

**Michael Hudson**  
Global Investigations Editor

Global Headquarters  
200 Liberty Street  
New York, NY 10281 USA  
T +1 212.621.1658  
F +1 212.621.7497  
www.ap.org

Dear Judges:

Thousands of children were cast into a national spotlight this year when the Trump administration initiated its family separation policy. With this attention came myriad ethical red flags. Covering children is, at best, a delicate practice: They have a right to be heard but their use of language and communication is often less than coherent. Their best interests must be considered above any details or images for a news story. They may lack sophistication to understand what risks, harm or retribution they may face for appearing in the media. Migrant children, in particular, face unique hurdles and trauma, particularly those who have been taken from their parents. At the same time, their own stories can sometimes be key to improving outcomes for them in the United States.

AP investigative reporters Garance Burke [gburke@ap.org](mailto:gburke@ap.org) and Martha Mendoza [mmendoza@ap.org](mailto:mmendoza@ap.org) believed it was their journalistic duty in 2018 to hold those in power accountable for immigration policies that are punishing the most vulnerable. And in numerous instances, their stories helped ease the suffering.

The extraordinary, yearlong effort helped prompt Congressional hearings, lawsuits and legislation, sometimes very quickly. The day after MSNBC host Rachel Maddow broke down on air trying to read Burke and Mendoza's report on "tender age shelters" set up to detain babies and toddlers taken from their parents, President Donald Trump ended his administration's policy of separating families at the U.S.-Mexico border. In the hours following an AP investigation documenting allegations of extreme physical abuse of migrant teenagers held at a Virginia facility, Gov. Ralph Northam ordered state officials to investigate. In the wake of an AP data-driven package revealing that most of the 14,000 migrant kids in government care were being kept in shelters with hundreds of others despite expert warnings that institutionalization can cause life-long trauma, Democratic lawmakers introduced legislation aimed at closing two mass facilities in Texas and Florida. Within weeks the largest was closed, releasing thousands of those children to relatives and other sponsors in the United States. Sharing the data with AP's members led to a number of localized versions, forcing communities across the U.S. to confront the cruel impact of U.S. immigration policy in their own neighborhoods.

Throughout their reporting for this series, the journalists held the children's welfare as paramount. They consulted with experts from Harvard to Stanford, the American Academy of Pediatrics, American Psychology Association, the Young Center for Immigrant Children's Rights, Tahirih Justice Center, the Women's Refugee Commission and more for guidance in approaching these young sources, and for context in their stories about the grave dangers they faced by being placed in mass holding facilities. In some stories the reporters opted to omit children's names or identifying details when there were potential risks, and AP consistently respected the wishes and rights of children and their families.

### **Conflicting Values 1: Publish the location?**

#### **Tender Age Shelters**

After family separation began under "zero tolerance" in May, the federal government said it would not release any information about where infants and toddlers were ending up after they were taken from their parents, due to safety concerns. Burke and Mendoza, also concerned about the babies' safety, doggedly searched to find out where they were. Federal contracts, policy memos and increasingly detailed queries to the government gave them clues. They turned to people who might encounter these very young migrants -- lawyers, law enforcement, care providers, advocates. After dozens of calls and emails, they confirmed there were indeed toddler detention centers being set up, and identified three that already were operational. Lawyers and doctors who had been inside described deeply upset young children, hysterical or withdrawn, crying and acting out.

The reporters considered publishing the addresses of the three "tender age shelters" to be transparent and inform the public. But protesters were already gathering at a fourth planned shelter. Those outraged crowds could frighten the children and their caregivers, heightening an

already stressful situation. The AP reported the cities where the shelters were located, but left out the addresses.

### **Conflicting Values 2: Identify a victim?**

#### **Alleged Abuse in Shelters** **Abused Honduran Teen**

A Honduran 18-year-old gave AP a first-hand account of the horrific treatment he suffered at Shenandoah Valley Juvenile Center, saying guards isolated him in solitary confinement, stopped bringing him food and once assaulted him with kicks to his gut. Technically an adult, he was still awaiting his asylum hearing. He agreed to give AP an exclusive interview and to sit for photos and video. He initially said he wanted to be named in the story. Burke agreed he was in charge of the decision, but explained his interview could end up as evidence in his immigration hearing, and there could be retribution. He changed his mind. This created a journalistic hurdle for photos and videos, but AP colleagues found artful ways to photograph his silhouette and shoot footage of the teen from behind. The teen later thanked the reporters for maintaining his anonymity, saying he hadn't understood the implications, and felt protected.

### **Conflicting Values 3: Allegations of harm versus privacy rights & Sensitive interviews**

#### **Battle For Alexa**

During family separations, there were many rumors that deported parents could lose their kids to adoption. Despite only knowing scant details about a case -- that a toddler from El Salvador had been separated from her mother and nearly adopted by a Michigan foster family -- Burke and Mendoza were able to track down the family using public records requests, networking with sources, scouring social media and knocking on doors. Their story, about a Michigan foster family's initially successful attempt to win full custody of the young Salvadoran girl, exposed how state judges could grant custody of migrant children to American families, without notifying their parents. This can happen when there are allegations that deported parents are abusive. In this case the foster parents alleged in some court records that the mother was abusive. Striving for accuracy and sensitivity, the AP described the foster parent's concerns, but did not publish troubling details of those allegations after reviewing professional evaluations by child welfare experts. And they located and cited confidential reports by child advocates who confirmed it was in the toddler's best interest to live with her mother, who they determined was a safe caregiver after an extensive home study.

The reporters understood that everyone involved in that story had been traumatized and the interviews deserved extra care because they were likely to reopen old wounds. They were guided by their own ethical compasses as they made initial contact with sources offering careful explanations of who they were and what they sought to do, allowing them time to think through whether they wanted to talk, and once they agreed, to lead the conversation. In the case of the young girl, the reporters refrained from anything more than small talk to avoid potentially retraumatizing her. The foster parents, who invited a reporter into their home when she knocked on their door, later insisted that everything was off the record. The reporters listened to their concerns, and in the end used a noncontroversial quote the foster parents agreed with. They relied on public records and video from the court proceedings to tell a balanced story that explored the foster parent's perspective.

In El Salvador, the mother who had successfully fought to get her daughter back was frightened of gangs and police, emotionally fragile, and only wanted to talk about pieces of her story. She was firm that she did not want journalists at her home. AP respected her wishes, noting that she had gang markings painted on her front door and their visit could cause her harm. Interviews were in public parks where she felt safe, and questions were open ended, allowing her to tell her story under her own terms.

### **Conflicting Values 4: Privacy versus public right-to-know**

#### **A Moral Disaster** **Billion Dollar Business**

Media outlets spent the year compiling incomplete lists of where the federal government was detaining growing numbers of migrant children. Shelter owners said their sites were secure to protect children in their care. Their federal grants required them not to speak to the press or open their doors to reporters. Just before year's end, AP was the first to provide the number of children in every government-contracted detention center, shelter and foster care program dating back to April 2017. The reporters contacted dozens of providers, explaining they had obtained the information themselves in order to avoid surprising providers with a story, and to confirm details. In a business



world of poor state oversight and shoddy documentation, the AP team also compiled lists of companies benefiting from the migrant child detention, connecting federal grants and budget data with state records. AP again did not publish addresses out of safety concerns. But there seemed to be a moral imperative to publish the sheer numbers of kids in custody. From California to New York, lawmakers and advocates were shocked to learn there were hundreds, or thousands, of young migrants being held in their hometowns. Democratic lawmakers immediately introduced legislation aimed at closing two mass facilities in Texas and Florida. And six days later, AP was first in reporting that the government planned to shut down Tornillo, a tent city holding more than 2,700 children at its peak, in early 2019.

### **The Ethics of Following Up** **[Massive Detention Camp](#)**

The journalists kept in touch with children who had been held inside the government's shelters and detention facilities all year, documenting their pleas for release. As children emerged from the system, Burke and Mendoza followed teens who described lasting trauma from their stays -- including forced medication, hospitalization and recurring nightmares. After one child wept as he recounted his stay at Tornillo, reporters honored his father's request not to use his name, which wasn't needed given the poignancy of his powerful recollection: "The few times they let me call my mom I would tell her that one day I would be free, but really I felt like I would be there for the rest of my life," a 17-year-old from Honduras told AP. "I feel so bad for the kids who are still there. What if they have to spend Christmas there? They need a hug, and nobody is allowed to hug there."

The father of another child who was forcibly medicated and hospitalized while in government custody requested that AP withhold details of his son's experience for fear of repercussions on his immigration case. AP colleagues filmed the child, showing only his hands and his silhouette framed against the night sky.

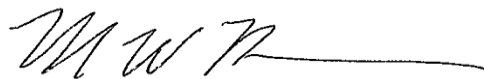
The reporting has been meticulous. To date, no company or government agency has questioned AP's findings; instead, they admit more needs to be done.

"When it comes to policies on unaccompanied migrant children and family separation, this report confirms that the Trump administration's utter cruelty has perhaps been surpassed only by its sheer incompetence and mismanagement," said Sen. Mark Udall in response to an AP report. "Those policies will leave lasting scars on the children who are being caught up in this disaster."

With integrity, relentless reporting and tenacity, this team of journalists has shaken up the \$1 billion child detention industry, engaged the U.S. government and helped to bring detained children back to their families.

I am proud to nominate The Innocents for the 2019 Anthony Shadid Award for Journalism Ethics.

Sincerely,



Michael W. Hudson  
Global Investigations Editor