



NINTH EDITION

# PUBLIC ADMINISTRATION: Concepts and Cases

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## How Kristin Died

GEORGE LARDNER, JR.

The phone was ringing insistently, hurrying me back to my desk. My daughter Helen was on the line, sobbing so hard she could barely catch her breath. “Dad,” she shouted. “Come home! Right away!”

I was stunned. I had never heard her like this before. “What’s wrong?” I asked. “What happened?”

“It’s—it’s Kristin. She’s been shot . . . and killed.”

Kristin? My Kristin? Our Kristin? I’d talked to her the afternoon before. Her last words to me were, “I love you Dad.” Suddenly I had trouble breathing myself.

It was 7:30 p.m. on Saturday, May 30. In Boston, where Kristin Lardner was an art student, police were cordoning off an apartment building a couple of blocks from the busy, sunlit sidewalk where she’d been killed 90 minutes earlier. She had been shot in the head and face by an ex-boyfriend who was under court order to stay away from her. When police burst into his apartment, they found him sprawled on his bed, dead from a final act of self-pity.

This was a crime that could and should have been prevented. I write about it as a sort of cautionary tale, in anger at a system of justice that failed to protect my daughter, a system that is addicted to looking the other way, especially at the evil done to women.

But first let me tell you about my daughter.

She was, at 21, the youngest of our five children, born in Washington, D.C., and educated in the city’s public schools, where not much harm befell her unless you count her taste for rock music, lots of jewelry, and funky clothes from Value Village. She loved books, went trick-or-treating dressed as Greta Garbo, played one of the witches in “Macbeth” and had a grand time in tap-dancing class even in her sneakers. She made life sparkle.

When she was small, she always got up in time for Saturday morning cartoons at the Chevy Chase library, and she took cheerful care of a succession of cats, mice, gerbils, hamsters and guinea pigs. Her biggest fault may have been that she took too long in the shower—and you never knew what color her hair was going to be

when she emerged. She was compassionate, and strong-minded too; when a boy from high school dropped his pants in front of her, Kristin knocked out one of his front teeth.

“She didn’t back down from anything,” said Amber Lynch, a close friend from Boston University. “You could tell that basically from her art, the way she dressed, the opinions she had. If you said something stupid, she’d tell you.”

Midway through high school, Kristin began thinking of becoming an artist. She’d been taking art and photography classes each summer at the Corcoran School of Art and was encouraged when an art teacher at Wilson High decided two of her paintings were good enough to go on display at a little gallery there. She began studies at Boston University’s art school and transferred after two years to a fine arts program run jointly by the School of the Museum of Fine Arts and Tufts University. She particularly liked to sculpt and make jewelry and, in the words of one faculty member, “showed great promise and was extremely talented.”

In her apartment were scattered signs of that talent. Three wide-banded silver and brass rings, one filigreed with what looked like barbed wire. Some striking sculptures of bound figures. A Madonna, painstakingly gilded. A nude self-portrait in angry reds, oranges and yellows, showing a large leg bruise her ex-boyfriend had given her on their last date in April.

“It felt as though she was telling all her secrets to the world,” she wrote of her art in an essay she left behind. “Why would anyone want to know them anyway? But making things was all she wanted to do. . . . She always had questions, but never any answers, just frustration and confusion, and a need to get out whatever lay inside of her, hoping to be meaningful.”

Kristin wrote that essay last November for a course at Tufts taught by Ross Ellenhorn, who also happens to be a counselor at Emerge, an educational program for abusive men. He had once mentioned this to his students. He would hear from my daughter in April, after she met Michael Cartier.

By then, Kristin had been dating Cartier, a 22-year-old bouncer, for about two and a half months. She broke

“The Stalking of Kristin: The Law Made It Easy for My Daughter’s Killer,” George Lardner, Jr., *The Washington Post*, November 22, 1992. Reprinted by permission.

off with him on the early morning of April 16. On that night, a few blocks from her apartment, he beat her up.

They “became involved in an argument and he knocked her to the ground and started kicking her over and over,” reads a Brookline, Mass., police report. “She remembers him saying, ‘Get up or I’ll kill you.’ She staggered to her feet, a car stopped and two men assisted her home.

“Since that night,” the report continues, “she has refused to see him, but he repeatedly calls her, sometimes 10 or 11 times a day. He has told her that if she reports him to the police, he might have to do six months in jail, but she better not be around when he gets out.

“She also stated the injuries she suffered were hematomas to her legs and recurring headaches from the kicks.”

Kristin didn’t call the police right away. But she did call Ellenhorn in hopes of getting Cartier into Emerge. “I made clear to her that Emerge isn’t a panacea, that there was still a chance of him abusing her,” Ellenhorn says. “I told her that he could kill her . . . because she was leaving him and that’s when things get dangerous.”

Cartier showed up at Emerge’s offices in Cambridge, around April 28 by Ellenhorn’s calculations. Ellenhorn, on duty that night, realized who Cartier was when he wrote down Kristin’s name under victim on the intake form.

“I said, ‘Are you on probation?’ ” Ellenhorn remembers. “He said yes. I said, ‘I’m going to need the name of the probation officer.’ He said, ‘[Expletive] this. No way.’ ”

With that, Cartier ripped up the contract he was required to sign, ripped up the intake form, put the tattered papers in his pocket and walked out.

“He knew,” Ellenhorn says. “He knew what kind of connection would be made.” Michael Cartier was, of course, on probation for attacking another woman.

Cartier preyed on women. Clearly disturbed, he once talked of killing his mother. When he was 5 or 6, he dismembered a pet rabbit. When he was 21, he tortured and killed a kitten. In a bizarre 1989 incident at an Andover restaurant, he injected a syringe of blood into a ketchup bottle. To his girlfriends, he could be appallingly brutal.

Rose Ryan could tell you that. When Kristin’s murder was reported on TV—the newscaster described the killing as “another case of domestic violence”—she said to a friend, “That sounds like Mike.” It was. Hearing the newscaster say his name, she recalls, “I almost dropped.”

When Ryan met Cartier at a party in Boston in the late summer of 1990, she was an honors graduate of

Lynn East High School, preparing to attend Suffolk University. She was 17, a lovely, courageous girl with brown hair and brown eyes like Kristin’s.

“He was really my first boyfriend,” she told me. “I was supposed to work that summer and save my money, but I got caught up with the scene in Boston and hanging out with all the kids. . . . At first, everything was fine.”

Cartier was a familiar face on the Boston Common, thanks to his career as a freelance nightclub bouncer. He had scraped up enough money to share a Commonwealth Avenue apartment with a Museum School student named Kara Boettger. They dated a few times, then settled down into a sort of strained coexistence.

“He didn’t like me very much,” Boettger said. “He liked music loud. I’d tell him to turn it down.”

Rose Ryan liked him better. She thought he was handsome—blue eyes, black hair, a tall and muscular frame—with a vulnerability that belied his strength. To make him happy, she quit work and postponed the college education it was going to pay for. “He had me thinking that he’d had a bad deal his whole life,” she said, “that nobody loved him and I was the only one who could help him.”

Cartier also knew how to behave when he was supposed to. Ryan said he made a good first impression on her parents. As with Kristin, it took just about two months before Cartier beat Ryan up. She got angry with him for “kidding around” and dumping her into a barrel on the Common. When she walked away, he punched her in the head; when she kept going, he punched her again.

“I’d never been hit by any man before and I was just shocked,” she said. But what aggravated her the most, and still does, is that “every time something happened, it was in public, and nobody stopped to help.”

Cartier ended the scene with “his usual thing,” breaking into tears and telling her, “‘Oh, why do I always hurt the people I love? What can I do? My mother didn’t love me. I need your help.’ ”

Shortly after they started dating, Ryan spent a few days at the Cartier-Boettger apartment. He presented her with a gray kitten, then left it alone all day without a litter box. The kitten did what it needed to do on Cartier’s jacket.

“He threw the kitten in the shower and turned the hot water on and kept it there under the hot water,” Ryan remembers in a dull monotone. “And he shaved all its hair off with a man’s shaving razor.”

The kitten spent most of its wretched life hiding under a bed. On the night of Oct. 4, 1990, Cartier began drinking with two friends and went on a rampage. He took a sledgehammer and smashed through his bedroom wall into a neighbor's apartment. And he killed the kitten, hurling it out a fourth-floor window.

"I'd left the apartment without telling them," Ryan said. "When I came back, the police were in the hallway. . . . They said, 'Get out. This guy's crazy.' They were taking him out in handcuffs."

Three months later, Cartier, already on probation, plea-bargained his way to probation again—pleading guilty to malicious destruction. Charges of burglary and cruelty to animals were dismissed; the court saw nothing wrong with putting him back on the street.

"I thought he was going to jail because he violated probation," Kara Boettger said. So did Cartier. "[But after the January hearing] he told me . . . 'Oh yeah, nothing happened. They slapped my wrist.'"

When Michael Cartier was born in Newburyport, Mass., his mother was 17. Her husband, then 19, left them six months later; Gene Cartier has since remarried twice. Her son, Penny Cartier says, was a problem from the first.

"He'd take a bottle away from his [step]sister. He'd light matches behind a gas stove. He was born that way," Penny Cartier asserted. "When he was five or six, he had a rabbit. He ripped its legs out of its sockets."

"None of this," she added in loud tones, "had anything to do with what he did to Kristin. . . . Michael's childhood had nothing to do with anything."

Life with mother, in any case, ended at age 7, when she sent him to the New England Home for Little Wanderers, a state-supported residential treatment center for troubled children. Staff there remember him—although Penny Cartier denies this—as a child abused at an early age. "That's the worst childhood I've ever seen," agrees Rich DeAngelis, one of Cartier's probation officers. "This didn't just happen in the last couple of years."

Cartier stayed at the New England Home until he was 12. In October 1982, he was put in the Harbor School in Amesbury, a treatment center for disturbed teenagers. He stayed there for almost four years and was turned over to his father, a facilities maintenance mechanic in Lawrence.

Michael Cartier was bitter about his mother. "I just know he hated her," Kara Boettger said. "He said he wanted to get a tattoo, I think maybe on his arm, of her hanging from a tree with animals ripping at her body."

Penny Cartier didn't seem surprised when I told her this. In fact, she added, after he turned 18, "he asked my daughter if she wanted him to kill me."

Cartier entered Lawrence High School but dropped out after a couple of years. "He was just getting frustrated. He couldn't keep up," said his father. By his second semester, he was facing the first of nearly 20 criminal charges that he piled up in courthouses from Lawrence to Brighton over a four-year period.

Along the way, he enjoyed brief notoriety as a self-avowed skinhead, sauntering into the newsroom of the Lawrence Eagle-Tribune with his bald friends in June 1989 to complain of the bad press and "neo-Nazi" labels skinheads usually got. "The state supported me all my life, with free doctors and dentists and everything," Cartier told columnist Kathie Neff. "My parents never had anything to do with that because they got rid of me. This is like my way of saying thanks [to them]."

Neff said Cartier cut an especially striking figure, walking on crutches and wearing a patch on one eye. He had just survived a serious car accident that produced what seems to have been a magic purse for him. He told friends he had a big insurance settlement coming and would get periodic advances on it from his lawyer. Gene Cartier said his son got a final payment late last year of \$17,000 and "went through \$14,000" of it before he murdered Kristin.

The high-ceilinged main courtroom in Brighton has a huge, wide-barred cell built into a wall. On busy days, it is a page from Dickens, crowded with yelling, cursing prisoners waiting for their cases to be called.

Cartier turned up in the cage April 29, 1991, finally arrested for violating probation. Ten days earlier, when Rose Ryan was coming home from a friend's house on the "T," Boston's trolley train and subway system, Cartier followed her—and accosted her at the Government Center station with a pair of scissors. She ducked the scissors and Cartier punched her in the mouth.

Even before that, Ryan and her older sister Tina had become alarmed. After a party in December, Cartier got annoyed with Rose for not wanting to eat pizza he'd just bought. She began walking back to the party when he back-handed her in the face so hard she fell down. "And I'm lying on the ground, screaming, and then he finally stopped kicking me after I don't know how long, and then he said, 'You better get up or I'll kill you.'"

The same words he would use with Kristin. And how many other young women?

Rose Ryan said Cartier threatened to kill her several times after they broke up in December and, in a chance

encounter in March, told her he had a gun. The Ryan sisters called his probation officer in Brighton, Tom Casey. He told Rose to get a restraining order and, on March 28, he obtained a warrant for Cartier's arrest. It took a month for police to pick him up even though Cartier had, in between, attacked Rose in the subway and been arraigned on charges for that assault in Boston Municipal Court.

"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."

When Cartier turned up in Brighton, "he was very quiet. Sullen and withdrawn," Casey said. "It was obvious he had problems, deeper than I could ever get to." Yet a court psychiatrist, Dr. Mike Annunziata, filed a report stating that Cartier had "no acute mental disorder, no suicidal or homicidal ideas, plans or intents." The April 29, 1991, report noted that Cartier was being treated by the Tri-City Mental Health and Retardation Center in Malden and was taking 300 milligrams of lithium a day to control depression.

Cartier, the report said, had also spent four days in January 1991 at the Massachusetts Mental Health Center in Boston. He was brought there on a "Section 12," a law providing for emergency restraint of dangerous persons, because of "suicidal ideation" and an overdose of some sort. On April 2, 1991, he was admitted to the Center on another "Section 12," this time for talking about killing Rose Ryan with a gun "within two weeks." He denied making the threats and was released the next day.

Tom Casey wanted to get him off the streets this time, and a like-minded visiting magistrate ordered Cartier held on bail for a full hearing in Brighton later in the week. When the Ryan sisters arrived in court, they found themselves five feet away from Cartier in the cell. "Soon as he saw me," Tina Ryan said, "he said, 'I know who you are, I'm going to kill you too,' all these filthy words, calling me everything he could. . . ."

After listening to what the Ryans had to say, the judge sent Cartier to jail on Deer Island for three months for violating probation. The next month, he was given a year for the subway attack, but was committed for only six months.

That didn't stop the harassment. Cartier began making collect calls to Ryan from prison and he enlisted other inmates to write obscene letters. The district attorney's office advised the Ryans to keep a record of the calls so they could be used against Cartier later.

Despite all that, Cartier was released early, on Nov. 5, 1991. "He's been a very good prisoner and we're overcrowded," the Ryans say they were told.

Authorities in Essex County didn't want to see him out on the streets even if officials in Boston didn't care. As soon as he was released from Deer Island, Cartier was picked up for violating his probation on the ketchup-bottle incident and sentenced to 59 days in the Essex County jail. But a six-month suspended sentence that was hanging over him for a 1988 burglary—which would have meant at least three months in jail—was wiped off the books.

"That's amazing," said another probation officer who looked at the record. "They dropped the more serious charges."

Cartier was released after serving 49 of the 59 days.

Ryan had already been taking precautions. She carried Mace in her pocketbook, put a baseball bat in her car and laid out a bunch of knives next to her bed each night before going to sleep. "I always thought that he would come back and try to get me," she said.

Kristin loved to go out with friends until all hours of the morning, but she didn't have many steady boyfriends. Most men, she said more than once, "are dogs" because of the way they treated girls she knew.

She was always ready for adventure, hopping on the back of brother Charles's motorcycle for rides; curling up with Circe, a pet ball-python she kept in her room; and flying down for a few weeks almost every August to Jekyll Island, Ga., to be with her family, a tradition started when she was less than a week old. Last year she caught a small shark from the drawbridge over the Jekyll River.

"I think she'd give anything a go," said Jason Corkin, the young man she dated the longest, before he returned last year to his native New Zealand. "When she set her mind to something, she wouldn't give it up for anything."

She could also become easily depressed, especially about what she was going to do after graduation. As she once wrote, her favorite pastime was "morbid self-reflection." Despite that, laughter came easily and she was always ready for a conversation about art, religion, philosophy, music. "I don't really remember any time we were together that we didn't have a good time," said Bekky Elstad, a close friend from Boston University.

Left in her bedroom at her death was a turntable with Stravinsky's "Rites of Spring" on it and a tape player with a punk tune by Suicidal Tendencies. Her books, paperbacks mostly, included Alice Walker's "The Color Purple" and Margaret Atwood's "The Handmaid's Tale," along with favorites by Sinclair Lewis, Dickens and E.B. White

and a book about upper- and middle-caste women in Hindu families in Calcutta.

Her essays for school, lucid and well-written, showed a great deal of thought about art, religion and the relationship between men and women. She saw her art as an expression of parts of her hidden deep inside, waiting to be pulled out, but still to be guarded closely: "Art could be such a selfish thing. Everything she made, she made for herself and not one bit of it could she bear to be parted with. Whether she loved it, despised it or was painfully ashamed of it . . . she couldn't stand the thought of these little parts of her being taken away and put into someone else's possession."

Buddhism appealed to her, and once she wrote this: "Pain only comes when you try to hang on to what is impermanent. So all life need not be suffering. You can enjoy life if you do not expect anything from it."

She met Cartier last Jan. 30 at a Boston nightclub called Axis, having gone there with Lauren Mace, Kristin's roommate and best friend, and Lauren's boyfriend. At Axis, Kristin recognized Cartier as someone she'd seen at Bunratty's, a hard-rock club where Cartier had been a bouncer. Cartier was easily recognizable; he had a large tattoo of a castle on his neck.

What did she see in him? It's a question her parents keep asking themselves. But some things are fairly obvious. He reminded her of Jason, her friend from New Zealand. He could be charming. "People felt a great deal of empathy for him," said Octavia Ossola, director of the child care center at the home where Cartier grew up, "because it was reasonably easy to want things to be better for him." At the Harbor School, said executive director Art DiMauro, "he was quite endearing. The staff felt warmly about Michael."

So, at first, did Kristin. "She called me up, really excited and happy," said Christian Dupre, a friend since childhood. "She said 'I met this good guy, he's really nice.' "

Kristin told her oldest sister, Helen, and her youngest brother, Charlie, too. But Helen paused when Kristin told her that Cartier was a bouncer at Bunratty's and had a tattoo.

"Well, ah, is he nice?" Helen asked.

"Well, he's nice to me," Kristin said.

Charlie, who had just entered college after a few years of blue-collar jobs, was not impressed. "Get rid of him," he advised his sister. "He's a zero."

Her friends say they got along well at first. He told Kristin he'd been in jail for hitting a girlfriend, but called it a bum rap. She did not know he'd attacked

Rose Ryan with scissors, that he had a rap sheet three pages long.

Kristin, friends say, often made excuses for his behavior. But they soon started to argue. Cartier was irrationally jealous, accusing her of going out with men who stopped by just to talk. During one argument, apparently over her art, Cartier hit her, then did his "usual thing" and started crying.

Cartier, meanwhile, was still bothering Ryan. A warrant for violating probation had been issued out of Boston Municipal Court on Dec. 19, in part for trying to contact her by mail while he was in jail. But when he finally turned up in court, a few days before he met Kristin, he got kid-glove treatment. Rather than being sentenced to complete the one-year term he'd gotten for the scissors attack, he was ordered instead to attend a once-a-week class at the courthouse for six weeks called "Alternatives to Violence."

"It's not a therapy program, it's more educational," said John Tobin, chief probation officer at Boston Municipal Court. "It's for people who react to stress in violent ways, not just for batterers. Cartier . . . showed up each time. You don't send probationers away when they do what they're supposed to do."

What Tobin didn't mention was that Cartier had actually dropped out of his Alternatives to Violence course—and, incredibly, was allowed to sign up for it again. According to a chronology I obtained elsewhere, Cartier attended the first meeting of the group on Feb. 5 and skipped the class Feb. 12. His probation was revoked two days later. But instead of sending him back to jail, the court allowed him to start the course over, beginning April 1.

Cartier's probation officer, Diane Barrett Moeller, a "certified batterer specialist" who helps run the program, declined to talk to me, citing "legal limitations" that she did not spell out. Her boss, Tobin, said she was "a ferocious probation officer."

"We tend to be a punitive department," Tobin asserted. "We are not a bunch of social rehabilitators."

However that may be, it is a department that seems to operate in a vacuum. Cartier's record of psychiatric problems, his admissions to the Boston mental health center in January and April 1991 and his reliance on a drug to control manic-depression should have disqualified him from the court-run violence program.

"If we had information that he had a prior history of mental illness, or that he was treated in a clinic or that he had been hospitalized, then what we probably would have done is recommend that a full-scale psychological

evaluation be done for him," Tobin told the Boston Herald last June following Kristin's murder. "We didn't know about it."

Probation officer Tom Casey in Brighton knew. All Tobin's office had to do was pick up the phone to find out what a menace Cartier was. Meanwhile, in Salem, where she had moved to work with her sister at a family-run business, Rose Ryan remained fearful. But she had a new boyfriend, Sean Casey, 23, and, as Rose puts it, "I think he intimidated Mike because he had more tattoos. Mike knew Sean from before."

Around March 1, Sean went to Boston to tell Cartier to leave Rose alone. As they were talking, Kristin walked by. Sean didn't know who she was, but recognized her later, from newspaper photos.

Cartier nodded at Kristin as she passed. "He said, 'I don't need Rose any more,' " Casey recalled. "'I have my own girlfriend.'"

Cartier was a frequent visitor at the six-room flat Kristin shared with Lauren Mace and another BU student, Matt Newton, but he didn't have much to say to them or the other students who were always stopping by. He told Kristin they "intimidated" him because they were college-educated.

As the weeks wore on, they started to argue. When he hit her the first time, probably in early March, Kristin told friends about it, but not Lauren. She was probably too embarrassed. She had always been outspoken in her disdain for men who hit women.

"He hit her once. She freaked out on that . . . ," Bekky Elstad said. "She wanted him to get counseling. . . . He told her he was sorry. He was all broken up. She wanted to believe him."

Kristin came home to Washington in mid-March, outwardly bright and cheerful. She was more enthusiastic than ever about her art. She was "really getting it together," she said. She had yet to tell her parents that she had a boyfriend, much less a boyfriend who hit her.

When she got back to Boston, Cartier tried to make up with her. He gave her a kitten. "It was really cute—black with a little white triangle on its nose," Amber Lynch said. "It was teeny. It just wobbled around."

It didn't last long. Over Kristin's protests, Cartier put the kitten on top of a door jamb. It fell off, landing on its head. She had to have it destroyed.

Devastated, Kristin called home in tears and told her parents, for the first time, about her new boyfriend. Part of her conversation with her mother was picked up by a malfunctioning answering machine.

Rosemary: What does Mike do?

Kristin: Well, he does the same thing Jason did actually. He works at Bunratty's.

Rosemary: He does what?

Kristin: He works at Bunratty's.

Rosemary: Oh. Is he an artist also?

Kristin: No.

Rosemary: Well, that's what I was asking. What does he—? Is he a student?

Kristin: No. He just—he works. He's a bouncer.

"Oh," Rosemary said, asking after a long pause why she was going out with a boy with no education. Kristin told her that she wanted to have a boyfriend "just like everyone else does."

When I came home, Rosemary said, "Call your daughter." When I did, Kristin began crying again as she told me about the kitten. She was also upset because she had given Cartier a piece of jewelry she wanted to use for her annual evaluation at the Museum School. He told her he'd lost it.

Gently, perhaps too gently, I said I didn't think she should be wasting her time going out with a boy who did such stupid things. We talked about school and classes for a few minutes more and said goodnight.

She went out with him for the last time on April 16, the day after one of his Alternatives to Violence classes. He pushed her down onto the sidewalk in front of a fast-food place, cutting her hand. She told him several times to "go home and leave me alone," but he kept following her to a side street in Allston.

"Kristin said something like, 'Get away from me, I never want to see you again,'" Bekky Elstad remembers. But when Kristin tried to run, he caught up with her, threw her down and kicked her repeatedly in the head and legs. She was crying hysterically when she got home with the help of a passing motorist. She refused to see him again.

But Cartier kept trying to get her on the phone. He warned her not to go to the police and, for a while, she didn't. She felt sorry for him. She even agreed to take a once-a-week phone call from him the day he went to his Alternatives to Violence class.

He was rated somewhat passive at the meetings, but he got through the course on May 6 without more truancy. The next day, he walked into Gay's Flowers and Gifts on Commonwealth Avenue and bought a dozen red roses for Kristin. He brought in a card to be delivered with them.

Leslie North, a dark-haired, puffy-faced woman who had known Cartier for years, had helped him fill it out

in advance. “He always called me when he had a fight with his girlfriends,” she said. “He said that he was trying to change, that he needed help, that he wanted to be a better person. He said, ‘I’m trying to get back with her.’”

Flower shop proprietor Alan Najarian made the delivery to Kristin’s flat. “One of her roommates took them,” Najarian remembers. “He was kind of reluctant. . . . I think he must have known who they were from.”

Police think Cartier may have gotten his gun the day of the murder, but Leslie North remembers his showing it to her “shortly after [he and Kristin] broke up,” probably in early May.

Why did he get the gun? “He said, ‘Ah, just to have one,’ ” North says. “I asked him, ‘What do you need a gun for?’ He said, ‘You never know.’ I didn’t realize you’re not supposed to get a gun if you’ve been in jail. I didn’t tell anyone he had it.”

“He told me he paid \$750 for it,” she continues. “I showed him just a little bit of safety . . . how to hold it when you shoot. . . . It looked kind of old to me.”

The gun found in Cartier’s apartment after he killed Kristin and himself was 61 years old, a Colt .38 Super, serial number 13645, one of about a 100 million handguns loose in the United States. It was shipped brand new on Jan. 12, 1932, to a hardware store in Knoxville, Tenn., where all traces of it disappeared.

North remembered something else she says Cartier told her after he got the gun. “He goes, ‘If I kill Kristin, are you going to tell anyone?’”

“I said, ‘Of course, I’m going to tell.’ I didn’t take him seriously. . . . He said that once or twice to me.”

On May 7, the same day Cartier sent flowers to Kristin, he told her that he was going to cheat her out of the \$1,000 Nordic Flex machine she’d let him charge to her Discover card. When she told him over the phone that she expected him to return the device, he laughed and said, “I guess you’re out the \$1,000.”

Kristin was furious. She promptly called Cartier’s probation officer, Diane Barrett Moeller, and gave her an earful: the exercise machine, the beating.

Kristin’s call for help was another of the probation office’s secrets. Tobin said nothing about it to the Boston press in the days after Kristin’s murder, when it grew clear that there was something desperately wrong with the criminal justice system. Tobin told me only after I found out about it from Kristin’s friends.

“Your daughter was concerned,” Tobin said. “She put a lot of emphasis on the weight machine. Mrs. Moeller said, ‘Get your priorities straight. You should not be worrying about the weight machine. You should be

worrying about your safety. . . . Get to Brookline court, seek an assault complaint, a larceny complaint, whatever it takes . . . and get a restraining order.’”

According to Tobin, Kristin wouldn’t give her name even though Moeller asked for it twice. “We can’t revoke someone’s probation on an anonymous phone call,” he said. Kristin, he added, “did say she didn’t want this man arrested and put behind bars.”

Tobin also claimed that his office could have taken no action because Kristin was “not the woman in the case we were supervising,” which is like saying that probationers in Boston Municipal Court should only take care not to rob the same bank twice.

The next day, Friday, May 8, instead of moving to revoke Cartier’s probation, Moeller called Cartier and, in effect, told him what was up. Tobin recalled the conversation. “She told him to get the exercise machine back to her. She told him she didn’t want to hear about it anymore. And she ordered a full-scale psychiatric evaluation of him. She also ordered him to report to her every week until the evaluation is completed.”

Cartier did all that while planning Kristin’s murder.

When Cartier called Kristin again, she told him that if he didn’t return the exercise machine, she was going to take court action. “He called back 10 minutes later from a pay phone,” remembers Brian Fazekas, Lauren’s boyfriend. “He said, ‘Okay, okay, I’ll return the stupid machine.’”

Kristin was skeptical about that. And she was worried about more violence. The warnings of her friends, and her brother Charlie, her teacher Ross Ellenhorn and now Cartier’s probation officer rang in her ears. Her art reflected her anguish. She had painted her own self-portrait, showing some of the ugly bruises Cartier had left. Hanging sculptures showed a male, arms flexed and fists clenched. The female hung defensively, arms protecting her head.

By Monday, May 11, she had made up her mind. She was going to rely on the system. She decided to ask the courts for help. She talked about it afterwards with her big sister, Helen, a lawyer and her lifelong best friend. Kristin told her, sparingly, about the beating and, angrily, about the exercise machine. Helen kept the news to herself, as Kristin requested. “She said she found out what a loser he was. She said, ‘He’s even been taking drugs behind my back,’ ” Helen recalls. He was snorting heroin, confirms Leslie North—it helped him stay calm, she remembers him saying.

Late in the day, Kristin went to the Brookline police station, Lauren Mace and Brian Fazekas beside her.

"The courts were closed by the time we got there. We waited outside," Lauren said. "An officer showed her [Cartier's] arrest record. When she came out, she said, 'You won't believe the size of this guy's police record. He's killed cats. He's beat up ex-girlfriends. Breaking and enterings.' The officer just sort of flashed the length of it at her and said, 'Look at what you're dealing with.'"

Brookline police sergeant Robert G. Simmons found Kristin "very intelligent, very articulate"—and scared. Simmons asked if she wanted to press charges, and she replied that she wanted to think about that. Simmons, afraid she might not come back, made out an "application for complaint" himself and got a judge on night duty to approve issuance of a one-day emergency restraining order over the phone. The next day, Kristin had to appear before Brookline District Judge Lawrence Shubow to ask for a temporary order—one that would last a week.

Other paperwork that Simmons sent over to the courthouse, right next door to the police station, called for a complaint charging Cartier with assault and battery, larceny, intimidation of a witness and violation of the domestic abuse law. It was signed by Lt. George Finnegan, the police liaison officer on duty at the courthouse that day, and turned over to clerk-magistrate John Connors for issuance of a summons.

The summons was never issued. Inexcusably, the application for it was still sitting on a desk in the clerk's office the day Kristin was killed, almost three weeks later.

Other officials I spoke with were amazed by the lapse. Connors shrugged it off. "We don't have the help," he said. "It was waiting to be typed."

Shubow was unaware of the criminal charges hanging over Cartier's head at the May 12 hearing. And Shubow didn't bother to ask about his criminal record. Restraining orders in Massachusetts, as in other states, have been treated for years by most judges as distasteful "civil matters." Until Kristin was killed, any thug in the Commonwealth accused under the domestic abuse law of beating up his wife or girlfriend or ex-wife or ex-girlfriend could walk into court without much fear that his criminal record would catch up with him. Shubow later told *The Boston Globe*, "If there is one lesson I learned from this case, it was to ask myself whether this is a case where I should review his record. In a case that has an immediate level of danger, I could press for a warrant and immediate arrest."

Instead, Shubow treated Docket No. 92-RO-060 as a routine matter. He issued a temporary restraining order

telling Cartier to stay away from Kristin's school, her apartment and her place of work for a week, until another hearing could be held by another judge on a permanent order, good for a year.

"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."

Downtown, in Boston Municipal Court, chief probation officer Tobin said that "if we had found out about the restraining order, we would have moved immediately." But Tobin's office made no effort to find out. Cartier's probation officer knew that the anonymous female caller lived in Brookline; a call to officials there would have made clear that Cartier had once again violated probation by beating up an ex-girlfriend. No such call was made.

Apparently, the probation officer didn't ask Cartier for the details either. According to a state official who asked not to be identified, Diane Moeller met with Cartier on May 14, just eight days after he completed her Alternatives to Violence course and three days after Kristin obtained her first restraining order. Moeller did nothing to get him off the streets.

"She was concerned about getting additional assistance for this guy," the state official said of the May 14 meeting. "No charges were filed."

In Brookline, Lt. Finnegan said he sensed something was wrong. He walked up to Kristin outside the courthouse on May 12. "I had this gut feeling," he said. "I asked her, 'Are you really afraid of him?' She said, 'Yeah.' I asked her if he had a gun. She said, 'He may.'"

Finnegan told her to call the police if she saw Cartier hanging around.

The phone rang at the Brookline Police Station shortly after midnight on May 19; Kristin's request for a permanent restraining order was coming up for a hearing that morning. Now, in plain violation of the May 12 order, Cartier had called around midnight, got Kristin on the line and asked her not to go back to court. She called the cops.

Sgt. Simmons, on duty that night as shift commander, advised Kristin to file a complaint and sent officer Kevin Mealy to talk to her; Mealy arrived at her apartment at 1:10 a.m. "Ms. Lardner said that Mr. Cartier attempted to persuade her not to file for an extension of the order," Mealy wrote in his report, which he filed as soon as he got back to the station house. "A criminal complaint application has been made out

against Mr. Cartier for violating the existing restraining order."

Sgt. Simmons says, "I told Kevin, 'They've got a hearing in the morning.' The documents went over there. But who reads them?"

Kristin arrived at the courthouse around 11:30 a.m. May 19, accompanied by Lauren Mace and Amber Lynch.

"He [Cartier] was out in front of the courthouse when we got there," Lynch said. "We all just walked in quickly. We waited a long time. He kept walking in and out of the courtroom. I think he was staring at her."

There was no one in the courtroom from the Norfolk County D.A.'s office to advise Kristin. Brookline probation officials didn't talk to her either. They had no idea Cartier was on probation for beating up another woman.

Neither did District Judge Paul McGill, a visiting magistrate from Roxbury. Like Shubow, he didn't check Cartier's criminal record. Unlike Shubow, it didn't trouble him. To him, it was a routine hearing. Kristin was looking for protection. She was processed like a slice of cheese.

"She thought he was going to be arrested," Lauren said. Brian Fazekas said, "It was her understanding that as soon as he got the permanent restraining order, he was going to be surrendered" for violating probation.

"What he [Cartier] did on the 19th was a crime," David Lowy, legal adviser to Gov. William Weld and a former prosecutor, said of the midnight call. "He should have been placed under arrest right then and there."

The hearing lasted five minutes. It would have been shorter except for a typical bit of arrogance from Cartier, trying to stay in control in the face of his third restraining order in 18 months. He agreed not to contact Kristin for a year and to stay away from her apartment and school. But he said he had a problem staying away from Marty's Liquors, where Kristin had just started working as a cashier. "I happen to live right around the corner from there," Cartier complained, according to a tape of the hearing.

The judge told him to patronize some other liquor store, but not before more argument from Cartier about how he would have to "walk further down the street" and about how close it was to Bunratty's, only half a block away. McGill ended the hearing by ordering Cartier to avoid any contact with Kristin, to stay at least 200 yards away from her and not to talk to her if he had to come closer when entering his home or the nightclub.

And with that, Cartier walked out scot-free. Yet, Massachusetts law, enacted in 1990, provides for

mandatory arrest of anyone a law enforcement officer has probable cause to believe violated a temporary or permanent restraining order. In addition, a state law making "stalking" a crime, especially in violation of a restraining order, had been signed by Gov. Weld just the day before, May 18, effective immediately.

McGill later said that if he'd known Cartier had violated his restraining order by calling Kristin that morning, he would have turned the hearing into a criminal session.

The application for a complaint charging Cartier with violating the order was moldering in clerk John Connors's offices. Like the earlier complaint accusing him of assault and battery, it was still there the day Kristin was killed.

"Kristin could have said something [in court], I suppose," Lauren said. "But she just figured that after that, he would be out of her life. She said, 'Let's go home.' She felt very relieved that she had this restraining order."

Kristin, who now had 11 days to live, talked enthusiastically about going to Europe after graduation, only a year away. After that she was hoping to go to graduate school. She had lost interest in boys, wanting to concentrate on her art.

"I spoke to her the night before [she was killed]," Chris Dupre said. "She was like the most optimistic and happiest she'd been in months. She knew what she wanted to do with herself, with her art."

She even had a new kitten, named Stubby because its tail was broken in two places. She was working part-time in the liquor store and hoping for more hours as summer approached. But she liked to stay home and paint or just hang out with friends now that classes were over.

Cartier was still skulking about, even after issuance of the permanent restraining order. One afternoon, Kristin stepped out of the liquor store to take a break. She saw Cartier staring at her from the doorway of Bunratty's.

On the afternoon of May 28, she and Robert Hyde, a friend who had just graduated from BU, decided to get something to eat after playing Scrabble (Kristin won) and chess (Robert won) at Kristin's flat. The two hopped on the back of his Yamaha and were off. First stop was the Bay Bank branch on Commonwealth Avenue, two doors from Marty's Liquors. As they turned a corner, Kristin saw Cartier looking in Marty's window. "Did you see that?" she asked Hyde moments later as they got off the bike. "Mike was peeking in the window. What a weirdo!"

Hyde didn't think that Cartier saw them, but later that night, after taking Kristin home, he went over to Bunratty's to play pinball. Cartier was there, and he began an awkward conversation to find out where Hyde lived.

"I thought it was kind of weird, but I didn't think too much of it," Hyde said. He shuddered about it after the shooting.

Cartier had always been disturbingly jealous—and unpredictable. "He'd get under pressure, he'd start breathing heavy and start talking all wild," a longtime friend, Timothy McKernan, told the Lawrence Eagle-Tribune.

He couldn't handle rejection either. Cartier "told his friends that she broke up with him because she wanted to see other people," Bekky Elstad said. "That's not true. But that's why he killed her, I think. If he couldn't have her, no one else was going to."

If Kristin was bothered by the stalking incident that Thursday, she seemed to put it out of her mind. The usual stream of friends moved through the flat all day. She called me that afternoon in an upbeat mood. We talked about summer school, her Museum School evaluation and a half dozen other things, including the next month's check from home. I assured her it was in the mail. She had a big smile in her voice. All I knew about Cartier was that she had gotten rid of the creep. When I made some grumpy reference to boyfriends in general, she laughed and said, "That's because you're my dad."

Cartier called his father that day, too.

Gene Cartier knew about Kristin and about the restraining order. "I asked him what happened," the older Cartier said. "He said, 'Well, me and my girlfriend had a fight.' I figured they argued. . . . He loved animals, he loved children. He wouldn't hurt a fly."

A man with a persistent drinking problem, Gene Cartier at times seemed to confuse Kristin with other girlfriends his son had, but his son's last call about her stuck firmly in his mind. "He said, 'She's busting my balls again,'" Cartier recalled. "I think she was seeing another guy—in front of Michael—to get him jealous. . . . He was obsessed with her."

Kristin went to bed that night with a smile. It had been Lauren's last day at Marty's and some of the students who worked there stopped by the flat. "We were having a really, really good time," Lauren Mace said. "I remember, I said, 'Good night, Kristin.' I gave her a hug. The next morning, I saw her taking her bike down the street, on the way to work. I did not see her again."

Saturday, May 30, was a beautiful spring day in Boston, a light breeze rustling the trees on Winchester

Street below the flat. Kristin was looking forward to a full day's work; Lauren was supposed to meet her at 6, when she was done at Marty's. Lauren had just graduated from BU; they were going to buy a keg for a big going-away party at the flat on Sunday.

One of the managers at the liquor store, David Bergman, was having lunch across the street at the In-bound Pizza when Kristin walked in. He waved her over to his table. She had a slice of Sicilian pizza and then, as he remembers, two more. "We talked for half an hour," Bergman said. "She was going to travel to Europe with her friend, Lauren. She had all these plans laid on."

After lunch, the day turned sour. Leslie North walked into Marty's with another girl. So, clerks say, did a man in his thirties with rotting teeth and thinning hair—North's boyfriend. He got in Kristin's checkout line and started cursing at her.

Not long after North and her friend left Marty's, J.D. Crump, the manager at Bunratty's, walked in for a sandwich from the deli counter. He'd known Kristin since she had dated Jason. "She said she was having a tough day," he told the Globe. "The customers were being mean. I told her it would get better."

When Crump spoke with Kristin on May 30, it was about 4:30. Cartier, meanwhile, was at a noisy show at the Rathskellar on Kenmore Square. Friends told the Lawrence Eagle-Tribune that he was acting strangely, greeting people with long hugs instead of the usual punch in the arm or a handshake.

"He wasn't the hugging type," Timothy McKernan told the Eagle-Tribune. "I think he knew what he was going to do." Cartier left suddenly, running out the door.

Kristin was scheduled to work until 6, but at 5 p.m., she was told, to her chagrin, to leave early, losing an hour's pay. "We had other cashiers coming in," the manager explained. Instead of hanging around to wait for Lauren, Kristin decided to go to Bekky Elstad's apartment and return at 6. It was a decision that seems to have cost her her life.

Lauren had come by around 5:40 p.m., and left when told Kristin had already gone. Kristin was still at Bekky's, keeping her eye on the clock and by now recounting how this "disgusting . . . slimy person" had been cursing at her at the cash register.

"She was laughing about how gross he was and then his being with these two girls—friends of Michael's—who were so gross," Bekky Elstad said. "She seemed pretty much in a good mood."

It was getting close to 6. By now, Cartier was back in the neighborhood, looking for a crowbar. He first asked

for one at the Reading Room, a smoke shop about a block away, “maybe 20 minutes before it happened,” said the proprietor. “I asked him why he wanted a crowbar. He said he had to go help somebody.” Then he went over to Bunratty’s, in a fruitless search for the same thing.

At one minute to 6, Kristin was heading down Commonwealth Avenue toward Marty’s. Cartier, approaching from the other direction, stopped at a Store 24 convenience shop on the other side of Harvard Avenue. J.D. Crump was there, buying a pack of cigarettes. According to the police report: “Crump stated that while in Store 24 . . . he saw Michael and asked him [whether] he was going to work that night. Mike said that he was but had [to] shoot someone first. Crump stated that he did not take him seriously and walked away from him.”

The shots rang out seconds later. Mike Dillon, a clerk at Marty’s who clocked out at 6, had just stepped onto the sidewalk when he heard the first shattering noise.

“It was very loud,” he said. “I looked up immediately. I saw Kristin fall.”

Dressed all in black, she dropped instantly to the pavement outside the Soap-A-Rama, a combination laundromat, tanning salon and video rental store four doors from Marty’s.

“She was lying on her right side, curled up in kind of a fetal position,” Mike Dillon said. “I kind of froze dead in my tracks.”

Cartier must have seen her and hid in a doorway or alley until she passed by him. Witnesses said he came at her from behind and shot into the rear of her head from a distance of 15 or 20 feet. Then he ran into a nearby alley.

Al Silva, a restaurant worker, started to walk towards Kristin to see if he could help when Cartier darted back out of the alley, rushed past Silva, and leaned down over her.

“He shot her twice more in the left side of the head,” Mike Dillon said. “Then I saw him run down the alley again. . . . I was still in shock. I didn’t know what to do. I took one of her hands for a second or so, I don’t know why. Then I ran back to call the police, but I saw a woman in the flower shop. She was already on the phone.”

Chris Toher, the proprietor at Soap-A-Rama, heard the first shot from the back of his store and hurried up to the doorway. “I saw him fire the final shots,” Toher said. “It happened so fast she never had a chance. She was completely unconscious at the point he ran up to her. Her eyes were shut.”

A brave young woman was dead.

The killer fled down the alley, which took him to Glenville Avenue where he lived in a red brick apartment building. Back on Commonwealth Avenue, police and an

ambulance arrived within minutes. But the ambulance was no longer necessary.

Police questioned Crump at the Soap-A-Rama and learned where Cartier lived. Brooke Mezo, a clerk from Marty’s who witnessed the interrogation, heard Crump say “that Michael had spoken to him in the past couple of weeks and said he couldn’t live without her, that he was going to kill her. And he talked about where to get a gun.”

That made at least two people who knew Cartier had or wanted a gun and was talking about killing Kristin. How many others should have known she was in grave danger?

Police quickly sealed off the area around Cartier’s apartment. “He had apparently made statements to several people that he hated policemen and had no reservations about shooting a cop,” homicide detective Billy Dwyer said in his report. “He stated that he would never go to prison again.”

A police operations team entered Cartier’s apartment at 8:30 p.m. He was dead, lying on his bed with the gun he used to kill Kristin in his right hand. He had put it to his head and fired once. Police recovered the spent bullet from the bedroom wall. They found three other shell casings in the area where he murdered Kristin.

Later that night, Leslie North walked into Bunratty’s, looking for Cartier. “I said, ‘He shot Kristin,’ ” said J.D. Crump. “She didn’t look surprised. I said, ‘Then he went and shot himself.’ At that point, she lost it. She started screaming, ‘What a waste! What a waste! He’s dead!’ ”

Crump later said, “I’ve had to live the past couple of weeks feeling I could have stopped him. I should have called his probation officer.”

It’s doubtful that would have done any good. The system is so mindless that when the dead Cartier failed to show up in Boston Municipal Court as scheduled on June 19, a warrant was issued for his arrest.

It is still outstanding.

## Author’s Epilogue

Starting in 1994, Congress passed a series of laws collectively known as the Violence Against Women Act (VAWA). These laws make certain behaviors a crime and set up the punishment for some offenses. Some states have moved to improve their methods for tracking abusers. Massachusetts, where Kristin was killed, now has a computerized, statewide domestic-violence registry that judges are required to consult. Although Massachusetts is still the only state to require this, almost

half of the states now have, or are in the process of setting up, similar registries. Also, the FBI recently started a nationwide system that should eventually allow officials to access data from all those states at once.

Very few prosecutions under VAWA's criminal provisions have been undertaken over the last three years. A major reason why is the difficulty in getting states to cooperate effectively to enforce a provision of VAWA in which a woman who obtains a protective order in one state should receive the same protection in any other state.

There seems to be legal questions as well. In one example from Washington D.C., a woman named Deborah Fulton has been to court more than twenty times since she first got a protection order in February 1995. Her estranged husband lives across the state line and continues to harass her. When he was finally locked up, he was charged with misdemeanors for assault and violating the D.C. protective order. Even though at the time of his arrest he was awaiting trial in a D.C. court on an earlier charge of violating the same order, federal officials say it is unclear whether they can move the case up to federal court.

Another problem is that women seeking protection also face continued resistance by judges unwilling to take these cases seriously. Many judges give the benefit

of the doubt to men and blame female victims for instigating or causing violence against them. Some judges exclude evidence of past behaviors. By the time most batterers come before them, they generally are not first-time offenders.

Finally, it remains uncertain what policies work best to protect female victims. Some thwarted abusers simply direct their wrath elsewhere, and therefore many experts say protective orders could be strengthened to deal with these men. Other experts believe violators should get automatic jail time. Some believe "permanent" orders should be truly permanent and available in more than just a few states. Still others also suggest treatment programs should last longer. According to Andrew Klein, the chief probation officer for the Quincy, Massachusetts, District Court, "A lot of guys can hold anything together for six months, but this is chronic behavior."

Despite these problems, experts generally agree that in most cases a protective order is a woman's best defense—when properly crafted and enforced. Protective orders succeed in keeping many abusive men away from their victims, and according to a 1994 study, make more than 80 percent of women feel safer.

## Chapter 2 Review Questions

1. What are the formal elements of Weber's model of bureaucracy? Based on your reading of the case or your own experiences with public bureaucracies, did Weber fail to mention any important attributes of bureaucracy in his description?
2. What were Kristin's reasons for relying on public bureaucracy for protection? How and why did the system fail to protect her?
3. In your view, does this case support or contradict Weber's arguments about the monolithic power position of bureaucracy in society? About the nature of bureaucratic rationality? Its hierarchy? Specialization? Narrow latitude of bureaucratic rule enforcement? High degree of efficiency?
4. After reading the chapter 2 case study, where would you modify Weber's model to account more accurately for the pattern and the characteristics of America's modern bureaucracy? What are your personal opinions of bureaucracy? Do you agree or disagree with Weber's stance?
5. In your opinion, what do you recommend to remedy the problems outlined in this case? Are there comparisons with the previous case, "The Blast in Centralia No. 5," as related to this failure?
6. Think about the case and what it says about the value of bureaucracy in modern society. Why are bureaucracies important, and yet so disliked? In your view, can anything be done about the fundamental public hostility toward bureaucracy, particularly to strengthen bureaucratic effectiveness and responsiveness in serving the public?