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# Lethal Water Switch: A Matter for Criminology

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Lethal Water Switch: A Matter for Criminology

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The University of Tennessee, Knoxville

Undergraduate Honors Thesis

Department of Sociology, Class of 2018

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## ABSTRACT

As of today, 5 people have been charged with manslaughter, among a total of 15 given various other criminal charges as a result of the water crisis in Flint, Michigan. Using 334 files downloaded from internal government documents and email conversations made publicly available, this case study uses a qualitative content analysis to corroborate evidence behind the Nick Lyon manslaughter charge in order to investigate in what ways the role of an organization is contained behind a criminal charge imposed on a specific person. When studying the history and series of events that led up to these convictions, an organizational structure supporting each of these officials charged must be recognized to explain how this type of “crime” happened. When a legal water switch results in killing over a dozen people, is it a concern for criminologists? To understand crime as a construct, it should be operationalized according the context being studied. Using green criminology and various literature, I examine how crime is or is not operationalized. How do you hold a long strand of people’s actions accountable? This framework assesses what I argue is the largest problematic component in this case: translating criminal law to control dangerous environmental activities.

## 1. INTRODUCTION

Criminal prosecutions are to be delivered as a response to the worst offenses. When a person representing an organization is criminally charged, on behalf of that identified organization, it is an indication that a civil charge was not sufficient to repay the victims or provide an equitable remedy without imposing criminal classifications (Greife et al. 2017). And in white collar crime, manslaughter is the pinnacle of charge one can receive. In this instance, criminal charges, however, are a gross representation of a larger event that happened. The criminal prosecutions against the members charged in the Flint Water Crisis, specifically regarding for the death of innocent people, do not account for the day-to-day actions that took place leading up to the fatalities. The already marginalized population in Flint was harmfully impacted by the human-induced decisions made regarding the water source switch and the environmental consequences that came with it. A consistent theme in research about environmental research shows that people of color or of low-income backgrounds are more vulnerable and likely to be exposed to environmental dangers (Greife et al. 2017). This was exactly the case for Flint, and understanding how the actors charged in this situation were able to rationalize their behaviors in order to violate laws, rules, regulations, or norms is important to highlight to explain how this catastrophe was permitted. The actions that took place in the preceding months leading up to the deaths are relevant to tell the story of how the end results were made possible.

### *Research Questions*

When studying the history and series of events that led up to these convictions, an organizational structure supporting each of these officials charged must be recognized to explain

how this type of “crime” happened. These are some of the research questions I initially intended to find the answers to, or a better explanation for:

- Can the same characteristics of an organized criminal business or group apply to a government agency?
- Was this a result of organized crime, regardless of intention?
- Can a series of actions taken by the government be considered a form of organized crime? Do sociological theories of organized crime apply to this scenario?

However, after altering my question of interest to focus more specifically on the content, I intend for my research to support the following:

- When a legal water switch results in killing over a dozen people, is it a concern for criminologists?

This helps bring in the perspective of green criminology. Further elaboration on this viewpoint will be addressed.

## **2. LITERATURE REVIEW**

### *Background*

#### 1a. Flint Water Crisis Overview

Flint, Michigan was one of many cities negatively impacted by de-industrialization in the 1970s, and has faced the lasting effects of financial struggles since. The city resides less than one hundred miles away from the famous bodies of fresh water known as The Great Lakes. However, this city has struggled for decades to have access to clean water. A history polluted with automobile industries, emergency management, and racism has led to a persistence of injustice that has invaded the lives of this population.

In efforts to save money, the appointed emergency managers of the city, Darnell Early and Ed Kurtz, made the decision to switch the city's water source from Detroit to using the Flint River in April of 2014. Although Detroit was providing safe and reliable water, Flint's contract with them was running out and the switch was intended to only be temporary until a long-term decision of using Lake Huron through the Karegnondi Water Authority (KWA) could be made. What was not considered, however, was the contamination contained within water from the Flint River that had long been a result of manufacturing companies dumping their waste during the city's flourishing times pre-industrialization. The tainted water was only the start of the health problems that arose from the switch. The pipeline infrastructure in Flint, being used to transport this water after filtered, was corroded and needed repairs. Lead in the pipes further contaminated the water, due to improper treatment, and by the time it reached the Flint citizens' homes it was already life-threatening. Immediately following the switch in April of 2014, residents started voicing their complaints. A brown color and foul odor were the first of the complaints. In the following months, people started reporting incidences of rashes, hair loss, and fatigue. While officials ignored these complaints, mistrust of the government from the community increased and health issues worsened (Egan 2016).

In July of 2015, a report was leaked from the Environmental Protection Agency indicating unsafe levels of lead present in Flint's water. Soon after, children were tested for lead in their blood and results indicated these levels had in fact significantly enlarged. In the following months, a rise in legionnaires disease, caused by lead being in the blood, was simultaneously happening- yet, officials still publicly claimed the water was safe to drink. After the crisis had been in full effect, the government, supporting agencies, and officials in charge agreed to switch back to Detroit in October of 2015 after admitting they had made a mistake. But

the switch was already too late. By January of 2016, nine deaths had resulted since spring of 2014 due to legionnaires disease. Governor Rick Snyder of Michigan publicly released all emails relating to the crisis shortly after, in efforts to take action in building back trust with the residents of Flint (Egan 2016). With these available documents, my criminal investigation of the Flint Water Crisis began.

#### 1b. Flint Water Crisis from Victims' Perspective

The following description is paraphrased from a letter drafted by NRDC's (Natural Resources Defense Council) litigation team explaining their intent to sue city officials in Flint such as Governor Snyder and Dan Wyant due to failing to properly control the lead found in Flint's drinking water, found included within the email correspondence of my selected data set. The purpose of this additional information regarding the background of the water crisis in Flint helps provide a narrative from the viewpoint of the victims in this situation. It is important to understand how the oppressed and plagued populations perceived the contextual background that licensed these harmful decisions.

In fall of 2011, Governor Snyder declared a financial state of emergency in Flint, Michigan and appointed an emergency manager. For fifty years prior to this, the city had purchased water from Lake Huron. But rising water rates from Detroit were not helping the economically distressed town, so the City Council voted in March 2013 to join the KWA by creating a new local water system. However, the city's present contract with Detroit was not set to expire until April of 2014, which was roughly eighteen months before the KWA pipeline was predicted to be finished.

Instead of implementing a short-term drinking contract with the already established system of Detroit for the transitional period, the emergency manager decided to switch to using



the Flint River as the temporary water source. This was not a newly explored idea. In fact, it had been investigated and denied in former considerations regarding water supply. The treatment plant for the Flint River was outdated and would require around fifty million dollars of innovations to have the water treated to meet federal standards. To engage in this switch required approval from the MDEQ.

The MDEQ ratified the switch from Lake Huron in Detroit to the Flint River in April of 2014. The following twenty months were full of dangers and threats to the health of the city's citizens, causing them frustration and disgust with the local government officials who allowed this to happen. For example, the problems resulting from the switch were so immediate that by the summer of 2014 boil advisories were already being issued to residents, encouraging them to boil their water before drinking, after the discovering of the presence of total coliform in the tap water.

Unfortunately, this was only the start of their concerns. Because the Flint River had been contaminated through a history of waste being dumped by the former General Motors plant in the city, the water was highly corrosive and lead began to seep out of the pipes when transported, subsequently into the drinking water. Control for this corrosiveness was not considered before the switch and MDEQ did not require the implementation of such controls. The city used reactive, as opposed to proactive, measures to address the lead level issues once residents expressed their complaints and concerns.

After monitoring cycles were instituted, the EPA notified the DEQ of high lead levels found in water samples in February 2015. Both city officials and the DEQ still maintained the stance that these were isolate events with no correlation to the water switch or lack of corrosion control in the pipes. The lack of instituting such vital measures ultimately resulted in over a

dozen deaths. There was a significant increase in community action in July 2015 as residents were still overwhelmingly concerned. Studies conducted by Virginia Tech and a local pediatrician revealed elevated blood levels in children, yet the government still ensured the water as safe and was hesitant to make any immediate public declarations. Finally, nearly seven months after complaints had actively been voiced, the city recognized that these were serious issues not to be ignored anymore and initiated the switch back to using Detroit water, completed in October that same year. Altogether, these decisions endangered the lives of the public.

It is important to also note that the president declared the situation in Flint as a state of emergency, rather than a disaster, because it did not meet the criteria of a federal disaster due to the fact that it was a manmade crisis (Nukpezah 2017).

## 2. Criminal Charges

According to the Flint Water Advisory Task Force, top governmental agencies such as the DEQ, DHHS, and EPA were all liable for this public health emergency (Nukpezah 2017). Among several government officials, Director of Health and Human Services Nick Lyon was charged with manslaughter relating to the crisis. Specifically, it was put forth by one of his co-workers that Lyon knew about the epidemic in January of 2015, but failed to publicly address it until a year later. His failure to act on this knowledge has resulted in the deaths of over a dozen people (2016a). Using the emails and supporting documents provided, a thorough investigation will be conducted to see what communication, if any, was taking place during these time periods of which imperative information was being withheld within his network.

### *Theoretical Framework*

#### 1. Defining Crime

To understand crime as a construct, it should be operationalized according to the context being studied. Using various literature, it is important to understand how others define crime, and/or how crime is not operationalized. From an outside view, we may choose to see it as an individual crime because someone died from legionella, but what about everyone else negatively affected and did not die-- does that mean the crime is not present as well? How do you hold a long strand of people's actions accountable? It can be hard to think beyond the individual level but it is necessary, especially for the purpose of this project, to look at the organizational cultural process.

## 2.. Traditional Criminology

The major difficulty approached when trying to understand the criminal implications of how the Flint Water Crisis resulted in the deaths of many is how our society fundamentally defines and interprets crime. Up until the attempted prosecutions of the Ford Motor Company regarding the deaths that resulted from the car model Pinto, corporations had largely been rejected criminal statutes due to the fact that a corporation is not an individual person, only on paper (Boyes-Watson 2013: 340). One of the key elements necessary for an act to be prosecuted as criminal is that the actor must possess the mens rea, or mindful intent, of committing a specific action deemed as a crime. But, liability under the law holds that regardless of intent, the committed act or omission of must be held accountable (White 2017). Because conventional notions of violent crime involve an individual harming another individual, ways in which to direct the blame to larger entities, such as government organizations, on a larger scale of analysis is an aspect of crime that needs more explanation. Similar to the devastating situations that resulted from the Ford Pinto model, the governing bodies of Flint chose to put profits ahead of the lives of citizens in the community.

Traditional criminology initially did not acknowledge crimes against the environment or the environmental harm being dealt with in the changing world of living in a risk society. Rather than directing a whole new theory towards this topic, the focus on a new “green perspective” as a development of criminological theory must be addressed. A green perspective builds off the principles outlined in traditional criminology, but fills in the gaps to include topics affecting and referencing the type of dangerous culture we live in today (South and Beirne 2006: 429).

Issues, such as the examples described below through The Love Canal and The Toxic Rim, and have in fact been covered within criminological literature, but have not been fully deliberated enough to receive an entire field of study within the discipline until the introduction of green criminology. In other words, the foundations have been put forth, but further emphasis and analysis on issues encompassed within this subject must be added.

The Love Canal, a canal located near Niagara Falls, was a prominent chemical toxic waste dump during the 1940s by a company called Hooker Chemical. After being covered up in 1952, the company later sold the surrounding land to the Niagara Falls Board of Education where a school was eventually built. It was not until the late 1970s that the hazardous wastes began to surface from the previously dedicated dumping site, and leaked into people’s properties and the grounds of the school. The presence of eighty-eight chemicals were noted, eleven regarded as possible carcinogens, others known to cause complications in the kidneys and liver. The amount of media circulated around this event highlighted that this type of degradation of the environment with negligence of future generations was not deemed a crime and was in fact legal (South and Beirne 2006: 432).

When industrial developments began to boom in the early 1990’s, landfills of Southern California were unable to contain the vast amounts of toxic waste generated. Rather than

improvising to reduce the amount exerted, the city of Los Angeles chose to “regionalize” the pollution- creating a *Toxic Rim*. The exportation of disposal to the regions of Baja California and the Eastern Mojave Desert formed a waste-belt of colossal landfills that severely degraded the environment, affecting ecological components including trees and delicate animal species. This scenario represents an instance in which toxic waste was displaced in such a way to affect victims largely hidden or forgotten when such harmful actions are taken against the environment, and may not be acknowledged until a resulting catastrophe (South and Beirne 2006: 433-434).

Scholars in this field call for more research done by readers to apply a green field of criminology to cases relevant within our own historical experiences. More recognition through practical application is needed to enhance the development of such field. The work being demonstrated in this project is thus envisioned to contribute knowledge to this area of interest.

### 3. Green Criminology

The intended field of significance utilized to support, defend, or perhaps even disprove what is inferred from the data gathered is derived from green criminology. This framework assesses what I argue is one of the largest problematic components in this case: translating criminal law to control dangerous environmental activities. (South and Beirne 2006). Physical individuals represent the subjects in question of criminal liability, but the unit of actor needed to address environmental control is aimed at collective groups on the organizational level.

Green criminology is often regarded as a perspective, rather than a theory. The examination of an environmental crime is limited when sought after as an experiment explained by a law. But if the analysis of environmental crime expanded to include explanation, prediction, and interpretation, the greater search for meaning behind environmental crimes can produce a

more significant explanation, provided under a broader scope of green criminology (Brisman 2014).

Mainstream law and criminology do not provide the definition expansions crucial to encompass the meanings of harm that are regarded by critical green criminologists (White and Heckenberg 2014).

*“As the study of environmental victimology develops, it must be inclusive of different notions of who is a victim, what is a victim and how the processes of denial (indifference, oversight, ignorance) influence who and what is considered a victim, as well as the impacts of these variables on the experience of victimization and suffering (e.g. recognized or unrecognized; heard or unheard) and the meting out of justice in terms of compensation (immediate, delayed, denied)”(White and Heckenberg 2014).*

Green criminology is unique in providing a flexible framework by considering both legal and illegal activities, over a length of time, and the harmful consequences done to both the environment and human subjects (Greife et al. 2017). Research is needed to address these harms on a larger, macro scale. Cases addressed through green criminology highlight that some instances may violate supervisory laws, while others may include harms that are not explicitly illegal but principally unacceptable from a social or moral standpoint. Nonetheless, both types are not without public controversy and the risks associated with either are extensively debated (South and Beirne 2006).

#### 4. Neutralization Techniques

Among a list of other concepts and theoretical reasoning, the general category of neutralization techniques and the examples below serves as one of the subfields that falls under green criminology and that applies to this project. Neutralization techniques are a categorized

form of action that explain why people choose to engage in norm-breaking behavior and repeatedly do so, when in other contexts they are expected to respect the same governing norms. These can justify the rationalizations of those norms which direct the activities within the public sector. Neutralizing one's behavior as a means of self-defense towards other dominating forces may appear as a reasonable technique, but this view comes as a response to recognizing first that whatever behavior they are participating in does not typically entertain the same interpretation within the legal system. This theory was originally designed to explain juvenile delinquent behavior. However, it has been argued that neutralizations may actually work better on explaining the ex post facto behavior of older adults rather than younger people like it was originally intended to do (Maruna and Copes 2005).

The behaviors engaged in perhaps did not register as "criminal" when they were doing so; it took a buildup of actions to make it more evident. The idea is that understanding the background behind an offender or offenders will help provide explanation for the reasoning they engaged in acts legally defined as criminal. Because of the context and crisis situation happening in Flint, it was easy for the members of the government involved to learn and apply these types of neutralization techniques without actually trying to or putting forth much effort. Simultaneously, it was also the ideal setting for them to not be met with any consequences.

This theory is one of the earliest theories that accounted for deviant behavior. Although originally intended to explain juvenile delinquent behaviors, it has evolved to be used for organizational and white-collar crime as well. Maruna and Copes (2005) state, "Neutralization theory transcends the realm of criminology... Thus, neutralization theory has 'universal applicability,' as it can be applied to any situation where there are inconsistencies between one's actions and one's beliefs." Later concepts placed the emphasis on the central inconsistency factor

of neutralization theory: the divergence between being self-recognized as a moral person and acting in ways that are contradictory to the acclaimed principles.

In terms of the research described in the topic of my study, this idea of rationalizing the differences conveyed between one's beliefs and actions is especially relevant due to the basis that the government is designed to explicitly define both. We are socialized to expect that the government's function is to do whatever is best for the people it is representing (Maruna and Copes 2005). The idea is that in order to engage in criminal behavior, the actor must find ways to justify its necessity to reduce guilt.

Understanding the principles behind denial involves examining how the agents were able to rationalize their wrong-doing. These assorted techniques of neutralization show how state leaders make efforts to avoid taking the proper actions necessary for environmental problems while dynamically supporting the interests of particular sectors (White and Heckenberg 2014).

These denials can be categorized by the following:

1. Denial of responsibility
2. Denial of injury
3. Denial of victim
4. Condemnation of the condemners
5. Appeal to higher loyalties

*Denial of responsibility* includes instances where the deviant acts may not only be considered accidental, but also the fault of someone else or forces outside of the actor's control. An example of this could be, "I didn't mean to do it," or "This was just an accident" (Sykes and Matza 1957).

*Denial of injury* holds that the wrongfulness of one's behavior might be against a certain set of rules or guidelines, but the actor believes this decision will not cause any great harm. Particularly



in environmental crimes, it is a common theme that the perpetrators claim there is no direct victim. Therefore, this technique is susceptible to a variety of interpretations and is closely linked with the technique of denial of victim. *Denial of victim* happens when it is stated that some victims acted wrongfully and therefore deserve whatever happened to them (Maruna and Copes 2005). It also includes when the victim is absent, not known, or more obscure. This denial of existence of a victim leads to the underlying belief that the injury acclaimed to the victim is more of a punishment or retaliation for some other instance. Especially in instances when consciousness of the victim is reduced, this rationalization process can be set in motion. The fourth technique, *condemnation of the condemners*, can also be translated as “rejection of the rejectors” (Sykes and Matza 1957). Those who disapprove of the violator’s actions are instead attacked and blamed by the perpetrator to shift the narrative away from the victim’s accusation against one’s wrongful doing in order to justify their behaviors. Examples could include calling someone a hypocrite or a criminal themselves. The final rationalization, *appeal to higher loyalties*, contains verbiage and reasoning that the norms broken were not selfishly decided but were enacted to serve the interests of a greater group or organization. For instance, “I didn’t do it for myself” (Sykes and Matza 1957). The remaining outcome from each of these techniques is the lack of action to address the key influences contributing to the environmental problem recognized (White and Heckenberg 2014). Specifically, for this study, the environmental problem of lead poisoning is of focus.

### **3. METHODOLOGY**

Because this project focuses on studying a harmful event that has already happened, analyzing the documents of which have been selected and provided are appropriate for rebuilding, mapping out, and displaying the factors that coalesced to institute the problem. The

data source of documents is important in examining environmental harm through instances of email correspondence, memos, minutes scribed during meetings, and letters; all of which were components used in this discourse analysis (White and Heckenberg 2014). This study was made possible through approval from the University of Tennessee's Institutional Review Board, which served as the reason I was able to access this data and permitted to do research on this topic. IRB approval was sought in June of 2017 and was received on October 2, 2017.

### *Obtaining Dataset*

The primary dataset used in this project was obtained from publicly available documents. The administration operating under Governor Rick Snyder of Michigan released all emails relating to the Flint Water Crisis in January of 2016, in hopes of restoring trust with the citizens of Michigan through a supposed act of transparency. Additionally, the Michigan Department of Environmental Quality (MDEQ) made similar emails of relevant material available to the public through a request under the Freedom of Information Act (FOIA) by Professor Marc Edwards at Virginia Tech in 2015. Both sets of emails were published to Gov. Snyder's website, but were paradoxically difficult to both find and access. A fellow undergraduate researcher, Haley Boles, was able to uncover the first set of files, and with the help and training from Rochelle Butler of the University's Information Technology department, a second set was discovered.

Once all files were downloaded, a team of researchers began to examine the content. However, because these files were transported in the original format, they only represented flat images, meaning they were not organized in any structure and the documents were not text searchable. The files each correlated to a different government entity, such as the MDEQ or DHHS (Department of Health and Human Services), and varied in sizes. Some departments also

corresponded with multiple files, and the PDFs enclosed could range from a couple pages to estimations of hundred-thousands.

To organize the data set, Haley started by utilizing the professional version of Adobe Acrobat Reader to address the issue of making the files text-searchable. This program contains a feature called “optical character recognition” (OCR) that has the ability to scan documents for letters and words, and upon identification, overlays the uncovered data on top of the original image. Depending on the file size, Adobe is only able to handle increments of 5-10 files. This process proved to be time consuming given the large data set considered, and although this process may not guarantee perfect results, the OCR function aided in creating a more accessible data set.

Once the files were successfully completed through OCR, they then had to be separated into smaller units to make the documents organized and manageable. Bates numbers, or page numbers, were added to each massive PDF, then were split into multiple sections. The documents were divided based on already existing forms of bookmarks, which were likely instituted during the initial email extraction process. To keep the distinctive email conversation threads in-tact, the content size and number of pages within each bookmark is not standardized by a certain number of pages. They were split into parts and put into folders labeled by the title of the original file names. Documents ranged from including 5 to 1,000s of parts, comprising a total 27.6 GB of data once all processed. These were then all uploaded into a shared Google Drive master folder, where individuals from the research group could access and search for specific files containing particular names, dates, or other key words.

### *Sample Selection*

For my case selection, I did a text search on the google drive folder for all documents containing the name “Nick Lyon,” and compiled each piece into a separate folder. I then downloaded the folder into Nvivo, where I coded separately each of the 334 files mentioning Nick Lyon. This amounted to being 270.2 megabytes of data. Some of the files were duplicates, some were only a page or two, some were over a hundred pages in length. A large and broad data set was needed in order to support my specific argument that utilized discourse analysis methods. Any further condensing of the data set would almost be too narrow (i.e. documents from just one week or a couple of days) to defend my argument that the actions were taking place over a long period of time before the public was properly addressed. Therefore, I went back through each file in my Nvivo project and organized them into categories based on the month they corresponded with. Doing this subsequently showed me which months had drastically more communication than others, which was also beneficial for later references. Using an already made Flint timeline our group has been collaborating on over the past year, I was able to match up the communications from the categorized emails per month with what was happening at that time in the public sphere. This strategy was created to produce results that would correspond with neutralizations, while still initially focusing in on 1 of the 5 sectors involved in the criminal charges.

### *Coding Scheme*

Using a grounded theory coding scheme by Kathy Charmaz, I started my focus on initial coding, which is one of two given types: initial and focused coding. Initial coding entails coding line by line and focusing strictly on each segment, gathering data, then forming analytical questions for theoretical research from what has been found (Charmaz 2006). This scheme also

validates an objective coding viewpoint. Regardless of what the intention behind the message was, the language is still present. Open coding was used to group raw data based on concepts, such as neutralization techniques or objective terms like financial costs and background information. Once classified, they were sorted to correspond with the literature relevant to make sense of the empirical evidence.

Due to the extent of the data set, I organized the files into separate folders in Nvivo based on the month the email correspondence took place during. The earliest available month was March of 2013, and the most recent month available was February 2016. There were thirteen documents where the time period was unavailable or unknown, either due to being only partial document fragments or a document, such as meeting minutes, that was undated. This organization method aided in being able to confront the data systematically while following the timeline of events.

Upon decision of focusing on neutralization techniques as the primary theoretical framework to support my argument, the codes I created to correspond with the given data set were simplified into the five direct categories of neutralizations. The following discussion section will go future in-depth as to the various concepts contained in each code and the terminology that was discovered throughout my analysis of which fell into these categories.

#### **4. DISCUSSION**

It is possible that the indications of these techniques could represent the working environments of the people being referenced. Given the results, it did not take one person to cause the process that killed innocent people; it required a system of actions working together. “Neutralizations, then, may say more about a culture than about an individual” (Maruna and Copes 2005). A criminal charge or the death of a citizen does not provide a justification for the

day-to-day actions that took place before the lives were lost. In an article where a reporter interviewed a resident, she stated, “They cut every corner... They did more to cover up than actually fix it. That’s criminal” (2016b). In the perspective of the perpetrators, the decision to switch water sources and inadequately treat the alternative source properly should be excused because the outcomes of death were unpredictable and the necessary steps needed were unknown at the time. But these exact circumstances provide why the inability of these events as foreseeable situate the context to be reckless because it was not initially proven safe (South and Beirne 2006). If the interest of humans’ well-being were to be present at the forefront of decisions made by agents of control, as opposed to economic or other interests, the margin for error could be significantly reduced.

### *Results/Implications*

Neutralization techniques are one way of claiming victimhood. Through the analysis of the emails, it was a common theme for the actor to articulate some type of excuse for why the situation was worsening. The criminal impositions, on those who were found most liable, have the power to raise public awareness about the importance of accountability when being in charge of a large expansion of individuals (Gostin 2016). The rationalization, *denial of responsibility*, was the most common technique identified in the data set. Actors from all agencies and positions were included in this category. One excuse that repetitively was used throughout these internal communications was the denial of responsibility through the lack of knowledge or placing the responsibility on someone else. Ignorance and lack of knowledge about the law is not an excuse or defense against the reasoning for committing an illegal environmental offense (Gaynor, Remer and Bartman 1992). Similarly, criminal penalties are applicable for acts of negligence. “As the courts have interpreted the environmental statutes, knowledge of the law is generally not

required to sustain a criminal conviction” (Gaynor, Remer and Bartman 1992). Lack of proper knowledge of how to deal with the water issues does not make one exempt from blame, especially in environmental crimes. The ignorance still makes the perpetrator subject to criminal accusations for not operating as the informed professional they are held liable to be.

Shift of blame is another subcategory found prevalent throughout the documents. Scholars argue that this could fall under the category of *condemnation of condemners*, but I argue that this limits its applicability to blaming only those that are coming forth about the issue as victims, rather than also including other agencies that are subject to blame (South and Biernes 2006). For this reason, indications of an actor or group of actors stating that the blame should be on a different governing organization fell into the category of *denial of responsibility*. This sector held the most content collected. Overall, “the Flint independent task force makes clear that the system failed to protect and respect the rights and health of the people of Flint at every level” (Gostin 2016). All sectors were involved in the formation of this harmful string of events; the single text search of Nick Lyon only expanded my knowledge of how the interworking of all the agencies were actually the ones responsible, not solely Lyon, and how the criminal law statues are not designed to target or control these extentions of people.

*Denial of victim* and *condemnation of condemners* were the other most noted codes discovered. Denial of victim is another way of saying that the subject who complained is an agent of harm, not really a victim. As indicated in the charts below, these common references took place when the actor would blame the lead problem on a victim’s plumbing infrastructure structure, rather than the actual improper treatment taking place of the water leaving the facility. Rather than the victim being absent or unknown, I would also argue to include the definition of

this particular technique to include if the victim is largely perceived as marginalized or invisible from the public scope.

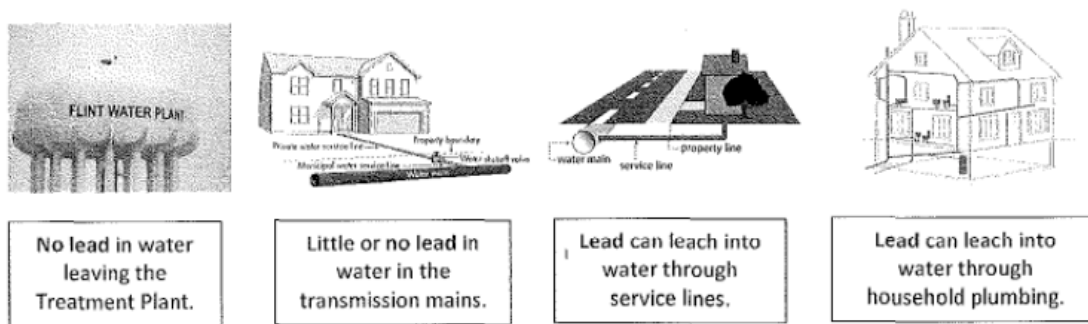
The chart and image below highlight some of the most descriptive codes for each sector of neutralization techniques found. Not that *appeal to higher loyalties* was not as prevalent in the findings, perhaps due to requests for informal communications (phone call, quick meeting, etc.) that took place in the emails between different departments. These instances could have been where an actor defended themselves by stating they were doing it for the betterment of their organization or similar rationalizations.

#### Denial of responsibility

deq19_Part002	“Simply stated, staff employed a federal protocol they believed was appropriate and it was not. However, I am convinced our program staff believed they were doing their job correctly, and simply did not have the experience with the particular issue of corrosion control in cities of more than 50,000 people” (DEQ director Dan Wyant sent to colleagues 10/15/15)
deq19_Part2	“Let’s be clear: The Flint River is not contributing lead. The water leaving the drinking water plant is clean and safe. The water traveling through the distribution system is also free of lead. The lead issues are the result of water in homes that have lead service lines or lead plumbing. And because the contamination factor is at the homeowner level, it is difficult to track or asses with the kind of specificity customers would like to think regulators have” (rebuttal editorial to the Free Press by DEQ Brad Warfel 10/1/15)
deq19_Part002	“I appreciate the council voting the way they did, but even more than that, I am glad the residents of Flint were able to have their voices heard via their elected officials” (CEO of KWA Jeff Wright statement 3/26/13)
deq19_Part002	“The issues around Flint’s drinking water represent the challenges of aging infrastructure” (DEQ Dan Wyant Taking Action on Flint Water draft sent to DEQ Mary Beth Thelen 12/28/15)
deq4_Part578(1)	“I just received a call from LeeAnn Walters’ home in Flint. She had her water tested again—this time the lead levels came back at 397 ppd. I will ask her to fax me the official lab results she has. Are you aware if the City flushed her system after the last test? Any thoughts on how to respond



	to her? I'm running out of ideas" (EPA Jennifer Crookes to DEQ employees 3/18/15)
Staff_17_Part315	"The city was doing the best it could' to clean up pollutants, Edwards said, but added that corrosivity was inevitable. He blamed the problems on a lack of expertise rather than intentional wrongdoing. 'I think it started relatively innocently. They didn't understand testing and they didn't understand corrosivity,' he said" (article circulated written by Detroit Free Press 10/11/15)



deq4\_Part578 (City of Flint 2015, 3<sup>rd</sup> Quarter Water Quality Report under section titled: Current Drinking Water Issues & Lead Information)

Denial of victim

deq19_Part2	"Lead plumbing is common in homes built prior to 1986, and anyone in the state with lead pipes in their home can take some extra precautions to minimize lead in their drinking water" (Flint Water Action Plan Talking Points, 10/1/15)
deq4_Part578(1)	"It's a very sore point, particularly when you have a population with a high degree of low-income folks...To me, the conversation we need to be having is, how do we lower those rates?" (Flint's appointed emergency manager Gerald Ambrose 3/24/15)

Denial of injury

deq19_Part002	"Though aware of the Virginia Tech sampling results, MDEQ officials continued to insist that Flint's water was safe to drink" (Letter of intent to sue from ACLU 11/16/2015)
deq4_Part578(1)	"We don't believe our data demonstrates an increase in leading poisoning rates that may be attributable to the

	change in water source for Flint” (DHHS internal memo from Nancy Peeler 7/29/15)
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#### Condemnation of the Condemners

deq4_Part578(1)	“Let me tell you, this Flint situation is a nasty issue—I’ve had people call me 4 letter words over the phone, yell at me, and call me a crook—yes, the last one was a play on my last name—I didn’t think it was funny, though I am developing thick skin ☺” (EPA Jennifer Crooks sent to EPA Program Analyst Rhiannon Dee 2/6/15)
deq4_Part578	“Yep, have another Flint complaint” (EPA Jennifer Crooks sent to DEQ members 9/17/14)
deq4_Part578	“Yep, another complaint about our favorite water supply ☺” (DEQ Jennifer Crooks to Stephen Busch DEQ 10/2/14)
deq4_Part578	“The technical information matters for transparency but the trust gap is so wide that most people will be skeptical of all of it” (Andy Leavitt response to Howard Croft regarding 3 <sup>rd</sup> Quarter Water Report 10/11/15)
deq19_Part002	“Moreover, the City’s efforts to test for lead involve sending water sampling kits to homeowners and relying on them to participate and follow the sampling instructions, and that has been a long-standing challenge in Flint” (rebuttal editorial to the Free Press by DEQ Brad Warfel 10/1/15)

#### Appeal to higher loyalties

deq4_Part578(1)	“Flint was within federal protocols when it chose to use lime, and this is consistent with what every other community was required to do” (Notes prepared for DEQ Flint Water Drinking Q&A 9/30/15)
deq19_Part001	“I cannot imagine that any decisions made that contributed to the crisis were made by this Director, but rather they were certainly made within the division, because at the time they seemed like less important, lower-level decisions” (DEQ Bruce VanOtteren send to Governor Snyder regarding keeping Dan Wyant as DEQ director 12/29/15)

#### *Limitations*

The main limitations in this study were with organizing data set and the lack of computer science technology able to be utilized. More information could be produced and processed if a computer was dedicated to this data and a software or database was designed to properly arrange

each of the files. It would have been more representative if it was possible or better accessible to narrow down the dates of DHHS, or if I had time to select a new data set that was smaller and more precise to these ramifications. Accuracy could have been improved if data set was smaller. The unpredictability of each file size was not an explicit limitation, but an adjustment that could be better accounted for in the future with more advanced or detailed technology that could provide descriptions of each file size and length. Having the ability to do specific text search of certain terms in the documents could also minimize time spent looking through each one.

### *Future Research*

It could be beneficial to perform more legal research or expertise, of which I am not well versed in, on how the law has treated cases like these in the past and what the future predictions might be for those charged in the Flint Water Crisis. A continued following of the criminal prosecutions and developments made in that area would be a different area that could aid to the importance of this project: a more specific investigation of responsibility. Maruna and Copes might classify this entire operation as a, “systematic study of mass violence” (Maruna and Copes 2005). Doing so opens up avenues for more research directed at similar instances and how, if any, this could be considered a case of mass violence. It would also be interesting to research and record what efforts are being made to restore trust between the community and the government, if any. My project focused heavily on actions taken before the catastrophe happened, so it would be an interesting comparative approach to discuss the efforts made after and more recently to restore communal trust. A reparative justice alternative, such as community service, as opposed to the typical sanctioning consequences of jail time or financial obligations, could be proposed as a better way to aid in this community development proposition (White 2017). Exploring ways

this could be performed and presenting it to legal representatives could have an effect on how the community of Flint will regard the officials in charge of their well-being in the future.

### *Conclusion*

After going through and coding each document, I was overall very surprised with the results I found. Expecting to find a trail behind Nick Lyon and the rest of DHHS talking about the health issues that have resulted from the water switch, I hardly found any indications at all of his involvement. It was difficult to find anything that he could have been linked to, other than being copied in an email thread sent to multiple people. Instead, much of the discussion in the emails indicated that DEQ was ultimately be blamed for the negative aftermath that came from the water switch. Neutralization techniques, such as *denial of* responsibility, have uncovered these findings. Seeing how the combination of multiple organizations can be responsible for such a devastating series of events was a common theme recognized throughout this study, as opposed to how one actor did all the damage. Ways in which the various actors chose to shift the blame on someone else, a factor that they had no control over, or the victim who was voicing the complaint were all ways in which the people held responsible and liable for the issues that arose from the water crisis chose to justify the negligent actions taken that led to the deaths of one too many. In the end, there are never any safe levels of lead, and finding loopholes to invalidate this statement were ways government officials and directors toyed with innocent citizens' lives.

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