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Five Criminally Charged in Flint Water Crisis



In an unprecedented move [on June 14, 2017, Michigan's Attorney General, Bill Schuette, charged five state officials with involuntary manslaughter](#), alleging that each had failed to address the city of Flint's contaminated water issue that they knew was connected to the poisoning deaths of 12 individuals.

One of the charged officials, Michigan Department of Health and Human Services Director Nick Lyon did not issue any public warning of possibly tainted water until 2016 even though several cases of Legionnaires' disease that appeared to be linked to the water issue had been reported throughout the previous two years. Also charged with involuntary manslaughter were Howard Croft, former City of Flint Water Department Manager; Liane Skekter-Smith, Drinking Water Chief for the Michigan Department of Environmental Quality; Stephen Busch, Water Supervisor; and Darnell Earley, who was appointed to be Flint's Emergency Manager by Michigan Governor Rick Snyder because of the city's failure to meet its financial obligations. More than 10 other current and former state/local officials face criminal charges other than involuntary manslaughter, including Eden Wells, the Department's Chief Medical Executive. Wells was charged with obstruction of justice and lying to a peace officer for allegedly misleading the investigators and attempting to prevent the investigation into the water crisis. Although Governor Snyder was not charged, he continues to face stiff criticism from state residents for what caused Flint's water crisis. In early 2014, Flint, at the direction of its former emergency manager Earley, switched its water supply from Detroit Water and Sewerage Department treated water to the Flint River in an effort to save money. In fact, a \$200-a-day solution of anti-corrosion chemicals could have prevented the crisis, but officials failed to take that measure due to cost considerations. [As Attorney General Schuette reports](#), the state focused entirely on "data, finances and costs, instead of placing the health, safety and welfare of citizens first." Since the charges were announced, Governor Snyder has voiced strong support for Lyon and Wells, keeping both in their positions at the Department of Health and Human Services. Although Governor Snyder does not appear to face personal criminal exposure, the now 17-month long investigation remains ongoing, and Attorney General Schuette declined to comment whether more charges would be filed. At the center of this involuntary manslaughter case is Robert Skidmore, an 85-year-old former auto industry worker who died after contracting Legionnaires' disease. The prosecution has focused on Lyon first allegedly receiving notice of a

deadly Legionnaires' disease outbreak in January 2015, but choosing not to advise the public until one year later. Lyon is alleged to have "deliberately failed to inform the public of a deadly Legionnaires' disease outbreak, which resulted in the death of Robert Skidmore" and "exhibited gross negligence" in failing to inform the public about the outbreak, even "taking steps to suppress information" relating to the water crisis. This failure to disclose is alleged to have led to the preventable deaths of several individuals, including Skidmore. These new charges demonstrate a shift in the criminal investigation's focus—looking not only at the lead contamination of the water but now at the deaths resulting from that contamination and placing the blame squarely on high-ranking government officials. This aggressive posture poses its own challenges; prosecutors may find it tough to establish a direct link between Flint's water crisis and the deadly outbreak of Legionnaires' disease upon which the criminal case rests. Regardless, even if the charged officials are able to successfully defend the involuntary manslaughter charges, their individual reputations, along with Michigan's government at large, is in ruins. The city and state's responses to the Flint water crisis and ensuing public relations efforts were poorly executed. One of the key takeaways from this case is the importance of opening an investigation the moment an official learns of possible harm, danger, or criminal activity in their jurisdiction. This lesson extends from the government to the private sector, and is applicable as well to managers and executives at companies, providing a good example of how much emphasis regulators and law enforcement place on ensuring public safety. Delays in responding to harmful activity or disclosing information about it to potential victims can result in criminal exposure as much as causing the failure or gap would in the first place. Although there may be changes in or a lessening of environmental regulations under the new Trump administration, failures that result in public harm may still be subject to heightened scrutiny and prosecution. For example, even if the Environmental Protection Agency eliminated the federal Safe Drinking Water Act, state liability would still be in place. In this case, the relaxing of environmental protections by the EPA would likely not have had any impact since local officials were charged with violating the state of Michigan's Safe Drinking Water Act. Finally, this case again illustrates the value of cooperating with a government investigation rather than obstructing it.

Authors

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