

OYCR's Ombudsperson

A Factsheet for Juvenile Defenders



The OYCR Ombudsperson is a new resource for youth in the juvenile justice system. The Ombuds investigates complaints about rights violations and harmful conditions in juvenile facilities. This factsheet will help defenders to support a client filing a complaint or to file their own complaints.

What is the OYCR Ombuds Office?

The Ombuds is an independent investigator in the new statewide Office of Youth and Community Restoration (OYCR). The Ombuds investigates complaints about violations of youth rights or harmful conditions or practices inside juvenile facilities. *The Ombuds is not connected to Probation.*

Who can complain to the Ombuds?

Anyone can make a complaint, including youth, their families, and their attorneys or advocates.

Complaints can be made on behalf of others, and they can also be anonymous.

What happens if I make a complaint?

The Ombuds has the discretion to investigate the complaint or refer it to another entity.

As part of the investigation, the Ombuds can conduct interviews, observe the facility, and review records or video recordings.

The Ombuds can make findings and take actions to resolve the complaint, including by working with facility administrators and staff and providing training.

How do I make a complaint?

By phone, email, or mail:

P: 1-844-402-1880 (8am-5pm M-F or message)

E: OYCRombuds@chhs.ca.gov

M: OYCR Ombudsperson

1215 O Street, MS-08

Sacramento, CA 95814

During intake, the Ombuds will likely ask for:

- A description of what happened, including any dates and times
- Names of any possible witnesses
- Any steps taken to resolve the situation

What notices does the Ombuds provide?

The Ombuds must provide written notice of their decision on whether to investigate and of the final investigation outcome. They must also provide updates on their investigation progress.

If the Ombuds initiates an investigation, they will notify the Probation Chief, except if there is a safety concern.

If the Ombuds believes that an employee or contractor has breached their duty or engaged in misconduct, it must be reported to the agency director, and (if a crime) to an appropriate law enforcement agency.

Will my client be protected?

Complaints are confidential, and *the Ombuds will ask the complainant before taking any action.*

- If information is confidential under state or federal law, the Ombuds cannot disclose it.
- Generally, the Ombuds cannot disclose the identity of complainants or witnesses, unless necessary to carry out their duties.

The Ombuds cannot be forced to testify or to disclose records that are obtained in the course of their official duties. (See WIC § 2200.2)

Retaliation for filing a complaint is unlawful, and should be reported to the Ombuds.

Does the Ombuds have any other duties?

The OYCR Ombuds also:

- Provides training on the rights of youth in the juvenile justice system. *See reverse for a summary of the Youth Bill of Rights.*
- Provides regular reports to the Legislature on its investigations.
- Makes recommendations for improving the youth and community restoration system.

Youth Bill of Rights (WIC § 224.71)

Youth in juvenile facilities have the following rights:

- **Healthy Environment:** (a) To live in a safe, healthy, and clean environment conducive to treatment, positive youth development, and healing and where they are treated with dignity and respect.
- **Freedom from Abuse:** (b) To be free from physical, sexual, emotional, or other abuse, or corporal punishment.
- **Nutrition and Hygiene:** (c) To receive adequate and healthy meals and snacks, clean water at any time, timely access to toilets, access to daily showers, sufficient personal hygiene items, clean bedding, and clean clothing in good repair, including clean undergarments on a daily basis, and new underwear that fits. Clothing, grooming, and hygiene products shall be adequate and respect culture, ethnicity, and gender identity and expression.
- **Health care:** (d) To receive adequate, appropriate, and timely medical, reproductive, dental, vision, and mental health services provided by qualified professionals and consistent with current professional standards of care.
- **Medication:** (e) To refuse the administration of psychotropic and other medications consistent with applicable law or unless immediately necessary for the preservation of life or the prevention of serious [] harm.
- **Searches:** (f) To not be searched for the purpose of harassment or humiliation, a form of discipline or punishment, or to verify the youth's gender. To searches that preserve the privacy and dignity of the person and to access to a written search policy at any time, including the policy on who may perform searches.
- **Visits:** (g) To maintain frequent & continuing contact with parents, guardians, siblings, children, and extended family members, through visits, telephone calls, and mail. Youth may be provided with access to computer technology and the internet for maintaining relationships with family, but not as a replacement for in-person visits.
- **Phone & Mail:** (h) To make and receive confidential telephone calls, send and receive confidential mail, and have confidential visits with attorneys and their authorized representatives, ombudspersons, including the Division of the Ombudsperson of the Office of Youth and Community Restoration, and others advocates, holders of public office, state and federal court personnel, and legal service organizations.
- **Freedom from Discrimination:** (i) To have fair and equal access to all available services, housing, care, treatment, and benefits, and not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnicity, ancestry, nat'l origin, language, color, religion, sex, sexual orientation, gender identity, gender expression, mental or physical disability, imm. status, or HIV status.
- **Recreation:** (j) To have daily opportunities for age-appropriate physical exercise and recreation, including time spent outdoors and access to leisure reading, letter writing, and entertainment.
- **Access to Counsel & Ombuds:** (k) To contact attorneys, ombudspersons... and others advocates, and reps. of state or local agencies, regarding conditions of confinement or violations of rights, and to be free from retaliation for making these contacts or complaints.
- **Religious Practice:** (l) To exercise the religious or spiritual practice of their choice and to participate in or opt out religious services and activities.
- **Discipline:** (m) To not be deprived of essential rights any of the following as a disciplinary measure: food, contact with parents, guardians, family, or attorneys, sleep, exercise, education, bedding, clothing, access to religious services, a daily shower, clean water, a toilet, hygiene products, medical services, reading material, or the right to send and receive mail; to not be subject to room confinement as a disciplinary measure; to access written disciplinary policies, incl. the right to be informed of accusations against them, have an opp. to be heard, present evidence and testimony, & their right to appeal.
- **Education:** (n) To receive a rigorous, quality education that complies with state law, and the abilities of students and prepares them for high school graduation, career entry, and postsecondary education; to attend appropriate level school classes and vocational training; to have access to postsecondary academic and career technical education courses and programs; to have access to computer technology and the internet for the purposes of education and to continue to receive educational services while on disciplinary or medical status; and to have access to information about the educational options available.
- **Parental Rights:** (o) To information about their rights as parents, including available parental support, reunification advocacy, and opportunities to maintain or develop a connection with their children; to access educational information or programming about pregnancy, infant care, parenting, and breast-feeding, and childhood development; to proper prenatal care, diet, vitamins, nutrition, and medical treatment; to counseling for pregnant and post partum youth; to not be restrained by the use of leg irons, waist chains, or handcuffs behind the body while pregnant or in recovery after delivery; to not be restrained during a medical emergency, labor, delivery, or recovery unless deemed necessary for their safety and security, and to have restraints removed when a medical professional determines removal is medically necessary; and to access written policies about pregnant, post partum, and lactating youth.
- **Court:** (p) To attend all court hearings pertaining to them.
- **Probation violations:** (q) To have counsel & a prompt probable cause hearing when detained on violations.
- **Phone calls:** (r) To make at least 2 free phone calls within an hour of being placed in a juv. facility following arrest.