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ProPublica

Anthony Shadid Award for Journalism Ethics | Center for Journalism Ethics
School of Journalism and Mass Communication | University of Wisconsin-Madison

To the Committee:

Please accept these materials to support the nomination of **Words of Conviction** for the Anthony Shadid Award for Journalism Ethics.

1) Name and contact information of the nominators and their relationship to the story
- Ziva Branstetter | editor | Ziva.Branstetter@propublica.org

2) Names and emails of the reporter or reporting team that produced the report
- Brett Murphy | reporter | Brett.Murphy@ProPublica.org

3) Brief description of the story and a link to it online.
For more than a decade, an obscure law enforcement training program known as 911 call analysis has quietly spread across the country. Its architect is a retired small-town police officer named Tracy Harpster. Today, hundreds of police officers, prosecutors and dispatchers who have taken the course can present themselves as experts, able to divine guilt and innocence from the words chosen by 911 callers.

This is junk science. Researchers who have tried to corroborate the claims behind it — including the FBI — have failed. Experts warn it shouldn't be used to lock people up. But we found that's exactly what's happening.

Drawing on thousands of emails and other records, ProPublica reporter Brett Murphy documented more than 100 cases in 26 states in which law enforcement used 911 call analysis. The investigation told the stories of those wrongfully accused — a teen who accidentally shot his brother, a man later exonerated in his wife's death and a woman accused of murdering her friend. Murphy discovered how law enforcement officials have kept 911 call analysis largely secret: They disguise it to avoid discovery obligations in court and outside scrutiny.

Murphy's **first story** is a gripping narrative about Jessica Logan, a young mother convicted of killing her baby after a detective analyzed her 911 call. The investigation revealed an array of other problems with her prosecution, including a faulty pathology report and a juror who misunderstood the judge's instructions.

The **second story** profiles Harpster and documents how agencies responsible for ensuring fair police work and trials, including the FBI and the judiciary itself, have not only allowed Harpster's methods to spread but have also legitimized them by certifying and funding his program with taxpayer dollars.

- **How Jessica Logan's Call for Help Became Evidence Against Her | Nov. 20, 2022**
  https://www.propublica.org/article/911-call-analysis-jessica-logan-evidence

- **They Called 911 for Help. Police and Prosecutors Used a New Junk Science to Decide They Were Liars. | Dec. 28, 2022**
  https://www.propublica.org/article/911-call-analysis-fbi-police-courts

4) Description of conflicting values encountered in reporting the story

Several key ethical considerations arose during the reporting. First was the frame. Our reporting found that people were convicted, in part, because police and prosecutors used 911 call analysis against them. What is the best way to describe "the science" behind it? How do we fairly portray people convicted of heinous crimes, including murdering children? How do we present problems in a prosecution without exonerating the subjects of the story?

The second major conflict was how to handle the 911 tapes. We gathered dozens of examples of 911 calls that police and prosecutors weaponized against the callers. Some in our newsroom believed the audio itself was too graphic and jarring to play for readers. Those calling 911 for help were experiencing the worst moments of their life — moments that were later "analyzed," twisted and used against them. How do we respectfully convey what happened on the calls?

Our second story was largely a profile of the founder of 911 call analysis, Harpster. He is mostly a private figure who has received almost no media attention besides hagiography in trade publications. What was the most fair way to cast him? Should the story be *about* him or something else? Was it fair and newsworthy to report on some of his racist Facebook posts?

Finally, throughout the reporting, there were several day-to-day ethical considerations that spurred conversations about who we sought to name and hold accountable. For instance, Murphy door knocked a retired woman who had sat on the jury during Jessica Logan's trial and voted to convict her of murder. But during an interview, she divulged that she didn't actually believe Logan was guilty. She called Murphy after the interview and asked — then demanded — that we not publish her comments. What do we do in those situations? What about the local public officials we intended to name but who didn't speak with us at all?

5) Options considered to resolve the conflicts

The framing of our stories could have played out in a couple ways: a strictly sympathetic portrait of the people who had been harmed by 911 call analysis; a reliance on the "official" narrative, according to the police; or something in between.

As for the 911 audio recordings, our options were to either not include the tape, play them in their entirety, uninterrupted; or find a way to present them in chunks, with additional context.

Our approach to Harpster could have been a straight takedown. Besides a short interview early in the reporting, he didn't engage with us. Another route was a "system" story, one focused on the institutions that embraced and enabled him.

For subjects such as the juror, there were a couple of routes to choose from. We could have only named those who agreed to an interview and never recanted. We could have removed certain people's names and included only the content of their comments. Or we could have chosen to report on examples only in which people agreed to speak with us.

6) Final decisions and rationales behind them

We chose to cast our reporting in the strongest possible terms that the evidence supported. And we brought our findings and source material to dozens of experts from multiple disciplines to help find the right frame. This is why we felt comfortable calling 911 call analysis junk science. And it's

also why we chose to portray our subjects — even those convicted of murder — sympathetically. Giving equal weight to law enforcement's false evidence or engaging in "both-sidesism" for the sake of objectivity theater would have been disingenuous.

It was crucial that these people were not reduced to one dimensional stick figures, as they had been in previous media coverage that relied almost entirely on the law enforcement narrative. We saw it as our job not to exonerate people, but expose the flaws in the prosecution against them. That said, we also didn't shy away from legitimate evidence. We presented that material, as well, to give readers the full picture of each case and make their own judgments.

Likewise, we felt the 911 audio itself was crucial to the story. We wanted readers to have the option to listen to these recordings and decide for themselves if the callers sounded disingenuous. Unlike other stories that include a 911 call, our reporting was very much *about* those tapes. We decided to only include sections of the calls that were most relevant or illustrative, without revealing unnecessary personal information.

We interviewed every caller and only included the 911 audio from those who agreed first. Some, including a young mother whose baby died, didn't want their audio played in the story. So we didn't include those examples. Our stories also had a warning about the graphic content and each 911 tape had a click-to-play option, along with additional context.

In reporting on Harpster, we reached out to him early in the reporting process so we would not be approaching him with a story or narrative already set. We wanted his perspective early and often. After he stopped answering phone calls and texts, Murphy drove for hours to his house. Ultimately, we chose to cast Harpster as a vehicle of junk science and framed our second story more about the system that enabled him — the institutions that had failed to keep the gates.

But we also didn't shy away from profiling Harpster's past, like his lack of homicide or scientific experience or his incendiary Facebook posts. We felt this was relevant because he sells himself as an authority on how people should or shouldn't speak. In lieu of a full-throated interview, we dug deep into his personnel file and email communications to present his defense.

Lastly, we chose to name the government officials who helped legitimize 911 call analysis, including judges, prosecutors and police officers. We decided that holding them and their agencies accountable outweighed their privacy considerations, even when they did not respond to multiple interview requests. We would serve them — not our readers — by maintaining their anonymity.

As for the juror who wanted her interview with Murphy stricken: We decided to quote but not name her. We reasoned it would have been unethical *not* to include that material. After several conversations among ProPublica's top editors, who listened to a recording of Murphy's interview with her, we chose to extend her the courtesy of anonymity because she was not media savvy and not a public figure. Ultimately, it was her comments that were newsworthy and not necessarily her identity. We informed her of our decision before the story ran. It was a difficult but necessary conversation that ultimately made the story stronger.