Precision Journalism," the seminal 1973 book that encouraged journalists to incorporate social science methods in the pursuit of better journalism. As a reporter, he also pioneered the use of survey research for Knight-Ridder newspapers while exploring the causes of race riots in the 1960s.

IRE on Facebook, Twitter

To make sure you get the latest news and information as soon as it's available, follow IRE on Facebook (Investigative Reporters and Editors) and on Twitter (IRE_NICAR).

More than 3,300 people have connected with IRE through Facebook, where they receive up-to-date information about upcoming IRE training and events, links to investigative stories, and tips and resources for watchdog journalists.

More than 1,700 people follow IRE_NICAR on Twitter for real-time updates, links and tips.





Twin Cities businessman Denny Hecker, center, is flanked by attorneys Bill Mauzy, left, and Marsh Halberg after an appearance in federal court in Minneapolis. Later, Hecker was convicted of bankruptcy fraud and sentenced to prison.

BANKRUPTCY MAZE

Navigating the complex system can uncover tantalizing details

BY MARYJO WEBSTER
ST. PAUL PIONEER PRESS

Bankruptcy court records can be a goldmine for investigative reporters, but they also are daunting at first glance. To make matters worse, the bankruptcy process can be a complex maze to navigate.

I learned by getting thrown in the deep end of the pool this past year, covering the \$767 million Chapter 7 personal bankruptcy of a Twin Cities businessman named Denny Hecker. He's since been convicted of bankruptcy fraud and sentenced to prison. Ongoing coverage of "The Rise and Fall of Denny Hecker" is available at www.twincities.com/hecker.

Bankruptcy experts in Minnesota are calling this case one of the largest, most contentious and most complex in state history. It has generated thousands of court documents, and I've waded through every one – largely with help from numerous bankruptcy attorneys and professors.

It has made me realize that bankruptcy court records should be right up there with divorce records and civil lawsuits as investigative reporters' best friends. If a person or company you're tracking has filed bankruptcy at any point in the past, it would be worth plunging into the records to see if you can find some gold, especially if the person or company had significant assets.

The bankruptcy system is set up around the premise that "honest" debtors should be allowed a fresh start. All of the legal actions that might generate court documents revolve around that concept – particularly in Chapter 7, which is the simplest and quickest form available. There are six other chapters to the bankruptcy code. Other common types of bankruptcy include

Chapter 11, which is rehabilitation or reorganization (mainly used by businesses), and Chapter 13, which is rehabilitation with a payment plan for individuals with a regular source of income. I'm going to focus on Chapter 7 since that's what I'm most familiar with and the most common type you'll encounter.

Bankruptcy court records are online in a fee-based system called PACER, <https://pcl.uscourts.gov/search>.

You need to have an account and they have per-page charges for each document you open. You can also contact your local bankruptcy court to see about access at their building, either on paper or online.

Understanding the process

In a Chapter 7 case, the debtor files a bankruptcy petition and accompanying "schedules" that lay out their debts, assets and exemptions (more on this in breakout boxes on Page 8), and the case is assigned to a trustee. In most cases, this is a person – usually an attorney – who has been picked by the U.S. Trustee Program to oversee cases in a given geographic area.

A trustee is kind of like an investigative reporter, except that he or she has legal powers. His first job on any case is to figure out whether the debtor is being honest and truly deserves to be relieved of their debt (called a "discharge"). The trustee uses a lot of the same tools we use – reviewing the court documents the debtor has filed (called schedules) and searching public records such as property records, vehicle registrations, airplane registrations and corporate filings. Trustees are paid a percentage of the assets they liquidate, unless it's a "no-asset" case; then, they receive a flat \$60 (yes, a pittance) out of the fees that debtors pay when they file for bankruptcy.

After the schedules are filed, the trustee asks the debtor questions at what's known as a "meeting of creditors." This is an open meeting that anyone can attend; it is an opportunity for the trustee and any lawyers representing creditors to ask the debtor questions. A court reporter will have a transcript of this meeting, which you would likely have to purchase unless you can get one of the parties to slip you a copy.

Then the trustee determines if the case is an "asset" case or a "no-asset" case. The key factor is whether or not there are significant assets that can be liquidated not only to pay creditors, but also cover the cost of administering them. That means there needs to be a fair amount of equity or value in the asset to make it worth the trustee's time.

Also keep in mind that every state has "exemption" items that debtors can keep (with a judge's approval), which usually includes up to a certain amount in equity in a house, a car, wedding ring, clothing, household goods, etc.

Something like 95 percent of all cases nationwide end up as no-asset cases, and for those, you won't find much in the records. The initial schedules will be about all that will be there. The case will be closed somewhere between six and 14 months after it's filed.

If it's an asset case, it could drag on for two or more years and the docket could be loaded with interesting things. Mostly, you'll find motions filed by the trustee (everything they do has

If a person or company you're tracking has filed bankruptcy at any point in the past, it would be worth plunging into the records to see if you can find some gold, especially if the person or company had significant assets.

Chapter 7 Bankruptcy Schedules:

When debtors file for Chapter 7 protection, they file what's known as a "petition" and also financial "schedules." They are supposed to be filed at the same time, but sometimes they will show up on different dates. (Or it's possible someone might file an amended schedule later).

You should find a "petition" or statement of financial affairs and 10 schedules. There will be a "summary of schedules" page at the beginning that will give you the total assets and total liabilities figures. Remember these are what the debtor is claiming and may not be accurate.

The statement of financial affairs should include the debtor's income; losses; payments to creditors in the 90 days prior to filing bankruptcy; lawsuits involving the debtor in the year prior; repossessions/foreclosures, etc., in the past year; gifts or charitable contributions in the year prior; property transferred to others in the prior two years; closed financial accounts; safe deposit boxes; property held for another person; and businesses owned by the debtor.

That statement could be useful for a reporter because it might show connections between the debtor and other people or businesses. Also, the payments to creditors, gifts and property transfers are things that a trustee can go after in a quest to liquidate assets if he can prove that the items were transferred at a time the debtor was insolvent (usually the trustee alleges that the transfers or gifts were attempts to hide assets). The trustee can get those creditor payments back if he can prove the creditor received preferential treatment from the debtor during that period of insolvency.

Here's a quick primer on each of the schedules:

Schedule A: Real property – Real estate holdings (it won't include a house that someone might try to exempt on Schedule C).

Schedule B: Personal property – Other assets, usually things such as household goods, jewelry, vehicles, boats, recreational vehicles, weapons, artwork, cash, bank accounts, antiques, sporting equipment, etc.

Schedule C: Property claimed as exempt – Some states, like Minnesota, have more generous exemptions than the federal law. Usually the exemptions allow the debtor (if the judge approves) to keep the equity in the home they occupy and own, a wedding ring, a certain amount of clothing, household goods and retirement accounts. These exemptions are often indexed to inflation and can change from year to year.

Schedule D: Creditors holding secured claims – This list shows the creditors with secured liens against one or more of the debtor's assets. For the average debtor, this will likely be the mortgage company and lenders that financed cars.

Schedule E: Creditors holding unsecured priority claims – These creditors are considered "priority," which generally means they are a taxing authority such as the Internal Revenue Service or the county that is owed property taxes. Alimony and child support also fall under this category.

Schedule F: Creditors holding unsecured nonpriority claims – All others owed money, typically a list of credit card debt and unpaid utility bills.

Schedule G: Executory contracts and unexpired leases – This lists any contracts or leases that the debtor is currently a party to, either as the lessor or lessee.

Schedule H: Co-debtors – Usually the person's spouse.

Schedule I: Current Income of Individual debtor(s) – A worksheet laying out income sources at the time the person filed for bankruptcy. It looks a lot like a tax form.

Schedule J: Current Expenditures of Individual debtor(s) – A worksheet listing the debtor's expenditures at the time of the bankruptcy filing.

to be approved by the judge) asking to auction items, sell items to a particular individual or business, reach a settlement with somebody, etc. You might also see motions filed by creditors asking for a "relief from stay." This means that the creditor is asking to be allowed to pursue the debtor's assets outside of bankruptcy – often through foreclosure. If the trustee doesn't object, it usually means the asset doesn't have enough equity to make it worth his time pursuing.

One of the more common requests from the trustee will be for a "rule 2004 exam." These are the bankruptcy court equivalent of depositions. The trustee subpoenas the individual or company, asking for documents and/or to interview someone.

Unfortunately, these are not open to the public, and even the transcripts are difficult to get (unless the trustee will give them to you). Sometimes portions of the transcripts will show up in later filings in the case.

Checking the lawsuits

A trustee also can file lawsuits against the debtor or others in attempts to recover assets. These lawsuits – known as adversary proceedings – often provide insight into potential wrongdoing. The initial filing of the lawsuit will show up in the debtor's main bankruptcy filing record, but it will be assigned its own case number (with "ap" in the middle of the number), so you would need to also pull up that record to get all the details. The lawsuit works like a civil case, except that the bankruptcy judge presides.

You also might find lawsuits filed by creditors against the debtor asking that the portion of debt owed to them not be discharged due to fraudulent behavior on the part of the debtor. These are called "523" lawsuits after the section of the bankruptcy code that applies.

And the trustee can file a similar lawsuit – referred to as a "727" – asking that none of the debt be discharged, something known in bankruptcy circles as "bankruptcy hell."

In the docket, this will appear as an adversary proceeding and will likely be labeled something like "objection/revocation of discharge – 727." Usually this lawsuit alleges things such as concealing assets and lying to the court. If this happens, it's highly likely that the debtor could get charged with criminal bankruptcy fraud. Trustees are required to report criminal behavior to the U.S. Attorney's office. If the debt is not discharged, the debtor is on the hook for anything that remains after his assets are liquidated.

Finding the creditors

There are two ways to find out whom the debtor owes money, and how much. The first is in the debtor's initial schedules, where he or she is required to list all creditors and amounts owed. This is not necessarily going to be correct, though. The creditors will also file claims, which you can find in PACER under the "Claims Register." One caveat here is that the trustee can object to claims – this usually happens after all assets have been liquidated.

There are three types of creditors: secured, unsecured priority and unsecured nonpriority.

Secured creditors have a lien against one or more of the debtor's assets. If those assets end up being liquidated by the trustee, that secured creditor gets the money. However, those

secured assets are usually real estate, and the trustee often will let the secured creditor foreclose on the property – especially if there isn't much equity.

Unsecured priority creditors tend to be things like child support, alimony and unpaid taxes, and these creditors will be paid from the liquidated assets before any others.

Unsecured nonpriority creditors are at the back of the line and will be lucky to get pennies on the dollar – if anything – when the case is done.

When an asset case is closed, the trustee will file a “final report and proposed disposition” showing how the assets were distributed. This will show how much the trustee plans to pay himself, his lawyers, other professionals and unsecured creditors. It also should include a list of how much each creditor received and how much they were originally owed.

Getting outside help

I'd recommend finding some local bankruptcy attorneys or professors to help you navigate the documents and proceedings, especially if you're following an ongoing case. I started by contacting my state's chairman for the National Association of Consumer Bankruptcy Attorneys. He has been a constant source for me and has also referred me to others.

I've also found help by contacting local law schools to find

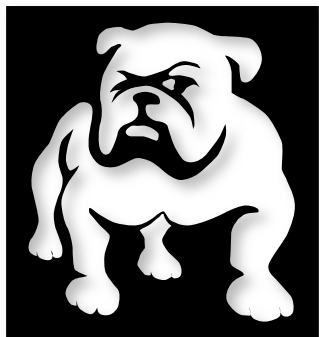
Useful sources:

- National Association of Consumer Bankruptcy Attorneys, www.nacba.org
- U.S. Trustee Program (see private trustee locator to find names and contact information for Chapter 7 trustees in your area), www.justice.gov/ust. The media contact is Jane Limprecht, Jane.Limprecht@usdoj.gov.
- Bankruptcy Code, http://uscode.house.gov/download/title_11.shtml
- Bankruptcy Basics, www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyBasics.aspx
- American Bankruptcy Institute, www.abiworld.org/AM/Template.cfm?Section=Home

people who teach bankruptcy law. And ProfNet turned up one really fruitful source – a trustee from another part of the country. I often call these sources just to ask them to decipher into plain English the various documents and to explain the reasons behind something that is occurring in Hecker's bankruptcy case – a move that has made it much easier for me to translate the complicated mess into something my readers will understand.

Maryjo Webster has been the computer-assisted reporting editor at the St. Paul Pioneer Press since 2005. For the past year, she has also been covering the bankruptcy of a local businessman – a job she ended up with after teaming up with other reporters on an investigative piece on the matter. She has worked at USA TODAY and the Center for Public Integrity, and served as the database library administrator for IRE and NICAR.

I started by contacting my state's chairman for the National Association of Consumer Bankruptcy Attorneys. He has been a constant source for me and has also referred me to others.



Watchdog Workshops

The Watchdog Workshop series brings affordable training to cities around the U.S. Use the schedule to find a session near you, or contact IRE if you're interested in bringing one to your area. IRE's staff teams up with veteran journalists to lead the training.

Contact IRE if you're interested in bringing a workshop to your area!

IRE main office:
573-882-2042

Upcoming Events

Los Angeles, Calif.
March 25-26, 2011

Toronto, Canada
April 30 - May 1, 2011

Biloxi, Miss.
May 13, 2011

DIALYSIS DATABASE

Investigation finds disparities in performance
and outcomes among centers nationwide

BY ROBIN FIELDS
PROPUBLICA

Today, dialysis is a lifeline for almost 400,000 Americans. Yet, few outside this insular realm are aware that, despite massive costs to taxpayers, Americans endure some of the worst outcomes for dialysis care in the industrialized world.

Among the thorniest tasks we take on as journalists is how to approach stories about troubled systems, as opposed to rogue operators or individuals. This was the central challenge of my work on dialysis.

First, a bit of background. Dialysis holds a special place in U.S. medicine. In the 1960s, it was the nation's signature example of rationing, an expensive miracle therapy available only to a lucky few. A decade later, when Congress created a special entitlement to pay for it, dialysis became the country's most ambitious experiment in universal care.

Today, dialysis is a lifeline for almost 400,000 Americans. Yet, few outside this insular realm are aware that, despite massive costs to taxpayers, Americans endure some of the worst outcomes for dialysis care in the industrialized world. One in five patients dies each year. Those who survive often grapple with frequent hospitalizations and poor quality of life.

With the number of people relying on dialysis growing by the day, driven by twin epidemics of obesity and diabetes, I set out to investigate how a system born of compassion could have ended up producing such devastating results.

One of the biggest, and earliest, reporting hurdles was to try to get my arms around what was happening day to day

inside the country's more than 5,000 dialysis clinics. Firsthand observation of care could provide only a limited snapshot. To get a broader, deeper view, I turned to inspection reports, or surveys as the federal government calls them, and targeted complaint investigations.

These reports, done by state health officials essentially acting as contractors for the U.S. Centers for Medicare & Medicaid Services, are public records. However, it was often a battle to get states – or CMS regional offices, which also keep copies – to produce them in a reasonable time and at a reasonable price.

I requested records from six big states – California, New York, North Carolina, Ohio, Pennsylvania and Texas – to get a sense for whether problems or inspection processes varied by region. Clinic ownership patterns differ state to state, so I also chose where I looked with a view toward seeing if there would be divides in practice between chain-owned facilities and independents, or between for-profits and nonprofits.

Since dialysis clinics are typically inspected no more than once every three years, I obtained reports from 2002 to 2009 to capture as many facilities as possible and to see if the same problems cropped up at clinics that had been previously cited. They did.

From these records, I created a database that tracked and quantified unsanitary and unsafe conditions, prescription errors, infection control breaches and serious patient safety lapses at more than 1,500 dialysis clinics coast to coast. These problems certainly did not exist at all clinics, but inspectors found them with regularity in all the states I examined, whether it was treatment chairs caked with blood or patients with already fragile immune systems being exposed to hepatitis or other communicable diseases.

In the most egregious cases, patients had been killed by the very therapy meant to sustain them. The government's reports did not identify patients by name, but sometimes gave enough clues – age, gender, date of death – for me to identify them through death or court records. That's how I found Henry Baer, who died at 39 after his bloodline disconnected during dialysis, spraying blood everywhere. A panicked technician violated procedure by hooking the compromised tubing back up. Days later, Baer succumbed to a virulent staph infection.

With only a date of death to go on, it was harder to identify James "Tug" McMurry, who died from a massive brain hemorrhage after staffers at a Memphis dialysis clinic mistakenly gave him several doses of a clot-busting medication that his doctor denied ordering. Using the day's obituaries, I eventually tracked down one of McMurry's 10 siblings. She recognized the name of McMurry's now-defunct dialysis clinic immediately.

Using other records, including unpublished government cause-of-death data, I also found cases in which patients had been harmed or killed by lapses in dialysis care that had escaped regulators' notice entirely. Under federal regulations, clinics were not required to report such incidents.

In addition to my first story, an overview that ran in early November on ProPublica's website and in *The Atlantic* magazine, I wrote a separate story looking more closely at this hole in the system's safety net. The story contrasted Medicare's approach to patient safety incidents to that of the Veteran's

Dan Nguyen | ProPublica



Cathleen Sharkey holds a frame of photographs of her mother, Barbara Scott, whose bloodline became disconnected during a dialysis treatment in Poughkeepsie, N.Y. Scott never fully recovered and died shortly after of heart failure.

Administration, which mandates that its facilities report such events to the National Center for Patient Safety, and to a handful of states that have tough reporting laws. Stories are online at <http://www.propublica.org/topic/diagnosing-dialysis>.

Another byproduct of the inspection review was that it became clear that inspection rates varied widely from state to state. Nationally, about one in 10 dialysis clinics hadn't had a top-to-bottom check in at least five years, allowing poor conditions and practices to fester. Further data from CMS showed that in California, in particular, regulators had fallen far behind – dozens of California facilities hadn't been inspected for at least a decade. This, too, led to a separate story on gaps in regulatory oversight.

Early on in the course of examining inspection records, I came across references to another potential source of information about dialysis care. The so-called Dialysis Facility Reports were annual statistical summaries for each dialysis facility that gave their outcomes and compared each clinic's results to those of others.

The federal government had collected this data for at least a decade. Yet nearly all of the information had been kept confidential. State inspectors had it, as did clinic operators. But patients – those who stood to benefit from it the most – were in the dark.

I requested this data under the Freedom of Information Act, kicking off what would become a more than two-year battle. About half way in, CMS declined my request, saying it did not have “possession, custody or control” of the material. I responded by requesting the documents from health officials in all 50 states, as well as more than a dozen regional contractors that coordinate data-collection and quality improvement efforts related to dialysis for CMS. When many responded that the data belonged to CMS, I presented this evidence to the agency, which was forced to reconsider its decision.

Ultimately, a few days before our first story was published, the government provided me with the clinic-by-clinic outcome data. Preliminary analysis showed that performance disparities, even among clinics in the same geographic areas, could be vast. In more than 200 counties, we found, the gap between facilities with the best and worst patient survival, adjusted for differences in case mix, is greater than 50 percent.

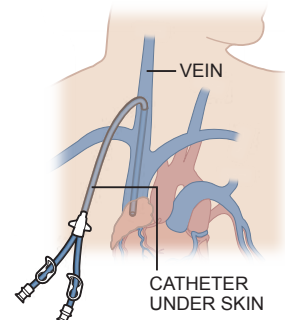
How Dialysis Works

In-center hemodialysis is the most common blood-cleansing therapy used by Americans with kidney failure. Patients typically are treated three times a week for three-to-four-hour sessions. Bloodlines can be attached to either a catheter or fistula.

CONNECTION TYPES

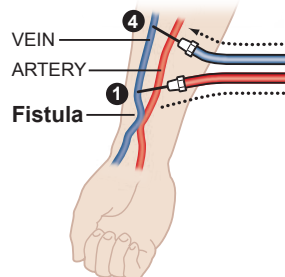
A Catheter

A tube inserted into a vein in the neck, chest or leg

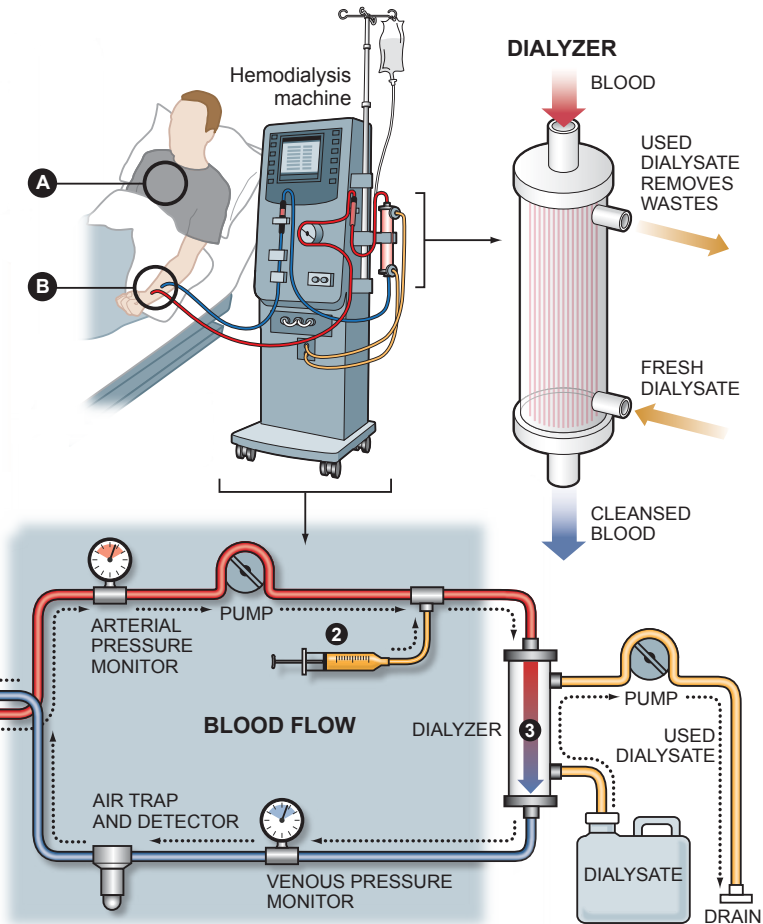


B Fistula

A surgically created connection of an artery to a vein



1 Blood is pumped out of a patient's catheter or fistula into the blood line.



2 Heparin, a blood thinner, is added to prevent clotting.

3 Blood flows into the dialyzer, where impurities, salt, and excess fluid are drawn into the dialysis solution.

4 Cleansed blood is returned.

Graphic by AI Granberg
ProPublica

In December, ProPublica launched the Dialysis Facility Tracker, a searchable news application that visitors to our website can use to look up specific clinics and to compare how one performs relative to others by 15 key measures, from mortality and hospitalization, to transplant rates and infection control.

Several thousand people have used the tracker already. Freeing this information may turn out to be the most powerful impact produced by my reporting. Beyond what it has done for patients and their loved ones, publication of the data instantly ushered in a new level of accountability and transparency for dialysis providers and for the government regulators that oversee them.

Robin Fields is a senior editor at ProPublica.

WELFARE WASTE

Minnesota cash benefits can be used for anything, even liquor and tattoos

BY MARK ALBERT
KSTP-MINNEAPOLIS

... when we called the Minnesota Department of Human Services to confirm that what we were about to capture on tape was illegal, we were surprised to learn that paying for a tattoo with welfare is actually legit.

I've never really thought about getting a tattoo; not really my thing. But little did I know that in Minnesota, I already may have bought quite a few – for other people.

That's because here in the land of 10,000 lakes, the cash portion of a person's welfare benefits – taxpayer money – can be used on *anything*.

There are no restrictions.

Go to an ATM, pull out the cash and buy whatever you'd like: body art, lottery tickets, liquor, even a trip to the U.S. Virgin Islands.

It's all legal.

Our investigative story for November 2010 (<http://ow.ly/3BRol>) actually started out with the opposite premise – that you *can't* buy these things.

We got a tip that a tattoo artist in St. Paul was offering to accept EBT (Electronic Benefit Transfer) cards to pay for his services. The tipster even e-mailed us a flier from the businessman that boldly claims: “No cash, No problem... We accept EBT.”

An EBT card is basically a debit card loaded with federal and state welfare benefits; they're used in all states.

We assumed that using benefits for tattoos was illegal and planned to send an undercover camera inside to get the artist making the offer on tape. But when we called the Minnesota Department of Human Services to confirm that what we were about to capture on tape was illegal, we were surprised to learn that paying for a tattoo with welfare *is* actually legit.

This made the story even more intriguing. And we were sure Minnesotans would find it interesting, too, among other reactions they might have.

So we wanted to know: What else could people purchase with welfare money?

Digging through data

It turns out, Minnesota doesn't track *what* people buy, but does keep records of how *much* a welfare recipient spends and where. Using the state's Data Practices Act (Minnesota's version of FOIA), we asked the department for the data. We knew that the identities of the welfare recipients would not be public. That left us with a relatively simple data set that included the name of the retailer, the retailer's city and state, and the dollar amount of the transaction.

While the data set would be simple, we learned that it would not be small. The department processes tens of millions of transactions each year. To get the data more quickly, and to give us a more manageable set of data, we decided to limit our

request to transactions processed in September 2010.

Still, the data file was so large, our investigative producer and data wiz Mike Maybay had to arrange for the department to have all 2 million transactions sent to us via FTP; the file was too big to e-mail.

Mike and I then brainstormed how we wanted to filter the data to find the news. Mike has extensive CAR training, some from IRE, so he worked his magic to sort whatever we wanted.

Here's what the data showed:

Of the 2 million transactions in just one month, 54,000 were outside of Minnesota – in every state in the country, including Hawaii. As we learned, federal law requires EBT benefits to be accepted by retailers in all 50 states and U.S. territories (some of the benefits are purely federal money), so that's not illegal. Some people do have funerals to attend, sick relatives to visit and so forth.

But 26 times in the U.S. Virgin Islands? When we asked the department about those transactions, we learned that 65 percent had been sent to fraud investigators.

The state also boldly told us in the beginning that, “We block access at casinos, tobacco shops, cruise ships and liquor stores.” Once we had the data, however, we found that wasn't true. Our data showed that EBT cards were used 101 times at liquor stores in September, for example, in seven states.

When we went back to Human Services and e-mailed them the spreadsheet that contradicted what they had told us, a spokeswoman then admitted the department's policy has no teeth. The department relies on “voluntary compliance” and the “civic mindedness” of the vendors processing the cards. Keep in mind, these vendors make money on how many transactions they process – not how many they block out of “civic mindedness.”

Here's the ironic part: I probably would not have had the department's exact quote about “we block access at casinos, tobacco shops, cruise ships and liquor stores,” if officials had not tried to foil every attempt I made to talk to someone in person or on the phone about this story – on the record or on background.

I'm the type of person that understands facts and figures better when I can talk to someone. But the department refused to play ball, insisting on e-mailed questions and responses.

So what happened? I had dozens and dozens of e-mails of every word and sentence that department officials wrote. As the story developed, I noticed several inconsistencies and shifting explanations – not just in the statement about blocking access at liquor stores, but about raw numbers of people receiving benefits, for example, that turned out to be off by thousands.

In seeking to be so careful with its responses, the department left a paper trail two-months long. Here, the e-mails proved invaluable. No one could accuse me of writing something down wrong or bad note-taking.

Getting fast results

Photojournalists Lee Zwiefelhofer and Jim O'Connell and I planned to tell this story in three parts, airing on three nights: a Thursday, a Sunday and a Monday. After the first part aired, Minnesota Gov. Tim Pawlenty, who appointed the department commissioner who refused to talk to us, fired off a letter order-

ing him immediately to re-negotiate the state's EBT card contract with its vendors "...to further prevent fraud. Your efforts should be focused on, but not limited to, preventing the improper use of EBT cards:

- for the purchase of tobacco, alcohol, personal services and other inappropriate uses.
- at automated teller machines..." the governor wrote.

The same day the governor issued his directive, the incoming majority leader of the Minnesota House of Representatives, Matt Dean, told us: "If we think the thing through, we can build in the necessary restrictions to prevent the fraud and abuse that you've uncovered."

Dean pledged that reducing waste, fraud and abuse would be one of the first issues tackled when the Legislature convenes in early 2011, under a new party's control.

On Jan. 4, the day the new Legislature went back into session, the Department of Human Services announced immediate changes had been implemented to the state's welfare program. Among the reforms: Documents and brochures for welfare recipients now have bold warnings about benefits misuse; welfare users must sign a statement acknowledging the benefits are only to "meet their basic needs," and that the money is not to be used for "non-essential items such as alcohol and tobacco"; new training for state financial workers that handle welfare applications; and new briefings for welfare applicants about the proper uses of state benefits.

DHS, however, said it would need legislative authority and about \$350,000 in the first year to implement changes with the vendor that processes the cards to block certain items that can be purchased with the cash portion of a person's benefits and to add restrictions on withdrawing the cash benefits from ATMs (which currently is nearly unregulated).

The story doesn't end here.

Interacting with the audience

We suspected there would be huge interest our story. So for our Web coverage, Mike Maybay plotted all 54,000 out-of-state transactions on a Google map. Viewers could click on a marker and see how much Minnesota welfare money was spent at any location across the country in September. Another interactive map showed every liquor store where welfare money on a Minnesota EBT card was used, and how much was spent (Here's the link to an Excel spreadsheet with built-in tools to help map data on Google Earth or Google Maps: http://processtrends.com/pg_google_earth.htm).

We set up a special e-mail tip box (welfarewaste@kstp.com) and a special phone tip line for people to contact us if they knew of suspected welfare waste. We ended each story and follow-up with the e-mail and phone number.

The result? We received more than 350 e-mails, phone calls, and letters *in the first week* after our story aired.

We also pushed this story hard on other platforms. We did Web chats before and during the series' run to post on our site and Facebook, answering some questions that viewers had e-mailed us and previewing the next piece. We sent out Twitter blasts and included story teasers and content in our daily news update e-mails to viewers. The response has been incredible.



A tattoo parlor in St. Paul, Minn., points out that it accepts EBT: Electronic Benefit Transfer. EBT cards are used to distribute federal and state welfare payments.

Overcoming the roadblocks

Recently, an investigative reporter in another market noticed our Welfare Waste series on IRE's website and contacted me. She had been frustrated because one state had denied her request for similar EBT transaction data citing a federal restriction on releasing such information.

In Minnesota, we did not encounter those speed bumps, and I encouraged her to confer with her attorneys about her specific request.

I also mentioned that states get welfare money from lots of different pots. In Minnesota, the food stamp portion (now called Food Support or SNAP), is federal money. But the cash assistance portion is all state money. Perhaps my colleague could ask for the transactions from the state-funded portion to avoid any conflict with federal requirements or data restrictions.

In Minnesota, we knew we had a story about welfare waste when we saw the data and what it showed. It was irrefutable.

Often, I've learned, there are all kinds of gems hidden in those spreadsheets and in the conflicting answers of politicians trying to explain them away – perhaps, even, a few tattoos.

Mark Albert is a reporter at KSTP-TV, the ABC affiliate in Minneapolis/St. Paul. He can be reached at malbert@kstp.com.

MEMORABLE BOOKS MAKE AN IMPACT

BY STEVE WEINBERG

A searchable list of more than 200 notable investigative books of 2010 is available online at <http://data.nicar.org/irejournal>.

Discovering every investigative book by American journalists published during a given year is impossible, but the staff at The IRE Journal labors mightily all 12 months to achieve comprehensiveness. If you know of an investigative book (including your own) published in English with a 2010 publication date and available for sale, if you don't spot it on the online list, please contact me at weinbergs@missouri.edu.

During 2010, I read lots of first-rate investigative and explanatory books by journalists. Those reviewed here stayed with me not only because of their strengths, but also because of the topics covered.



ALL THE DEVILS ARE HERE: The Hidden History of the Financial Crisis

By Bethany McLean and Joe Nocera
Portfolio/Penguin Press

For serious readers, it is difficult to know whether to feel bullish or bearish about the dozens of books published with the intent of illuminating the financial crisis of 2008-2010.

I have read a dozen of the books, feeling mostly bearish.

But I have felt optimistic about the book coming from Bethany McLean and Joe Nocera, because I have understood the brilliance of their reporting and writing for many years. McLean co-wrote "The Smartest Guys in the Room" (not with Nocera), a superb book about the collapse of the rogue energy corporation known as Enron. She has published compelling features in *Fortune* and *Vanity Fair* magazines. Part of her deep understanding derives from working as an investment banker at Goldman Sachs.

Nocera is not only a seasoned author of first-rate books, but also a much-honored journalist covering business for *Fortune* magazine and the *New York Times*.

My optimism has been rewarded. The McLean-Nocera collaboration has yielded a comprehensible, well-written account of the financial meltdown across the United States. The sweep of the book is seemingly ridiculously grand, the details potentially overwhelming, the outcome mostly known by now – and yet it is as compelling as a well-crafted literary novel.

In the cast of characters at the front of the book, the authors list exactly 100. Books that try to include that many viewpoints, that many brief biographies, often never achieve narrative drive. McLean and Nocera have written the exception. The brief comments about some of the characters within the list of 100 help

orient readers to the array. So do captions of photographs located after page 236. The captions do not mince words or attitude.

One quick fact about how different the book is from others, especially the equally strong "The Big Short" by Michael Lewis: McLean/Nocera mention Lewis' protagonist Michael Burry on just two pages.

Occasionally some of the characters reach for the hero's mantle, or at least try to do the right thing. Mostly, though, McLean and Nocera present a gallery of self-created villains.

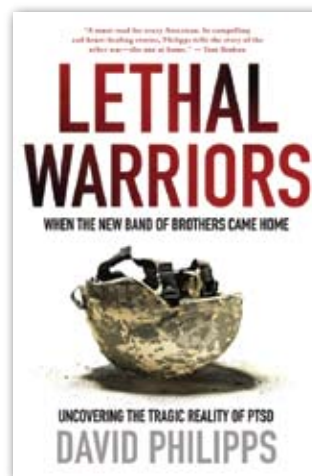
Those villains are found at:

- companies offering mortgages to unqualified homeowners.
- financial institutions on and off Wall Street.
- federal government agencies known as regulators.
- the U.S. Congress.

Sincere heroes are few, but those few tried unsuccessfully to alter the rules driving the nation toward budgetary and moral bankruptcy. The heroes include Brooksley Born, while chairing the Commodities Futures Trading Commission; Tom Miller, Iowa attorney general; and James Bothwell, an auditor employed by an arm of Congress now called the Government Accountability Office.

Foreboding permeates the narrative. For example, as the mostly chronological narrative enters the year 2007 on page 240, the authors note that "All over Wall Street, an immense amount of risk was building up in the system... the increasing risk was masked by layer upon layer of complexity, hidden where few on the outside could see it."

As the book ends, McLean and Nocera explain why they are pessimistic that congressional legislation, executive branch regulation or any other formulaic approach will prevent future meltdowns. No policymaker is certain how to fix such a vastly broken system. Besides, there is no ridding the financial realm of greed – the ultimate explanation for the financial crisis.



LETHAL WARRIORS:
When the New Band of Brothers Came Home
By David Philipps
Palgrave Macmillan

David Philipps, a newspaper reporter in Colorado Springs, sees military bases on all sides of the city where he grew up. "Lethal Warriors" focuses on one of those bases, Fort Carson, where traumatized American soldiers who served in Iraq landed after returning to the United States. In their

traumatized conditions, some of the battle-scarred veterans terrorized the base and the surrounding civilian areas, committing murders, sexual assaults and other violent crimes.

By the end of Philipps' expose, it is difficult to know whom to fear and despise more – the rampaging soldiers apparently suffering from post-traumatic stress disorder, or their commanders whose immersion in a macho culture led them to deny obvious problems. As a result, lots of innocent bystanders suffered worlds of pain.

To bring a narrative arc to a sprawling scandal, Philipps con-

centrates on infantrymen from a specific combat team, some of whom labeled themselves “the lethal warriors,” patterned after the now-renowned Band of Brothers idealized by followers of World War II.

As the narrative opens in December 2007, a Colorado Springs newspaper carrier finds one of the PTSD-disabled soldiers, Kevin Shields, dead on the street. It becomes clear eventually that somebody murdered Shields. At first, though, local police and military authorities cannot identify a viable suspect.

Law enforcers, it turns out, did not need to look beyond Shields’ military buddies from Iraq. They had become killers not only on foreign soil as part of a military invasion, but also on the soil of their American homeland.

Some of the rampaging Fort Carson soldiers had established criminal records before joining the Army and being issued lethal weapons. Others soldiers who turned violent at Fort Carson had not built up criminal records, seeming relatively well adjusted to those who deny the powerful impact of post-traumatic stress disorder.

Philipps names names as he uses his investigative skills to demonstrate a vast military chain of command unable or unwilling to reckon with the results of training young men to kill. Only Maj. Gen. Mark Graham emerges as a hero. After his appointment to command Fort Carson – with its 21,000 troops and civilian support staff – Graham advocated treatment programs for veterans returning from Iraq (as well as Afghanistan and other murderous hot spots). Graham accepted the strenuous appointment despite (and maybe because of) the strain of family tragedy. Both of his sons had admired their father, so had joined the Army as officers during college. Both boys, Jeffrey and Kevin, were now dead.

It seems quite likely that Graham’s interventions will reduce the carnage in Colorado Springs. But, as Philipps makes clear in the book, Graham cannot solve the problem nationwide without lots of assistance from other military commanders, members of the U.S. Congress and wise policy decisions in the White House.

Philipps closes the narrative with a chilling quotation from Kenneth Eastridge, one of the murderous soldiers who had been based at Fort Carson.

“There are guys like me all over the country now. We all went to war. You get used to it, and you enjoy it to a certain extent. Then nothing else matters. You’re afraid of normal life. There is no point to anything. They don’t deal with it. Somehow you have to help these guys – change the mindset. If you don’t, this kind

of stuff is just going to keep happening.”

DROWNING IN OIL: BP and the Reckless Pursuit of Profit
By Loren Steffy
McGraw Hill

When an author uses a loaded word like “reckless” in a book’s title, the burden of proof is high. Loren Steffy meets the burden by demonstrating that corporate behemoth BP (formerly British Petroleum) could have prevented the 11 deaths

on April 20, 2010, aboard the Deepwater Horizon, the drilling platform anchored 40 miles off the Louisiana coast in the Gulf of Mexico. The deaths and the gigantic oil spill following the sinking of Deepwater Horizon will surely become a landmark of corporate ineptness and greed for the remainder of human history, thanks in part to Steffy’s remarkable account.

The disaster of April 20, 2010, recalled a day in March 2005 when BP spawned a different fatal inferno, at its Texas City refinery on the Houston Ship Channel in Galveston Bay. Fifteen people died that day, and hundreds more suffered injuries.

Steffy began researching and writing about BP for the *Houston Chronicle* soon after the Texas City explosion. As he notes in the book’s preface, “I have watched the company try to move past that disaster, and I have witnessed some of the triumphs shared by its employees as it met the incredible challenges of oil exploration and production. I have also seen the terrible costs of BP’s troubled culture to employees, contractors and their families. I’ve listened to top executives promise changes, and I’ve seen the disturbing patterns that emerge across its operations.”

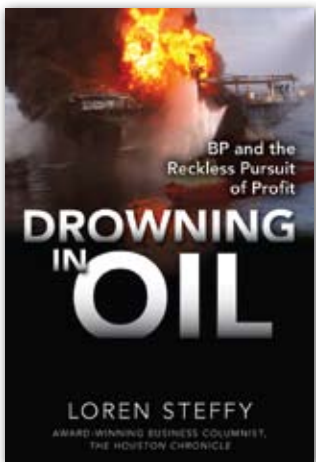
The term “BP’s troubled culture” is the key to the success of Steffy’s book. He explicates that troubled culture about as well as a journalist can. The culture of BP included its top executives speaking publicly about a fierce commitment to industrial safety and caring for the environment. Behind the scenes, however, those executives were engineering budget cutbacks in the service of bottom-line profits. The budget cutbacks sometimes led to inadequate staffing of complex oil exploration operations, deferred maintenance of equipment, and the failure to purchase systems that almost surely would have prevented deaths in Texas City, among other venues.

As Steffy presents a mostly chronological account of BP’s checkered history, he includes foreshadowings that give the non-fiction narrative extra power. For example, referring to the celebrity of BP chief executive John Browne during the 1990s and into the new century, Steffy writes: “On the front lines of BP’s operations, though, Browne’s conscience was less evident. Warning signs, subtle at first, were piling up. Beneath the veneer of fawning media coverage, BP’s oil operations, which generated most of the company’s revenue but far fewer headlines, were beginning to fray. From the waters of the North Sea to a refinery in Texas, workers were fearing for their lives.”

Those fearful workers often felt they could not inform their superiors on the corporate ladder because the BP culture did not encourage candor, much less whistle blowing. In one of the most educational passages from the book, Steffy focuses on Dave Leining, a devoted BP employee injured during the Texas City refinery explosion. After about a year of medical treatment, Leining returned to the refinery, then resigned a few months later over what he termed a dispute about worker safety.

“There’s a difference,” Steffy reports Leining as saying, “between working in an environment that’s inherently risky and working in what the BP refinery had become. It’s a dangerous place to work, but it shouldn’t be a hazardous place to work.” As Steffy figured out from his reporting, “BP officials didn’t seem to understand that distinction. Companies that operate dangerous workplaces have a responsibility to make safety paramount. At BP, safety too often seemed to be viewed as overhead.”

Steve Weinberg is a former executive director of IRE and a book author himself.



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.



Sun finally shines on subcontractor data

BY CHARLES N. DAVIS
MISSOURI SCHOOL OF JOURNALISM

Recipients of all federal contracts and grants larger than \$25,000 will be required to report the names of companies they hire.

The Obama administration has taken a fair amount of heat from frustrated access advocates upset with the pace of change when it comes to transparency initiatives. Obama made openness a major campaign pledge, leading many in the sunshine business to assume that greater openness was just a presidential order away.

It takes time to turn the ship of state, however, especially when a flailing economy and two wars provide daily distractions. The administration has been quietly working on a multitude of transparency initiatives, though, that are beginning to bear fruit.

The most noteworthy was the longest in the pipeline, an indication of just how difficult digital transparency can be, even when broad bipartisan support exists.

Starting in December, the Obama administration began publicizing the names of subcontractors – the companies that get the majority of federal contracts – along with the dollar amounts they receive. For the first time on USASpending.gov, journalists and citizens can track payments made by federal agencies not only to direct recipients, but also by those recipients to other entities such as by a prime contractor to a sub-contractor.

The new subcontractor details are available on the Office of Management and Budget's website, USASpending.gov. Recipients of all federal contracts and grants larger than \$25,000 will be required to report the names of companies they hire.

The data will prove to be a goldmine for local reporting, because it allows the researcher to drill down to the granular level, revealing contract relationships that took months to unravel the old-fashioned way: one time-consuming FOI request at a time.

Until now, the federal government reported only the companies that won major, or prime, government contracts – even if those companies then turned around and hired a small army

of subcontractors to do most of the job on the ground. Now reporters can follow more accurately where dollars are going, tracing public money to the specific companies and communities that share in multimillion- and billion-dollar federal work at the local level.

Subcontractors often mine a multitude of federal contractor relationships, forming an interesting web of influence that can make fascinating storytelling about the impact of the federal government in your backyard. Not all the stories here are negative by any means, as the ready availability of information about government subcontracts also can produce stories documenting the effectiveness of government subcontractors.

The subcontractors' names are being made public as required by the Federal Funding Accountability and Transparency Act, which became law in 2006 under President George W. Bush. A smaller portion of subcontractor information – for contracts larger than \$20 million – was made public in October.

The subcontractor data was scheduled for release in 2008, but the Obama administration found that it first had to spend tens of millions of dollars in 2009 to create a public website, FederalReporting.gov, to track money spent on stimulus projects, clearing the way for the same information to be published on standard government contracts.

A brief review of the data reveals all sorts of reporting possibilities. For example, why not take a look at the number of minority- or female-owned companies landing contracts, and then examine the subcontractors to see if a less diverse Beltway Bandit receives the lion's share of the money? Or perhaps you could rank the subcontractors in your state or area by contract size or number of contracts?

In a single week in December, USASpending.gov displayed sub-award information associated with new prime grant awards (made on or after Oct. 1, 2010) over \$25,000. The site reported 930 sub-awards, related to a variety of grants in areas such as health, food and nutrition, and transportation. In total, these 930 sub-awards accounted for \$750 million in federal funding, and there is more data coming online daily.

The Obama administration should be lauded for these efforts and more. Earlier this year, it launched the IT Dashboard to provide access to federal technology spending information and progress made on IT projects across the government. And PaymentAccuracy.gov, also launched in 2010, allows the public to track progress in preventing improper payments.

The ship of state is slowly turning, but it is turning indeed.

Charles N. Davis is an associate professor at the Missouri School of Journalism. He is co-author, with David Cuillier, of "The Art of Access."

In total, these 930 sub-awards accounted for \$750 million in federal funding, and there is more data coming online daily.

IRE members have learned invaluable lessons during years of refining their investigative skills. They generously share their wisdom so others may benefit.



Keeping on track



By Laura Frank

I-News – The Rocky Mountain
Investigative News Network

Welcome to the new world of investigative reporting. As with the old, there's good news and bad news. And we're not talking about the stories. We're talking about how to do quality investigative reporting in an era of shrinking newsrooms and exploding technology.

First, the good news: The tools on your desktop allow you to do stories that would have been impossible – or at least taken an order of magnitude longer – a decade or two ago. But you knew that.

The bad news: It's gotten a lot harder to find time and resources to do deep digging on a story. Of course, you knew that, too.

What you really want to know is: How can I do some (or do *more*) quality investigative reporting **a**) with fewer resources, **b**) while filling my other daily responsibilities, or maybe even **c**) on my own or in a startup company?

I spent 20 years doing investigative reporting for daily newspapers ranging from small communities to major metros. Today, I run a nonprofit news service called I-News – The Rocky Mountain Investigative News Network.

Last year, I-News did eight multimedia investigative reports used by newspapers, TV, radio and online news media. Our stories resulted in changed policies and new legislation. Oh, and since this was our first year of production, we also were building the business and raising more than \$400,000 in grants and donations. And we did it all with a total staff of three and a half people.

Let's tackle the most difficult thing first: How do you find the time you need?

Google it

Wouldn't it be great if you could find time by looking for it in the search engine? Turns out you can. In more ways than one. You've heard of Google's "20 percent time?" The company encourages employees to take a fifth of their work day and do whatever they want.

I'm suggesting you try it, too. *Give yourself some Google time.* If you're passionate about investigative reporting, you won't spend it playing foosball. You'll carve out 60 or 90 minutes a day to work on that fantastic investigative story.

Now since I'm not your boss, we might have to keep this on the hush-hush – at least until you break that great story.

If you're in a newsroom, the best Google time might be first thing in the morning. This is good on several fronts: You hit the ground running and have been productive before others have even finished their first cup of coffee. Plus, the busier you look, the less likely you are to get yet another distracting daily assignment.

But you can't avoid the daily assignments altogether. So what then? You have to figure out a way to get your daily work done in the 80 percent of the day you have left.

Google can be helpful here, too.

Prioritize and organize

Plan each day of the week in excruciating detail. Map out everything that has to be done and everything that you really want to get done. Then schedule it. Try Google Calendar and Google Tasks. Put your source list in Google Contacts.

You don't have to use Google, of course. The point is: You can get a lot more done in your 80 percent time if you know exactly what you need to do. And to do that, you need to be organized. Pardon the sports analogy, but they say the best athletes can see the whole field at once. You need to figure out a way to see your whole field. Then start tackling!

As for organization, it's essential. It's difficult to keep on top of a complex investigative story when you're spending 80 percent of your time doing other stories.

Make sure you spend part of your 20 percent time each day documenting what you've done and what you need to do next. Every couple days, write yourself a memo about what you know and what you still need to know.

If you have to suspend your 20 percent time for a few days because of breaking news or another project, you'll save yourself tremendous time in knowing exactly where you left off. And you're less likely to make a mistake or miss something.

Collaborate and educate

Whether you're one of the many people going it alone, starting up a news organization or are in a legacy newsroom, you're going to have to figure out how to collaborate better – whether it's inside or outside your organization. Everyone has to make less go farther.

Very few of us have the luxury of pulling together a team of photographers, videographers, graphic artists, data analysts, editors, designers, marketers and so on. So you're going to have to figure out how to create alliances that help you get the job done. And in many cases, you're going to have to figure out how to do the job yourself.

If you're reading this, then you already know about great training opportunities from IRE. Now is the time to take advantage of them. Pick a new skill – like data analysis or videography – and become at least proficient. With all that extra 20 percent time you'll carve out, you might become even better!

Laura Frank is executive director of I-News – The Rocky Mountain Investigative News Network – based in Denver.



Fireboats try to extinguish the blaze on the Deepwater Horizon oil rig after an explosion in April 2010 in the Gulf of Mexico.

BREAKING NEWS INVESTIGATIONS

TRACKING THE SPILL

Disaster experience, planning mark coverage of Gulf calamity

BY GORDON RUSSELL

The Times-Picayune

When the Deepwater Horizon exploded last April 20 and oil began gushing into the Gulf of Mexico, it marked the second time in five years that the New Orleans area was knocked to its knees by a catastrophe that captured the nation's attention.

For *The Times-Picayune*, the only good news was that our staff was by now familiar with the rhythms of covering disasters. And as with Hurricane Katrina in 2005, our readers expected us not only to bring them top-shelf coverage of the event and its aftermath, but also to make sure that Louisiana's story was told – accurately – to the rest of the world.

In the case of the oil spill, that has meant working to correct the notion that all of Louisiana's seafood would become tainted. We have sought to remind the world that the most serious environmental threat was not that lightly concentrated oil might hide in plumes or wash up the East Coast, but that sheets of thick oil would invade Louisiana's marshes, the most sensitive feature of the Gulf ecosystem.

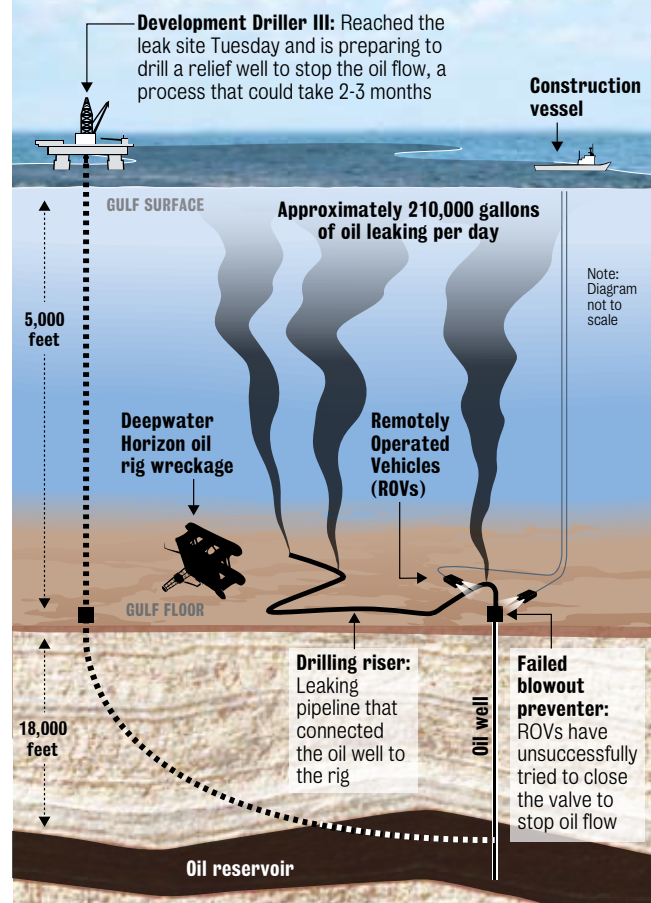
We trained the spotlight on ourselves, too, showing how Louisiana's fealty to the oil and gas industry has caused the state to suffer disproportionate environmental damage. At the same time, we raised questions about the drilling moratorium imposed by the Obama administration in the wake of the accident, which dealt another economic blow to a region whose crucial fisheries and tourism sectors already were hurting.

While the logistical nightmares presented by the oil spill were not of the magnitude of those presented by Katrina – the city didn't flood this time, of course – we still had huge coverage challenges.

Katrina was the definition of an all-hands-on-deck event: For *The Times-Picayune*, there was no other story in 2005. Just about every single thing we published outside of the sports pages, for at least a year, referenced the hurricane and the floods in some way.

The Macondo well blowout was a different animal. Clearly, it was a huge story, with major and sometimes distinct local and national implications for the economy, for the environment, for energy policy, for politics. Yet even as the oil continued to gush for nearly three months – and after the leak was finally plugged – our readers still expected us to deliver the rest of the news: crime, courts, City Hall and all the rest. During Katrina, mercifully, the workaday business of New Orleans, the sorts of things that ordinarily constitute news, shut down.

BENEATH THE OIL SLICK



Source: U.S. Coast Guard, NOAA, BP, Transocean

DAN SWENSON / THE TIMES-PICAYUNE

... even as the oil continued to gush for nearly three months – and after the leak was finally plugged – our readers still expected us to deliver the rest of the news: crime, courts, City Hall and all the rest.



Plaquemines Parish Coastal Zone Management Director P.J. Hahn grabs a heavily oiled bird near Cat Island in Barataria Bay, La., in June 2010.

Adding to our challenge: The spill occurred during a busy stretch news-wise in a city that always generates more big stories than you'd guess, given its modest size. Just to name a couple of other things we were juggling when the Deepwater Horizon exploded: A new mayor was about to take over from the unpopular Ray Nagin; a huge police scandal was gradually unfurling, involving widespread violence and cover-ups by New Orleans officers in the days after Katrina; the political leadership of our largest suburb was melting down amid a federal probe into cronyism and insider deals; and the crucial five-year anniversary of Katrina was fast approaching. Oh, and the oil started gushing just before the first weekend of Jazz Fest, the city's second-biggest annual celebration.

Meanwhile, like most newspapers, our staffing was significantly slimmer in 2010 than it was in 2005. Amid those obstacles, we had to figure out how to fight a battle on several fronts at once.

To do it, we mobilized nearly our entire staff. Each Monday, we held an oil-spill meeting with about 15 key reporters and editors to brainstorm new ideas, discuss our progress on one front or another. We built a listserv so it was easy to alert everyone on the oil-spill team about an important piece of news. We started a graphic, updated daily, that showed the spread

One focus of our work was to better understand the decisions that cause the disaster, and whether they reflected a culture of recklessness at BP, or whether they suggested widespread problems in the industry. Those remain open questions, to some extent, but our reporting made it clear that BP cut corners in its rush to finish the well.

of oil; it quickly became one of the most-viewed items on our website each day. We created a series of new beats, or sub-beats, that key reporters mined for the duration of the spill, and in many cases, are still mining.

We started with a couple of advantages – we had reporters and photographers who knew our marshes and bayous like the back of their hands, and who were deeply sourced in the fishing community. Some of our reporters who were new to the beats quickly built sources and contacts, in part by spending time on shrimping boats, drilling rigs and supply vessels.

Answering key questions

Among the urgent questions we had to try to answer: What was being done to plug the well? Were the cleanup methods, including surface burning and unprecedented use of dispersant, safe and/or effective? Were there better ideas out there? Where might it be headed tomorrow? What were the implications for our fragile, disappearing wetlands? What went wrong on the rig leading up to the blowout, and what did it say about the industry and its regulators? Was BP a rogue operator, or pretty much like everyone else? What about their subcontractors, particularly Transocean and Halliburton? Was our beloved seafood OK to eat? How badly were our fisheries damaged, and how long would it take them to recover? Was the claims process, overseen first by BP and then by third-party administrator Kenneth Feinberg, transparent and fair?

Our efforts to answer those questions have taken us many places. We traveled to New York to chronicle the ways restaurants were refusing to serve Louisiana seafood, and to Maryland to examine the spill's effect on that state's crabcake obsession (one that, in a well-kept secret, is largely satisfied by Louisiana). We spent time in Alaska's Prince William Sound to report on the lasting effects of the 1989 Exxon Valdez oil spill, and to Ciudad del Carmen, Mexico, to explain the 1979 Ixtoc underwater leak, which took 10 months to stifle. We've covered hearings into the cause of the spill in Houston, New Orleans and Washington, D.C. And of course, we've spent countless hours in the marshes of southeast Louisiana, cataloguing the oil's effect on the wetlands and the critters that live in them. We were in Grand Isle on May 20, a month after the rig explosion, when the oil finally arrived in force.

One focus of our work was to better understand the decisions that cause the disaster, and whether they reflected a culture of recklessness at BP, or whether they suggested widespread problems in the industry. Those remain open questions, to some extent, but our reporting made it clear that BP cut corners in its rush to finish the well.

We discovered that workers may have acted too soon to remove drilling mud, which keeps oil from rising to the surface, and that employees of Schlumberger were on the rig to conduct a critical test on the strength of the well's cement, but BP decided to send them home instead. We also were the first to expose a key decision BP made about the design of the well's lining, one of the clearest pieces of evidence that the company consciously chose a cheaper method over a safer one.

Those stories formed the basis of much of the national coverage of the mishap. They were referenced in congressional hearings into the disaster and prompted a note from the father of one of the 11 men killed on the rig. "On behalf of the families of those who were killed, as well as the millions who have been adversely



A shrimp boat drags skimmers through the oil slick in the Gulf Of Mexico in May 2010.

affected in one way or another, I would like to compliment you on a job well done,” Keith Jones wrote in an e-mail to reporter David Hammer.

We trained our sights on local and national decision-makers, too. We profiled Billy Nungesser, the voluble chief executive of Plaquemines Parish, who became for many Americans the voice of the spill victims. We also exposed his ownership interest in a marina that BP was renting for top dollar. Meanwhile, our reporters raised questions about the effectiveness of Gov. Bobby Jindal’s plan to build barrier islands to block the oil. We also discovered that Louisiana’s state agency that grants coastal wetlands permits for oil projects had not denied a single application in five years, making it more accommodating than the federal Minerals Management Service.

We were the first media outlet to show that a group of scientists that the Obama administration had cited in support of a moratorium on new drilling in the Gulf of Mexico in fact opposed the moratorium. And we found a Louisiana shrimper, Pete Gerica, who was invited to Washington to speak before a House panel but left without testifying because the politicians spent a whole day delivering windy speeches about the plight of Louisiana fishers – without actually taking the time to listen to one.

Sticking with the story

While the oil leak was plugged on July 15, and the long-awaited “top kill” completed in late September, the story of the Deepwater Horizon tragedy is far from over in southeastern Louisiana.

The federal agreement with BP envisions the firm paying for damages for four years – money that, ironically, could jumpstart coastal restoration plans that have long been in the works but which have always lacked a funding source. The administration’s oil commission final report has just been released, but the parceling out of blame is far from over. Lawsuits and criminal investigations have yet to play out. The consequences of the new regulatory regime must also be watched closely. And the damage to Louisiana’s coastline may not be known for a generation.

Like Katrina, this is a story we expect to be covering for years, if not decades.

Gordon Russell is city editor of The Times-Picayune, where he has worked since 1999. Previously, he worked at the Sarasota (Fla.) Herald-Tribune and the Morgantown (W.Va.) Dominion Post.



CNN's Anderson Cooper spent considerable time reporting from Haiti after a devastating earthquake in January 2010.

TEAM COVERAGE

Flexible battle plan,
regular communication
advance the big story

By Drew Griffin and Kathleen Johnston
CNN

Hurricane Katrina's late summer 2005 arrival on the Louisiana coast was no surprise to anyone – and the ample notice allowed CNN to have its best field producers, photojournalists and correspondents in place to document nature's incredible destruction. But Katrina's landfall was far from the end of the story, and in the storm's monumental aftermath, the network's contingent in the region grew to more than 150 journalists.

Initial in-depth reports focused on the police shootings, the deaths in the nursing homes, drowning victims, looting, lack of government response and the failure of the levee. But back in Atlanta, CNN journalists – who were fielding calls and e-mails from viewers looking for loved ones – received a disturbing text from a woman in the Northeast: Her brother was a doctor at Memorial Hospital in New Orleans, and he told her that some other doctors, nurses and administrators were planning to euthanize patients.

Every news person in New Orleans received tips in the Katrina aftermath – some outlandish, some credible, most heartbreaking and all of them overwhelming tired news staffs amid the chaos. News tips are a staple of journalism. But this one gave us chills.

CNN – as it does for most breaking news events – created an e-mail alias so all involved in the coverage were kept abreast of coverage plans, ranging from which reporting team was covering which angle to what event was coming in on what routers. But in the case of this tip – which could have been shunted aside because it sounded so implausible and there was so much other work to do – managers told us to check it out but stay off the e-mail alias.



CNN correspondent Drew Griffin juggles key tools of the trade in the aftermath of Hurricane Katrina in New Orleans.

We found the doctor by cell phone as he drove out of New Orleans, determined, he said, not to be part of what he believed was a plan to kill viable patients. For seven hours, with his phone cutting in and out and the doctor periodically stopping at gas stations, he told an incredible story in remarkable detail. CNN management decided one of us should meet him in a state he asked us never to name publicly and get a freelance crew to put him on camera. Within two days, we had interviewed him over the phone during his long drive, and on camera.

It took six weeks to get a confirming source on the ground in New Orleans to go on camera, allowing CNN to become the first news organization to report in detail the allegations at Memorial Hospital. We returned to New Orleans over and over that first year to continue digging and reporting a story that now has been well-chronicled not just by CNN, but numerous other news organizations.

The Memorial Hospital story underscores a strategy at CNN to cover breaking news as it unfolds, but to devote equal time and resources to find the stories behind the obvious headlines. To that end, whether it's the Virginia Tech or Fort Hood shootings, the earthquake in Haiti or the recent shooting in Tucson of Rep. Gabrielle Giffords and others, CNN sends in an investigative team to assist the breaking news efforts and to dig deeper.

News comes first, and if the investigative team finds something newsworthy and it's vetted and cleared for broadcast, we don't hold it for a special – we get it on the air.

Lay the groundwork

The work often begins before we arrive at the location. If we have time before getting on a plane, one of the first things we check is the state's Open Records Laws (or alternatively, call a CNN lawyer) to make sure we can get a records request ready. And while it may sound obvious, we also check to see where to deliver the request because when dealing with state and local governments – as well as various police agencies (or in the case of Tucson and Virginia Tech, university officials) – we don't want to waste valuable time on the ground trying to figure out the logistics of delivering the request.

We try to have as many of the searches completed before we hit the ground, but that's not always practical or plausible. And then there's the thinking: We ask ourselves why and how something happened and formulate plans to answer those questions. We are no different than any other news organization – we knock on doors, we make calls, we pull out all stops. And we adapt to changing environments and narratives even if it means throwing our initial plans away.

We use our colleagues back in the newsroom to help us with phone numbers and video. Investigative stories in a breaking news environment can be done only as a team.

We also immediately call other sources – ATF, for example, if guns are involved, counter-terrorism folks if it was an attempted terror attack, FBI, local lawyers, first-responders and sources we have in the community. We check social media and CNN iReports and run Accurant searches of friends and neighbors of victims and suspects. Like any organization, staff members come from all over the country, so we tap into them for advice, sources and direction.

At Virginia Tech, we learned the names of gun dealers by talking to locals and going to shooting ranges. We weren't the only

ones that took that route – sometimes the sourcing is that simple and obvious. Investigative stories by their nature can be complex, but getting them right doesn't have to be complicated. The keys to getting any good story apply to investigative work as well.

We emphasize being curious. In the case of Memorial Hospital, the issue that kept coming back to us was this: Why did that particular hospital have so many deaths? The conditions were dire but no more so than other hospitals, so why, we wondered, did so many die? It was the question that brought us back again and again to the story, taking step after step to find the answer.

The Katrina story was so huge, so protracted and so all-consuming that our work highlighted lessons we already had learned but that could easily slip below the radar. One was about not worrying about how much time we spent digging on what could end up a bad tip. All of us have followed that frustrating route, and sometimes a dead end is just that – so move on and don't beat yourself up for chasing it. But sometimes there is a kernel of truth in a rumor. Eliminating rumors enhances the story we eventually develop, so we don't consider that time wasted. It's simply due diligence.

We are encouraged to follow every lead. Similarly, we are expected and trusted to use our judgment on what could become an investigative story or what might just make a nugget in a running news story. And that applies to tossing a tip that's going nowhere, too. It's all about persistence and news judgment.

In the Fort Hood shooting, for example, senior producer Tracy Sabo spent hours at a nearby convenience store that she'd heard the alleged shooter frequented. Her instincts and persistence paid off: The owner gave her exclusive video of the alleged gunman from the day of the shooting.

In the immediate aftermath of a major breaking story, we don't usually have time to construct databases in the field. But that doesn't mean we ignore records – we collect any and all we can find and use them as needed and organize them as a guide. But foremost for us in the immediate aftermath are credible human sources, so we zero in on that.

Keep in touch

Key for CNN, where breaking news and investigative reporting intersect, is the importance of a short daily conference call for all the reporters and producers working the story. Moderated by a senior editorial manager, the reporters and the producers have free rein to share leads and achievements and kick around potential angles.

We started doing them right after 9/11, vice president and senior editorial director Richard Griffiths says, and used them successfully after Katrina and the London Underground bombings. Especially in a far-flung organization like CNN, that daily call helps the teams build camaraderie and maintain direction. We try to make a point of keeping the call purely editorial; for those of you who have worked in TV newsrooms, where logistics can cause monumental headaches, you'll understand what an achievement that can be!

Sometimes, though, the investigation has to be kept separate for legal or sourcing reasons or maybe so it does not get in the way of the breaking news operation. When that is the case, at least one manager knows what the team is doing and who they are generally talking to on the ground and around the country.

Investigative and enterprise journalism on the fly are difficult

and sometimes frustrating. The key is to continue when the breaking news begins to fade. We traveled to Louisiana more than 20 times that first year to follow the Memorial Hospital story.

The initial tip gave us time to find victims, relatives and officials before companies and lawyers forbade their folks from talking to the media. In the aftermath, we filed a number of lawsuits for autopsy, toxicology and investigative reports. Our persistence gave us access to key sources. One of them eventually gave us a 60-plus-page document outlining a disturbing portion of what investigators discovered had happened inside Memorial Hospital. We had cultivated that source for years – three years, in fact. Patience pays off.

Many other news organizations have done the same with the Katrina hospital deaths, the New Orleans police shootings and the Gulf oil spill.

As for us, along with our colleagues at *The Times-Picayune*, we remain involved in a lawsuit to obtain the investigatory records from the Memorial Hospital investigation. We continue to get favorable rulings; the company that owns the hospital continues to appeal.

The lawsuit has now dragged on for years. But that's another lesson: If you commit to an investigation, be prepared to ride it all the way through, no matter the costs. In this case, CNN and *The Times-Picayune* are doing just that.

Drew Griffin is a correspondent for the investigative unit of CNN. He joined the network in 2004 after working as an investigative reporter and anchor for CBS 2 News in Los Angeles for 10 years. Kathleen Johnston, a senior investigative producer, also joined CNN in 2004. Previously, she worked as an investigative producer for WTHR-Indianapolis and as a reporter for The Indianapolis News and The Indianapolis Star. Griffin and Johnston are based in Atlanta.

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Dr. Sanjay Gupta of CNN traveled to Texas to talk with victims of the Ft. Hood shootings and hospital staff.



West Seattle shooting survivor Thyda Luellen Phan, center, gets help walking from her sister Pary Sok, left, and her cousin Italy Sun as she arrives at a Buddhist temple. Phan escaped her home with two bullet wounds after her 60-year-old mother went on a shooting spree, killing three relatives.

TWO TRACKS

Assign online, in-depth teams for big breaking news stories

By Mark Higgins
The Seattle Times

It's a warm August afternoon, and a young Seattle cop working downtown spots a disheveled man carrying a knife. Leaving his patrol car, the cop hurries after him, yelling for him to stop and drop the weapon. The man turns with a fixed "thousand-yard stare." In a matter of seconds, the officer fires his gun, killing the man.

"Why did you shoot him?" a woman yells to the officer.

Did the cop use poor judgment? What did he see that witnesses didn't? Who is the dead man, and why didn't he drop his knife?

When breaking news like this happens, as it did here in Seattle on Aug. 30, finding answers in the midst of a chaotic police scene will challenge any newsroom.

Picture our metro desk that day. It's probably like yours. Senior editors gravitate to the center of the news hub with questions: Who's headed to the scene? Is photo there? Have we sent a breaking news alert? Are we shooting video? Has anyone talked to Graphics? Did we tweet it?

We know that readers now expect us to report, photograph, map, blog and tweet in the moment. But they also want deeper, investigative stories when big news breaks. And they want us to work this magic on the run.



Rick Williams, older brother of shooting victim John T. Williams, is overcome by emotion while discussing his brother. Trina Thornton, background, consoles him. His brother, a Native American carver, was shot by a policeman in Seattle.

The first five minutes

Here's my general rule of thumb: If you publish a breaking news alert, you'd better put two teams of reporters in place. One team will attack the story online; the other will go long, using every available database, public record and interview to write as complete a narrative as possible.

The online team will push out short bursts of information and color from the scene.

Reporters, this means you must channel your inner AP. Update often. Producers add background links, photos or photo galleries, video – whatever will enhance and layer your presentation. In those initial minutes, the online team can start small. In fact, a nimble line editor working with one or two reporters can take feeds and continually write through the story.

Does your newsroom use a breaking news blog? If not, consider its simplicity – reverse chronological coverage – with the latest news on top. Readers get it. And it can be a fast way to embed iPhone photos and bits of raw video. (We recently launched a new weather blog, and it trails only our sports blogs in traffic.)

I admit to having mixed feelings about Twitter except when it comes to breaking news. For that, it's a must. And readers expect it. Even our police and other public agencies now use it.

In late 2009, when four police officers were gunned down at a Tacoma-area coffee shop, we used Twitter extensively, winning praise from readers riveted by the ensuing 40-hour manhunt.

Late the first night, when Seattle police thought they had cornered Maurice Clemmons, the cop killer, they called our newsroom with an unusual request: Please ask your photographer to slow down his tweets. Police were girding to enter the house where Clemmons was thought to be hiding. (He wasn't.) Clemmons, it turned out, had a Twitter account, which we later heard was not in use that night.

During the initial days of the Clemmons story, we experimented with two digital storytelling tools: Google Wave, which allowed users to post and map photos, text and other content, and Dipity, a digital timeline that allowed us to aggregate photos, text and video and turn the ongoing manhunt into an easy-to-follow narrative. The Wave crashed when 500 people joined in. Dipity proved its value and is now a standard part of our toolbox.

We also use other digital communication tools to add layers, including Twitpics, Twitvid and Qik for videos, Flickr and, of course, Google maps.

Careful tweeting

One thing to keep in mind as you chase the big story: Be wary of tweets, the use of police scanner chatter, secondhand witnesses and our very own media echo chamber.

The Tucson killings illustrate the hazard of hurrying to push out news alerts and retweets. The standards of accuracy must be the same as those you use for print. Be first, yes, but more importantly, be accurate.

A horrific shooting here in Seattle in September was a test for our newsroom. An immigrant grandmother with a history of mental illness grabbed two handguns and began to stalk, shoot and kill her own family, including grandchildren, inside their West Seattle home before turning the gun on herself. It stands as one of the city's worst cases of domestic violence.

As the media converged, reporters from other media outlets tweeted and broadcast varying accounts of the shooter and the

number of victims. Confusion ensued as we tried to determine who was right. The problem was others using secondhand witness accounts, police scanner chatter and other media.

Three quick tips before I move to the second phase of covering breaking news:

- Create a shared filing system. Reporters, editors and researchers have to share and keep notes. These electronic bulletin boards are perfect for capturing phone numbers, sources, interviews, court records, contacts and more. Ask a reporter or researcher to clean them up as you work. You'll need it all for any upcoming investigation.
- Call time out. Invite reporters, photo and page one editors, designers, producers, researchers and graphic artists for a quick huddle. Ask questions. Make assignments and set deadlines. When the meeting breaks, everyone should know their role and the coverage plan.
- Sit and think for a moment. What roadblocks are we facing? What's dragging down the reporting process? What can we do tomorrow that we had struggled with today?
- Remember the story of the West Seattle grandmother? The family is Cambodian. We faced a significant language barrier and didn't understand certain cultural distinctions. We hired a bilingual college student who helped us with key interviews, including one at a Buddhist temple where family members had gathered to mourn.

In the case of Clemmons, the cop killer, we learned that he grew up in a poor Arkansas backwater. Thinking ahead, we sent a reporter there.

Scorched earth

The hardest thing is starting over. And that's what it feels like the day after a big breaking story. Editors, reporters, photographers and producers roll back in after having worked twice as long and twice as hard the previous day.

The challenge: go beyond today's headlines. It requires an investigative mindset and a willingness to scour every available public record and database. It helps to have a newsroom that won't give up on a story.

Our early reporting was instrumental in crafting a Sunday profile a week after Clemmons went berserk and killed the four officers. In fact, a good newsroom mantra for big stories is "Think Sunday."

But we didn't stop at just the Sunday profile. Over time, we continued to save dozens of shared files containing thousands of pages of prison records from two states, employment records and property records. We filed public record requests. We learned that Pierce County Jail keeps recordings of inmate phone calls. We then got hours of taped conversations between Clemmons, his wife and associates.

The investigation allowed us to break story after story tracing Clemmons' descent into madness and the horror that swept over the families of the four slain officers and our community. Our coverage was awarded the 2010 Pulitzer Prize for breaking news.

As David Boardman, our executive editor, pointed out, the reason we were able to go from a single tweet to what became a 216-page book on Clemmons ("The Other Side of Mercy: A Killer's Journey Across the American Divide"), was the mountain of compelling information we had amassed. It allowed us to tell the definitive story.

Again, the starting point for your newsroom will always be public records. Check for divorce, bankruptcies and property holdings. If a person has an extensive criminal record, check with your state's department of corrections. Ask about parole officers, attorneys or cops who may know the person or family.

If you have them, scour the popular subscription databases such as Accurant for relatives, friends and neighbors. Do you have access to other databases? For example, we have one on public employees. It was key in helping us locate the family of one of the officers murdered by Clemmons.

Often overlooked is your own news archives, as well as those maintained by other news organizations.

And ask your police, court, schools and city hall reporters to work their sources, who are often willing to help out and work their own sources in the community, sometimes in surprising ways.

If the story skips across state lines, call the closest newspaper or broadcast news outlet and strike a partnership. Be willing to trade stories. IRE members across the country are great sources.

And don't forget to plumb social media sites, and ask readers for help.

In the words of *Seattle Times* Managing Editor Suki Dardarian, don't let the steam go out of an important story.

It's not always sexy but investigative stories often mean heading back to the streets, knocking on doors and pursuing reluctant sources.

In our story of the homicidal grandmother, a reporter realized that one of her grandkids who escaped the house wouldn't accept her phone call but he did text a lot. After persistently texting him, we landed an exclusive, firsthand account of the shooting. One of our videographers was there to capture it for our website.

In our story of John T. Williams, the street person shot by police, we learned he was a chronic street inebriate, drunk the day Officer Ian Birk shot him. He also was a wood carver and member of the Nuu-chah-nulth First Nations in British Columbia.

With few public records to work with – tribal records and health care documents are beyond public disclosure – and no working telephones or fixed addresses for several family members, none of the usual tools were going to work. So a reporter and photographer retraced Williams' haunts. They sat on the park benches where he carved artwork, and at the coffee shops and seedy motels that he and family members frequented.

We learned that Williams was arrested and charged more than 100 times for a slew of misdemeanor offenses: disorderly conduct, criminal trespass, drinking in public. And he was deaf in one ear. Did Williams even hear Officer Birk's warning to drop his small carving knife?

Four seconds after Birk shouted at Williams, he opened fire. Williams died on the sidewalk, his closed knife by his side.

Birk later resigned from the force.

Mark Higgins is metro editor at The Seattle Times. He helped lead the paper's 2009 coverage of the 2009 brutal murder of four police officers. The Times was awarded the 2010 Pulitzer Prize for Breaking News Reporting and a Goldsmith Prize citation for its work.

Cliff Despeaux | The Seattle Times



A device used to flush out suspects emits a flash from its muzzle during the search for Maurice Clemmons, suspected of killing four police officers in Parkland, Wash. After two days of eluding authorities, Clemmons was shot to death by a police officer in a confrontation.



Authorities gather at a Ventura County, Calif., home where a man wearing a motorcycle helmet fatally stabbed a pregnant woman and her husband.

CONNECTING THE DOTS

Shoe leather, data analysis help Scripps Howard team identify possible serial killings

BY THOMAS HARGROVE
SCRIPPS HOWARD NEWS SERVICE

In many parts of the United States, it is statistically unlikely for killers to be caught. And those retail practitioners of the homicidal art – serial killers – often go undetected among the 6,000 unsolved murders each year.

America does a poor job tracking murder victims or finding their killers.

In many parts of the United States, it is statistically unlikely for killers to be caught. And those retail practitioners of the homicidal art – serial killers – often go undetected among the 6,000 unsolved murders each year.

And yet, Scripps Howard News Service proved it's possible for journalists and amateur detectives to spot likely victims of serial murder amid police computer files.

Editors at Scripps Howard News Service based in Washington, D.C., committed to conduct a yearlong investigation into unsolved murders. The project was inspired when bureau reporters began playing with a copy of the FBI's annual Supplementary Homicide Report (SHR) available at IRE's online database library. For years, we wondered if it was possible to identify serial murders among FBI computer files.

Officials at the FBI's Criminal Justice Information Services Division in Clarksburg, W. Va., agreed to provide complete copies of the "Return A" of the Uniform Crime Report going

back to 1965. This report gives the monthly number of homicides investigated and homicide arrests made by each police department. The FBI also agreed to give a complete copy of the SHR back to 1980, providing valuable information on victims' age, race, sex, method of killing and circumstances surrounding the murder. Demographic information on the killers, when known, is also provided.

What we found was alarming.

According to official Justice Department estimates, slightly more than 565,000 Americans were murdered from Jan. 1, 1980 through Dec. 31, 2008. But only 510,000 murders are recorded in the FBI's completely voluntary SHR program. Scripps Howard tried to close that gap through use of local Freedom of Information laws. We successfully obtained records of 15,300 unreported murders from Florida and the District of Columbia. But other departments, including the state of Illinois, refused our FOIA requests on the grounds that the information we sought does not exist or would be too laborious to assemble.

Despite our failures, we improved the SHR reporting rate from about 90 percent to 93 percent. (Go to www.scrippsnews.com/projects/serial-killers to download either SPSS or tab-delimited formats of our enhanced dataset. Cases obtained through Scripps Howard's FOIA requests are clearly labeled.)

Large differences by city

When we began to publish results in May 2010, we focused on the erratic rate at which homicides are solved. The clearance rate varies dramatically both by time and by geography.

Despite what we see on television crime dramas, homicides have become much less likely to be solved in recent years than they were in the 1960s. Back in the day, police reported making an arrest in 90 percent of their killings. More recently, clearance rates have hovered in the mid 60 percent range.

Even more dramatic are the geographic differences. In 2008, police solved only 35 percent of killings in Chicago, 22 percent in New Orleans and 21 percent in Detroit. Yet authorities reported making arrests in 75 percent of the killings in Philadelphia, 92 percent in Denver and 94 percent in San Diego.

Scripps Howard decided to study the rate of change within police departments over time, thus sidestepping Justice Department warnings against intra-department rankings because of varying procedures and crime conditions. We constructed a nine-year clearance average for homicides committed from 2000 onward, and a 10-year average for the 1990s.

The police departments with the greatest improvement in their clearance rates were: Durham, N.C., Polk County, Fla., and Santa Ana, Calif. The chiefs of police or sheriff in each jurisdiction were happy to provide interesting narratives to how they reversed dismal clearance rates into stellar performances.

"This doesn't happen in a vacuum," said Durham Police Chief Jose Lopez, where clearance rates rose from an average of 39 percent in the 1990s to 78 percent since 2000 – the biggest improvement in the nation.

Durham generally follows most of the "best practices" guidelines proposed by Justice Department studies. But the city also has developed a unique "Community Response" program to overcome reluctant witnesses in high-crime neighborhoods.



Mortuary workers and members of the coroner's office in Clark County, Nev., remove the lid of a vault as they exhume the body of an unidentified woman at Palm Mortuary in Las Vegas. The exhumation was part of a Department of Justice-funded DNA project, which tries to identify deceased people through modern DNA technology. The woman's body was found at a bus terminal in Las Vegas in 1982.

"We will canvass door-to-door to see what information we can get. If necessary, we'll get up to 100 officers knocking on doors. It's civilians, police, even elected officials who come out so we can get more witnesses – witnesses we otherwise would never have gotten. And that builds more trust throughout the neighborhoods."

Failure of leaders

Sadly, departments like Durham's are the exception.

The homicide clearance rate fell in 63 of the nation's 100 largest departments, according of the Scripps Howard study. The worst suffered more than a 30-percentage point tumble in Dayton, Ohio, and Flint, Mich. Both cities experienced severe cutbacks in sworn police officers, reductions necessitated by declining tax revenue bases in the heart of America's industrially eroding rustbelt.

"Witnesses don't want to cooperate with police," complained Flint Police Chief Alvern Lock. "If I had a magic wand, I'd ask for more money so I could hire more officers. We just need more of everything."

The conclusion we drew from the initial Scripps Howard study was that failures in homicide solution rates are ultimately a failure of political will by mayors and police chiefs. When murder is made a priority, the clearance rates improve.

The most spectacular example of that was in Philadelphia, where Mayor Michael Nutter declared a "crime emergency" in 2006 after homicide clearance rates had fallen to an anemic 56 percent. He hired former Washington, D.C., Chief Charles Ramsey as police commissioner, who established results-based oversight of homicide cases. The murder clearance rate rose to 75 percent the next year and has held at that level.

The Scripps study found that since 1980, nearly 185,000 murders went unsolved. These killings have become growing mountains of cold cases that bewilder many major police departments. "I'm sure there are serial killers in that pile," concluded Sgt. Larry Lewis of the Dallas Cold Case Homicide Unit. "But I'm trying to figure out a way to find them."

Patterns of serial killers

So can journalists use FBI computer files to identify likely serial killings?

Scripps Howard reporters decided to use well-documented cases of serial murder to test this question. Probably the worst serial killer active in the United States since 1980 was "Green River Killer" Gary Leon Ridgway, who strangled 48 young women and teenage girls in the greater Seattle area. We tagged those killings in our database and began experimenting with methods to identify them statistically.

Scripps Howard concentrated on female victims because the FBI, at the wire service's request, released information from its Violent Criminal Apprehension Program database of 60,000 homicides that showed more than 70 percent of known serial murders were of women.

The University of Missouri's Journalism School offered Scripps Howard a graduate student intern, a talented computer researcher named Elizabeth Lucas. She was quickly pulled into the project, laboriously producing more than 100 spreadsheets calculating female homicide solution rates by state, county and metropolitan areas. She documented dozens of methods that were only moderately successful in flagging the victims of Ridgway and other known serial killers.

A process dangerously close to trial-and-error produced a method that correctly flagged 32 of Ridgway's known 48 victims. Homicide victims were assembled into clusters according to their sex, age group and method of killing.

The Scripps study found that since 1980, nearly 185,000 murders went unsolved.



Valencia Mohammed, holding images of her slain sons Said (left) and Imtiaz, founded Mothers of Unsolved Murders. Imtiaz's killer was caught four years after the crime; Said's case is unsolved.



A Ventura County, Calif., sheriff's chaplain talks with a housekeeper outside the Faria Beach home where a pregnant woman and her husband were fatally stabbed.



Special Agent Michael Harrigan supervised an ongoing effort at the FBI's Violent Criminal Apprehension Program in Quantico, Va., to use computers to find serial killers among the 60,000 unsolved murders in FBI files.

Police confirmed in seven of the 10 cities that Scripps Howard's statistical method had correctly identified serial murder victims in their community.

Using SPSS, we aggregated these clusters, calculated the rate of clearance for each group, then outputted the summaries into an Excel spreadsheet.

What we got back was amazing. We found 161 clusters in which 75 percent or more of the murders of women were unsolved at the time they were reported to the FBI. We sorted according to the number of cases, and then selected 10 cities that appeared to have large numbers of unsolved murders of women of similar age who were killed through similar methods.

"Your method is fine, but it certainly underestimates the true number of serial killings," said

criminologist Jack Levin, co-director of the Brudnick Center on Violence and Conflict at Northeastern University and a nationally prominent scholar of serial and mass murder.

We spent nearly three months negotiating, cajoling and outright pleading with police in 10 major cities to review their records against the possibility that we'd found specific cases of serial murder.

Scripps Howard wrote letters to authorities, even naming names of victims when we were able to identify them from published newspaper accounts. (The SHR does not gather victim's names, but provides enough information to make solid identification fairly easy.)

"We've determined that Gary, Indiana, has an elevated number of unsolved murders of women who were strangled in recent years," we wrote to Indiana authorities. "Broadly,

we see two possible patterns. In recent years, several women have been strangled in their homes. In at least two cases, a fire was set after the women were killed. Also, starting in the 1990s, we've seen several women who were found strangled in or near abandoned buildings."

The Gary Police Department, to this day, has refused to speak to us about these cases. But the letter produced an immediate response from the Lake County, Ind., Coroner's Office.

"I remember we had three of them, all women, who were strangled," said Deputy Coroner Jackie DeChantal. "We couldn't get anyone else to say that they were connected."

The coroner ordered an investigation and added three more suspicious cases to the 14 identified by Scripps Howard.

The letters also brought an immediate response from Youngstown, Ohio, officials who conceded their investigators believed in the 1990s that they were hunting a serial killer who was never disclosed to the public.

"We thought we had a serial murderer running around. Yes, we definitely thought we had one," said homicide Capt. Rod Foley.

Foley renewed the investigation, trying to obtain DNA from aging rape kits on evidence shelves in Youngstown and neighboring departments. Both investigations in Indiana and Ohio are ongoing.

Police confirmed in seven of the 10 cities that Scripps Howard's statistical method had correctly identified serial murder victims in their community. (The SPSS syntax command file used in this study also is available online at our website.)

Scripps Howard also found that it's common for police to stay mum about suspected serial murders. Although the FBI recommends disclosure – especially if the killer has a clear pattern of preference for victims – it always defers to local police to decide whether to "go public" with serial killings. Our reporters concluded it's a wise policy for television and newspaper police reporters to regularly ask local authorities if they have active investigations into likely serial murder.

Scripps Howard has produced two online databases for this project. The first, at www.scrippsnews.com/projects/murder-mysteries, allows users to track murder solution rates in every county and at every police department. The other site, www.scrippsnews.com/projects/serial-killers, allows users to look for elevated rates of unsolved murder according to victimology. We've posted the raw SHR data at this second site.

A team of researchers from the University of Tennessee – under the supervision of computer science professor David Icové, a former member of the FBI's Behavioral Analysis Unit – asked for and was given complete copies of all datasets Scripps Howard assembled and the methods we used to identify potential serial murders. The team will seek to replicate and evaluate the methods.

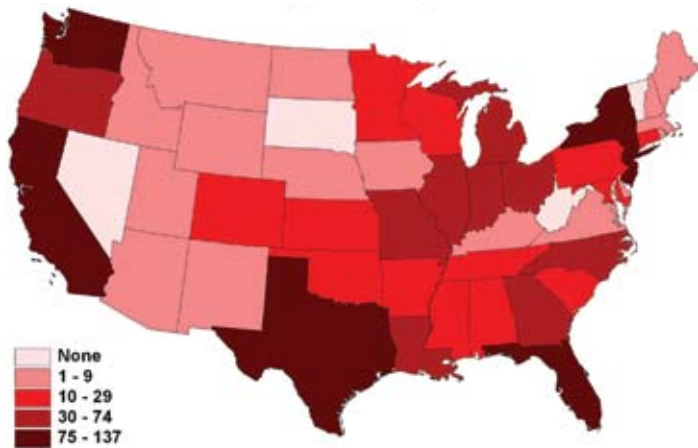
"It is a fine example of how analysis of open source information can produce significant leads in cold cases," Icové said. "We will be putting together a team to look at these data and will report back as to our results."

Reporter Thomas Hargrove is willing to answer questions about this project, the online databases or the FBI datasets. He can be reached at hargrovet@shns.com or 202-408-2703.

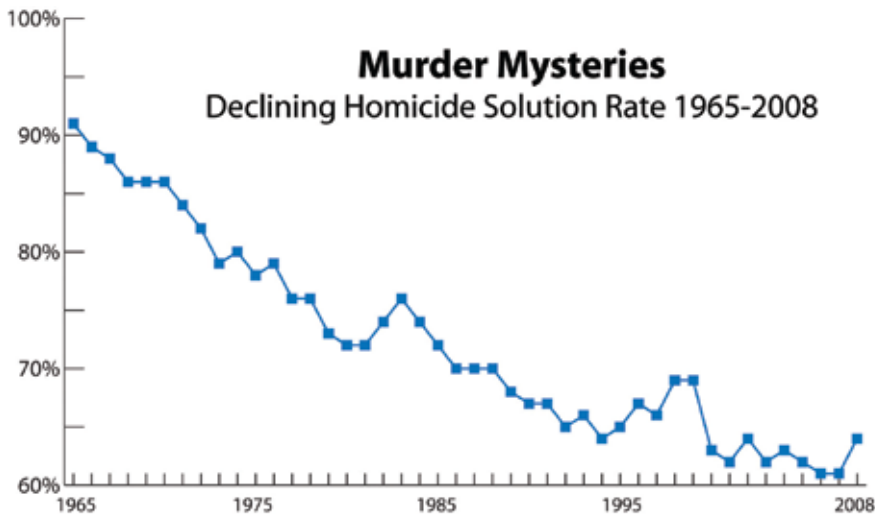


Deputy Commissioner Richard Ross, veteran Philadelphia homicide investigator and major-case supervisor, has helped increase the city's solved homicide rate to 75 percent.

Highway Serial Killings Reported by FBI



Data: FBI; Map: Wikimedia Commons
Jason Bartz/Scripps Howard News Service



What's happening?

I am a Pulitzer Prize award-winning investigative reporter.

140 Tweet

What's happening?

I am a student journalist working on my first big story.

140 Tweet

What's happening?

I am a criminal justice blogger tracking the stories others miss.

140 Tweet

What's happening?

I am a television reporter working undercover.

140 Tweet

What's happening?

I work with every medium – print, online and tv to share my stories – all from my cell phone.

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Las Vegas Metropolitan Police Sgt. Kenny Rios holds the American flag that draped the casket of fallen officer Trevor Nettleton during funeral services. Nettleton, 30, was gunned down in his garage during a robbery attempt.

TRACKING GUNS

Despite federal secrecy,
reporters use ingenuity
to link guns to dealers

BY JAMES V. GRIMALDI
THE WASHINGTON POST

Lawmakers exempted
from the Freedom of
Information Act a federal
database that traced
guns used in crimes
back to firearms dealers.

The U.S. Congress eight years ago did something it rarely had done before: It removed documents from the public record. Lawmakers exempted from the Freedom of Information Act a federal database that traced guns used in crimes back to firearms dealers. The resulting blackout curtailed what had been a steady stream of media investigations into gun stores and firearms trafficking.

Last year, *The Washington Post* set out to break this secrecy in an investigation called “The Hidden Life of Guns,” an eight-part series that examined guns in American society and how they move from store counters to street crimes.

It’s available online at www.washingtonpost.com/guns.

The *Post* succeeded in breaking that secrecy by:

- Assembling databases of more than 35,000 guns traced to crimes by mining unpublicized state databases and local police evidence logs obtained under public-record requests from Maryland, Virginia and the District of Columbia.
- Assembling the first comprehensive database of 511 police officers killed by firearms. This was done by reviewing thousands of police and court records. The *Post* also obtained 30 crime gun traces on police killings. The *Post*’s database enabled the first nationwide analysis of how guns ended up in the hands of cop killers.
- Obtaining lists of the top 12 gun dealers in the past two years who have sold the most weapons traced from Mexican crime scenes; and obtaining the list of dealers who have had the most guns traced from crime scenes nationally over the past four years.

The investigation was the brainchild of Jeff Leen, assistant managing editor-investigations. Leen had worked on several gun-related investigations in the past – a look at shootings by D.C. police published in 1998 and a multipart series on gun crime in 1999. But he decided another one was warranted after learning about the blackout on federal tracing data.

In 2009, Leen asked four of his reporters in *The Post*’s inves-

tigative unit to begin taking a look at the 2003 FOIA exemption legislation – known as the Tiahrt Amendment for its primary sponsor, Congressman Todd Tiahrt (R-Kan.) Leen believed that the secrecy hid many important stories. The *Post* series in 1999, which examined how police guns sold by the department ended up in the hands of criminals, had been based on the data.

Leen asked David Fallis to examine local gun stores that sold firearms that ended up being used in crimes; James Grimaldi to investigate the genesis of the Tiahrt Amendment and the politics of guns; Sari Horwitz to scrutinize the Bureau of Alcohol, Tobacco, Firearms and Explosives; and Cheryl W. Thompson to study firearms used to kill police officers.

The complicated series of investigations required various struggles with agencies for information. While waiting for some of the records to trickle in, the team members had various other assignments during the project. Grimaldi investigated the Washington Redskins ticket office. Thompson filled in on the White House beat. Horwitz co-wrote a book on the Chandra Levy murder.

With a basic grounding in the issue, Fallis used the old fallback for a stymied investigator. If you can't go in through the front door, try the window, or the transom, or the mailbox. With access to the federal data blocked, Fallis looked to see if there were state or local records that mirrored the federal records.

He began in early 2009 by talking to Sarah Cohen, former computer-assisted research editor for the *Post* and now a professor at Duke University. Cohen had worked on the *Post's* gun data story in 1999 and told Fallis about two state databases that would prove invaluable:

- **The Maryland Automated Firearms Services System.** The Maryland State Police keeps a database of sales of all regulated guns made by Maryland dealers going back to the 1980s. After several rounds of Maryland Public Information Act requests over the course of a year, Fallis was able to compile his own database on Maryland gun sales.
- **Virginia State Police Criminal Firearms Clearinghouse.** By law, this office receives copies of ATF trace requests made by local enforcement in Virginia. The clearinghouse maintains its own database of the requests and ATF responses, and thus some federal data ends up in state records. As in the case of the Maryland data, obtaining this database involved multiple rounds of requests, and the data itself required substantial cleaning.

Armed with this data, Fallis then tried to get gun-trace information from local police departments. In early 2009, he asked D.C. police for their ATF traces. They refused, saying the data belonged to the ATF.

Leen pushed Fallis to fight the police for the records. For months, he was unsuccessful. "When it became apparent to me that our standing was not clear on the actual trace data provided to them by the ATF, I explored other options," Fallis said.

He found luck in an unlikely place: the Prince George's County (Md.) Police Department, where the *Post* had a checkered record of success in public records battles. Surprisingly, Prince George's officials cooperated with the newspaper's Maryland Public Records Act requests, which were filed over the course of a year. The department supplied logs that item-

Tracing gun coverage

Journalists have been writing stories about crime-gun trace data for more than two decades.

One of the first requests for gun traces came in 1989 from Jim Stewart and Andy Alexander of the Cox Newspapers Washington Bureau – and it was an unusual one.

After learning the records were in an electronic format that would have been too difficult to work with, the reporters decided to ask the Bureau of Alcohol, Tobacco, Firearms and Explosives for paper records instead. They requested hard copies of every gun trace record for the previous 15 months from the ATF.

The reporters then created their own database and analyzed it. The result was a series of stories that exposed the proliferation of assault weapons at a time when police were asserting that the guns were the favored firearms of drug gangs.

Through Freedom of Information Act requests, newspapers, TV networks and nonprofit groups followed the lead and began getting the gun trace data, drawing their own conclusions.

After the 1999 Columbine High School massacre, the *Denver Post* used the database to expose a gun dealer who repeatedly sold to criminals and violent white supremacists.

In 2000, Mike Wagner, then of the *Dayton Daily News*, enlisted computer-assisted reporter David Gulliver, who FOIAed the ATF gun trace database. Together they produced a series, including a story headlined, "Ohio: Gun Runner's Paradise," that found that the state's dealers sold more than 1,000 guns used in crimes across the nation in a single year.

After the 2002 D.C. sniper case, the *Seattle Times* got the ATF records. Mike Carter, Steve Miletich and Justin Mayo examined problems at Bull's Eye, the Tacoma, Wash., gun store where the sniper's Bushmaster rifle had been purchased. At Bull's Eye, hundreds of weapons were unaccounted for. "Bull's Eye's negligent operation and the government's timid enforcement of errant gun dealers contributed to the tragedy," the *Times* said.

An academic researcher working with the ATF, Glenn L. Pierce of Northeastern University, helped the firearms bureau publish a series of reports through 2000. The memorable finding: that 1 percent of the gun stores in America supplied 57 percent of the guns traced to crimes. He determined that the number was such an anomaly that there must be something amiss, prompting an ATF crackdown on those stores.

The tough-minded coverage and ATF scrutiny of guns stores began to infuriate the gun industry and the NRA. That anger turned to fear as gun-control groups and trial lawyers mounted lawsuits against dealers and manufacturers; the industry worried the litigation could run them out of business.

Gun industry lobbyists and Congressman Todd Tiahrt (R-Kan.) told *The Post* that ending the litigation was one of the goals of his 2003 amendment making gun traces confidential.

The Tiahrt Amendment helped end the litigation against the industry. It also silenced the press: Investigative journalism about gun stores and traces soon disappeared from news pages and broadcasts.

– James V. Grimaldi



Grant Garmon, sales specialist at Bob's Guns in Norfolk, Va., fires a Glock 9mm semi-automatic pistol at the shop's shooting range.

Legal purchase was the leading source of weapons used to kill police officers. In 107 slayings, the killers acquired their firearms legally.

ized tens of thousands of firearms seized dating to the early 1990s. The data included extracts in spreadsheets that listed date, location and associated crime and, most importantly, firearm serial numbers.

By melding the databases, Fallis was able to follow firearms from sales to crimes. "I realized that I could run my own traces against the Maryland sales data," he said.

The Prince George's success inspired him to ask for the same in the District, where he found the Police's Firearms & Toolmark Examination Unit, the division that keeps and logs guns seized as evidence. Officers recorded recovered guns in a computer database.

Fallis asked for all years available in the electronic format in which they were maintained (as required under DC law). Instead, the police produced one year – in a partially illegible 47-page paper printout. With the help of an in-house *Post* attorney, Fallis's appeal to the mayor's FOIA office succeeded.

With a storehouse of gun-trace data in hand, Fallis spent a year investigating the stores that had the most traces.

Analysis showed that one gun store just across the DC-Maryland border had generated far more crime guns than any other in the region: The shop, Realco, sold more than 2,500 guns recovered by police in the past two decades – 86 of which were used in homicides and more than 300 in other shootings, assaults and robberies.

Expanding the Story

Thompson's comprehensive study of how cop killers get their guns provided the *Post* with another means of breaking the secrecy surrounding gun traces.

Thompson set out to build a database of every police officer shot to death in the past decade. Through documents and interviews, she was able to track how suspects obtained their weapons in 341 of the deaths.

To penetrate the secrecy, Thompson interviewed more than 350 police officials, prosecutors, defense attorneys, judges, gun dealers, gun buyers, suspects and survivors. In 30 cases, the newspaper obtained confidential gun traces. Those reports track guns recovered at crime scenes back to dealers and original buyers, listing a gun's model, caliber and serial number.

Thompson also filed FOI requests for documents from more than a dozen state and local law enforcement agencies around the country, including police departments in Cleveland, Detroit, Houston, Dallas and Phoenix. Also, she successfully lobbied the attorney general of Texas for a dashboard video of a fatal shooting of a police officer after initially being turned down by the city of Houston.

In a prison interview with Thompson, the killer of an Indiana state trooper described in detail how he obtained the gun he used. The interview became part of the extensive online video presentation that accompanied the series.

The stories ultimately revealed how guns got into the hands of police officers' killers and how – in a nation with more than 250 million guns in circulation – a moment of panic can have deadly consequences.

Among the findings:

- Legal purchase was the leading source of weapons used to kill police officers. In 107 slayings, the killers acquired their firearms legally.
- Stolen guns turned up in 77 deaths. Separately, guns obtained or taken from relatives or friends who legally owned them were used in 46 killings.
- More than 200 of the shooters were felons who were prohibited by federal law from possessing firearms. Many had spent time in prison for illegal handgun possession. At least 45 were on probation or parole when they killed an officer. At least four were previously convicted of murder or manslaughter.

Tracing the Guns

Among the most controversial uses of the trace data before it was cloaked in secrecy was the production of lists of those stores that had the most guns traced to crime scenes. In the late 1990s and the early 2000s, the Brady Campaign to Prevent Gun Violence and Sen. Charles Schumer (D-N.Y.) released several lists of the top 10 stores with the most traces, angering the stores and the industry.

The *Post* set out to get the data. In the end, shoe leather and hustle carried the day.

Grimaldi began by researching gun laws and Horwitz began by tapping an extensive network of law enforcement sources. Seeing that their assignments overlapped, they joined forces.

Grimaldi pulled original legislation, articles and *Congressional Quarterly* summaries, as well as books and academic papers, using Google and the Library of Congress. CQ Annuals and weeklies provided significant help. Horwitz set up interviews with two dozen current and former officials of the Bureau



In 2007, the Bureau of Alcohol, Tobacco, Firearms and Explosives revoked Charles David Scheuerman's license to run Bel Air Gun & Pawn in Fallston, Md. Soon thereafter, Scheuerman's wife incorporated Bel Air Gun Supply & Pawn and won her own license to run the shop.

of Alcohol, Tobacco, Firearms and Explosives; state and local officials, police chiefs and police officers; attorneys and representatives of the gun industry and gun-control organizations; the gun-industry organization, the National Shooting Sports Foundation and the National Rifle Association. They contacted dozens of academics and historians who have studied gun violence – and read the books they had written.

The reporters attended a Police Executive Research Forum in Washington, where police chiefs and mayors described their complaints about the gun laws. Many complained that the Tiahrt Amendment restricted their ability to investigate gun crimes. Some police chiefs, such as Milwaukee's, discussed how they had recruited and engaged local media to spread the word about gun problems in their communities. It was a good sign that local police would be helpful.

Horwitz flew to the annual industry cavalcade of guns known as the SHOT (Shooting, Hunting, Outdoor Trade) Show. There, she made industry connections that would prove invaluable. She also traveled to Arizona to investigate specific cases of gunrunning that had been prosecuted, developing a story line about "hormigas," or ants in Spanish, so called because they are small players among the trafficking rings.

Grimaldi traveled to Texas and investigated a local retail chain of four stores, called Carter's Country, which turned out to have two of the stores in the top 12 stores with the most guns traced from Mexican crime scenes. Carter's Country became a focus of the Mexico story. Twice, Bill Carter declined to comment. But court records and interviews fleshed out a vibrant picture of a store that had both cooperated with the ATF and supplied guns to criminals in notorious cases.

Once the lists of the top dealers with the most traces were obtained, Horwitz and Grimaldi took great pains to put the information in context, pointing out that a high number of traces did not necessarily mean that the stores were doing anything wrong or breaking the law. But a high number of traces, coupled with guns turning up at crime scenes in a short period of time, can be a red flag to federal investigators.

The day after the story ran, local media picked it up and asked Carter for a comment. At that point, he revealed that he had received a subpoena for a criminal investigation into sales of guns recovered by police in Mexico. The store's attorney, Dick DeGuerin, said that the excessive sales had been part of a sting operation. The ATF said it was not working with the store on a sting.

The final story discussed a rule designed to crack down on gun trafficking at the border that had been blocked by the White House. Four days after the story appeared, the ATF issued an emergency request for the rule, which would require dealers along the border to report multiple sales of assault rifles in a five-day period.

About three weeks after the series ended, the reporters found themselves still working on guns, but this time helping to cover the tragic shooting in Tucson, which resulted in the killing of six, including a federal judge, and the wounding of 13, including Congresswoman Gabrielle Giffords.

James V. Grimaldi, former president of IRE's Board of Directors, is on the investigative team of The Washington Post. He won the 2006 Pulitzer Prize for investigative reporting with two others for exposing the Jack Abramoff lobbying scandal.

Four days after the story appeared, the ATF issued an emergency request for the rule, which would require dealers along the border to report multiple sales of assault rifles in a five-day period.

New and expanded blogs on IRE's website 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 "Sharpen rural coverage," www.ire.org/training

By Doug Haddix, IRE training director

Plenty of watchdog stories are waiting to be told in small towns and rural areas across America, says Daniel Gilbert of *The Wall Street Journal*. "There aren't enough of us (reporters) in rural areas, so there are lots of opportunities to plow new ground," he told participants at an IRE Better Watchdog Workshop in Charleston, W. Va.

Geographic challenges, such as long distances between county courthouses, can be an obstacle but shouldn't deter journalists from doing a deep dig on an important story. Gilbert discussed several of his favorite resources for watchdogging stories in rural areas, including:

- www.Footnoted.com, for leads on juicy items buried in corporate filings with the Securities and Exchange Commission.
- Government Accountability Office reports, which can offer a blueprint for an investigation.
- Accident and safety data maintained by the Mine Safety Health Administration.
- Wastewater discharges and other data in the Envirofacts Data Warehouse.

Howard Berkes, rural affairs correspondent for National Public Radio, encouraged reporters to explore story ideas with particular resonance in small communities: the disproportionate enlistment in the U.S. military and heavy death toll from the wars in Iraq and Afghanistan; job layoffs and plant relocations; dangerous roads; and the lack of dental and medical care.

Census data can be especially useful, he said, in spotting trends. Instead of pulling data for metropolitan areas, look at stats for non-metropolitan areas and rural counties in your coverage area or state.

Berkes also shared links to sites whose coverage of rural affairs can spark story ideas:

- The Institute for Rural Journalism at the University of Kentucky sends out The Rural Blog, an e-mail compilation of rural news.
- The Center for Rural Strategies produces The Daily Yonder for rural news and opinion.
- The Council of State Governments publishes a weekly collection of stories on rural communities and agriculture called AgClips.



Daniel Gilbert, left, of *The Wall Street Journal*, and Howard Berkes of National Public Radio

From "Don't be a stenographer and other tips from a Pulitzer Prize winner," www.ire.org/training

By Mark Horvit, IRE executive director

Nigel Jaquiss has a strong but simple message for those who cover local government: "Do not be a stenographer."

Jaquiss, a Pulitzer Prize and IRE Award winning reporter for the *Willamette Week* in Portland, offered a series of recommendations to help those who cover local government do more than simply record the business of government. He spoke to more than 80 journalists and journalism students gathered for a recent Watchdog Workshop in Eugene, Ore.

Jaquiss noted that government involves allocating three things: money, power and permission. Key things to track include:

- Who are the players, what do they want and what are they trying to get?
- Who is lobbying elected officials? To get that, review officials' calendars and correspondence.
- At meetings, pay attention to your surroundings. Who else is there, and why?
- Get to know some key sources who might not be at the top of the power chart, including chiefs of staff, lawyers, lobbyists and union bosses.

From "Ask, and often you receive," www.ire.org/training

By Doug Haddix, IRE training director

A public records request for e-mails sometimes can produce quick-turn watchdog stories with powerful results.

Take the experience of John Russell, a business reporter for *The Indianapolis Star*. Russell sharpened his investigative skills during a two-day IRE watchdog boot camp in Nashville for Gannett employees. The training was one of three IRE boot camps for employees of the newspaper chain.

Russell put his training to use covering an ethics scandal over the revolving door between Duke Energy Indiana and state regulators. After the governor fired the chairman of the Indiana Utilities Regulatory Commission, Russell and his editor filed a public records request for e-mails involved in the situation.

"The state agency fulfilled our FOIA request within two weeks, providing more than 50 pages of e-mails," Russell wrote to IRE. "What we found out was that the regulators and company officials were chummy and cozy, to say the least, and showed a very dismissive attitude about state ethics. I got the story into the paper within a few days. The impact was huge and immediate."

For full details, check out a couple of the many stories that Russell has written in recent months: "E-mail scandal topples Duke Energy's James Turner" (<http://ow.ly/3DutR>) and "Deal on \$3B Duke Energy plant comes undone" (<http://ow.ly/3Duvk>). Here is a link to the e-mails posted online by The Star: <http://ow.ly/3DuVj>

Russell has had a good ride with the coverage, which he took to a higher level with the public records request for e-mails. Added Russell: "You never know how easy it is sometimes."

From "The latest in IRE's series of bilingual border workshops," www.ire.org

By Lise Olsen, *The Houston Chronicle*

The latest in IRE's series of bilingual border workshops was a great success. Held in Laredo Nov. 12-13 in a historic hotel with a view of the Rio Grande river and the border itself, the event attracted about 50 journalists from Mexico and the United States, including about a dozen who also used the trip to cover the outbreaks of violence in Tamaulipas that led to the forced evacuation of the town of Ciudad Meir (less than an hour away).

The panels, offered in English and Spanish, covered topics including border storytelling, coverage of the drug trade, and use of documents and statistics to track military spending, environmental stories, movement of immigrants and their investments.

The Dart Center for Journalism and Trauma co-sponsored the event, organizing sessions that focused on covering violence and dealing with trauma, and funding a dinner during which participants discussed ideas and ongoing efforts to help support U.S. and Mexican journalists who continue to cover the border conflicts despite fewer resources and increased threats.

Also at the conference, attendees were briefed on a preview of ground-breaking new research by the InterAmerican Press Association's Dario Klein and Maria Idalia Gomez designed to help build a strategy to help prevent/respond to attacks on journalists and support them as well as their families.

The next two workshops are planned for 2011 in El Paso and Mexico City.

From "Newsroom training options updated," www.ire.org/training

Custom IRE training for your newsroom or university remains one of the best bargains in the industry, with immediate results: new tools, skills, websites and approaches that bolster every-day beat coverage as well as enterprise stories.

You might not realize the extent of presentations and workshops that IRE can bring to your staff, in addition to hands-on training in using spreadsheets, databases, mapping software and SPSS.

Some newsrooms opt entirely for presentations. Others want only hands-on software training. Many choose a combination of hands-on sessions plus presentations.

Here's a sampling of presentations and hands-on software training now offered by IRE for customized newsroom training: Hands-on training in spreadsheets and/or databases; Census data for any beat; Tapping into Twitter and social media; Web for watchdogs; Paper and database trails; Public records – Let the sunshine in; Quick-hit investigations; Mining data and documents on campus; Fostering a watchdog culture in the newsroom; and Storyboarding, planning and managing watchdog work.

If you're interested in further information and a price quote for your newsroom, please contact one of our training directors: Doug Haddix, doug@ire.org, 614-205-5420; or Jaimi Dowdell, jaimi@ire.org, 314-402-3281.

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 website.

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. 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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