

THE OFFICE OF THE OMBUDSPERSON



*Meredith Desautels,
mdesautels@ylc.org*

Overview of the Ombuds Office



Office of Youth and
Community Restoration

- Mission of OYCR (WIC 2200(b))
 - “To promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support the youths’ successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.”
- OYCR’s Ombuds Office (WIC 2200(d), 2200.2, 2200.5, 2200.7)
- First Ombudsperson: Efrat Sharony
- Hiring priority for people who were formerly detained or committed to a juvenile justice facility (WIC 2200.7(a))



Youth
Centered



Community



Equity Focus



Compassion



Innovation



Data Driven

Ombudsperson Authority (WIC 2200(d))

- Investigate complaints
- Publish reports to legislature
- Access records of local agencies
- Meet with youth in juvenile facilities
- Observe juvenile facilities
- Training and TA on rights of youth



Investigating a Complaint

Who can file a complaint?

- “Youth who are detained in the, or committed to, juvenile facilities”
- “Families, staff, and others” (WIC 2200(d)(2))

What can the complaint be about?

- Harmful conditions or practices,
- Violations of laws and regulations governing facilities, and
- Circumstances presenting an emergency situation (WIC 2200(d)(2))

What can the Ombuds do?

- Has discretion to investigate or refer to another body to investigate (WIC 2200(d)(2))
- **Must refer a breach of duty or misconduct by an employee of a state or local agency or their contractors to the agency director, and (if a crime) to an appropriate law enforcement agency.** (WIC 2200.7(c))

What notices are required?

- Intent to refer or investigate, or decision to decline or cease investigation, *in writing*
- Updates on progress and attempts to resolve
- Final outcome, *in writing* (and may share with youth’s counsel) (WIC 2200.2(a)-(c))

How are complaints resolved?

- “May resolve, when possible, by collaborating with facility administrators and staff, and may include training” (WIC 2200.2(d))

Records & Confidentiality



Access to Records



Confidentiality &
Limits on Disclosure



Protection from
testimony/deposition
& discovery/subpoena

Public Reporting



- Regular data reports to the Legislature (WIC 2200.5(a)), including:
 - contacts to the office,
 - complaints received, including the type and source of those complaints,
 - investigations performed by the ombudsperson,
 - the time to investigate and resolve complaints,
 - the number and types of complaints referred to other agencies,
 - the trends and issues that arose in the course of investigating complaints,
 - pending complaints, and subsequent findings and actions taken, and
 - a summary of the data received by the ombudsperson.
- *Data shall be disaggregated by gender, sexual orientation, race, and ethnicity of the complainants to the extent available.*
- Public posting on website
- Discretionary authority to issue other data, findings, or reports
- *Remember OYCR mission and authority under WIC 2200(c) to recommend policy changes*

Ombuds Complaints in Action

- Put in the chat: what issues have you observed that could go in a complaint?
- Let's discuss: Why should you or your client file a complaint?
 - Resolve a conflict that will help reduce tension for your client
 - Escalate oversight of incident of abuse or dangerous condition
 - Identify a systemic issue
 - Bring additional oversight to your facility
 - Empower clients to assert their rights
 - Identify issues relevant to client's delinquency case – are there concerns that would support release?



Ombuds Complaints in Action

Identifying a Complainant

Key considerations:

- Vulnerability to retaliation
- Access to facts
- Goals and likelihood of satisfying outcome

Submitting a Complaint

Key Considerations:

- Ability to make complaint confidentially
- Consistency in statements

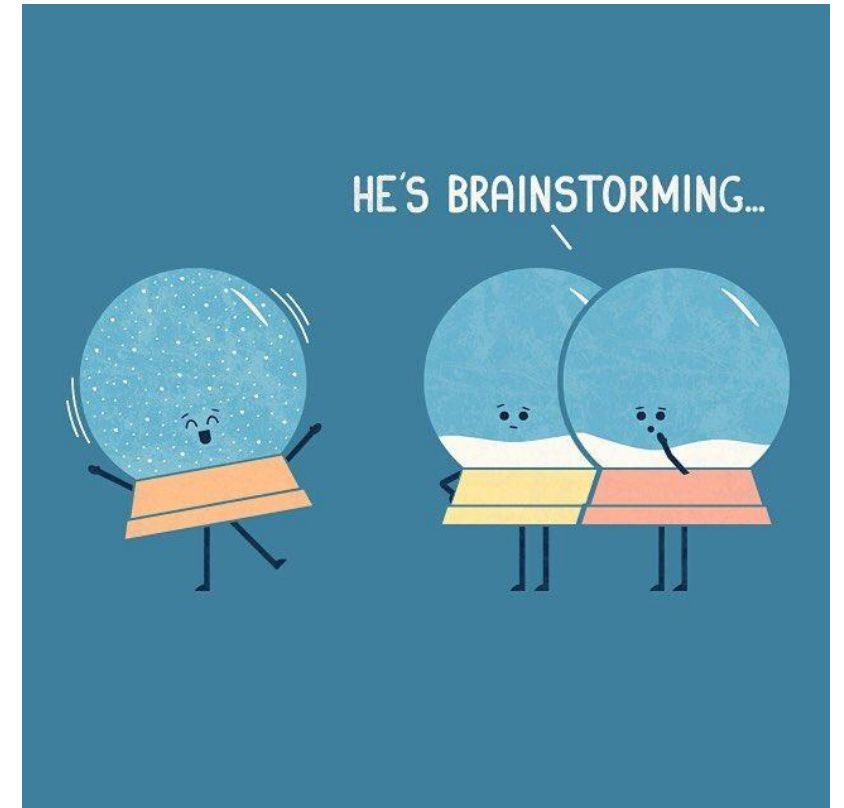
Counseling Your Client

Key Considerations:

- Accompany client at interviews, if possible and requested
- Advise client to ask for updates in writing (or request calls)
- Make sure client keeps in touch anytime they speak to Ombuds
- Remember that the investigation is inadmissible against your client

Group Discussion

- How could this process be helpful to your client's case?
- Do your clients have a confidential means for making a complaint?
- Anyone have a client who has made a complaint already?
- How does this fit (or not) with the grievance process?





THANK YOU!
