

## The Role of an Ombudsperson



### Background

Ombudsman, commonly referred to as a public advocate or citizen's representative, is usually appointed by the government at the national, state, or local level. The first Ombudsman's office was created in 1809 in Sweden. Different countries, states, counties, and cities have their own bodies performing the role of an ombudsman. An association named United States Ombudsman Association (USOA) was founded in 1977 to foster the establishment of Ombudsman offices at all levels and assist in the operation of its services worldwide. Directed by the USOA's guidelines, the ombudsman maintains standards for independence, impartiality, and a credible review process. In general, an ombudsman program is created to safeguard the interest of stakeholders, and individual departments of government in a state or city have separate ombudsman offices for different purposes.

### Establishing Ombudsperson Programs for Juvenile Detention Centers and Correctional Institutions

There can be many reasons for starting an ombudsperson program for children and youth in out-of-home placements and these may include:

- Large numbers of cases and delays make the grievance process cumbersome; there is little time for proper investigation of complaints.
- Some disputes are very complex and need more attention than a cursory review can provide.
- Reliance on internal resolution of complaints may lead the public to perceive that factfinders are not really neutral.
- Service providers cannot be insulated from the pressures of their agencies and may not be truthful in expressing grievances or complaints; they may not have the skill or will to judge critically what is wrong or make recommendations.
- By reviewing complaints over time, patterns can be detected that a specific agency may not have recognized. (10)

Connecticut Public Act 19-187, Sec 7, mandated establishing policy and procedures for addressing the complaints raised by young offenders. If a youth has a concern they feel has gone unresolved, their grievance can be taken to an ombudsperson. The intended outcome of establishing an ombudsperson is that it builds trust and relationships between youth in facilities and those professionals looking after their care during their sentencing.

## Department of Correction

In December 2020, Connecticut DOC invited a proposal for establishing Ombudsman services at two of its institutions- Manson Youth Institution (MYI) and York Correctional Institution (YCI) - for professional, education, training, community, and social services that focus on three main things: Education, access to mental health, and programming. A goal for education is to have WIFI, so students who are in quarantine or medical isolation can access remote education. For mental health, the agreement outlines access to mental health through the opportunity of regular assessment for the young people at the facility and will occur as quickly as possible (when requested) and in a private area. For programming in the quarantine and isolation units, there were discussions with experts to talk about creative ways how to do programming safely for those units and the agreement outlines two additional discussions to continue to improve those practices.



## Connecticut Judicial Branch Court Support Services Division (JBCSSD)

JBCSSD has had its Ombudsman program in continuous operation for over two decades. They contract with two Ombudsmen for youth in juvenile residential programs. These independent contractors are available to help youth who are either in a Detention Center, in a JBCSSD contracted residential program, or in a JBCSSD contracted per diem bed. The Ombudsmen can also assist a youth's family, guardian, or other loved ones who have a concern or complaint. They are available to address concerns pertaining to the care and safety of youth including but not limited to physical and sexual abuse; threats or harassment; medical or mental health treatment; complaints about staff; and overall quality of life issues (the physical environment, food, etc.) The Ombudsman investigates all questions or complaints and works to resolve situations quickly and in the best interest of the youth and their family/guardians by utilizing a restorative approach.

The Connecticut JBCSSD's offices of ombudsman serve two jurisdictions:

Region A programs are comprised of Bridgeport Juvenile Detention Center, Bridgeport Regions Secure Treatment Program, Village Hamilton Detention Diversion and Stabilization Services in Bridgeport, Community Partners in Action Regions Secure Treatment Program in Hamden, Connecticut Junior Republic Regions Staff Secure Treatment Program in Waterbury, and Village Regions Staff Secure Treatment Program in Milford.

Region B programs are comprised of Hartford Juvenile Detention Center, Hartford Regions Secure Treatment Program, Community Partners in Action Regions Staff Secure Treatment Program in Hartford, Natchaug Hospital Journey House/regions Secure Treatment Program in Mansfield, the Connecticut Junior Republic Intermediate Residential Treatment in Litchfield, Connecticut Junior Republic Therapeutic Respite and Assessment Center in Litchfield, and North American Family Institute Intermediate Residential Treatment in Litchfield.



While on-site each program and detention center has a locked ombudsman box which is a confidential box for youth to put in concerns, complaints, or grievances. Quality of life (QoL) surveys are to be completed by an ombudsman with a random set of youth every time they are on site. The questions are based on safety, education, recreation, medical/mental health services, regular contact with family, contact with probation officer/attorney, food services, and supportive staff. The QoL surveys at detention centers and housing/correctional institutions make juveniles cognizant of their rights and make sure they are in good physical and mental health. Another survey given is the Performance-based Standards (PBS) data collection which consists of 43 questions and happens twice a year. These youth climate questions are based on living conditions, programming, safety concerns, staff, and justice. If a department receives negative feedback that was deemed critical, they will provide a written response on the issue and what they are going to do to correct it.

Through mandated objectives, the expected outcomes are that juveniles will receive:

- Satisfaction in the resolution of concerns and complaints
- Satisfaction with helpfulness, impartiality, and respectful treatment
- A quick response (within 3 working days) to all the complaints filed
- Prompt recommendation from the ombudsperson for a corrective course of action towards a grievance resolution.

## Roles and Activities of Ombudsperson

Ombudspersons are allowed to go into the detention centers or contracted residential providers to speak with the youth at any point in time without being denied access. The ombudsperson deals with the inquiries and complaints lodged by young offenders below 17 years of age or guardians concerned with the care of the child in attempts to resolve grievances after an investigation that is not adequately addressed by the internal organizational mechanisms.

Some important roles of the Ombudsperson are:

- to decide the validity and communicate the decision to the person complaining
- to ensure juveniles access facilities during both periods- pre-trial and surveying the sentence.
- to provide suggestions for improving existing policy to administration while addressing the complaints if it diagnoses any problem or issue
- to serve as a bridge between detention center/ correction institutions and the Department of Children and Families
- to maintain the overall quality of life and ensure a safe living environment in the following areas:
  - Physical safety and mental health
  - Protection against threats, abuse, and harassment
  - Education and training
  - Food facilities
  - Treatment, response, and behavior of staff
- to focus on improving the quality of services and attempt to prevent any inhumane treatment at correction, detention, and housing centers
- to inspect and tour centers and facilities on a regular basis
- to educate juveniles about their rights so that they are not harmed in any public or private system
- to investigate complaints and search for a solution
- to report all suspicions of child abuse and/or neglect immediately to the Department of Children and Families (DCF)
- to immediately notify the facility administrator and the JBCSSD Prison Rape Elimination Act (PREA) Co-ordinator of any PREA related concerns or complaints



## Conclusion

The use of juvenile justice ombudspersons allows monitoring of institutions to ensure that conditions are safe, lawful, and humane; that rehabilitative services are being delivered; and that the rights and needs of juveniles are protected. Additionally, a juvenile justice ombudsperson can provide an ongoing independent assessment of facility deficiencies and an

avenue of public accountability.

An ombudsperson can also provide compassion and sensitivity to the issues faced by youth in custody. Many problems in institutions are not serious violations but are extremely important to incarcerated youth. Issues that may seem simple, such as obtaining an extra blanket, arranging a unit transfer, remaining in a specific institution or treatment program, receiving assistance in a disciplinary hearing, or obtaining contact with an attorney or family member, can have far-reaching ramifications for youth in custody. Having a mechanism to address these issues provides an avenue for responding to problems before they escalate and become more widespread or serious.

When creating juvenile ombudsperson programs, it remains important that they have sufficient autonomy and appropriate staffing, funding, authority, and functions. A well-established program can have a tremendously positive impact on the services received by detained and incarcerated youth. (11)

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## Sources

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The Tow Youth Justice Institute is a university, state and private partnership established to lead the way in juvenile justice reform through collaborative planning, training, research and advocacy.

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