

Case Analysis:

How Kristin Died

Michael Cornwell

San Francisco State University

**Introduction:**

On May 30, 1992, Kristin Lardner was shot in the head and face by her ex-boyfriend, Michael Cartier, who had an extensive and violent criminal history, including several convictions for domestic violence. Cartier was on probation at the time that he murdered Kristin Lardner, and a protective restraining order was in effect. Many agencies and individuals had the capacity to prevent the murder, but failed to do so.

In order to examine the critical underpinnings behind the failure of the legal and law enforcement bureaucracies to protect Kristin Lardner, one must first understand the nature of bureaucracies, and what incentives are created that ultimately hinder their responsiveness.

**Bureaucracies:**

According to Max Weber, bureaucracies are the most efficient organizational structures for the delivery of services and execution of policies in a complex society. The bureaucracy is predicated upon the concept of what Weber referred to as “legal-rational” authority, which enables the bureaucracy to be, “Superior to any other form in precision, in stability, in stringency of its discipline, and in its reliability.” (Weber in Stillman, 2005, p.51) Specialization and division of labor enable the bureaucracy to be more efficient than other organizational structures, producing a predictable outcome. The capacity of a bureaucracy to deliver services creates a dependency on the part of stakeholders:

The ruled, for their part, cannot dispense with or replace the bureaucratic apparatus of authority once it exists. For this bureaucracy rests upon expert training, a functional specialization of work, and an attitude set for habitual and virtuoso-like mastery of single yet methodically integrated functions.” (Weber in Stillman, 2005, p. 60)

By fulfilling the vital roles of precision, stability, and efficiency, the bureaucracy becomes an indispensable facet of modern society- a necessary and irreversible evil.

Weber argued that this increasing dependency renders futile all attempts to fundamentally reform bureaucracies, noting:

Such a machine makes 'revolution,' in the sense of the forceful creation of entirely new formations of authority, technically more and more impossible, especially when the apparatus controls the modern means of communication (telegraph, et cetera) and also by virtue of its internal rationalized structure. (Weber in Stillman, 2005, p. 61)

**Incentives:**

Division of labor, which rests at the very core of a bureaucracy's potential for efficiency, carries with it the latent seeds of apathy and unresponsiveness. One of the crucial flaws of bureaucracy is that employee compensation is not based on productivity (output), but rather on the possession of the technical knowledge necessary to complete the specialized tasks assigned. "The salary is not measured like a wage in terms of work done, but according to 'status,' that is, according to the kind of function (the 'rank') and, in addition, possibly, according to the length of service." (Weber in Stillman, 2005, p.58)

Job security and tenure are the natural by-products of the bureaucracy being the only organizational structure capable of meeting the demands of a modern, complex society. As Weber observed, "A very strong development to the 'right of office' naturally makes it more difficult to staff them with regard to technical efficiency, for such a development decreases the career-opportunities of ambitious candidates for office." (Weber in Stillman, 2005, p. 58) This discrepancy between capacity and output stands in sharp contrast to Weber's assertion about the efficiency of bureaucracies.

Furthermore, the insulation of individual bureaucrats from political pressures inadvertently creates a perverse set of incentives wherein bureaucrats are not motivated to be responsive to stakeholder concerns. The culture of a bureaucracy places a premium on knowledge, and is in direct opposition to the public's dependency upon the bureaucracy. "This lack of a feeling of dependency, however, rests primarily upon the inclination to depend upon one's equals rather than upon the socially inferior and governed strata." (Weber in Stillman, 2005, p. 58) In essence, the dependency of the public on bureaucracies is not perceived to be mutual. Weber defined the power position of bureaucracy as such: "The 'political master' finds himself in the position of the 'dilettante' who stands opposite the 'expert,' facing the trained official who stands within the management of administration." (Weber in Stillman, 2005, p.62) The public implicitly trusts bureaucracies to deliver services, precisely because of the bureaucracies' specialized knowledge, thereby creating a social contract. If individual bureaucrats do not feel compelled to deliver these services in an expedient manner, the contract is broken.

### **Framework for Failure:**

Kristin Lardner's death could have been prevented. Perhaps the most shocking aspect of the murder of Kristin Lardner was the fact that several law enforcement agencies, mental health services providers, and probation departments were aware of Cartier's violent propensities, yet did not share information. Judges, clerks, probation officers, mental health providers, psychiatrists, and police officers failed to respond appropriately to the danger imposed by Michael Cartier. George Lardner quoted Brookline District Judge Lawrence Shubow as saying, "The system failed her completely," Shubow told me after Kristin's death. "There is no such thing as a routine

case. I don't live that, but I believe that. All bureaucrats should be reminded of that.” (Lardner in Stillman, 2005, p. 71) Specialization, repetition, and the de-personalization of bureaucratic functions often reduce an individual to a case or docket number. The accumulation of knowledge and expertise that allows bureaucracies to function also engenders competition and territorialism. The individual egos of public administrators can create friction between their respective agencies, and hinder cooperation and communication. This difference in perspective implies that, while Kristin's death was a tragedy for society, it was an *embarrassment* to the bureaucracies involved.

The inaction of several agencies and their representative bureaucrats violated the implicit social contract created by the trust invested in bureaucracies by the public. As Weber explained, “Entrance into an office, including one in the private economy, is considered an acceptance of a specific obligation of faithful management in return for a secure existence.”(Weber in Stillman, 2005, p.55) By neglecting to fulfill their contractual obligation to deliver services, the agencies created an environment that provided Michael Cartier with the opportunity to commit murder.

### **Responsibility:**

It is easy to blame “the system” when something goes terribly wrong. But rarely do we, as a society, notice how smoothly bureaucracies run on a consistent basis. Only after a tragedy do we take the time to examine the organizational structure and culture of a bureaucracy, and it is usually with accusatory eyes and pointed fingers. Although the organizational structure of bureaucracy creates conditions that are not conducive to optimum productivity or responsiveness, the ultimate responsibility for Kristin's death belongs to the individual public servants who failed to look beneath the surface, file

cross-reports, or follow up on referrals. By not raising critical questions about Michael Cartier's prior criminal history, the judges allowed him to serve incredibly short sentences for violent crimes. By failing to file court documents and warrants in a timely fashion, the clerks allowed Cartier to remain free. Probation officers in one jurisdiction did not want to cross-report to probation officers in another locale. The police officers that responded to Kristin's call apparently did not understand that Cartier was violating a court order by continuing to harass Kristin.

What truly evokes our indignation about the death of Kristin Lardner is the fact that so many individual parties were involved in the breakdown of the bureaucratic response. Clearly, this raises questions about the viability of bureaucracies as agents of service delivery, because the same set of incentives appeared to be common among all of the bureaucracies involved. Placing the blame squarely upon the shoulders of one individual (aside from the perpetrator) is impossible in this case. The shared culpability of the parties involved suggests that bureaucracies afford their employees limited liability. In his article, George Lardner made no mention of individual bureaucrats being punished. By looking at Kristin's death as the failure of bureaucracies as organizational structures, we overlook the way that individual public servants respond to the negative incentives within bureaucracies. The tension between these incentives and the mentality of individual employees resulted in the death of a young woman. If the incentives are relatively constant throughout all bureaucracies, this suggests that the true breakdown of bureaucracies is at the individual, rather than the organizational, level.

**Remedies with Results:**

After Kristin's death, the State of Massachusetts developed a statewide domestic violence database, and required judges to consult the database before rendering decisions. Similarly, the Federal Bureau of Investigation was working on a nationwide domestic violence database, which would be accessible in all states and jurisdictions. Including a mechanism for the enforcement of policies against domestic violence is paramount in preventing another death. Rather than debate the effectiveness of batterer's programs versus mandatory minimum sentencing for repeat offenders, perhaps we should focus on ensuring that the individuals entrusted with executing such policies are made more accountable, in the sense that some measurable outcome can be determined (e.g., a lower incidence of domestic violence). It is not sufficient to have good policies if their implementation is lacking. Enabling public servants to perform their duties by breaking down communication barriers and providing them with the tools to remain responsive is imperative.

**Analysis:**

The negative incentives created by bureaucracies that reduce the motivation and productivity of their employees had an inverse effect on Michael Cartier: they afforded him continuous opportunities to victimize women. According to the material provided by George Lardner, Michael Cartier was a product of the juvenile justice system. Cartier's experiences as a troubled youth no doubt provided him with an insight into the workings of the criminal justice system. Ironically, Cartier had an easier time navigating the legal system than did his victim, because he knew about the lack of cooperation between the agencies involved. George Lardner quoted a probation officer as saying, "Probation

warrants have to be served by the police, who don't take them seriously enough," said another probation officer. 'Probationers know... they can skip court appearances with impunity.'" (Lardner in Stillman, 2005, p. 67) Even when Cartier was arrested, he served very little time. Through plea-bargaining, reduced sentences for being a model prisoner, and by completing the bare-minimum of batterer programs, Cartier managed to avoid a lengthy prison sentence, despite the brutality of his actions. The mechanisms of accountability were not in place. It could be said that the system also failed Michael Cartier, but it broke down at its most basic unit, the individual public servant.

The debate over which policies are most effective at protecting women from abusive partners must not be framed merely in terms of blame. One of the greatest obstacles to creating domestic violence legislation with teeth is society's tendency to be ashamed about discussing the matter. Once the initial hurdle of addressing the pervasive threat of domestic violence has been overcome, the burden then falls on the individual public servant to ensure that the social contract is honored. Kristin Lardner's death may motivate individual public servants by providing them with the validation that their work has meaning, and that the consequences for breaching the social contract can be disastrous. It is not sufficient to simply believe that there is no such thing as a routine case- we must practice this belief.

**References:**

Stillman, Richard J. II Public Administration: Concepts and Cases, Eighth Edition.  
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