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- 4 DISPATCHES FROM A MEMORABLE YEAR
Doug Haddix
IRE & NICAR
- 6 DEFENSELESS
An alliance of seven news organizations discovers injustices in Latin America's public defense institutions
Alejandro Fernández Sanabria
Univision
- 9 NO SMALL STORIES
Three tips for 'sustained outrage'
Eric Eyre
Charleston Gazette-Mail
- 11 THE BIDDING WAR
Data shows VA loans are on the decline in military-heavy Washington state
Kate Martin
The News Tribune
- 13 TOO MUCH DISCRETION
A review of city council discretionary spending in Delaware shows it's ripe for abuse
Christina Jedra
The News Journal
- 16 DATA-DRIVEN DISCREPANCIES
School officials boasted low suspension numbers, but documents told a different story
Alejandra Matos and Emma Brown
The Washington Post
- 18 INVESTIGATOR'S TOOLBOX
A recipe for building your own database
Sarah Ryley
The Trace
- 33 COLLECTED WISDOM
What I learned as an IRE trainer
Megan Luther
Raycom Media
- 34 FOI FILES
FOIAology: The science behind effective records letters
David Cuillier
University of Arizona School of Journalism



19 If you build it...

Why the Tampa Bay Times visualized a \$6 billion transit project using Legos
Caitlin Johnston • Tampa Bay Times

22 Fatal flight

Lack of oversight puts hot air balloon passengers at risk
John Tedesco • San Antonio Express-News

25 How safe is your ride-share?

VIN analysis turns up unresolved recalls in vehicles-for-hire
Noah Pransky, WTSP-TV • Danielle Leigh, KING5

27 The long haul

Investigation finds port truckers are in debt and enslaved
Brett Murphy • USA TODAY Network

29 The party's over

Illegal party buses defy regulations and put riders at risk
Donna McGuire and Judy Thomas • The Kansas City Star

32 IRE Resources

IRE

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Dispatches from a memorable year



BY DOUG HADDIX

My first year leading IRE has left me with unforgettable memories. Take a journey through the past year with me as I revisit snapshots of my most vivid memories as executive director.

SEOUL, South Korea — It was day three of a custom training for the Korea Broadcasting Journalist Association.

The quandary: How to explain a spreadsheet pivot table to a group of 30 journalists who spoke limited English.

“Everyone, bring your earpieces and come to the front,” I told them. The translators in the booth at the back of the room must have been puzzled. The journalists made their way to the stage, a wooden platform raised a few inches above the carpet at the front of the hotel meeting room.

Pivot tables, I explained, allow you to group data by categories and then do math on those groups. Pretend we have a salary database with information about each of you, I said.

“OK, all the men, please go to this side of the stage, and the women to the other side,” I instructed. They formed groups based on gender. “Now, we can count how many men we have and how many women. We can total all the men’s salaries and do the same for the women. We can calculate the average salary for each group.”

We repeated the exercise for journalists who lived in Seoul and those who lived in other parts of the country. They shuffled into new groups. They laughed as they took new positions.

The result? A new training exercise: the human pivot table.

INDIANAPOLIS, Indiana — I was nervous as I waited for my lunch partner: the legendary Myrta Pulliam, one of the founders of IRE. We had no official business on our agenda. This was just an opportunity for me to gain valuable perspective on the organization’s history, and for her to size up the new guy.

She didn’t disappoint. So many stories, so many laughs, so many questions about where I see IRE heading in this new political and business landscape. After an hour of friendly grilling, I told her: “I can see why you were such an effective investigative reporter. You’re relentless!”

COLUMBUS, Mississippi — IRS 990 tax returns for nonprofit organizations weren’t on the radar of reporters at The Dispatch in Columbus, Mississippi. It turned out to be love at first sight.

During a presentation about data and documents, I could feel the buzz in the small newsroom as I described how most tax-exempt organizations (except churches) file tax returns every year — and they’re public. I could almost see the light bulbs going off.

A detour from regularly scheduled training was in order. For the next 45 minutes, we downloaded IRS 990 forms for organizations in Columbus. We dissected them together and found IRE tipsheets filled with advice on how best to analyze the forms.

Even if they learned nothing else during two days of training, they discovered a powerful new tool to follow the money and shine a light on organizations that typically get little public scrutiny.

JACKSONVILLE, Florida — Planning a tribute for former IRE training director David Donald had been an emotional journey. His death in December 2016 at age 64 shocked many of us who had learned from him, savored a glass of red wine together and shared many laughs.

It was March, and hundreds of people filled a ballroom at the Computer-Assisted Reporting Conference. One by one, several of the people closest to him rose to pay homage to David as his widow, Joyce, sat in the front row. She had traveled to Jacksonville for the annual conference — not just for this moment, but to walk the halls and talk with journalists whose lives and careers had been changed by her beloved husband.

Memories and tears flowed. The spirit of the IRE community was never clearer to me than it was that evening.

PHOENIX, Arizona — The stage at the IRE Awards luncheon offers an intimidating yet awesome view.

With more than 1,650 members at the national conference in Phoenix, the luncheon provided a massive gathering place beneath elegant chandeliers. As I stood to welcome the crowd, I panned the room to try to take it all in. With so many faces, it was impossible to see everything at once.

But I could feel the energy in the room and, more importantly, the unity. We’re all in this together, and that brings comfort during the tough times.

Doug Haddix is executive director of IRE and NICAR. You may reach him at doug@ire.org, 573-882-1984 or @DougHaddix on Twitter.

Mark Walker joins IRE as training director

Mark Walker of Argus Leader Media in South Dakota joined the Investigative Reporters and Editors staff Oct. 9 as a training director.

For nearly five years, Walker worked in a variety of positions for Argus Leader Media in Sioux Falls. He most recently worked as a watchdog reporter focusing on law and order.



“Mark is the epitome of the power of putting IRE training to use for watchdog reporting,” IRE Executive Director Doug Haddix said. “Mark attended a weeklong IRE data boot camp and has participated in four national IRE conferences. He consistently has found ways to incorporate IRE training into his reporting. He’s well-positioned to train other journalists to follow his example.”

In 2016, Walker was named South Dakota Young Journalist of the Year and won the South Dakota Newspaper Association’s public service reporting award. He earned a bachelor’s degree in mass communication from Fort Valley State University in Georgia.

Walker filled a vacancy created by the departure of former IRE senior training director Megan Luther, who now works for a new national investigative team formed by Raycom Media.

Denise Malan has been promoted to the role of senior training director for IRE. She oversees all of IRE’s training programs.

“Denise and her team bring a diverse array of experiences, skills and creative ideas to IRE,” Haddix said. “Our members are fortunate to have this team in place to nurture and support watchdog work and keep our training fresh and relevant.”

IRE, Local Matters partner to spotlight watchdog reporting across the country

IRE and an innovative journalism newsletter have partnered to promote the

best local investigative reporting across the country.

IRE’s sponsorship of the Local Matters newsletter, co-founded by reporters Joey Cranney, Alexandra Glorioso and Brett Murphy when they worked together at the Naples Daily News, will expand the project’s audience to IRE’s network of more than 5,500 journalists.

“The Local Matters team is doing a tremendous service by spotlighting watchdog stories in markets large and small across the country,” IRE Executive Director Doug Haddix said. “We’re eager to help extend the reach and impact of their newsletter to our full network of journalists, educators, students and supporters.”

Local Matters launched in December 2016 and has gained more than 2,200 subscribers. The weekly newsletter curates a list of the best local watchdog and investigative reporting from more than 100 daily newspapers.

“We want to highlight those important pieces of investigative journalism that otherwise would likely have been missed,” Cranney said. “For that purpose, there is no better partner than IRE. They are perhaps the most widely admired and respected organization among the country’s local reporters and editors that go to work every day as the watchdogs for their communities.”

Sign up to get the Local Matters newsletter: bit.ly/SubscribeLocalMatters



Sponsor the next generation of investigative journalists

Our student sponsorship program is back for another year. In 2016, more than 110 people sponsored memberships for more

than 175 students.

For just \$25, donors shared the spirit of IRE — encouraging journalists to grow through training and mentorship.

We ask for your support again this year as we aim to introduce more students to IRE. Please consider sponsoring a \$25 student membership on behalf of your alma mater, college media or for an intern at your news organization. You don’t have to know a student — we can help with that.

This year, you can also make a donation to our student fund, which will send an ethnically or racially diverse student to an IRE training.

Unless you prefer to remain anonymous, your name and the institution receiving the membership will be listed on IRE’s website.

Visit bit.ly/IREStudentSponsor for more information.



Fellowships and scholarships available to attend 2018 conferences, boot camps

Interested in attending an IRE event, but don’t have the resources to get there? IRE fellowships and scholarships can help.

Every year, IRE makes funding available to allow professional journalists and students the opportunity to attend training events they would not otherwise be able to attend. Fellowships typically include a one-year IRE membership, conference or seminar registration fees and reimbursement for hotel and travel expenses.

Visit bit.ly/IREFellowships for a list of awards and deadlines for the upcoming year.

DEFENSELESS

An alliance of seven news organizations discovers injustices in Latin America's public defense institutions

Alejandro Fernández Sanabria
Univision

What is the probability that a defendant in Latin America will be convicted of a crime if he or she is represented by a public defender?

With this question in mind, the data unit at Miami-based Univision News formed a team of journalists, attorneys and students who spent four years building a database that would allow us to credibly answer this question in Costa Rica.

We chose Costa Rica as our focus because we were familiar with how the justice system works there. Compared to other Latin American countries, Costa Rica's judiciary branch makes public information abundantly available to its citizens, although that information is not organized and is hard to access. Nevertheless, the public defense system in Costa Rica is perceived as a model for other justice systems in Latin America. We wanted to know if that perception reflects reality.

We spent countless hours reading and extracting 25 variables from more than 8,000 judicial rulings stored in the digital archives of the Second Circuit Criminal Court in San José. We processed a total of 11,200 offenses.

To clean the database, we teamed up with Costa Rica's prestigious research center, the State of the Nation. We then used a statistical model called logistic regression to analyze the data.

Our research revealed that in Costa Rica, the probability that a public defender's client will be convicted at trial increases by anywhere from 12 to 26 percent (depending on the crime) when compared to defendants who have private attorneys. This is especially true when the crime is complex and difficult to investigate.

In an ideal world, using a public or private attorney should not affect the likelihood of conviction. In Costa Rica, it appears this is not the case.

Univision's findings cast doubt on the belief that a criminal defendant's economic status does not affect decisions made in imparting justice. We analyzed nine types of crime, including crimes against public faith, crimes against public authority, sex crimes, property



Róger Solórzano Chavarría, accused of fraud and other crimes, spent 16 months in jail awaiting trial in San José, Costa Rica. He claims his public attorney failed to provide him an adequate defense, forcing him to hire a private lawyer. (Sara Quesada)

crimes and crimes against the duties of public office. In those five — the majority of cases we looked at — judges were more likely to convict defendants represented by public counsel.

Defendants charged with fraud or forgery who had a government-appointed attorney had a greater risk of being convicted. In these cases — classified as crimes against public faith, which often require an expensive and complex defense — the probability of conviction increased by 26 percent for those with public defenders.

After reviewing the results, our investigative team knew we had discovered important and unprecedented news. Following further research, we were troubled to find no one else in Latin America had conducted this type of investigation. In the U.S., however, we found at least 13 high-quality studies on this subject.

Collaborating to dig deeper

We decided the Costa Rican investigation was incomplete. We needed more help to construct a solid argument that would explain to the

world the injustices Latin American judicial systems cause for the region's poor.

We decided to form alliances with Animal Político (Mexico), Plaza Pública (Guatemala), Semanario Universidad (Costa Rica), El Tiempo (Colombia), CIPER (Chile), Ojo Público (Peru) and Agência Lupa (Brazil).

For five months, Univision Data worked with these seven news organizations, posing the following question: Would you be interested in collaborating on a project that shows the world the public defense systems poor people have access to in your country?

All of them accepted. We called the final product, which was pioneering in Latin America, "Attorneys for the poor" (www.abogadosdelospobres.com). The results were dramatic.

Here's a look at what we found, broken down by the country and corresponding media organization:

1. In Peru (Ojo-publico.com), soldiers accused of human rights violations have more access to government legal aid than their

victims. We published a list of more than 40 military members accused of crimes ranging from torture to assassination who had private defense attorneys paid for by the Peruvian government. Yet, in October 2016, the administration of Peruvian President Pedro Pablo Kuczynski fired 200 public defenders and victims' advocates who provided legal aid to citizens, including victims of human rights violations.

2. In Colombia (ElTiempo.com), a small group of 153 public defenders and victims' advocates must represent 234,964 cases filed by victims of the civil war. That comes to about 1,535 cases per attorney. The National Association of Public Defenders in Colombia warns that the volume of cases public defenders must handle could worsen during the official transition to peace.

3. In Mexico (animalpolitico.com), 8,000 mostly non-Spanish-speaking indigenous defendants are imprisoned while awaiting rulings on their cases. This process often takes several years because public defenders are swamped with cases, attorneys who speak an indigenous language are in short supply, and there isn't enough time to properly work each case. The problem with the Mexican justice system is exemplified by the case of Adán Cruz Gallegos. Cruz, an indigenous Zapotec man from Oaxaca, has been in prison for seven years while waiting for courts to rule on his case. Cruz's attorneys say he was forced to sign a confession in Spanish, a language he doesn't understand. He also did not have a defense attorney who spoke his language.

4. In Guatemala (PlazaPublica.com.gt), the 15 public defender's offices that have an intercultural focus — each of them with an attorney and translator on staff — are tasked with providing the fundamental right to defense for the 40 percent of Guatemalans who describe themselves as indigenous. That's about 6.5 million people, most of them living in poverty. Having a public defense attorney who knows the local language is important to avoid what happened to Petrona Xol, a 63-year-old Q'eqchi' woman who has been imprisoned for the past 12 years for a crime she says she didn't commit. Xol never understood what was happening in the courtroom — not the charges the prosecutor's office brought against her, the witness testimony or the court's verdict. The entire trial was conducted in Spanish, a language Xol doesn't speak or understand. Xol communicates only in Q'eqchi', her native tongue, which not even her defense attorney spoke.

5. In Chile (CiperChile.cl), the public defense of thousands of people, most with limited incomes, was in the hands of a bankrupt company. In September 2016, the public agency signed another three-year contract for \$1.36 million with a new company, Asesorías Jurídicas Integrales SpA (Integral Legal Consultants), founded by the same company that had declared itself insolvent and stopped paying its attorneys



Long lines of people wait for legal aid at the Goiânia Public Defender's Office. In Brazil, more than 10,000 additional public defenders are needed to guarantee adequate help for low-income defendants. (Luiz da Luz)



Hundreds of case files are stored in the Institute of Criminal Public Defense's warehouse in Nebaj, Guatemala. Last year, this public defender's office handled 202 cases. (Simone Dalmasso)

three months earlier.

6. Finally, Brazil (lupa.news) needs 10,578 more public defenders to guarantee effective help for the entire population. Brazil has two prosecutors and two judges for every public attorney in the country. Thirty years after the country's public defense system was created, the right to free legal assistance is nearly inaccessible for society's most vulnerable citizens.

Knowledge gaps

It was impossible to conduct a statistical analysis — as we had in Costa Rica — in any of these countries. That's not because we didn't want to, but rather because the necessary data did not exist. We couldn't find a single country

whose government generated the information we needed to compare the performance of public defenders and private defense attorneys.

Peruvian journalist Fabiola Torres, from alternative media outlet Ojo Público, said during her investigation, authorities acknowledged that the indicators needed to evaluate the work of Peru's public defenders did not exist.

"After our inquiries and information requests, they informed us that they were working on creating a system to evaluate the work of public defenders," Torres said.

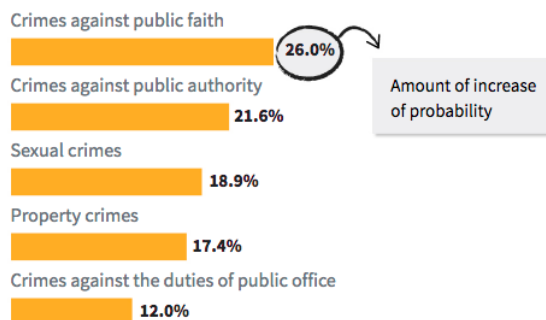
In general, the public in Latin America knows very little about its own public defense systems. One of our biggest challenges was that the media organizations that wanted to participate



Rosa Ramírez Tolentino has spent seven years collecting evidence to prove her husband, Adán Cruz Gallegos, is innocent. Cruz is in prison for allegedly kidnapping two people. According to his attorney, Cruz, who isn't fluent in Spanish, did not have an interpreter when he was arrested. (Valente Beltrán)

If the state pays the attorney, the chances of conviction increase

In five of nine types of crime – which comprise 75% of crimes in the analyzed database – the probability of conviction increases if the defense attorney is public rather than private.



SOURCE: Univision Data Analysis.

in the project didn't know how their own public defense systems worked.

Journalist Francisca Skoknic from the Chilean media CIPER acknowledged her own limits:

"In Chile, there isn't much awareness about how the system functions. I quickly realized that I didn't even know very well," Skoknic said.

This is why we believe that in Latin America, collaborative journalism is useful for more than exposing judicial injustices. It also provides something more basic: the ability to educate citizens about the existence of these fundamental services and their importance in society.

Lessons and suggestions

In practical terms, Univision left with three important lessons for these types of collaborative journalism projects:

1. All parties should be genuinely interested in participating. There is nothing wrong with turning down an invitation to collaborate if journalists don't have the time or the interest in a proposed issue. No news organization should feel committed to collaborate if it lacks the resources and capability to carry out the project. The same goes for when it is clear that the investigation is not viable given the context and institutional systems of the country. This will help prevent delays, missed deadlines and concerns from the entire project team. During

our investigation, this point was clear from the beginning and it was key to the project's success.

2. The reason to carry out a collaborative investigation should be clear and well-defined.

In our case, the initial exploration of the issue showed that the problem was evident across Latin America, and it was one that had been ignored by news media and research centers in most of the region. Collaborative work shouldn't be the primary objective, but rather the means to reach a goal.

3. The specialty of each reporter or organization involved should be appropriately utilized. It's likely that no one is more familiar with the context of the problem than the

collaborating media organization in a specific country. If that's not the case, perhaps the organization isn't the best one to work with. The project's lead editor should understand this, listen and see the situation through the eyes of the collaborating organization. Otherwise, this editor could end up forcing a thesis that does not appropriately reflect reality.

Alejandro Fernández Sanabria is a Costa Rican lawyer and data journalist based in Miami. He is a reporter on the Univision Data team and the fact-checking platform "Detector de Mentiras" at Univision Noticias. Contact him at afersanab@gmail.com

NO SMALL STORIES

Three tips for
'sustained outrage'

Eric Eyre
Charleston Gazette-Mail

Nearly 20 years ago, I was in graduate school in Florida. I had two job offers, both newspapers. One was the Charleston Gazette in West Virginia. It offered something called "sustained outrage." The other was an Arkansas daily. It offered a lifetime of chasing after Bill Clinton's extramarital affairs.

I chose sustained outrage.

So, what exactly is sustained outrage? It was the mantra of our late publisher Ned Chilton. It's about hammering away at injustices until they're righted. It's about digging for the truth. It's about inspiring action.

As the late, firebrand columnist Molly Ivins put it: "What you need is sustained outrage. There's far too much unthinking respect given to authority."

So I took the job in Charleston and found a newsroom of reporters that proved you could do big things in small places.

There was Ken Ward Jr., exposing coal companies that sheared off the tops of mountains and dumped the waste and debris in streams. There was Paul Nyden, digging into West Virginia's corrupt workers' compensation program. And there were Scott Finn and Tara Tuckwiller, the first reporters in the nation to reveal the dangers of methadone, a drug doctors were prescribing for pain.

I had my hands full from the start. I teamed up with Finn to expose a kickback scheme orchestrated by a guy nicknamed "Pork Chop" who bilked the state out of millions of dollars after floodwaters ravaged schools in southern West Virginia. For another project, we used the Freedom of Information Act to gather every bus schedule in the state, showing that thousands of children were forced to spend hours on buses getting to school. I also dug into statehouse politics, chronicling the misdeeds of a powerful lawmaker who fabricated documents as part of a cover-up to thwart my investigation.

There also were investigative series about the state buying clunker cars from well-connected party bosses and giving the junk vehicles to welfare recipients, the role of chain pharmacies in the proliferation of meth labs and, most



Eric Eyre's desk in the basement of the West Virginia state Capitol. (Kenny Kemp/Charleston Gazette-Mail)

recently, an investigation into massive shipments of prescription painkillers into West Virginia.

All the while, my colleagues and I were churning out daily stories, "feeding the beast." There's no investigative team at the Gazette-Mail (the Gazette consolidated with the Charleston Daily Mail in 2015). We don't have a data desk. We all do night cop shifts. We gripe. We scowl. We try to hide from the bosses to avoid lousy assignments gleaned from Twitter. We grimace when we pitch a blockbuster story to our editors and get this response: "Can I have that for Sunday?" No, you can't!

So what's the secret sauce? How do we juggle daily stories with in-depth projects? How can small papers like ours practice sustained outrage? It's a struggle, a damn struggle. But after 20 years as a beat reporter — 20 years of grinding it out — I've learned a few tricks.

Here are three to try:

1. Get closer to a big story through a series of small ones

This tip came from an Orange County Register reporter named Natalya Shulyakovskaya, whom I heard at an IRE workshop. If you're reading this, Natalya, thank you. By doing smaller stories over time, you build up expertise. You gather string. You find connections. You build sources. You have command of the subject.

Before I wrote the two-part series about opioid drug shipments to West Virginia last December, I wrote scores of stories about drug distributors, overdose deaths, prescription drugs, rogue pain clinics, "pill mill" pharmacies and doctors who over-prescribed painkillers. I attended task force meetings, court hearings, filed FOIA after FOIA for sensitive reports, scrutinized overdose data, got to know state troopers and health statisticians and the guy who runs the state database that tracks prescription drugs. One story led to another.

I started writing on the subject four years ago.



The newsroom of the Charleston Gazette-Mail, where the goal is to practice “sustained outrage.” (Kenny Kemp/Charleston Gazette-Mail)

Yes, four years of legwork. I cover the statehouse: state government agencies, the legislature and statewide elected officials. In July 2013, I received a tip that drug wholesaler Cardinal Health was paying for the newly elected attorney general’s inaugural party. The head of his transition team represented Cardinal Health. And his wife, I would find out, lobbied for Cardinal Health in Washington, D.C., earning more than \$1 million for her K Street firm. Why did this matter? The previous attorney general — the one who lost the election — had filed a lawsuit against Cardinal Health a year earlier. Now, the new attorney general, who also received campaign contributions from Cardinal Health executives, was overseeing the case. The attorney general insisted he had recused himself from the lawsuit, but FOIAs turned up letters showing he had met privately with Cardinal Health lawyers about the lawsuit, and court documents and emails revealed he was giving staff “specific instructions” about the case.

Those stories built a foundation. The work culminated with the release of Drug Enforcement Administration data that showed drug wholesalers had shipped 780 million doses of powerful — and potentially lethal — painkillers to the state over six years. The attorney general released the drug data in response to our FOIA request three weeks before he won reelection in a heated race last year.

Court records that the newspaper successfully lobbied to be unsealed led us to request the DEA data. I wrote daily stories about our court battle, covering hearings and various filings. The smaller stories kept nagging editors at bay. I inched closer to the bigger story.

2. The “What I Need / What I Found List” aka “The Big List”

If you came to my office in the basement of

the state Capitol and saw the mess that is my desk, you would be right to ask, “Who is this guy to tell me how to keep an investigative project organized while cranking out daily copy?” And you would be right. But the key to my organizational method is its simplicity. I call it the “Big List,” and it’s a list that’s divided into two sections: major findings to date and things that need to be done.

Now, you can get all fancy and put this into a spreadsheet. Or you can go low-tech and just put it in Notepad like I do. In the top section — I label it “Key findings so far” — I write statements culled from data and records. Here’s an example from the pill shipment series: “Southern WV counties received a disproportionate number of pills.” It’s a simple statement.

To maintain focus, I summarize the story in seven words or less (a tip I learned at the Poynter Institute years ago). I constantly tinker with the seven-word summary as I collect more “key findings.” I also use this list to keep track of what I call “killer quotes”: five or six of the best quotes you’ve collected.

The beauty of this list is that it becomes an automatic outline of sorts. I’m not a big fan of outlines. They lost me in middle school with V and VII and XII. But by jotting down key findings — and you can shuffle them from most to least important — you wind up with an outline. The story almost writes itself. No worries about sitting down after months of work and forgetting the most important stuff. You can write with authority.

Let’s turn to the second section, the “What I Need List.” This is where you put your to-do list. Reports and research papers to read. Data to collect. FOIAs to file. People to interview. Dates and times of interviews. Spreadsheets to analyze. Laws and regulations to review. Things

to double and triple check. Files to back up. Court documents to request. Sources to call. Smaller stories to work on before publishing the larger piece.

Here’s an example from the drug series: “Get complaint filed against Larry’s Drive-In Pharmacy.” Put questions here, too. As time passes, you cross these off or move your answers/findings to the top section.

3. Carve out project time each day

During the meat of the day when you’re reporting and writing daily stories and answering calls and emails from editors, it’s next to impossible to make any progress on your investigative project. So shut down project work during those peak hours.

Set aside time early in the morning or evening (after final deadline) to work exclusively on your project. This is the time to write and file FOIAs, analyze spreadsheets (telling an editor you’re analyzing a spreadsheet in the middle of the day is a sure way to draw an extra assignment), review and update your “findings” list and add to your “what I need list.”

Also — and I know this won’t go over well with many reporters and especially editors — shut off your cell phone. During this hour or two of project time, I try to eliminate as many distractions as possible. I strongly suggest putting your phone away while you’re writing and editing an enterprise story. Emails and texts disrupt momentum, or what social scientists who study these kinds of things call “flow.” You don’t want to kill flow.

So, three tips for tackling a big story in a small newsroom — and maybe a big newsroom, too. You see, it doesn’t matter if you work at a weekly paper or a daily with 37,000 circulation like ours or a national publication. You can do work that has impact.

At the Charleston Gazette-Mail, we’re busy covering our community, writing stories that need to be told. Big projects are just gravy. Like most reporters at small news outlets, we toil in the trenches, scrapping with city councils, school boards and county commissions that want to pull the wool over the public’s eyes. Our work is more valuable now than ever. We aim to keep sustained outrage alive.

Eric Eyre is a statehouse reporter for the Charleston (W.Va.) Gazette-Mail. He joined the newspaper in 1998. At the Gazette-Mail, he has also covered education, health and business. Eyre’s work has won several national awards, including the Investigative Reporters & Editors Medal. In 2017, his series on prescription opioid shipments to West Virginia was awarded the Pulitzer Prize for investigative reporting.

THE BIDDING WAR

Data shows VA loans are on the decline in military-heavy Washington state

Kate Martin
The News Tribune

A Facebook post from a local real estate agent caught my eye in March: “Trying to write a blog post about why seller’s agents in Tacoma are advising their sellers not to accept VA offers in multiple offer situations.”

The ensuing thread included story after story of real estate agents whose veteran and active duty service member home buyers continually met resistance from sellers who refused to accept VA offers. Many seller’s agents have been working in real estate for years, sometimes decades. One bad experience with a VA loan — whether it’s delays in getting approvals or appraisals — can set the agent against them for their entire career. Anyone they mentor might take up the same bias against VA loans.

If your news outlet’s coverage area includes a military base, you should consider pursuing this story.

The housing market in Washington state’s Puget Sound is soaring, with home prices in King County increasing by 59 percent since 2013 (no, that’s not a typo). For years in Seattle, sellers have had their pick of multiple offers on their homes. Now that the region’s population is booming — due in part to Seattle’s growing tech sector — it’s common to have multiple buyers vying for a Tacoma home.

Only one family can buy a home, and data shows that those on the losing end are more often military buyers using a benefit they earned when they served their country: a home loan from the Department of Veterans Affairs.

More than one in 10 home buyers have used a VA loan to buy a house this year in Washington, but in Pierce County that rate jumps to nearly one in five. In Thurston County to the south, it’s more than one in four, according to years of home sale data from the Northwest Multiple Listing Service. Military buyers are more common here because Pierce County is home to Joint Base Lewis-McChord. Other military installations are spread throughout the state.

My sources said they could afford more house for less money if they bought a home with a VA loan. The loan does not require



Buying a home with a loan from the Department of Veterans Affairs proved to be an unnecessarily exasperating experience for veteran Nathan Kent Harber. He believes some agents advise clients not to sell to customers using VA loans because of perceived hassles. (Drew Perine/The News Tribune)

a down payment. The buyer doesn’t pay for private mortgage insurance because the VA guarantees the loan. And the interest-rate savings are enough to save around \$50 to \$100 per month on a \$300,000 home loan, according to one mortgage specialist.

From the emails I’ve received, VA buyers are having trouble in hot housing markets across the country. Here’s how you can investigate this issue in your community.

Get real estate agents to help you find buyers and sellers

A buyer’s agent will be able to guide you to clients who have had trouble buying a home. These veterans and service members want to share their stories. Military members have used this benefit since 1944 and they have a right to use it. The buyers I spoke with felt frustrated and discriminated against. They didn’t understand why their offer, even if it was the

highest offer, was rejected. Sometimes sellers tell VA buyers to use conventional financing if they want to win the bid. Doing so will cost thousands of dollars more during the life of the loan.

Seller’s agents who admit to advising clients not to accept a VA loan are going to be tough to find. Ask them why they tell their clients to avoid VA loans. Ask them what veterans and service members can do to improve their odds of winning a bidding war for a house.

Ask a Multiple Listing Service branch for data

The Multiple Listing Service is a private service dedicated to sharing information about the real estate market. I asked our local MLS branch — called the Northwest Multiple Listing Service — for a download of their database since 2011. I received an Excel file with more than 487,000 entries, each representing an



The housing market in Washington state's Puget Sound is soaring, with home prices in Seattle's King County increasing by 59 percent since 2013. (Joe Mabel/ CC BY-SA 3.0)

individual home sale throughout the NWMLS coverage area in Washington state. Each entry included the sale date, price, financing type, county and city of sale. In short, this was the mother lode and exactly what I needed to prove VA buyers were buying fewer homes as the market soared.

Try to find the people at the MLS who work with this data and ask for the information nicely. I spoke with a man who oversees the data department. Be very specific about what you want. If you can speak data, use their language. Ask for several years' worth of data on individual home sales, by sale date, financing instrument, city and county.

The person I spoke with seemed excited I would use MLS data for our story. If there is any reticence on the gatekeeper's part, offer to talk with him or her about your data analysis before publication. Ask them questions about the data: Are there inconsistencies? Is there anything missing from the data set? Is there something we should be careful of?

Talk over any potential problems in the numbers. In my case, several years of "for sale by owner" sales were not included in my data set, but these were a small fraction of total sales. I talked to the data person at NWMLS about this and we agreed it would not affect the overall analysis I planned.

If they won't give you access to the raw data, see if they will calculate some information for you. I've found our local MLS helpful in my

reporting on other stories.

Analyze the data

From the database date field, I created a year column to better analyze the trends in VA sales. In Microsoft Access, I calculated a number of other statistics and performed data integrity checks (to see if city names were consistent, for example). I found that each year, the number of homes sold increased, but the share of those homes bought with VA financing dropped.

Talk to mortgage brokers who are familiar with VA loans

Not all mortgage brokers understand VA loans. They're complex instruments with different rules than conventional financing. Some brokers deal with more VA loans than others. I would avoid the national chains (Navy Federal, USAA) in favor of local mortgage brokers. Smaller firms are more likely to give better quotes and advice for VA buyers. They can speak to their own frustration with real estate agents who steer sellers away from VA financing.

"No agent wants to say they are discriminating against a VA offer, but that's potentially what's happening," local lender Brooke Villano, a branch manager at Veterans Lending Group, told me. "Choosing a conventional offer over a VA offer is not considered discrimination."

Unlike other forms of housing discrimination — by race, national origin or disability, for instance — sellers can disqualify an offer from a VA buyer

simply because of their method of financing, Villano said.

Dig into the myths and realities of VA loans so you can provide advice for VA buyers

Talk with the VA about the problems local homebuyers experience. Ask the people who work for the VA — some of whom are veterans themselves — if they have ever bought a home with a VA loan. The VA has made changes in how the appraisal process works for VA buyers. In the Puget Sound region, it used to take several weeks to secure an appraisal. Those wait times have dropped this year as the VA increased appraiser pay.

When you speak with seller's agents, ask them why VA loans are considered less attractive than conventional loans. You'll hear a lot of different reasons, not all of them true. Ask the lenders and the VA about those problems. It will take a while to sort out, but in the end, you'll have valuable information for your audience.

Kate Martin is the business watchdog reporter for The News Tribune. Her passion for data and open records has led her to document the city wanted to keep hidden and to report on Tacoma's use of mass cell phone surveillance equipment. Her work has led to the creation of three state laws and the resignation of three elected officials. @KateReports

TOO MUCH DISCRETION

A review of city council discretionary spending in Delaware shows it's ripe for abuse

Christina Jedra
The News Journal

A city councilman in Wilmington, Delaware, created a public spectacle earlier this year. He claimed he was allotted less discretionary funding — money intended for scholarships and handouts to nonprofits — than his colleagues. He made impassioned speeches in council meetings and on Facebook Live, and in May he even filed a legal complaint against the council for denying him money.

The councilman eventually got his funding, but the events got me wondering: What exactly is the discretionary fund? How is money divvied up? What have council members spent it on in the past? And what controls are in place to ensure it's used as intended?

What I learned is that council members quietly dole out hundreds of thousands of dollars a year through a fund that essentially allows them to give money to any nonprofit they want — all with little transparency or oversight.

While the rules and limits on discretionary funds vary by government, my reporting process could be repeated anywhere.

Exploring the data

I started with a Freedom of Information Act request for four years of the council's discretionary spending data. This amounted to digital spreadsheets broken down by fiscal year with grantors, recipients and the amount of money they received. The data captured four years of the last council administration and the first few months of a new one.

When I got the Excel files a few weeks later, I expected to see \$10,000 per council member per year. The council president told me all members got that much. But there were annual allotments I wasn't anticipating, all controlled by the president: \$51,000 in presidential discretionary funds; \$26,000 for festivals, ads and tickets to community events; and a whopping \$250,000 in grants on behalf of the council as a whole.

This hadn't come up in the budget process



Reporter Christina Jedra confronts Wilmington City Council President Hanifa Shabazz (pictured center, in black) on camera after a public meeting to get answers about a \$40,000 grant to the previous council president. (William Bretzger/The News Journal)

because, unlike other city departments, the city council isn't required to have a public budget hearing.

I noticed one nonprofit had received by far the most money. Education Voices, Inc. received nearly \$600,000 over the four years that Theo Gregory was council president.

A quick Google search showed that Gregory was the founder of Education Voices. I knew I had a story.

Using FOIA, I requested additional documents — grant request letters and budget appropriations forms signed by council members — for the grants to Education Voices as well as other expenditures that raised an eyebrow, such as money to churches, for-profit companies and VIP events. Those records explained in greater detail what the funds were intended for and included contact information for the recipients.

But I knew I was more likely to enact change if I could prove the system was ineffective, rather than just pointing out individual appearances of impropriety.

Scrutinizing internal controls

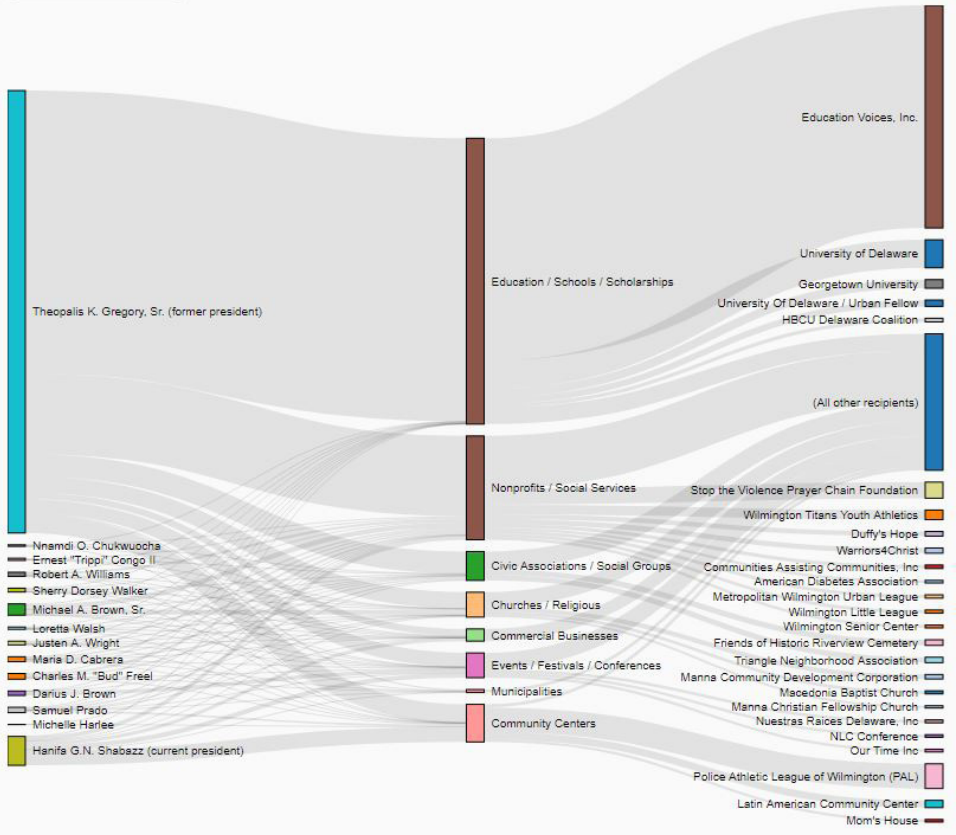
I needed to talk to council staff. It took multiple emails and repeated visits to the council office before the chief of staff and financial officer would sit down with me. But when they did, it provided the backbone of my story.

I learned that, unlike elsewhere in Delaware, the Wilmington City Council does not limit how much money an organization can receive through the discretionary fund. This allowed the council president to give \$150,000 or more per year to his pet project. I called a nearby county government for comparison. That county capped spending for any one group at \$2,500 and voted on any grants over \$150 in a public meeting.

In Wilmington, council members don't vote on grant spending. In fact, they are not obligated to share grant information with the public or even with each other. Several council members said they weren't aware of the heft and length of the financial support granted to Education Voices, which was

See how council members have spent their discretionary funds in fiscal years 2014-2017.

Explore the data



Under former City Council President Theo Gregory, council members were given \$10,000 each, \$8,000 of which was earmarked for scholarships. Hanifa Shabazz, the council's new president, lowered the required scholarship allotment to \$6,000.

given on their behalf.

Council staff told me there were guidelines outlining appropriate uses for the discretionary fund. Money could not be spent on campaigning, religious purposes or organizations with which a member has a "connection."

But when I asked about how these rules were enforced, I discovered several significant weaknesses.

The president could halt a grant he or she thought was problematic, but there was no such check on the president. Records showed that for each grant Gregory gave to the nonprofit he started, he signed a form certifying that there was "no known conflict of interest." That detail demonstrated to me that the rules were only as meaningful as their enforcement.

The council's chief finance officer told me she wouldn't challenge a decision by the president.

"If it was something that was questionable, I mean, he is the president," she said.

The council's chief of staff told me any potential problems would be caught by the city auditor's office, which he said reviewed

all grants over \$5,000.

The auditor told me that wasn't true. The office didn't audit grants on a regular basis — the last time was in 2015 — and she had no immediate plans to do it again. The 2015 audit, she said, only looked at internal controls and did not track dollars spent.

I had a copy of that audit on file because I had FOIAed for all recent audits when I first took over the city beat months earlier. I would recommend doing this. It proved very useful, and already having the document allowed me to maintain the pace of my reporting.

The audit studied 38 grants, including those given to Education Voices, and found that all of them failed to provide mandatory reports to the city auditor about how they used grant funding.

The audit was a helpful reporting tool because it showed the council had been warned that its system wasn't working, yet it hadn't made any changes.

Seeking an expert voice, I thought the Wilmington Ethics Commission could be a resource. The volunteer members, appointed by the mayor, are tasked with investigating complaints and issuing opinions on ethical

RECORDS USED

- Four years of discretionary fund spending data
- Grant request letters from nonprofits
- Budget appropriations forms signed by council members
- Nonprofit IRS 990s (these showed that a nonprofit relied entirely on government money for its survival)
- Reports filed by grantees about how they spent money
- A city audit of the discretionary fund
- Policy memos outlining spending guidelines
- Newspaper archives

matters. But when I asked the city who the members were, I learned the group hadn't met in two years. I pulled together a daily story on the ethics commission's dissolution so that, in my investigation, I could say the body charged with reviewing spending conflicts was defunct.

When the story came out, residents were furious. Most had never heard of the discretionary fund and were astonished that hundreds of thousands of taxpayer dollars were spent without any public notice. In online comments and letters, residents demanded more oversight and transparency. A city councilman said he would introduce legislation that would require grant spending proposals to be presented to the council finance committee.

Relentlessly following up

I wasn't done reporting.

One grant that drew my attention was a \$40,000 handout from the new city council president, Hanifa Shabazz, to a local community center. It was one of her first expenditures from the fund — requested within 24 hours of her taking office, records showed — and larger than most grants in the past four years. When I got the grant proposal document through FOIA, I saw the money was being funneled through the community center to support a nonprofit, Student Disabilities Advocate. Its executive director was a familiar character: Shabazz's predecessor, Theo Gregory.

The grant proposal included a budget, which listed an unnamed program manager who would make a \$20,000 salary. I knew in



In Wilmington, city council presidents have wide discretion to spend over \$300,000 annually. Theo Gregory (right) used it to fund a nonprofit he started. Once he left office, his successor Hanifa Shabazz (left) used it to give Gregory's new nonprofit a \$40,000 grant. (Kyle Grantham/The News Journal)

my gut that program manager was Gregory.

When I asked Shabazz if that salary was for Gregory, she said she was “not sure.” I didn’t have time to identify the program manager before my deadline, so I published her non-response and kept asking questions.

I followed up with an email to the council’s finance officer. She referred me to the council’s public information officer. He deflected my question and then stopped answering my messages. For two weeks, council staff ignored my calls, emails and even an in-person visit. The council chief of staff told me I was becoming “disruptive to departmental operations.” I think they assumed I would go away.

They were wrong.

I knew the council president would be attending a town hall meeting. I sat through the event and approached her immediately afterwards, this time with a videographer. As soon as she realized I was going to ask about the grant, she moved toward the exit. We were not going to let her off the hook. With the camera rolling and her communications director playing bodyguard, I repeatedly asked her about the grant, even following her



Wilmington City Council President Hanifa Shabazz awarded a \$40,000 grant to a program led by her predecessor, Theo Gregory. (William Bretzger/The News Journal)

into the elevator: “How do you give \$20,000 to someone and not know who it is?” She

repeatedly said: “I don’t know.” At that point, after two weeks of questions, it seemed highly unlikely she didn’t know the answer.

Gregory ultimately confirmed he was the program manager who received thousands of taxpayer dollars in salary immediately after leaving office. Readers were livid to learn this and to see Shabazz’s evasion of my questions. Some called for Shabazz’s resignation and said the fund should be eliminated. Dozens of commenters demanded a state audit of the fund. Shabazz initially stood by the grant, but ultimately bowed to mounting public pressure. In August, she requested a state audit and said the council would start posting discretionary spending on the city website.

I’d say being “disruptive to departmental operations” paid off.

Christina Jedra is a watchdog reporter covering city government for The News Journal in Wilmington, Delaware. The New Jersey native previously worked for The (Annapolis) Capital, and her reporting has been published by The Baltimore Sun, The Boston Globe and USA TODAY.

DATA-DRIVEN DISCREPANCIES

School officials boasted low suspension numbers, but documents told a different story

Alejandra Matos and Emma Brown
The Washington Post

Harsh discipline has fallen out of fashion in education circles in recent years, thanks to tales of preschoolers sent home for acting like preschoolers, research showing students suspended from school are more likely to drop out or go to jail, and the Obama administration's push for reform.

But as more and more districts declare that they will not suspend their youngest students — or any students at all — schools are expected to turn on a dime and make sweeping changes to prevent and deal with disciplinary problems, often without much in the way of additional resources.

We wondered how schools were managing such a rapid shift. In the District of Columbia, public school leaders boasted an impressive 40 percent drop in the number of suspensions, from 11,078 in 2013-14 to 6,695 two years later.

The district attributed the drop to a culture change inside schools. But at the end of the 2015-16 school year, a source came forward with information that raised questions about whether the big drop in suspensions was real.

Our source's information helped us craft a public records request to assess whether official suspension records matched actual suspensions — without running afoul of student privacy laws, a common obstacle in K-12 education reporting.

Our findings showed how officials can, wittingly or not, use data to tell a story that isn't true — a real problem in education reform, where so many advocates and school district leaders claim to be "data-driven."

A tip from a teacher

We spent months working on this story, but in dribs and drabs, toiling away at it alongside our usual beat coverage.

It started with a tip from Chris Obermeyer, a high school science teacher who was disillusioned with what he felt were administrators' efforts to hide the truth about

the number of kids who were being suspended at his school.

Every day, administrators emailed teachers a "do not admit" list naming students who were not allowed to enter the building, Obermeyer told us.

Students on those lists were effectively suspended, but Obermeyer had noticed that many of them were not marked as suspended in the school's attendance system. Suspensions are considered an excused absence; his students marked "do not admit" were showing up as absent without an excuse.

The District of Columbia has cracked down on truancy in recent years, and high school students who miss 15 days without an excuse are automatically referred to court. Misreporting a student's absence isn't just a matter of shoddy recordkeeping and misleading discipline data — it has the potential to shunt young people into the criminal justice system.

Obermeyer printed attendance records for a few students to show us his suspicions. He redacted all student names from the documents he shared to avoid violating federal student privacy laws. Without the names, we couldn't independently confirm that the students showing up on the "do not admit" lists were being wrongly tagged in the attendance system.

While it wasn't solid enough to put in the newspaper, it was plenty to persuade us we had a story.

Not long afterward, that hunch was confirmed at a hearing before the D.C. Council, where a lawyer testified that his client, who attended a different school, had been suspended without any documentation. That student had been referred to truancy court for racking up unexcused absences while she was suspended. She was told she could not return to school unless she was accompanied by a parent, and her three-day suspension turned into three weeks because her parents worked and could not make it

to the school, according to the lawyer. The prosecutor dropped the truancy charge.

We now had leads on misleading suspension data at two schools, so we kept digging.

Digging into 'do not admit' data

To get a sense of how widespread this problem was, we filed a public records request for "do not admit" or "suspension" lists sent by email at any of the city's high schools. We also asked for the attendance records for any students appearing on those lists.

To expedite the school district's response to our request, we kept it narrow, seeking data from one month in 2016 and one month in 2017. We figured this limited slice of data would help us decide if it would be worth doing a deeper investigation. Even then, four months passed before D.C. Public Schools returned emails from seven high schools containing the lists, along with the corresponding attendance records for each day. The district also provided PDFs of the e-mailed suspension lists. Though student names were redacted, it was easy to determine how many students had appeared on the list.

The district also provided a PDF of a spreadsheet that contained the date of each suspension list, the name of the school, a blank cell where a student's name would appear and how that student's attendance was recorded. The spreadsheet allowed us to see how many de facto suspensions were documented as they should have been and how many were documented in other ways, including as unexcused absences.

We knew the information released in response to our Freedom of Information Act request was incomplete.

For starters, there were 19 school days in January 2016, and the school district did not release a list from every school for each day. It was unclear whether the lists were not sent to staff on those days or whether they were not released to us. For example, Obermeyer,



our teacher source, gave us suspension lists for 15 days at his school, but district officials only released four days in response to our FOIA.

Secondly, we knew that some schools using suspension lists were not captured in our FOIA request. For example, we learned after submitting our request that Ballou High School names suspended students in internal email messages called “consequence” lists. School officials did not provide any of those emails because they searched only for “suspension” or “do not admit” lists when processing our records request.

Still, the information we received was enough to show there was a pattern of sending students home and not reporting the suspensions. Our data team converted the PDF suspension lists into workable Excel spreadsheets. We used pivot tables to analyze how schools were recording the suspensions.

Documenting undocumented suspensions

What we found was astonishing: The documents showed at least seven of the city’s 18 public high schools had kicked kids out of class without recording them as suspended. In January 2016, students spent a total of 406 days in suspension. Only 15 percent of those were officially recorded, the data showed.

Many of the students barred from school were marked as “present” on official attendance records, while others had been marked as attending an “in-school activity” or absent without an excuse.

But the data were just numbers. We needed real people. Youth advocates and lawyers helped

connect us to parents who had experience with schools informally suspending their children. A lawyer from the University of the District of Columbia, for example, put us in contact with Joyce Boyd, the parent of a student whose suspensions were rarely recorded correctly.

Boyd said she would get phone calls from school administrators demanding she return to the school to pick up her daughter because she misbehaved and was suspended. When Boyd asked for paperwork detailing the suspensions, she said she was told, “we don’t do that in high school.”

Her daughter was suspended at least 12 times during the 2016-17 school year, but only one suspension was officially recorded, according to a complaint Boyd’s lawyer filed with the Office of the State Superintendent of Education.

Boyd’s daughter, who did not want to be named for privacy reasons, attended Dunbar High School. Our data showed Dunbar was the high school that underreported suspensions the most. In January 2017, only 7 percent of suspensions listed in Dunbar’s daily emails to staff were recorded as suspensions in the school system’s database. The vast majority of students on the daily suspension lists were marked present or absent without an excuse.

In response to our findings, school officials said they were concerned, but that they did not believe the underreporting was systemic. They thanked us for bringing the matter to their attention, but initially did not commit to a full review of their data.

Just days before publication, a lawyer gave us

a memo she obtained in an administrative court proceeding. The document was from a district administrator to principals, warning them not to unofficially suspend students. He called the practice “inappropriate, unprofessional and fraudulent.” The memo was sent one month after our FOIA request was filed.

The day our investigation ran, new sources came forward with additional information, including documents showing that school system leaders had known about the problem of undocumented suspensions for at least seven years — and yet the problem persisted.

Antwan Wilson, head of D.C. Public Schools, has since called for an independent audit of the system’s suspension data. D.C. Council member David Grosso is planning to try to address the problem in legislation to be introduced when the council returns from its summer recess.

In the end, we still only had a limited picture of the underreporting. We couldn’t say with any confidence how much of the 40 percent decline in suspensions was due to false reporting, but it was enough to raise serious questions about the validity of the data. We hope it will also be enough to prompt action.

Alejandra Matos covered education for over four years at the Minneapolis Star Tribune and at the Washington Post as a reporting fellow in 2016. She recently joined the Houston Chronicle as a politics and government reporter in its Austin bureau.

Emma Brown was a middle school math teacher before she came to the Post in 2009. After covering education for years, she recently joined the newspaper’s new rapid-response investigative team.

A recipe for building your own database



Sarah Ryley
The Trace

Sometimes, the information you need to tell a great public interest story isn't neatly tabulated in a database. But that doesn't mean it's time to give up. Some of the most successful investigations have involved reporters making their own databases with information gathered from documents, events observed in the real world, or a multitude of sources scattered across the internet.

The Washington Post and the Guardian made their own databases of fatal police shootings because the FBI's data fell far short of reality. The New York Times created a database to examine arbitration clauses in consumer and employee contracts. When I covered the New York Police Department — which is notorious for stonewalling records requests — I worked with teams of reporters to create databases on misconduct lawsuits, police killings, the solve status of homicides and the department's use of the nuisance abatement law to shutter businesses and homes it claimed were being used illegally.

The payoff can be groundbreaking reporting. But there are many pitfalls. Here are a few tips to help you avoid them:

Make sure you actually need to create your own data. Before you embark on a big project, take time to research prior reporting and the work of advocacy groups, academics and every agency that has a hand in your topic. You might find that the database you need actually exists or that your idea has already been done.

Have a good sounding board (or two, or three, or four). Seek out experts early on in the process, and run your methodology by trusted colleagues or others in the data journalism world. Subject yourself to as much scrutiny as possible during every step of the process so you don't discover mistakes after it's too late.

Get an idea of what you can say before you invest a ton of time. Run a sample analysis — say, 50 cases — to get an idea of what a more thorough collection of data would reveal. It's also important to know the limitations of your data and what it won't reveal. Be clear about all of this with your editors.

Define your universe. Sometimes the information you want is too vast to manually enter. You'll need to narrow it down to something more manageable. It may be appropriate to use a sampling method, such as random or stratified sampling. But beware: If you sample a relatively rare occurrence, you could skew your analysis. To pare your scope, you may instead narrow to a specific time period. If your story is about holding an agency or administration accountable, have your time period cover both the current and previous administrations so you can determine if there has been any change in practices.

Take stock of your resources. Try to automate as much of the data collection as possible through tools like scraping and document extraction. If you don't have the necessary in-house staff, you could hire freelancers, partner with a university or news outlet, crowdsource or contract a company like Amazon Mechanical Turk. Ideally, at least one other person should be helping you with the data entry. In a perfect world, this would mean double-key entry, where an entry is only accepted if keyed in exactly the same way by both people. But if that's not feasible, you should develop a system of logical tests, verification and randomized spot-checking.

Decide what you want to quantify. Make a running list of questions and observations as you're doing your preliminary reporting and analysis. Find out what policymakers and experts care about. Quantifying those concerns could lead to impact.

Design your database. Now that you have your list of questions, write down the variables you need to track in order to quantify the answers. If someone else is creating the data visualizations, include that person in the process.

A few tips: Create separate columns to track each type of variable. For example, instead of creating one column where you list every term in a court settlement, you should create a separate column for each type of term.

Create a column for freeform notes and keep especially detailed notes if the source of your data isn't easily retrievable online. If your data comes from multiple sources, create a source column and, if necessary, a column for each source that needs to be checked so it's easy to spot holes.

Cost-benefit analysis. If you have limited resources, you may need to cut a few things from your wish list. Consider: If a variable takes just one minute to enter, but you're doing this for 1,000 cases, that's 17 hours of work.

Write a rulebook. Write a rulebook with the methodology for entering each variable and the possible variables for each field. The first rule: "A stitch in time saves nine." If you find yourself cutting corners, take a break. Err on the side of specificity. It's easier to duplicate and clean a column than to add more detail later. Never leave fields blank. Enter "unknown," "disputed," or "NA," as they are different things. Whenever possible, enter full dates, including birth dates instead of ages. You can set data validation parameters in Excel and Google Sheets to ensure the variables conform to certain rules, but remember that still doesn't guarantee they were entered accurately.

Bulletproof your analysis. Share your findings and methodology with colleagues, experts and officials well before publication. Don't contort your analysis to fit into a storyline. If a particular finding has too many caveats or is highly debatable, consider whether it's worth including. You wouldn't want a lot of pushback over a relatively minor figure to detract from the entire reporting effort.

Sarah Ryley is an investigative reporter at The Trace, a nonprofit news outlet dedicated to reporting on gun issues. Previously, she was an investigative reporter at the New York Daily News, where her series on the NYPD's use of nuisance abatement actions, done in partnership with ProPublica, was awarded the Pulitzer Prize for Public Service.



If you build it...

Why the Tampa Bay Times visualized a \$6 billion transit project using more than 200 Legos

Caitlin Johnston • Tampa Bay Times

I love my beat, but transportation is about as unsexy as it gets.

It's wonky. It's full of engineering jargon. And for many of our readers, it simply doesn't seem all that important. Sure, they hate sitting in a traffic jam, but that doesn't mean they want to read 60 inches on road construction that will unfold over two decades — even when that construction is one of the most controversial decisions to hit their region in years.

For the past few years, it seems all of Tampa Bay has been arguing over a \$6 billion project to add toll lanes to nearly 100 miles of the area's interstates.

The Tampa Bay Times has extensively covered the project, known as Tampa Bay Express or TBX. The reporting was important but starting to feel dry. As a beat reporter, I was struggling to come up with fresh angles. I wanted to engage an audience outside of politicians and advocates, but didn't know how.

That's where Adam Playford, the paper's data and investigations editor, came in.

Adam had been itching to do a project that involved building something tangible and then turning that into a web graphic. Other opportunities had presented themselves, but they never seemed just right.

In February 2016, I teamed up with one of the paper's investigative reporters, Anthony Cormier, to write a traditional, large-scale metro story about the TBX controversy.

Adam and Anthony talked throughout our reporting, and Adam grew more intrigued.

Then it clicked. What if we built a model of the



The Tampa Bay Times used Legos to visualize the development of Tampa Bay Express, a controversial transit project that caused confusion among politicians and residents.

toll lanes using Legos?

It would take months and a team of talented journalists from across the newsroom for us to figure out exactly what the project would look like. The story changed several times, and, as with most projects, it took much longer than

expected. But the reaction from readers was worth it. Many told us that, for the first time, they finally understood what TBX entailed.

The journalism community loved it, too. Months later, people are still asking me questions. Why Legos? Did you have any previous experience



More than 200 Legos were used in a Tampa Bay Times project to visualize Tampa Bay Express, a \$6 billion transit project that would add toll lanes to the area's interstates.

with graphics? How much reporting went into it? Here are some common questions — and my answers.

So, how did it come together?

First, it's important to know that I am not a graphics person. I'm a beat reporter with some enterprise and narrative experience. Until this project, I'd never sat in the other side of the newsroom — you know, the part reserved for data, graphics and investigative reporters. I admired those people's skills greatly, but that half of the newsroom might as well have been another world.

Anthony and I spent a couple months reporting a metro story about TBX's most controversial aspects: minorities lived in nearly 80 percent of the homes the state planned to bulldoze, the project seemed to favor residents who could afford the hefty toll fees, and there was strong and growing grass-roots opposition.

We had a controversial topic that two reporters were becoming experts on. And it was a tangible, real-life construction project that lent itself to the kind of innovative storytelling Adam was itching to do. The fact that Anthony and I had already knocked out a big chunk of reporting on the subject helped. Adam said he wouldn't have assigned the project otherwise.

But why Legos?

Legos are fun. They're nostalgic. They have a sense of whimsy. But they also have a purpose: They help us see how something is made.

The paper needed a way to help our readers see

what TBX — the most expensive public works project in the history of Tampa Bay — would actually look like.

The team had a vision to make a stop-motion animation to explain what the plan would look like every step of the way.

Legos would allow us to visualize the story for our readers in an engaging format. And it wouldn't be a gimmick. The medium matched the story we were telling: We would build the same complicated road that transportation experts were proposing.

What were you actually building?

We wanted to show readers what these toll lanes would look like and where they were located. Anthony and I relied on an 182-page document to help us understand each segment of the nearly 100-mile project.

We decided to zero in on the Howard Frankland Bridge — which connects St. Petersburg and Tampa — because of the daily headaches it caused commuters and also because, as the only bridge in the project, it was visually appealing to build.

How did you find someone who could actually build a model bridge to scale?

Months before this project was assigned, Adam wanted to bring on someone who could help the data team be more innovative. Enter Eli Zhang.

Eli had already done some unconventional, beyond-the-screen data viz. (He once used wooden panels to visualize world population growth by continent.) He wasn't the Times'

traditional candidate, but Adam liked that he had tech skills and had done cool storytelling.

Eli must have been pretty pumped to work with Legos, right?

Not exactly. A few weeks into the project, Eli admitted to the team that he had never touched Legos before. Now he swears that was part of the fun. But when three months had passed and nothing had published, it was terrifying.

How did Eli actually build the thing?

We wanted to be faithful to the dimensions of the actual road plan as much as we could, which meant we couldn't use any off-the-shelf Lego road sets. Instead, we needed to build from scratch.

Eli built a scaled prototype using 3D modeling software. Based on that, he calculated how many pieces of each type of Lego we would need. For example, to build the broken white line used to mark road lanes, we would need about 40 white plates. In total, we used over 200 Legos. It cost \$117.56 and, yes, we expensed it.

Once the Legos arrived, Eli spent hours in our photo studio shooting the bridge in stop-motion, frame by frame. There was a plan for the shooting, but the actual process had lots of fun improvisation — the cars rolling, the toll coming up and, later, the disappearance of a key official who resigned abruptly during our reporting.

We ended up buying a few dozen Micro Machine toy cars on eBay (cost: \$54.79) to help make everything feel more to scale.

The most amazing thing Eli figured out — and

then told me along the way — was this: The key to stop-motion is to build the final stage first. Then, photograph yourself taking it apart. Run the images you shot in reverse and, ta-da!

So what were you doing while Eli was building the bridge?

We were focused on learning that massive 182-page document forward and backward so we could tell readers everything they needed to know about the toll lanes. We thought we were doing a pretty good job until I got a phone call from a trusted source. We had the story wrong, they said, and so did most politicians who approved the project. While most of TBX involved adding a new toll lane to the highways, that wasn't the case with the Howard Frankland, the exact part of the project we had chosen to model. State officials planned to take an existing lane on the bridge and convert it to a toll, meaning drivers who didn't want to pay would lose a free lane.

Wait, isn't that a pretty big difference?

Absolutely. It meant Eli had to redo many of the slides he had painstakingly created. It also meant we had news to break. Anthony and I wrote several daily news stories while Eli created the new bridge.

We thought we had the project back on track. That is, until public pushback over the revelation of the real plan forced DOT to cancel the Howard Frankland part of the project. And we had to pivot again.

How long did all of this take?

By now, we were about four months in and on our third or fourth iteration of the story. It would be another two months before it published.

Six months? Why so long?

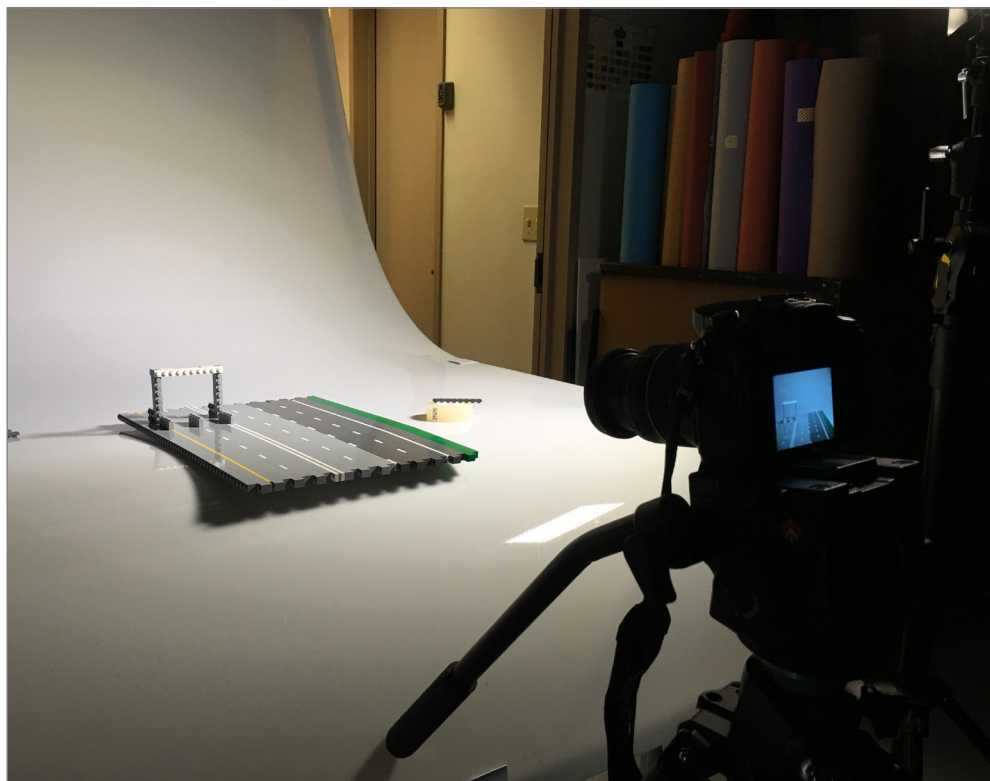
Well, we were reporting another transportation story at the same time. But also, the story kept changing. We ripped it up more than three times.

By now, we weren't just showing readers what the toll lanes would look like; we were also explaining where the confusion came from. Answering that question required the standard accountability reporting that goes into many stories: reviewing audio and minutes from four years of meetings, confronting politicians who voted on the project and hounding state transportation officials for the proper documents.

Despite the simplistic, almost childlike appearance of the graphic, it told a pretty complicated story.

How did you guys make the second half of the graphic, the one with the blue background and all the bridges?

While Eli hand-built each of the slides in the first half, colleague Martin Frobisher used buildwithchrome.com — a virtual world where you can build in Legos — for the latter half.



Eli Zhang spent hours in the Tampa Bay Times' photo studio shooting the Lego bridge in stop-motion. He created a total of 336 handcrafted frames. (Eli Zhang/Tampa Bay Times)

We needed to make sure readers understood the timeline of TBX. Most people didn't understand that the bridge plan involved several phases and multiple bridges. So, Martin built the bridges in sequence — one torn down, one to replace it and finally the finished bridge — all in the waters of virtual Tampa Bay. With some Photoshopping and smart labeling, the virtual Legos became an integral part of the story.

What was it like writing for a graphic?

The process was unlike anything I had written before. My words had to sync up with each of Eli's beautiful slides. But it became apparent very quickly that for this presentation to work, the text had to describe exactly — and only — what the reader was seeing on the screen at that moment.

Perfecting this style took time. I worked on nearly a dozen drafts with Adam and Anthony, tweaking wording and rearranging slides to make sure the reader wouldn't get lost.

But changing the story also meant changing the visuals. Eli had to readjust the images he was shooting with each big rewrite, which meant buying more Legos and going back to the studio. In the end, he made 336 handcrafted frames.

How did you all communicate without driving each other crazy?

Every change made on the writing side affected the graphic side — and vice versa. Although team members did everything they could to communicate what was changing on their

respective ends of the project, everyone still had to frequently accommodate updates, changes and limitations. We had more than five drafts in Google Docs where we put the text side-by-side with the visuals so we could grasp the flow.

What was the editing process like?

This story went through the same editing that we'd do for any other big Sunday story. Eli and I sent versions back and forth with Adam. Then the story made its way around the newsroom, including stops with the investigative team editor, Michael LaForgia at the time, and our editor at the time, Neil Brown. Their feedback made it way better and was followed by more edits and a thorough fact check. We'd also pull in trusted colleagues, sit them in front of a computer and ask them to click through. Did all the parts work together? Did it make sense? Was it easy to follow?

How did readers react?

Ultimately, this was a marriage of traditional shoe-leather reporting and innovative design. Many of our readers contacted us after the piece came out last December, saying they wished every political story was told using Legos. The fun format allowed them to visualize the issue in a way they never had before. It became more tangible.

Caitlin Johnston covers transportation and breaking news in Tampa Bay. She is a graduate of Indiana University, with her master's from the University of Maryland. She's always looking for story ideas.



Fatal flight

Lack of oversight puts hot air balloon passengers at risk

John Tedesco • San Antonio Express-News

On a foggy summer morning in July 2016, 15 passengers riding in a hot air balloon near the town of Lockhart, Texas, were enjoying the adventure of a lifetime when something went horribly wrong.

Their balloon, piloted by Alfred “Skip” Nichols, struck high-voltage transmission lines and 345,000 volts of electricity severed the balloon’s metal cables. The wicker gondola plummeted 130 feet, landed in a rural field and burned up, killing everyone on board.

It was the deadliest hot air balloon crash in U.S. history.

The tragedy drew nationwide media attention. Lockhart is about an hour away from San Antonio, and my boss, projects editor David Sheppard, asked me to dig into the safety record of the balloon industry and find out whether the Federal Aviation Administration was doing everything it could to protect the public.

“This is about accountability,” he told me.

With that goal in mind, here are the key techniques and resources I relied on for our five-month project, “Adrift,” (bit.ly/AdriftStory). The story revealed gaping holes in the FAA’s oversight of balloon pilots. We pieced together interviews and hundreds of documents to write a narrative about the missed opportunities that led up to the crash — and how those same problems still endanger passengers.

Start with FOIA

The first thing I did was craft Freedom of Information Act requests, which I assumed would take months to be fulfilled.



A view of the hot air balloon crash site where 16 people were killed in July 2016 in Texas. (Edward A. Ornelas/San Antonio Express-News)

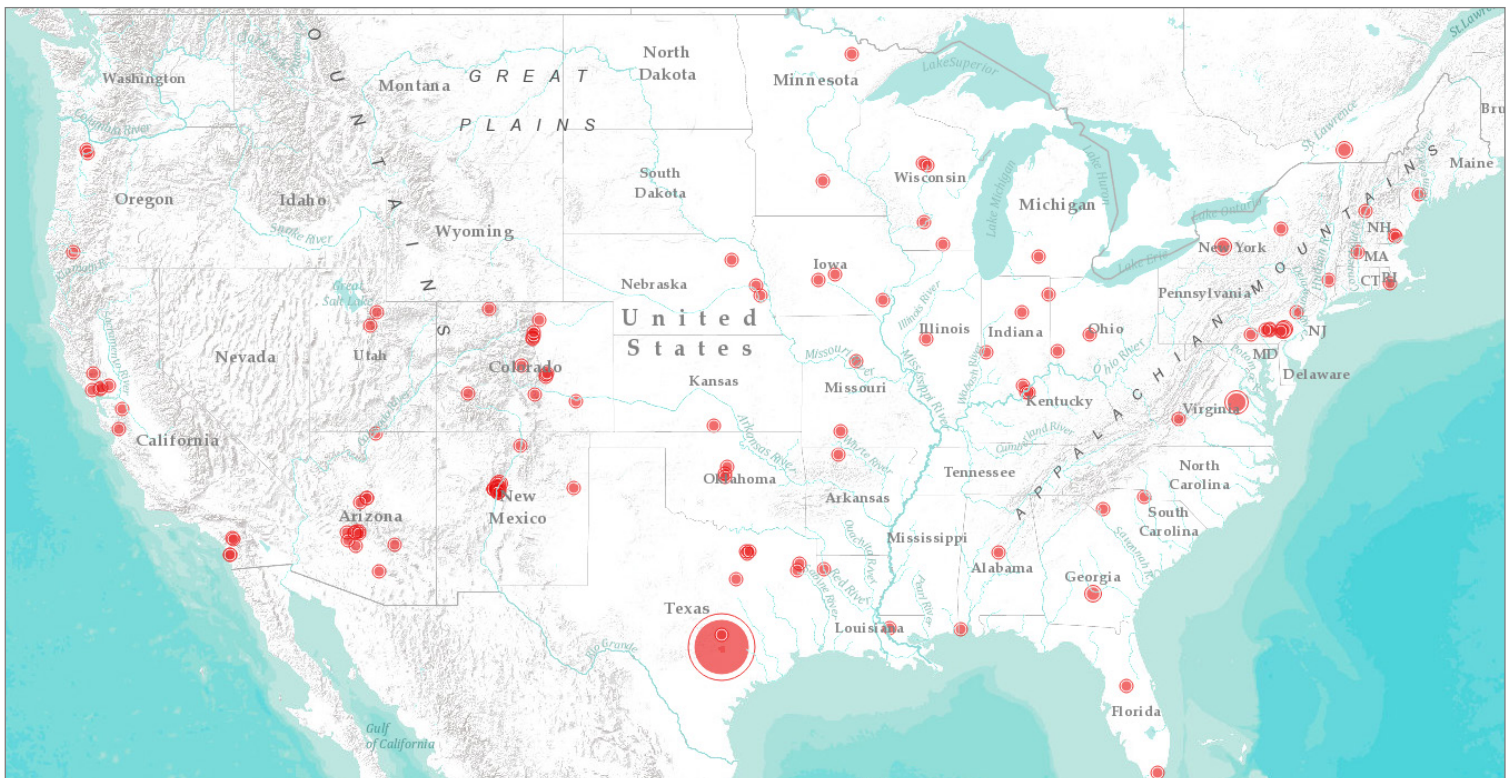
A 2016 CAR Conference session featuring Jason Leopold, now a reporter with BuzzFeed News, helped me navigate the FAA’s bureaucracy. Before the session, I knew it was important not to blindly send FOIA requests to an agency. Leopold offered some concrete ways to avoid making that mistake. (If you’re an IRE member, you can listen to all of Leopold’s tips by downloading audio from this session at bit.ly/LeopoldFOIA).

“It’s crucial for reporters to build a template

— a template that describes exactly where you want these agencies to search,” Leopold said in the session.

He recommended writing a FOIA request in a way that gives the agency a road map to locate what you’re looking for. Clearly explain in your request not only what you’re seeking, but where it’s located at the agency.

We had already learned that the National Transportation Safety Board and Wayne Phillips, an FAA safety inspector in Detroit,



In the U.S. alone, there have been more than 140 reported hot air balloon accidents since 2005. Each of the circles on this map from the San Antonio Express-News represents a balloon accident, with larger circles representing fatalities.

had previously told the FAA that commercial balloons were getting bigger and bigger, increasing the odds of a tragedy. Phillips and the NTSB recommended requiring “letters of authorization” for balloon operations that would, among other things, mandate drug testing for pilots. The FAA rejected the proposals.

I wanted to know what happened behind the scenes at the FAA when Phillips and the NTSB made their safety recommendations.

Armed with Leopold’s advice, I used Google’s site search on the FAA’s website and found a regulation — FAA Order 1220.2G — that details exactly how the agency handles safety recommendations from the NTSB. The order says the FAA’s Office of Investigation and Prevention oversees that process. The office is supposed to complete a technical evaluation of NTSB recommendations and keep a file of correspondence.

So, when I wrote one of my FOIA requests, I specifically asked for the file of correspondence and the technical evaluation kept by that FAA office when it responded to the NTSB’s recommendation. I noted those records were required under FAA Order 1220.2G. It’s difficult for an agency to say records don’t exist when you’re citing the regulation that mandates the creation of those records.

Emails are often a gold mine of candid discussions, so I also requested copies of FAA inspector Phillips’ emails regarding his proposal to improve balloon safety. I wanted to talk to Phillips, but he still worked for the FAA and was declining all media interviews.

Using NTSB resources

While I waited for the responses to my FOIA requests, I spent a lot of time on the NTSB’s website.

The NTSB is a federal agency tasked with making our transportation system safer by investigating crashes, learning from mistakes and making recommendations to agencies such as the FAA.

The agency’s website offers many useful resources like a database of aviation crashes (bit.ly/NTSB AviationAccidents), which includes cases involving hot air balloons. The raw data, which you can download, provides information such as the date and location of each crash and if people were injured or killed. You can filter by aircraft type, which lets you focus on balloons.

For the cause of the crash and narrative describing what happened, you have to click on each report. I ended up making my own spreadsheet with my own fields because I wanted to quantify how many crashes were due to pilot error and how many involved power lines — both of which were possible factors in the Lockhart crash. The only way to tell was by reading all the reports about balloon crashes.

That wasn’t such a bad thing. Going through a decade of NTSB data describing hard landings, dangerous weather and brushes with death turned out to be a good primer on what can go wrong in a hot air balloon. The very thing that makes balloons so alluring — floating on the wind — also makes them vulnerable.

You can search disciplinary decisions for pilots on the NTSB website (bit.ly/pilotdecisions). This later became useful when we learned the FAA

declined to discipline Nichols for failing to report past DWI arrests, and we wanted to look up how the FAA and NTSB handled other disciplinary cases.

Documents related to each aviation crash can be found on the agency’s online docket (bit.ly/CrashDocket). Click on the “search” tab to look up crashes by accident ID number, the nearest city or other parameters.

My final numbers showed more than half of the 140 balloon crashes since 2005 were attributed to a mistake by the pilot, and nearly one in five involved a power line.

But how do these crash figures compare to other aircrafts? Many companies that advertise balloon rides claim the industry has an excellent safety record, even better than other types of aircraft.

If you take the trouble to find the actual crash rates, however, a different story emerges.

Finding the rates

The most common way the NTSB and FAA figure out crash rates is by looking at the number of crashes per 100,000 flight hours. The NTSB used to publish crash rates for balloons in annual reports. You can find some old ones on the NTSB’s website (bit.ly/AviationStats) and at the Hunt Library at the Embry-Riddle Aeronautical Library in Florida (bit.ly/NTSBreview).

I downloaded every report I could find and plugged the crash rates into a spreadsheet. While there’s no question most flights in the United States are carried out safely, the average accident rate for balloons and other lighter-than-air craft was 15 crashes per 100,000 flight hours from



A woman stands near a makeshift memorial at the site of a hot air balloon crash that killed 16 people in Texas. (Edward A. Ornelas/San Antonio Express-News)

1993 to 2006. That's twice as high as the average crash rate for other general aviation aircraft: seven crashes per 100,000 flight hours.

What about more recent years? Since we knew the number of recent crashes thanks to the NTSB data, my colleague Luke Whyte, a data journalist at the Express-News, suggested trying to figure out our own rates using more recent flight hours. We found the flight-hour figures in spreadsheets posted on the FAA's website.

For the years 2012 through 2014, we found the crash rates for hot air balloons were still twice as high as other aircraft.

Despite these higher rates, the FAA had refused to listen to calls from Phillips and the NTSB for more rigorous oversight of the industry.

A public hearing

The ramifications of the FAA's decision became disturbingly clear at a 2016 public safety hearing in Washington convened by the NTSB. The agency holds such hearings for major crashes. The NTSB calls witnesses and opens the docket for that case to the public.

In the case of the crash near Lockhart, the agency released a treasure trove of witness statements, primary documents and toxicology reports — all available online. Among the bombshells: Nichols was on a "witches' brew" of prescription medications the day of the crash, including Valium, Prozac and oxycodone.

The records also showed that Nichols had failed to report past DWI arrests to the FAA, and that the FAA declined to discipline him.

Livestreaming makes public meetings

accessible to everyone with an internet connection, but my editor suggested I fly to Washington and cover the NTSB hearing in person to meet sources. It pays to show up. Introducing myself and explaining I was working on a long-term story about the safety record of the hot air balloon industry made it much easier to keep in touch with officials and receive leaked documents.

Redacted emails

As predicted, it took months to get a response to my FOIA request. The first batch I received was Phillips' emails about his proposal to the FAA.

At first glance, I was disappointed. Vast sections were blacked out with redactions. The FAA cited Exemption 5 under FOIA, which allows agencies to withhold "recommendations, opinions and analysis under the deliberative process privilege." Open records proponents say this exemption can be easily abused by agencies to redact anything they want.

But when I sat down to write my story, I learned even heavily redacted documents can still be useful. Unredacted snippets in the emails showed that Phillips didn't simply write his proposal and forget about it. He stuck with it and even teamed up with the NTSB to try to get the FAA to change its mind. This went on for several years. The emails helped me structure the story chronologically. While Phillips was trying to get the FAA to take a closer look at balloon pilots, Nichols was in Texas flying customers. Phillips was racing against the clock.

The lesson: Something is way better than nothing. Even if you think filing a FOIA request won't go anywhere, file it anyway. I had better luck with my request to the FAA office that handles NTSB recommendations. No documents were redacted.

All the records we obtained helped me build a long chronology of missed opportunities that led up to the deadly balloon crash. Weaving our findings into a narrative that tied everything together was a powerful way to tell a story about accountability.

After the story was published, family members of the victims thanked us for helping them make sense of the unthinkable.

"Your story — with its passion and completeness — helps us to understand and piece together how all of this became our permanent reality," one family member wrote me. "Your piece will be a narrative that will help us heal and move forward."

In October, the NTSB announced its findings. Investigators blamed the tragedy on Nichols' prescription medications and decision to fly in poor conditions — as well as the FAA for failing to require medical screenings for balloon pilots.

NTSB Board Chairman Robert Sumwalt criticized the FAA for "shirking its responsibility" to protect balloon passengers.

"They are abdicating their responsibility to provide oversight," Sumwalt said.

The FAA said it's still considering the NTSB's findings.

John Tedesco is a projects writer with the San Antonio Express-News.



How safe is your ride-share?

VIN analysis turns up unresolved recalls in vehicles-for-hire

Noah Pransky, WTSP-TV • Danielle Leigh, KING5

Uber, Lyft and other ride-sharing companies often market themselves as a safer option than taxis. Uber has even used the slogan, “Safe rides, safer cities.”

But how safe are these vehicles?

To find out, TEGNA stations, along with partners at Cars.com, collaborated to launch the first coast-to-coast recall analysis of vehicles-for-hire.

Our investigation found consumers have a 1-in-3 chance of getting into a for-hire vehicle that has not had its federally-mandated safety recall work completed.

The unaddressed recalls TEGNA uncovered ranged from benign to potentially catastrophic, including recalls for Takata airbag inflators, Toyota accelerators and various fire-related concerns. Some recalls had been issued more than five years ago.

The investigation also found virtually no oversight by local, state or federal governments. Most major cities with large taxi and ride-sharing fleets lack regulations ensuring vehicles-for-hire correct outstanding recalls.

Even in New York City, where officials said they keep a strict eye on the safety of for-hire vehicles, a spot check of 200 vehicles found 27 percent had at least one outstanding recall.

“For passengers, it’s really like playing the lottery,” said Kelsey Mays, Cars.com’s senior editor for consumer affairs. “When you’re getting into these cars, there’s a (good) chance these taxicabs might have an unfixd recall.”

The National Highway Traffic Safety Administration has taken a harder line on recalls in recent years, barring auto dealers from selling



Most major cities with large taxi and ride-sharing fleets lack regulations ensuring vehicles-for-hire correct outstanding recalls.

new cars with outstanding recalls. Rental car companies are also no longer allowed to rent a vehicle until the company complies with all safety recalls.

Meanwhile, for-hire vehicles have remained largely free from scrutiny. Uber and Lyft do not require drivers to ensure that their cars are current with recall work.

Uber declined interviews in the TEGNA investigation but issued new reminders to its throng of drivers to check their vehicles for recalls. In Seattle, the local taxi union responded similarly, telling KING5 it sent out an educational

memo to its drivers encouraging them to correct unaddressed recalls.

Additionally, Seattle city administrators and state lawmakers began looking into ways to crack down on unsafe vehicles-for-hire as a result of KING5’s findings.

Gathering and analyzing the data

Any consumer can check for an outstanding recall by inputting a car’s vehicle identification number into the National Highway Traffic Safety Administration’s online database (nhtsa.gov/recalls).



TEGNA stations, along with partners at Cars.com, collaborated to launch the first coast-to-coast recall analysis of vehicles-for-hire.

But to identify vehicles-for-hire with unresolved recalls, TEGNA first needed to obtain a list of vehicle identification numbers associated with vehicles licensed to drive passengers in each city of interest.

Because private companies aren't exactly known for voluntarily handing over internal information to investigative reporters, obtaining the VINs was a struggle.

In Seattle, Uber and Lyft took KING5 to court to block the release of a public database maintained by the city that identified licensed for-hire vehicles. The companies argued the information would compromise trade secrets and cause a "substantial and irreparable competitive disadvantage." A judge ruled in favor of KING5 and ordered the city to release a list of the roughly 45,000 vehicles operating for Uber, Lyft and taxi companies.

In other cities, the TEGNA team cobbled together VINs from a variety of sources, including public records in the few places, like New York, where all taxis and ride-sharing vehicles must register with the city.

However, in most cities, there was no central public database and journalists had to perform individual checks, one by one, of vehicles identified as Uber and Lyft cars. The team collaborated to take photographs of hundreds of license plates on vehicles identifying as Lyft or Uber, and then went online to find their corresponding VINs.

Once TEGNA obtained the VINs, the team had to run each number through the NHTSA database to search for recalls. While the process was not difficult, it required dozens of hours of manual data entry. Next, TEGNA transferred the information gathered from those searches into a massive spreadsheet that allowed the team to find trends within the data.

Keep digging

Any time you challenge private companies, you can expect pushback. Uber and Lyft are particularly private.

Our best advice when dealing with ride-sharing or cab companies is to brainstorm what public records may be available, even if they come from other cities. Think about local regulators, airport authorities, ports, the state Department of Motor Vehicles and other agencies that regularly interact with vehicles-for-hire.

Other places to find ride-share and taxi vehicles — or to find drivers to interview — include stadiums, performance halls and large entertainment districts. Many have special ride-share pickup and drop-off zones.

Uber and Lyft were also very communicative despite their decision to decline on-camera interviews, and they provided written statements regarding their positions. So, don't forget to touch base with the public relations office of any corporation you approach.

The federal government has been combating open recalls with increased vigor, which makes the subject a great opportunity for a variety of investigations that touch on public safety.

The "Hazards for Hire" series also led to other recall stories, including a WTSP-TV investigation on Tampa Bay police vehicles with unaddressed recalls. Once again, public records with VINs for police cars were the key to comparing each agency's fleet to the NHTSA database.

Related investigations have also examined outstanding recalls that go unreported during used car sales.

At the very least, you can use the NHTSA database to check the vehicles you and your employer own to ensure you aren't riding around in any risky recalls.

Noah Pransky is an investigative reporter at WTSP-TV in Tampa Bay, specializing in government and sports business watchdogging. His series on red-light camera abuses won the 2014 George Polk and duPont-Columbia awards and prompted national changes to how the industry operates.

Danielle Leigh is an investigative reporter at WABC-TV. She previously worked as a consumer investigative reporter at KING5 in Seattle. Her reports have led to changes in statewide transportation policies, massive refunds for consumers duped by unfair medical billing and changes to a federal program for low-income housing.



The long haul

Investigation finds port truckers are in debt and enslaved

Brett Murphy • USA TODAY Network

We first found modern-day indentured servants in early 2015, when the West Coast longshoremen were on the edge of a strike during contract negotiations. Imports and exports halted. Like the container ships queued up at sea, trucks waited in miles-long gridlock for entire afternoons.

While reporting on the local effects of the impasse, I walked the line and talked to the guys behind the wheel. There are thousands of truckers who literally drive the economy from dockyards to nearby warehouses.

We learned that they paid to work, many drowning in debt to the company that employs them. "I'll owe my boss money on Friday," we heard again and again. If they weren't able to deliver enough containers, they would take home nothing to their families.

That became the foundation of our investigation: Southern California port trucking companies using lease-to-own contracts to leverage debt over their workers, and the nasty things that can happen in the void of labor protections. With their houses refinanced and savings drained into their trucks, drivers have no way out.

After new state laws banned old, dirty trucks in 2008, most of the industry adopted lease-to-own contracts because drivers couldn't get their own financing for the cleaner trucks the state was requiring. Companies bought the trucks outright or leased them through third parties and started billing their drivers.

Drivers walked into work one day, and their bosses told them they'd need to sign the lease contracts if they wanted to keep working. Most



Samuel Talavera Jr. ends his 19-hour day at 1 a.m. by parking on the side of the road for a few hours of sleep. Talavera rarely sees his family because he works up to 20 hours per day, six days per week. He has taken home as little as 67 cents for the week. (Omar Ornelas/USA TODAY Network)

weren't offered time to read the fine print or given a translation (immigrants make up most of the industry). Ever since, companies have drafted hundreds from the drivers' weekly pay to cover the costs and maintenance of the trucks. All the while, they still call the drivers independent contractors instead of employees.

I told all of this to my editors at the time — Lowell Bergman's crew at the University of California, Berkeley's Investigative Reporting Program, where I was a graduate student —

and got the green light to keep digging. After I graduated in 2016, I brought the information I'd gathered to the USA TODAY Network and pitched it up the ladder to Chris Davis, the company's vice president of investigative reporting.

After more than a year of reporting and writing, we had a couple big findings:

- Trucking companies force drivers to work against their will — up to 20 hours per day — by threatening to take their trucks and keep the money drivers paid toward buying them.

Bosses create a culture of fear by firing drivers, suspending them without pay or reassigning them to the lowest-paying routes.

- To keep drivers working, managers at a few companies have physically barred them from going home. One driver testified that he was locked out of the parking lot when he tried to go home after more than a day behind the wheel.

- Many drivers thought they were paying into their truck like a mortgage. Instead, when they lost their job, they discovered they also lost their truck and everything they'd paid toward it.

- Retailers — the big importers that ultimately sell the stuff inside the containers — don't police the port trucking providers that commit these abuses. Instead, they've lobbied on behalf of trucking companies in Sacramento and Washington D.C.

We brought those nuggets to labor experts all over the country and repeatedly heard that there weren't many modern equivalents to port trucking. Instead, experts used phrases like "debt peonage," "indentured servitude," "sharecropping" and "serfdom."

Tracking the trucks

We first needed to give scope and credence to the things we learned. Just how many truckers had been caught in the net? How many companies had committed violations? And what were they really doing to drivers besides just underpaying them?

Using mountains of public records, court filings and interviews, we built a database of more than 1,100 truckers working for 140 companies. Most of the documents that detailed the abuses they'd encountered were buried at the California Labor Commissioner's Office and civil court as exhibits and hearing notes.

We tried to be as comprehensive as possible. Was the driver ever threatened? Did he ever have to bribe a dispatcher? How many hours did he work in a day? Did he get fired and lose the truck? All that information became columns of data and, later, paragraphs in the story.

For anyone else looking to cover the trucking industry in their state, I'd suggest starting with civil courts and whatever state labor agencies might regulate companies. We first pulled data on drivers' complaints filed with the labor commission. We then worked backwards by requesting any exhibits that could help us piece together each driver's narrative.

But that was only half the battle. One of the biggest challenges was access. It took months to gain the trust of drivers and their bosses. Not everyone wanted to be part of the story, and most in the industry aren't used to reporters. We had to send certified mail to several executives before hearing back.

The truckers are no less wary of outsiders. After feeling exploited by their company, they weren't exactly in a rush to place their trust in another American institution, like the media.

We went to union halls, law offices and the



Reyes Castellanos, 58, has gallstones and no health insurance because he's labeled an independent contractor instead of an employee. (Omar Ornelas/USA TODAY Network)

terminals at the ports. We gave presentations about what we were reporting. And if we couldn't do it in person, we got tapped in through social media. CB radio, once a communication mainstay for truckers, has been replaced by Facebook. Drivers take pictures and videos of everything. We cold-called and texted hundreds of guys — anything we could do to get our name out there.

The law firms and advocacy groups that represent drivers, like the Teamsters union, are the industry gatekeepers. They can introduce you to a lot of people who otherwise might not agree to meet with reporters. Much of our reporting piggybacked on the research from those groups. They can also help point you in the direction of companies you might want to add to your database.

Likewise, safety agencies, such as the state highway patrol and federal Department of Transportation, will be helpful. You might find companies with poor inspection histories also have unscrupulous business practices.

We also listened to a couple hundred hours of recorded testimony from labor commission cases. We then unpacked each case, requesting all the evidence truckers had submitted: lease contracts, truck VINs, daily ship logs with container numbers and anything else that might be useful. Truckers are diligent record keepers. (We found one memo that notified drivers they would be charged a weekly rate for the office toilet paper.) Everything went into DocumentCloud, which we then scraped and dumped into our database.

The container numbers ended up being invaluable. We cross-referenced container numbers and dates with records in Panjiva, an online clearinghouse of shipping contracts that helped us match port trucking companies with the retailers they serve. If you're thinking about reporting on the shipping or transportation

industries, I'd highly recommend Panjiva. Call the company and tell them you're a journalist. They'll likely give you a tutorial and a free account.

Next, we used each truck's unique VIN to track movements all around the harbor. After a months-long negotiation with the ports of Los Angeles and Long Beach, California, we received data on gate movements: 23 million timestamped records of each truck that came in and out of both ports from 2013 to 2016.

If you're interested in reporting on the ports in your city, I'd start first by figuring out the relationship between the public and private entities at the terminal. In most cases, the city is just a landlord, leasing the land to private terminal operators, which collect or farm out most of the data you might want. You'll need to make the case that the port authority can (or should) have access to the information you want, even if they don't normally collect it themselves. We've had more luck in some places than others.

USA TODAY reporter Brad Heath culled and analyzed the California gate movement data into clusters of on-duty hours. We identified companies where drivers testified they were forced to work past the legal limit, and then found those companies' trucks in our database. This allowed us to look for individual trucks that operated anywhere between 14 and 20 hours a day. The gate movement data became a crucial part of the reporting — something company executives couldn't easily dismiss.

Results and reform

So far, we've seen swift impact, driven by federal lawmakers who mounted a public pressure campaign after we started publishing.

In October, Democrats in Congress introduced two bills aimed at ending abuse in the port trucking industry.

Sen. Bernie Sanders called for President Donald Trump to audit the industry and issue an executive order banning port trucking companies with labor violations from receiving federal contracts. Led by Sherrod Brown, other senators campaigned 16 national retailers to root out abusive companies from their supply chain. The likes of Wal-Mart and Target were forced to respond and start auditing their harbor operations. Costco dropped one of the trucking companies we named.

After we profiled one CEO in the series' third installment, he promptly stepped down before his company filed for bankruptcy. State and local officials in California have also begun probing the industry and drafting legislation to curb labor violations at the harbor.

Brett Murphy is an investigative reporter for the USA TODAY Network in Florida. He previously covered courts for the Naples Daily News and worked at IRE as a Google News Lab fellow. He also co-produces Local Matters, a weekly newsletter curating investigations around the country.



The party's over

Uncovering how illegal party buses defy regulations and put riders at risk

Donna McGuire and Judy Thomas • The Kansas City Star

The red-and-white converted school bus caught our eye as it idled in a bustling grocery store parking lot on a Saturday night last spring.

In recent weeks, we'd spent many hours monitoring the lot, a favorite hangout for party bus drivers to wait on passengers after letting them off in the popular entertainment district. But this was the first time we'd come across the bus bearing the name "Kansas City Chiefs" and the number 58, apparently in reference to late Kansas City Chiefs Hall of Famer Derrick Thomas.

As we approached, red flags went up when we realized no company name or Department of Transportation number appeared on the vehicle, something state and federal rules require of those carrying at least eight paying passengers.

We suspected we'd found an illegally operating party bus — one of many that routinely troll the nation's streets and highways with little chance of being caught by police or regulators. Such companies put riders and others on the roads at risk because they ignore safety and other important regulations.

The consequences can be deadly, as incidents from California to Kansas City to New Jersey have shown. In 2013, for example, a new mother celebrating a friend's upcoming wedding tumbled to her death from a party bus in Kansas City, Kansas, as it headed down Interstate 35. She and two other women had been standing with their backs to the rear double doors when the bus hit a bump as it



Bus 58, emblazoned with the words "Kansas City Chiefs," idles in a parking lot on a Saturday night in May. Its driver, who lacked a commercial driver's license, told reporters the bus was hired out "all the time." The owner, however, disputed that. (Keith Myers/The Kansas City Star)

rounded a curve. The double doors popped open, and the 26-year-old fell backward onto the pavement, where she was struck by at least three cars. An investigation found the bus was unauthorized, uninspected and underinsured at the time.

To confirm the Chiefs Bus 58 was operating illegally, we first needed to determine whether

the passengers had paid to ride.

"Do you hire out?" we asked the driver, wondering if the bus could be rented for parties.

"All the time," he responded, before bragging that most of the drivers were current or former law enforcement officers.

That exchange was one of many crucial ones



Reporters found several problems with Bus 58, including a bald front tire. Inspectors say worn tires are a critical safety issue that could have catastrophic consequences. (Keith Myers/The Kansas City Star)

we had during a monthslong investigation into the dark side of the party bus industry. A driver from a properly licensed company had provided the initial tip about how widespread and serious the problem was in the Kansas City area. The driver's boss estimated at least half of the area's party buses were running illegally.

At first, we found that hard to believe. But after launching our investigation, we discovered he was right — and few customers know how to tell the difference between good companies and bad ones when they hire the buses for everything from wedding events and birthday parties to sports tailgating and barhopping.

Reporting on illegal buses

To determine the scope of the problem and gather information on as many illegal companies as possible, we:

- Interviewed owners and drivers at legal companies to learn how and where to spot illegal buses, why customers should care and why so little was being done to fix the problem. Through these interviews, we found shady companies often lure customers with low-cost fares made possible by cutting corners on maintenance, insurance and driver

qualifications.

- Studied federal and state regulations, interviewed police and highway patrol officials who inspect passenger buses and spent hours talking to federal and state regulators. Passenger carrier rules include many nuances, especially in a metropolitan area that crosses state lines. The rules are so complicated, in fact, that even some regulators gave us inaccurate information. We called back time and again until we were sure we knew and understood them.

- Spent 10 weekends driving hundreds of miles on city streets and highways looking for party buses. We recorded the dates and locations for each one we saw, then entered that information into a log and various spreadsheets we created to track data. We also took photos and videos on our cellphones, which was a great way to double check the times and dates we saw the buses and record the accurate names and DOT numbers — if their vehicles actually displayed that information.

- Searched Facebook, Craigslist, Groupon and other internet sites for companies that advertised party bus services. We checked to see if each company had registered its business with the secretary of state. We also checked

city business licenses and searched court records for lawsuits, liens, criminal cases and bankruptcies.

- Convinced our editors to approve the purchase of two TracFones that allowed us to call companies anonymously to confirm their buses were for hire, they crossed state lines and they could carry at least 16 people. This was important information needed to determine whether the companies were required to follow federal insurance rules and other key regulations. We knew if they were operating illegally and we called and told them we were reporters, their responses likely wouldn't be truthful. Once we determined which companies weren't following the rules, we called back and identified ourselves as reporters to get their comments.

- Studied the U.S. Department of Transportation's Federal Motor Carrier Safety Administration website, which shows all passenger carriers with active DOT numbers, recent fines and penalties, and inspection information. (Most states, including Kansas and Missouri, require DOT numbers even for intrastate carriers.) This data provided invaluable details, especially when combined with the information we gained through our

burner-phone calls and observations on city streets.

Confrontation and publication

After we finished the initial research and reporting, we confronted all of the illegal companies we planned on naming in our story. As we expected, many lied about their operations — until we told them we had photographs of their buses and had called earlier to confirm rates and other details about their operations.

One owner, when asked why he was still running his buses when his operating authority had been revoked, told us he hadn't been running for some time. We told him we'd seen one of his buses within the past two weeks. That was impossible, he insisted, because that bus had been in the shop. When we told him we had pictures of it, he hung up on us. And the following week, he started operating legally. The DOT had yanked his permission to operate in June 2016 for failure to carry proper insurance, but after our call, he quickly obtained the \$5 million insurance policy required by federal regulations to resume operations.

We also gathered information on as many party bus-related fatalities around the country as possible, through Nexis and internet searches. We created profiles of the victims and talked to family members and, in some cases, law enforcement and court officials to determine what consequences companies faced.

The main story highlighted our findings — more than half of the party buses operating in the Kansas City area defied state and federal regulations designed to protect riders and the public. Some ran with bald tires, inoperative lights or riders leaning precariously from windows. Some crossed state lines without the insurance coverage required by federal regulators to protect passengers if something went wrong. And some transported revelers even though the company had lost its credentials to operate, or never had them in the first place.

We also found that enforcement is weak, with state and federal inspectors stretched thin as they try to monitor the millions of commercial trucks, charter buses and school buses on the nation's roads. Those inspectors seldom work on weekends, when the party buses are most often operating, and when they do spot a loaded bus, they pull it over only if they observe something that poses imminent danger. Otherwise, regulations prohibit them from stranding partygoers along the road.

Our investigation also exposed some of the area's worst party bus companies, including one hired to haul hundreds of University of Kansas students to a hockey game in the Kansas City area earlier this year. Two of its buses broke down before they even got out of Lawrence,



Party buses can offer riders a safe and fun way to enjoy special events. These revelers on a KC Night Train bus celebrated a birthday in downtown Kansas City in May. The business is one of the area's reputable party bus companies. (Keith Myers/The Kansas City Star)

and Kansas City police shut down two others when they arrived at the hockey arena. Police told us the buses weren't fit to be on the road.

It turned out Bus 58 was among the most serious offenders. The driver we encountered that night did not have the required commercial driver's license or credentials to transport passengers. Making matters worse, the bus was running on bald front tires; it had a license plate for an RV, not a passenger vehicle; and the owner was a local sheriff's deputy. When confronted, he told us he never hired it out, but that the driver we talked to occasionally "borrowed" it. The county sheriff, however, assured us the department would investigate.

Our second story profiled victims of party bus tragedies and noted what, if any, impact their deaths had on laws in the states where fatalities occurred. Just weeks before our project wrapped up, a 27-year-old man died after stumbling and falling out the door of a party bus on an Illinois highway. We talked to his grief-stricken mother, who was stunned to learn similar cases were occurring across the country.

After the stories were published in late July, at least two illegal companies shuttered their websites. Lawmakers in Missouri and Kansas called for transportation committee hearings in their upcoming legislative sessions, which begin in January. And legitimate party bus operators reported receiving many calls from prospective customers asking about insurance policies and DOT numbers — questions that showed they had read the articles and wanted to hire companies operating legally.

As our research proved, this is a nationwide

problem. Journalists interested in a similar investigation can start with online searches for party bus ads and reviews in their areas to come up with names of problem companies. State transportation departments and law enforcement agencies can also be helpful in finding the bad apples.

But the best way to track down the illegal companies is to get out on weekends and cruise the entertainment districts, wedding venues and sporting event parking lots. Once you get the names of the companies, you can check them out through the Federal Motor Carrier Safety Administration website and the agency in your state that oversees passenger carriers. Some of those agencies have websites that contain information on whether a company is properly registered or has been fined.

With increased public awareness, safety advocates hope state or federal lawmakers will take action to help protect the public against illegal party bus operators.

Donna McGuire recently accepted a buyout from The Kansas City Star after her investigative reporter position was eliminated. During her 28 years at the paper, she authored, co-authored or edited numerous projects, including several that were finalists or winners of national awards. She is the author of "Santa's Secret: A story of hope."

Judy Thomas is a projects reporter for The Kansas City Star. She focuses on watchdog journalism, domestic terrorism and right-wing extremists and is co-author of "Wrath of Angels: The American Abortion War."

IRE Resources

The IRE Resource Center is a major research library containing more than 26,000 investigative stories — across all platforms — and thousands of tipsheets available at ire.org/resource-center or by contacting the Resource Center directly, 573-882-3364 or rescntr@ire.org.

STORIES

No. 27952: KXAS-TV (Dallas, TX) “Unprotected.”

This NBC 5 investigation found the Texas Department of Transportation failed to put up guardrails in locations where state and federal guidelines suggested they should have been installed. In some of the spots without guardrails, drivers died after colliding with concrete bridge posts a few feet from the roadway. (2016)

No. 27909: CBC News: Canada Now/The National (Vancouver, B.C.) “Rail Crossings Danger.”

CBC News found widespread design flaws in Canada’s 25 most accident-prone railway crossings. Some crossings lacked automated gate arms, protective pedestrian gates, advance warning signs, bells and flashing lights. CBC News also found Transport Canada doesn’t regularly warn the public about its “highest risk” crossings. (2016)

No. 27969: WTAE-TV (Pittsburgh, PA): “Pennsylvania Turnpike Investigation.”

By digging into emails and other documents, WTAE-TV reporters discovered waste, mismanagement and conflicts of interest surrounding the Pennsylvania Turnpike. Commissioners were receiving pointless take-home cars and striking personal business deals with turnpike vendors, all while increasing tolls and cutting back on key projects to deal with a financial crisis. (2016)

No. 27917: KUOW (Seattle, WA): “Hollow Columns.”

At least 22 highway bridges in Washington state rest on hollow concrete columns that are at risk of instantaneous implosion if a major earthquake were to occur. But the state doesn’t know how to fix them. To make matters worse, there are 474 bridges at risk of crumbling in an earthquake, yet not enough funds to fix them. KUOW published a map of endangered bridges, the first publicly available information of its kind. (2016)

TIPSHEETS

No. 4662: “Working with big geodata.”

Want to dive into Uber data, but unsure of how to approach geocoding? FiveThirtyEight reporters Dhruvil Mehta and Reuben Fischer-Baum walk you through how they visualized data to understand the Uber market in New York — and how to make sure you don’t make the same mistakes they did.

No. 4577: “Anatomy of a Crisis: Tracking the Records Trail.”

Danielle Ivory of The New York Times reviews how to investigate vehicle recalls. Beyond automaker announcements, there’s data to be found through agencies like the National Highway Traffic Safety Administration. (2015)

No. 4581: “Finding the story: Bridge inspections.”

The U.S. Department of Transportation keeps inventory of all bridges open to the public. Its data is compiled into the National Bridge Inventory — a great resource for reporters on the infrastructure beat or for use in the wake of breaking news. But with over 120

fields, the database can seem daunting. Former NICAR Database Library Director Liz Lucas describes the ins and outs of the database, including how to turn more than 700,000 records into a manageable list. (2015)

No. 4213: “Shoddy construction and problematic safety testing.”

Sacramento Bee reporter Charles Piller highlights best practices for reporting on infrastructure megaprojects and investigating engineering problems. He shares tips on sources who are likely to further your reporting and those who will probably give you the cold shoulder. Expert sources are key to understanding the nuances of engineering, he advises. (2014)

EXTRA! EXTRA!

How the Fort Lauderdale airport chaos unfolded:

A monthslong investigation by the Sun Sentinel found factors such as Transportation Security Administration screeners abandoning posts and a clogged emergency radio system all contributed to the chaos surrounding the January 2017 shooting at the Fort Lauderdale-Hollywood International Airport. For nearly an hour and a half after the gunman was caught, false reports of more gunfire spread through the airport. The story includes an interactive graphic that lets readers hear police transmissions from the day. Read the story: bit.ly/SunSentinelAirport

Kids are driving Pinellas County’s car-theft epidemic:

This data-driven series by the Tampa Bay Times reveals that more kids are arrested for juvenile car theft in Pinellas County, Florida, than virtually anywhere else in America. Kids fly the wrong way down highways and crash cars every four days, but Florida law keeps law enforcement from holding the kids in juvenile jail. They’re arrested, let out and then back to stealing cars. Read the story: bit.ly/HotWheelsTampa

Lax oversight leaves FAA systems ripe for abuse

In a two-part series from The Boston Globe, the Spotlight team focused on the Federal Aviation Administration, which is supposed to keep track of every American plane, pilot and airplane mechanic at its offices in Oklahoma City. But its record-keeping system allows so much secrecy and relies so heavily on self-reporting of crimes and other misdeeds that the United States has become a haven for people with something to hide, especially drug dealers, corrupt individuals and people with ties to terrorism. Read the story: bit.ly/SecretsInSky

IRE AUDIO

No. 643: “Oil on the tracks: Covering the explosive story of crude trains.”

Every day, trains filled with thousands of barrels of crude oil make the trip from North Dakota to coastal refineries. They also derail and blow up on the tracks with alarming frequency. This panel discussion with reporters Russell Gold, Sarah Feinberg and Grant Robertson gives you the tools you need to cover these “bomb trains” in your area. (2015)

What I learned as an IRE trainer



Megan Luther
Raycom Media

It's the longest job I've ever held. During my five-plus years as an IRE trainer, I traveled the world, met thousands of journalists and learned more than I could ever teach. I wrote down a few of my favorite tidbits:

Journalists are fascinating people.

If you've attended one of my trainings, I most likely forced you to name a fun fact about yourself. I've trained a drag queen, a contestant from "Where in the World Is Carmen Sandiego?" and a few jugglers. Top prize for most fascinating fact goes to the journalist who was named after the mountain where he was conceived.

We are very passionate.

I think that's why we swear so much. With all we witness and go through to broadcast the truth, sometimes only an f-bomb can succinctly describe our feelings.

I feed off of your passion. I am always impressed by the number of journalists who pay their own way to trainings and sacrifice weekends to learn new skills. Y'all made me a better trainer.

Don't recline your seat on the plane.

And be nice. Air travel sucks, but being a jerk makes it worse.

U.S.-based journalists are lucky.

I may have to water down that sentiment given the current political climate, but it's still true. During my travels, the biggest complaint I heard from American journalists — while valid — was about access to open records. I've even had Florida journalists grumble about their law, one of the best in the country. I count myself as one of the complainers: In my home state of South Dakota, police reports and emails are not public.

Then I traveled overseas. A Nigerian journalist casually told me how both of his legs were broken and he spent time in jail because of his investigations. Chinese journalists didn't want to mention the data they analyzed for a story out of fear the government would block the website. I talked to a Somali investigative reporter trying to relocate after his pirate investigation forced him to flee. Yet they all wanted to learn how to be better investigative reporters.

Newsroom diversity is worse than you think.

We know it's bad, and I witnessed it. There were times when I traveled to cities where whites were the minority. But in the

newsroom responsible for covering that community, I was training just one journalist of color. This impacts our coverage and our credibility. The dynamic Nikole Hannah-Jones said it best at the 2017 IRE Conference in Phoenix, and you can read the highlights of her speech online: bit.ly/IRE17Keynote.

Hire journalists of color. Mentor students of color. Sponsor a student's IRE membership for \$25.

IRE members are very giving.

I joined IRE as a college student thanks to MaryJo Webster visiting the University of Wisconsin-River Falls (her alma mater) and telling us about this wonderful organization. I chugged the juice and immediately signed up for the 2003 IRE Conference in Washington, D.C., where I hoarded tipsheets and paid the overweight baggage fee to take them all home.

I could take up this whole column listing the IRE members who have helped my career. When I thanked MaryJo years ago, she told me to make sure to pay it forward. It became apparent that was the IRE way. Y'all answer questions on NICAR-L at midnight. You wake up early at the conference to mentor a journalist over breakfast. You freely share your best tips.

How appropriate then that during my last training gig, one of the attendees shared a free backgrounding site that is now my favorite: familytreenow.com. It's one of the most accurate sites I've worked with and includes cell phone numbers.

These past five-plus years have been an enjoyable ride, and I owe a lot of people gratitude.

Thank you for welcoming me into your newsrooms and classrooms. I appreciate all the free donuts and laughs at my jokes. The honor was mine.

Thank you to the IRE members who said "yes" when I asked you to write for the IRE Journal or speak on a panel. IRE would not exist without your amazing efforts.

Thank you to my former coworkers, my IRE family. Your dedication astounds me. I leave the nest a better journalist thanks to y'all.

One last thank-you goes to Laura P. Havens. Your lottery winnings taught thousands of journalists about Excel Pivot Tables, backgrounding and dirty data. Rest in peace.

Megan Luther is an investigative producer with Raycom Media. Previous positions include trainer, reporter, data analyst, anchor and DJ. @MeganLuther

FOIAology

The science behind effective records letters



David Cuillier
University of Arizona School of Journalism

Crafting an effective public records order is not only an art. It's a science. Social science experiments and big data analyses can make reporters more effective at getting the government documents and data they need. Below, I lay out some practical tips gleaned from research.

But first, some might notice that I call these public records "orders," not "requests." It's a concept touted by Wilfrid Laurier University librarian Mark Weiler. He says language means a lot, and the word "request" sends the signal that citizens have to beg for information. Instead, he says, think of it as an "order," like putting in an order for lunch or a library book. As in: "I would like to put in an order for some police reports, please."

OK, with that confident document state of mind, what makes for an effective public records order?

Predicting a response

Some brilliant computer programmers have taken a whack at this question quantitatively.

In January 2017, a team from the Columbia Journalism School reported its analysis of 33,000 FOIA orders gathered from federal agencies' websites (bit.ly/cjr-foia).

They found that short letters (under 24 words) were less likely to be successful than longer letters. Another finding: Including links, which perhaps implies knowledge of the specific record needed, increased the success rate from 23 percent to 36 percent. A similar success rate was noted for letters ordering data, as compared to paper documents. The researchers noted that with the U.S. Environmental Protection Agency, letters including the region that held the records and an identification number resulted in much better success.

"One thing that really stuck out to me was that it's important to research the agency and know what you are asking for," said one of the team members, Rashida Kamal, a dual-degree master's student in computer science and journalism at Columbia.

Another team for data.world ran a similar analysis using more than 9,000 public records orders tracked by MuckRock to create a new online FOIA predictor tool (bit.ly/foia-predictor). Just paste your letter into the tool, select the agency you are sending it to, and the app will generate your chance of success.

To come up with this algorithm, the researchers quantified attributes of letters, including the word count, sentence length and presence of nouns. It also looks at whether the letter mentions FOIA, fees and includes hyperlinks or email addresses. The tool then compares your letter to ones previously sent to the same agency to assess a predicted success rate.

They looked specifically at letters ordering data and found the most successful ones were shorter and less specific, contrary to the Columbia Journalism School study. Hyperlinks, they found, didn't make a difference, also contrary. I tried the tool by simply entering as my letter to the Acushnet, Massachusetts, town clerk: "Give me all the dirt you have on your crony-infested agency, and I want it all for free, and I want it now." The FOIA predictor said the letter has a 74 percent chance of success.

"We learned through this process that FOIA requests are a lot more subjective than a model can accurately predict," said Rachel Downs, a management information systems major at the University of Texas at Austin who crunched the data. "It's definitely not an exact science."

It is a good start, though. The next step is to work with frequent FOIA users to delve deeper into identifying key traits, quantifying them and

testing them through experiments. Fortunately, some researchers have started on that.

Sympathy

Michele Kimball, a lecturer at the George Washington University, conducted a pretty cool study for her graduate work at the University of Florida (bit.ly/FOIAstudy1). She sat for at least six hours in 12 different county sheriffs' clerk's offices in Florida and observed how clerks did their jobs. She then interviewed them to get a sense of what they were thinking as they handled records queries, about 230 in all.

She concluded that people who were more specific in what they wanted were more likely to get their records faster. Some clerks would knowingly deny records if they thought the person was up to no good. Likewise, some clerks gave preferential treatment to people they sympathized with, such as crime victims. This effect was more prevalent in smaller counties that didn't receive as many letters.

The conclusion? Even though public record laws do not require a person to explain why they want the records, and people shouldn't have to, it improves the chance of success. I see this all the time when my students acquire records for class. When they mention they're students, they tend to get a much better response. Clerks are human, and their emotions can impact their discretion.

Peer pressure

Record custodians also can be pressured through peers, one North Carolina experiment found (bit.ly/FOIAstudy2). A team of scholars submitted letters for emails of the managers for all 100 counties in the state. They first put in an order to 40 randomly selected counties, and eight complied. They then divided the

remaining 60 counties into two groups. One group got a letter mentioning the eight counties that already provided the emails, and the other group got a letter that did not.

The researchers found that peer-pressured counties were more likely to cough up the records, and do it three to seven days faster. They noticed the effect was strongest among counties that had compliant neighboring counties.

“When considering public records requests, it’s important to not think of agencies as stand-alone entities but rather as a network with peers,” said one of the researchers, Hanna Wallach, a senior researcher at Microsoft Research and adjunct associate professor at the University of Massachusetts Amherst.

The takeaway: If you’re ordering up the same records from a variety of agencies, first contact three or four of the agencies, get the records, and then send out another letter to the rest noting the specific agencies that complied. Even better if it’s a neighboring agency or one that has clout among the others.

Respect my authority

Several studies have examined the effects of authority on the FOIA process, and the bottom line is it can be effective.

A field experiment in England, for example, found that official letters were three times as effective at getting records than an informal ask (bit.ly/FOIAstudy3). An important caveat is that the study involved letters emailed out from researchers who were unknown to the agencies, so reporters who know sources might have better success with an informal ask than a formal letter.

Similarly, two experiments I ran in Arizona regarding police agencies and school districts found that the legalistic, threatening letter provided on the Student Press Law Center’s website resulted in higher response rates, lower copy fees and faster response times than a friendly letter (bit.ly/FOIAstudy4). Again, the letter senders, in this case student journalists, were unknown to the agencies, so a more informal approach could be more effective from a beat reporter who gets to know the clerks.

These studies are a good start, but more is needed. We need to take the hunches experts have gleaned from years of experience and test them through field experiments.

David Cuillier is director of the University of Arizona School of Journalism in Tucson, Arizona, and a member of the Freedom of Information Committee for the Society of Professional Journalists. He is the co-author, with Charles Davis, of “The Art of Access: Strategies for Acquiring Public Records.”

INVESTIGATIVE REPORTERS & EDITORS, INC. is a 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.

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Contact: Charles Minshew, charles@ire.org. To order data, call 573-884-7711.

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Contact: Denise Malan, denise@ire.org

NICAR-LEARN: NICAR-Learn is an on-demand video gallery designed for journalists to learn and share computer-assisted reporting techniques. Videos are taught by IRE trainers as well as leading data journalists, allowing you to pick and choose the programs and skills you want to learn. NICAR-Learn also includes Uplink, our computer-assisted reporting blog.

Contact: Sarah Hutchins, learn@ire.org, 573-882-8969

PUBLICATIONS:

THE IRE JOURNAL — Published four times a year. Contains journalist profiles, how-to stories, reviews, investigative ideas and backgrounding tips.

Contact: Sarah Hutchins, sarah@ire.org, 573-882-8969

PODCAST: Go behind the story with some of the country’s best journalists on the IRE Radio Podcast. Sit in on conversations with award-winning reporters, editors and producers to hear how they broke some of the biggest stories of the year. Available on iTunes, Stitcher and Google Play.

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