

City of Flint



2006

# Ombudsman Annual Report

Ombudsman L. Brenda Purifoy

2007





**City of Flint  
Office of the Ombudsman**

City Council  
City of Flint, MI

The Honorable Darryl Buchanan  
President of the City Council  
1101 S. Saginaw Street  
Flint, MI 48502

Dear Mr. Buchanan,

It is my pleasure to present the 2006/2007 Report to the City Council in accordance with section 3-509 of the Flint City Charter. This Annual Report covers the period of May 2006 to May 2007.

As the Ombudsman of the City of Flint I would be pleased to appear and report further on these matters at the request of the council members.

We hope that your Honorable Body and the citizens of the City of Flint will find the report informative and helpful.

Yours Sincerely,

Brenda L. Purifoy  
Ombudsman  
City of Flint  
May 01, 2007

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## FROM THE OMBUDSMAN

As I write this introduction and overview for my first year as the Ombudsman, I am struck by the breadth of the mandate of the office, and the dedication and perseverance of my staff member and volunteer. The office has enormous potential not only to investigate and rectify individual instances of unfairness but also to "...generally oversee the administrative actions of government authorities with a view to upholding the democratic principles of openness, transparency and fairness."



It is the mark of a mature society that such an organization was again voted on and implemented by government to assist in monitoring fair treatment by its own agencies. The Office of the Ombudsman in Flint, MI is the embodiment of a conscious, continuing commitment to the concept of administrative fairness. It is being able to say, "If you feel that you were not fairly treated by a department, an authority, and you have exhausted all the internal reviews and appeals, then you can turn to the Office of the Ombudsman. It can independently and impartially look at the matter to identify whether or not the treatment was unfair, if it was unfair we can work to change things. This will not only benefit you but other people in the same situation, the organization you dealt with, the government and the people of the City of Flint."

In an era where people are increasingly disengaged from the democratic process because they cannot see their actions having any effect, the Office of the Ombudsman offers the opportunity for individual action to lead to positive change.

Fair treatment is the goal of all individuals and organizations, but sometimes they need assistance to achieve that result, to bridge the gap between principle and practice. The Office of the Ombudsman provides such assistance, not as an advocate for the individual, but as an independent and impartial body.

If you are a citizen in your own home with your car parked in your driveway without plates you are instructed by the police department to update your registration and license plates for your vehicle or they will tow it. You do all the things instructed and they come back and tow it anyway. The Office of the Ombudsman can help. Your water bill has an error and you have been trying for months to get the problem corrected, but no one seems to care. The Office of the Ombudsman can help. You have been mistreated and abused by a police officer. The Office of the Ombudsman can help.

While an Annual Report necessarily involves looking back, it can also be useful to illuminate the path ahead. I have learned a great deal from my review and analysis of the work of the Office of the Ombudsman in 2006/2007 and I have set out those matters I believe are most significant for the future of this office in this overview.

## **Ombudsman Code of Ethics**

The Ombudsman, as a designated neutral, has the responsibility to maintain strict confidentiality concerning matters that are brought to his/her attention unless given permission to do otherwise. The only exceptions, at the sole discretion of the Ombudsman, are where there appears to be imminent risk of serious harm.

The Ombudsman must take all reasonable steps to protect any records and files pertaining to confidential discussions from inspection by all other persons, including management.

The Ombudsman should not testify in any formal judicial or administrative hearings about concerns brought to his/her attention.

When making recommendations, the Ombudsman has the responsibility to suggest actions or policies that will be equitable to all parties.

## **Ombudsman Goals for 2007-2008**

1. Ensure that no citizen regardless of their economical or social status is deprived of their opportunity to access and utilize the government of the city to the best of their ability. In addition, we hope to ensure that all citizens feel that government is for the people, regardless of how complicated their problem with said government appears to be.
2. Obtain a budget adequate to allow such staff as is reasonable and proper for the performance of the duties of said office.
3. To insure professional quality among the staff, the Ombudsman will provide periodic training sessions for the investigators. She will also have her staff attend conferences, workshops, seminars and in-service training sessions.
4. Acquire needed technical equipment to perform duties.
5. Establish a reputation of integrity, confidence and dependability within the community we serve.
6. Educate citizens regarding their rights in relation to police and other city agencies.
7. Teach the complainant the proper procedure in handling complaints.
8. Expose the purpose and availability of this office to all segments of the Flint population.
9. To expand personal contact in the community.
10. A special effort will be made to reach labor and religious leaders since they have influence and contact with large numbers of people and can support the Ombudsman in effecting needed change.

## **Roles and Objectives**

It is crucial to the successful function of the office that both citizens and city agencies understand the exact nature of the Ombudsman. It is her job to investigate a complaint fairly and without partiality. This is explained to citizens when they register a complaint with the office. Experience has shown that no department including the Office of the Ombudsman can satisfy all citizens. A complaint may be found to be totally justified or unjustified. Many times lack of understanding or communication may be the base of the problem.

Acceptance of the Ombudsman concept within the government structure has also been difficult at times. Often the Ombudsman's role is viewed with suspicion. The description of the Ombudsman as a "citizen watchdog" does much to promote this misunderstanding. For this reason, a positive emphasis is placed on working with the various departments as opposed to the negative approach of Ombudsman versus City agency.

The objectives of the Ombudsman are to:

1. Act as an advocate to insure all city services are provided on a timely, responsible, consistent, and impartial basis.
2. Recommend changes when citizen's needs are not being met.
3. Provide information, assistance, and alternatives to citizens whose complaints do not fall under the jurisdiction of the City of Flint.
4. Establish objective complaint investigation systems, foster cooperation, responsiveness and appropriate change in service delivery systems.
5. Serve citizens in a manner that establishes confidence in city government.

## **THE INDEPENDENT OMBUDSMAN CONCEPT**

The Ombudsman concept is important as it ensures citizen's right "to petition government for redress or grievances".

### **What Is It?**

- OMBUDSMAN is a Swedish word – translated freely it means, "Citizen Defender."
- An OMBUDSMAN has been defined as an independent government official who receives complaints against governmental agencies and officials from aggrieved persons, who investigates, and who, if the complaints are justified, makes recommendations to remedy the complaints.
- AN INDEPENDENT OMBUDSMAN insures that citizen grievances will not be ignored, should they be in conflict with an established policy of the chief executive or other authorities.

## A Historical Perspective

The history of the Office of the Ombudsman in Flint dates back to 1969 when the first office was created. Investigations at that time were limited to complaints against the Flint Police Department.

In the November, 1974 election the citizens adopted a new city charter which instituted a strong mayor form of government. The Office of the Ombudsman also underwent a transition. The new City Charter Revision Commission stated clearly that the investigative jurisdiction of the Ombudsman extends to elective officers as well as to other City agencies. *“Agency” is defined in Section 1-404 of the Charter as “...any department, office, multiple member body or other organization of City government and includes any elective officer, appointee or person acting or purporting to act in the exercise of official duties.”* The Ombudsman is appointed by two-thirds majority of the City Council and may only be removed for cause by three-quarters majority.

For several years the Office of the Ombudsman operated with a full staff of investigators. In 2001 the appointed Ombudsman became ill. The staff was gradually depleted and the budget was cut drastically. The office was officially closed January 2006. A vote cast by the citizens of Flint in February 2006 again supported the need for having this office.

On Monday, May 08, 2006 Brenda L. Purifoy was appointed Ombudsman. May 09, 2006 the Office of the Ombudsman again opened.

The term “Ombudsman” is a Swedish word applied to a public official appointed to serve as an independent voice for citizens who believe they have been treated wrongly or unfairly by a government agency. It is the role of an Ombudsman to receive and address – in a confidential manner – complaints and inquiries from citizens concerning the administrative acts or omissions of a government. Based either on such complaints or inquiries or on the Ombudsman’s own initiative the Ombudsman may:

1. Investigate or otherwise examine the matter; and
2. Take appropriate action to aid in the resolution of the specific issue or a broader, underlying systemic problem.

An Ombudsman is not authorized to make, change, or set aside a law, policy or administrative decision. It is the role of an Ombudsman to carry out her duties with independence and impartiality.

The term of office for the Ombudsman is seven years. The Ombudsman is not eligible for reappointment and may not hold any other occupation. These restrictions are safeguards to insure that the office remains objective in the receipts, processing and disposition of complaints.

***FLINT CITY OMBUDSMAN by TENURE:***

Richard Dicks - Police Ombudsman before the City Charter was implemented – 1969

***CITY CHARTER MANDATED OMBUDSMEN***

Joe Dupcza – 12/26/75-1978

Jim Ananich – 05/15/78-07/21/87

Terry Bankert – 07/22/87-07/21/94

Darryl Buchanan – 08/17/94-04/08/96

Jessie Binion – 01/99-05/06

❖ **Brenda L. Purifoy, May 08, 2006 - current**

## **Charter Mandate of the Ombudsman**

Section 3-501 through 3-517 of the Flint City Charter details the mandate of the Ombudsman. It states: “The Ombudsman may investigate official acts of any agency which aggrieve any person.” In order to investigate these acts, departments are required to provide information as requested by the Ombudsman. It further empowers the Ombudsman to subpoena witnesses, administer oaths and take testimony, among other things. If an elective officer or appointee obstructs an investigation, the charter provides a remedy in the form of holding an obstruction hearing, which could result in the forfeiture of job.

## **Jurisdiction**

The Office of the Ombudsman is constantly confronted with the issue of jurisdiction. Pursuant to the City Charter, the Ombudsman is authorized to investigate complaints pertaining to city government, with exception of those matters under the jurisdiction of the Civil Service Commission.

Citizens are encouraged to contact the department head first, thus offering that department the first opportunity to rectify the problem should the citizens’ complaint be valid. However, at other times, when a direct referral is not feasible, the Office of the Ombudsman will make contact with the respondent department or agency on behalf of the complainant.

The Ombudsman is an impartial investigator and is politically independent, even of the legislature. The Charter sanctions the Office of the Ombudsman and once she has begun an investigation of a case the legislators do not intervene.

## **A New Year - A New Beginning - 2006/2007**

This was a year of new beginnings. The election in February, 2006 gave new life to this office. I was appointed by city council on May 08, 2006. This office was again able to open May 09, 2006. The budget had taken a drastic cut in the previous years due to the illness of the then Ombudsman Jessie Binion. The budget had been so drastically cut that I was only able to hire one staff member. I hired a former employee of the office who had 14 years of experience working in the Ombudsman's office. With this person in place and one volunteer we were able to handle the hundreds of complaints received and the even more referrals made.

In the coming year the Office of the Ombudsman is hoping for a budget sufficient to hire adequate staffing to service the large volume of complaints and referrals.



## Investigative Process

The Ombudsman has a duty to investigate complaints of those who feel they have been treated unfairly or have a disagreement with an administrative decision or policy, with the exception of those issues under the jurisdiction of the Civil Service Commission. Complainants are advised to first exhaust other means available to solve the problem through administrative channels. If the Ombudsman does not have jurisdiction, the complainant is referred to the appropriate agency.

Once jurisdiction has been determined, the Ombudsman may take a complaint. Complaints are filed in person. In some instances, anonymous complaints are accepted.

A complaint is thoroughly and impartially investigated. Evidence is collected and the facts of the case are determined. Oftentimes, a case can be resolved or mediated. Other times, the solution is to criticize the official act or make a recommendation for change.

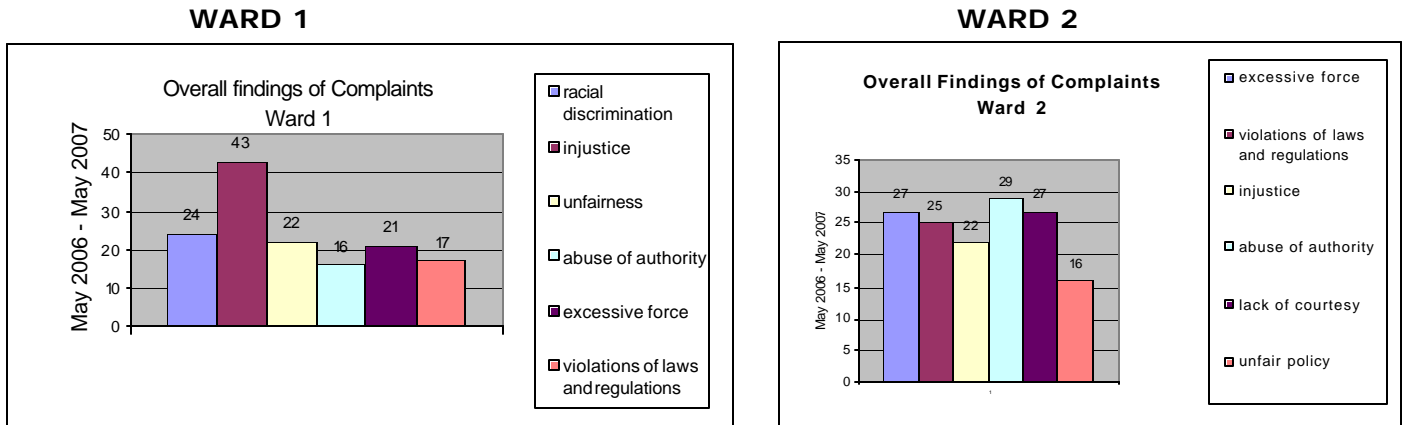
The Ombudsman provided a vital community service by referring over 2,024 complainants this past year to agencies and organizations when there is no jurisdiction or where the complainant has not first contacted the department to resolve the problem. This office handled a total of 1,118 complaints. A total of 705 cases have been closed. This includes 457 inherited complaints. We have a total of 413 complaints currently still open.

## Who can make a complaint?

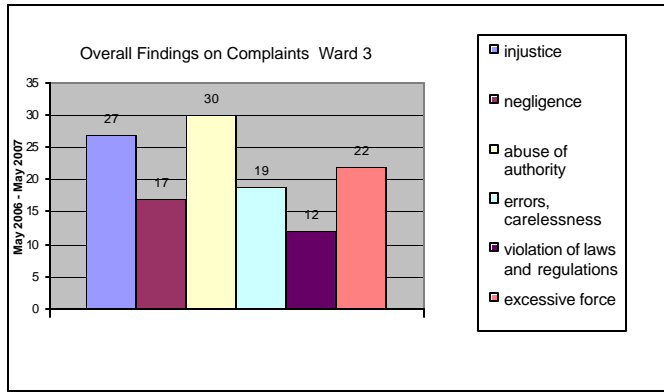
Individuals who believe they have been mistreated in some way by those who administer public policy. A complainant does not have to live within the City of Flint to make a complaint against a city agency.

## Complaints by Ward

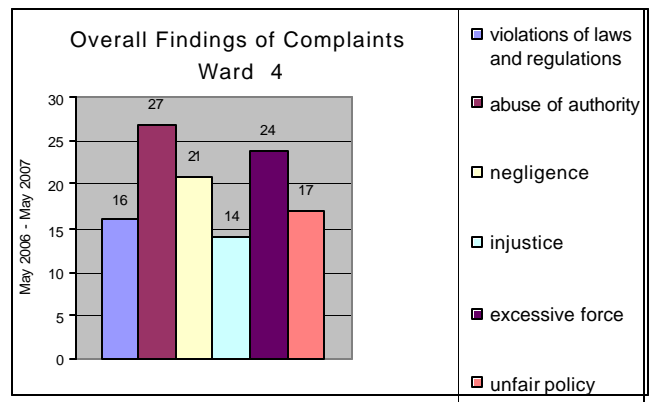
The number of complaints against the various city departments remains relatively constant. The raw numbers rise and fall with the aggregate total, but the distribution of complaints between the wards have changed little in comparison to latter years.



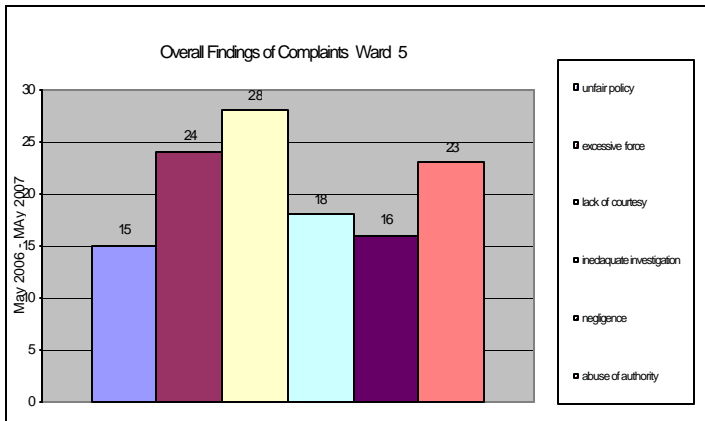
### WARD 3



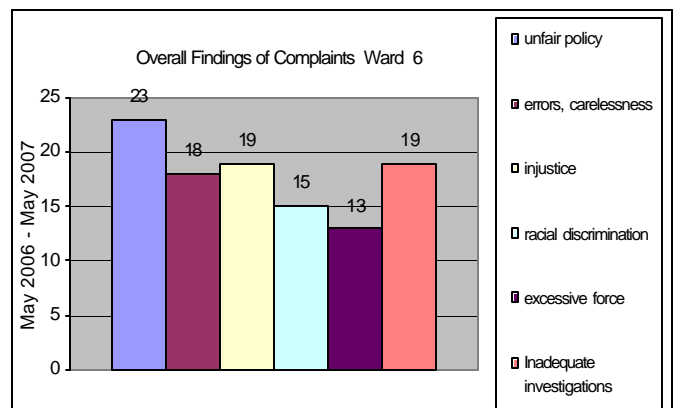
### WARD 4



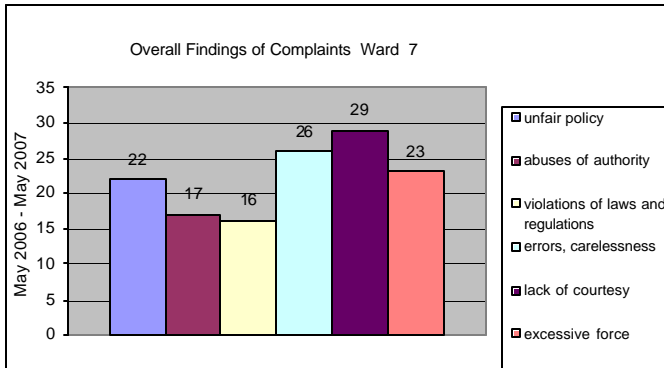
### WARD 5



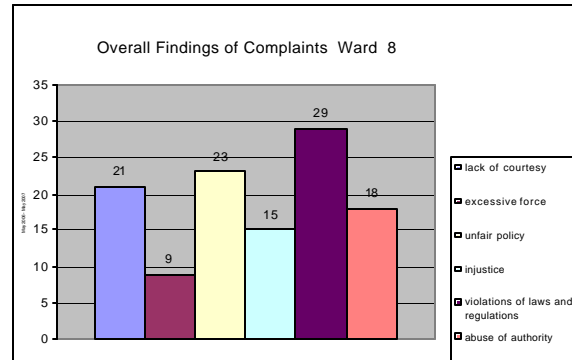
### WARD 6



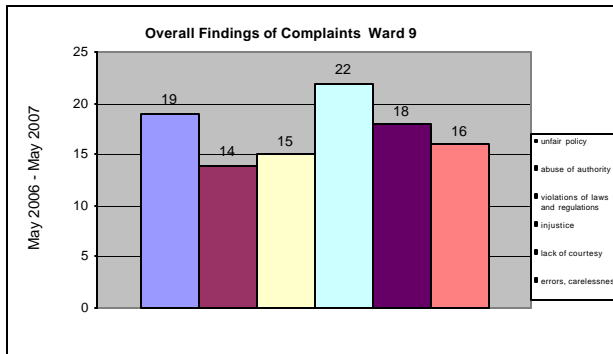
### WARD 7



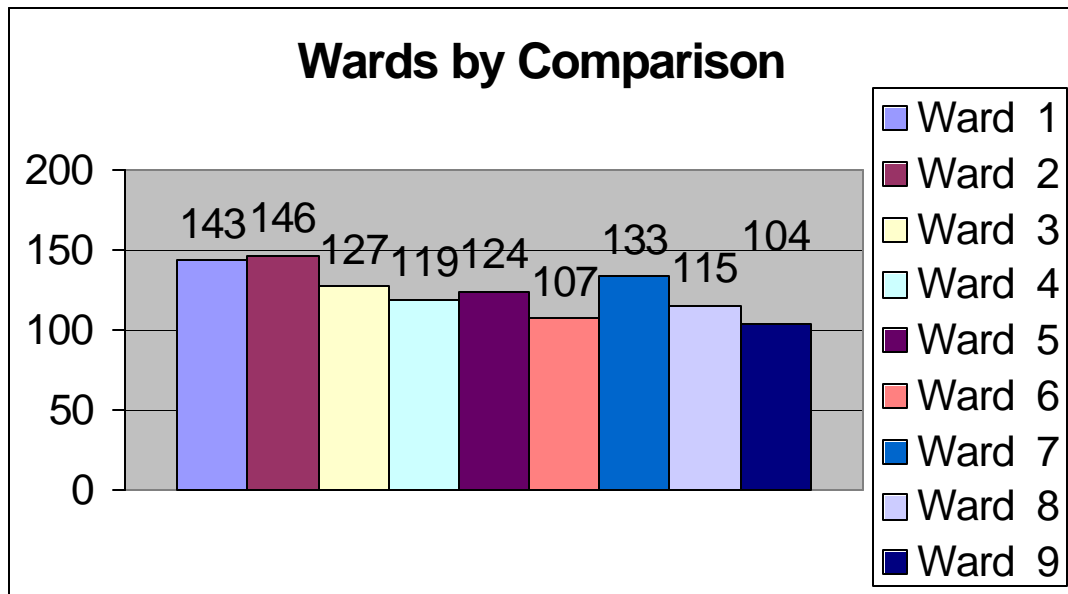
### WARD 8



### WARD 9



### Wards by Comparison



## The Office in Action: Case Studies

<b>16-May-06</b>	A Flint Police Officer is accused of favoritism, abuse of authority unfair treatment of a citizen because of friendship with the accuser.
<b>30-Mar-07</b>	Citizen confides in Ombudsman of possible drug dealing at corner store. Ombudsman refers same to Special Operations.
<b>26-Sep-06</b>	Complainant received notification from Flint Police Dept to pick up impounded vehicle. Upon checking found vehicle had already been sold.
<b>23-Jun-06</b>	The Office of the Ombudsman assisted complainant with negotiating payment of delinquent tax bill.
<b>08-Jan-07</b>	Allegations of unfairness and lack of courtesy was filed against Flint Police Officers while on duty.
<b>18-May-06</b>	Allegations filed against 911 Operator of negligence for not responding to a call. Ombudsman Office investigated the allegations and lack of response by Operator was sustained
<b>06-Apr-07</b>	Lack of discipline allegations was filed against Interim Chief of the Flint Police Dept. Damage claim form completed was submitted to the City Attorney.
<b>19-May-06</b>	Excessive Force complaint filed against Flint Police Officers
<b>22-Aug-06</b>	It has been determined that an off duty Police Officer violated numerous department rules and regulations regarding a citizens rights, consequently resulting in lawsuit.
<b>25-Sep-06</b>	Anonymous complaint made that certain employees misused Family Leave Act.
<b>11-Sep-06</b>	Allegations of harassment, unfairness and negligence by Building and Safety Inspection division regarding rental home inspection.
<b>26-Sep-06</b>	Allegations made against Flint Police Department of errors, carelessness, mistakes and oversight.
<b>28-Nov-06</b>	Allegation made against a Sergeant of the Flint Police Department alleging favoritism, rudeness, harassment and disrespect, regarding gun charges.

- 18-Jan-07** Complainant vehicle was towed and placed in the City Vehicle Impound Lot. Upon investigation found complainant had the wrong agency. Referred to Genesee Township Police Department. Flint Police was the assisting agency and not at fault.
- 23-Jan-07** Due to the negligence of an area hospital and its security a mentally challenged person wandered away. Missing persons complaint was filed with the Flint Police Department. Allegations of lack of response and negligence were filed against the Flint Police Department. Office of Ombudsman made appropriate contacts and assisted in locating the individual.
- 23-Mar-07** Complainant alleges off duty intoxicated Officers abused their authority by brandishing police badges, being assaultive, belligerent, intimidating and threatening while at complainants business.
- 15-May-06** Complainant alleges unfairness and inadequate investigation by Flint Police Department in the death of her son.
- 21-May-06** Complainant alleges he had a complaint against a judge and was as a result mistreated by police.
- 22-Aug-06** Complainant alleges unfair treatment by City Vehicle Impound Lot employees.
- 13-Feb-07** Complainant alleges items were withheld in a 1995 murder investigation family just wants closure and the items of their loved one returned. Police Dept accused of being rude and lack of courtesy.
- 23-Feb-07** Allegations made against Flint Police Department of abuse of authority violation of laws and regulations and injustice for the illegal searching of her home.
- 17-Jan-07** Allegations made against Treasury Department for violations of laws and regulations regarding property taxes
- 08-Feb-07** Allegations made against the Flint Police Department regarding the City Impound Lot for injustice and unfairness with towing of their vehicle.
- 15-Feb-07** Allegations of negligence made against Street Maintenance and Transportation.
- 23-Mar-07** Allegation of negligence were filed against the Forestry Dept. for not removing a City tree.

- 29-Mar-07** Office of the Ombudsman assisted mother in locating the whereabouts of her missing son.
- 13-Oct-06** Allegations against process server and police officer of taking property from his residence without having proper paperwork.
- 19-Sep-06** Allegations against police and City Impound Lot of unfairness and improper towing and retaining of his vehicle.
- 16-Apr-07** Treasurer Department accused of oversight and mistakes in law regarding high water bill.
- 20-Apr-07** Allegations made against Building and Safety Inspection of being rude and unfair.
- 01-Sep-06** Allegations of mistakes and administrative errors against Personnel/Risk Management.
- 21-Sep-06** Allegations made against Emergency 911 of unfairness and negligence in not dispatching police to a call in time.
- 31-Jul-06** Complainant made allegations against City Attorney Alleging rudeness and unfairness.
- 26-Jul-06** Allegations against probation officers at 68th District Court alleging abuse of authority, rudeness and unfairness.



## **Staff**

The Office of the Ombudsman is currently staffed with one person appointed by the Ombudsman serving in the capacity as an office intake person/investigator and one volunteer. Due to budget cuts there is no support staff such as a secretary, or receptionist (person to answer telephone). The appointed staff person and volunteer work at the direction of the Ombudsman. They are intricate parts of the process in assisting the Ombudsman in carrying out the functions of her office.

This past year, the staff was trained and certified in the Reid Technique of Interviewing and Interrogation at the John E. Reid and Associated School of Investigation, Chicago, Illinois and also attended the “Building Cultural Competence” and “Hate Crimes 101” held by the Michigan Department of Civil Rights.

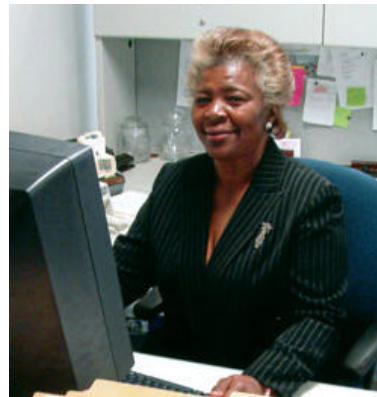
We are a member of the United States Ombudsman Association.

Anita Brown



Intake Specialist/Investigator

Mildred Jackson



Volunteer

## **Legal Advisor**

Frank Yiannatji  
Yiannatji & Yiannatji Law Firm

## Website Access

A website has been established for the convenience of the citizens. This Annual Report can be viewed on our website: [www.cityofflint.com/ombudsman](http://www.cityofflint.com/ombudsman)

## Important Information

### ➤ Flint City Council:

#### 2005-2009

- 1<sup>st</sup> Ward – Honorable Darryl Buchanan, President
- 2<sup>nd</sup> Ward – Honorable Jackie Poplar
- 3<sup>rd</sup> Ward – Honorable Kerry Nelson
- 4<sup>th</sup> Ward – Honorable Sandy Hill
- 5<sup>th</sup> Ward – Honorable Carolyn Sims
- 6<sup>th</sup> Ward – Honorable Sheldon Neeley
- 7<sup>th</sup> Ward – Honorable Jim Ananich
- 8<sup>th</sup> Ward – Honorable Ehren Gonzalez
- 9<sup>th</sup> Ward – Honorable Scott Kincaid

### ➤ Mayor: Donald Williamson

### ➤ Ombudsman Operating Budget: \$230,000

(Monies that cannot be accessed)      \$185,674 Includes salaries and operating essentials  
\$ 44,326 Other post employee benefits

### ➤ The Ombudsman Staff 2006/2007:

- 1 – Ombudsman
- 1 – Intake Specialist/Investigator
- 1 – Volunteer

### ➤ Office Location: 120 E. Fifth Street City Municipal Complex Suite N-101

### ➤ Phone Number: (810) 766-7335 (810) 766-7262

### ➤ email address: [OmbTemp@cityofflint.com](mailto:OmbTemp@cityofflint.com)

### ➤ Office Hours : 9:00 a.m. – 5:00 p.m. (Monday-Friday)

## DEPARTMENT LISTINGS

Assessor.....	766-7255
Attorney.....	766-7146
Bulk Trash Pickup.....	766-7076
Clerk.....	766-7413
Community Development....	766-7436
City Council.....	766-7418
Emergency.....	911
Finance.....	766-7266
Fire Department.....	766-7336
Fire Emergency.....	232-2222
<b>Flint NIPP (Housing Rehab) .....</b>	<b>766-7212</b>
Human Relations.....	766-7430
Hurley Medical Center.....	257-9000
Income Tax Division.....	766-7015
Leaf Pickup.....	766-7435
Licensing.....	766-7416
Mayor.....	766-7346
Parks and Recreation.....	766-7463
Personnel.....	766-7280
Police Patrol.....	237-6866
Police Administration.....	237-6800
Public Works.....	766-7135
68 <sup>th</sup> District Court.....	766-8968
Snow Removal.....	766-7343
Street Maintenance.....	766-7343
Street Signs/Signals.....	766-7350
Waste Collection.....	766-7076
Water Bills.....	766-7470
Water Department.....	766-7225
Zoning Board of Appeals.....	766-7355



## Other Important Phone Numbers

**Families of Murdered Children Support Group**  
2712 N. Saginaw St. Suite 202  
(810) 233-9750, (810) 233-9752

**Legal Services of Eastern Michigan**  
(810) 234-2621

**Flint Housing Commission**  
(810) 736-3050

**Department of Civil Rights**  
(810) 760-2698

City of Flint

2006

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