




Know Your Rights in Juvenile Detention Facilities

Office of the Youth Ombudsperson (OYO)



Overview

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Land Acknowledgement

For centuries, the land now known as Philadelphia was home to and cared for by native peoples. These include the Lenni-Lenape People of Lenapehoking and the Poutaxat (Delaware Bay). We recognize these Tribes' strength and history of resistance to colonization.

We commit to honoring their history, presence, and future. We support local Native people, including:

The Nanticoke Lenni-Lenape Tribal Nation
The Ramapough Lenape Nation
The Powhatan Renape Nation
The Nanticoke of Millsboro Delaware
The Lenape of Cheswold Delaware, and more



Who are we?

- ❑ Tracie Johnson – Youth Ombudsperson
- ❑ Gabi Haeuber – Associate Youth Ombudsperson
- ❑ Ciara Sheerin – Associate Youth Ombudsperson

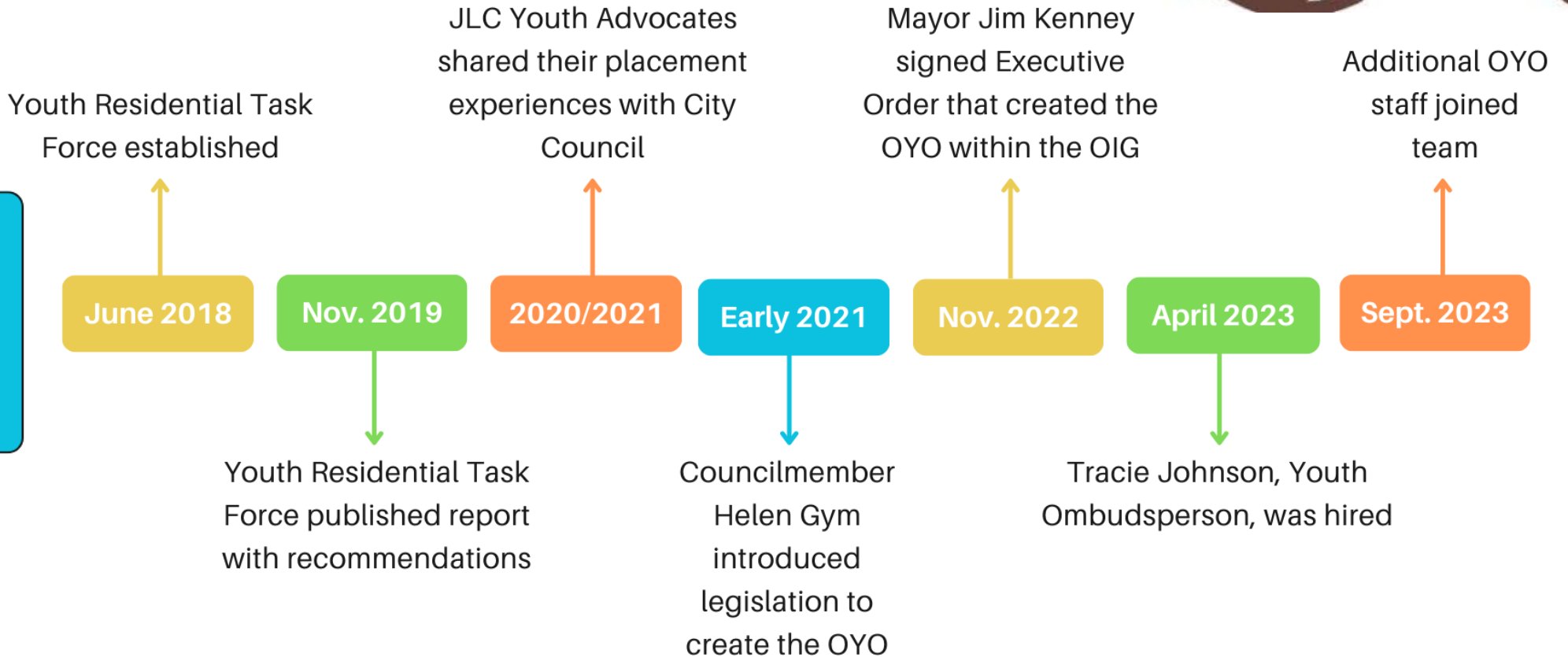


Timeline of the OYO

Executive Order linked [HERE](#)




History of Philadelphia youth facing harm and rights violations while in placement





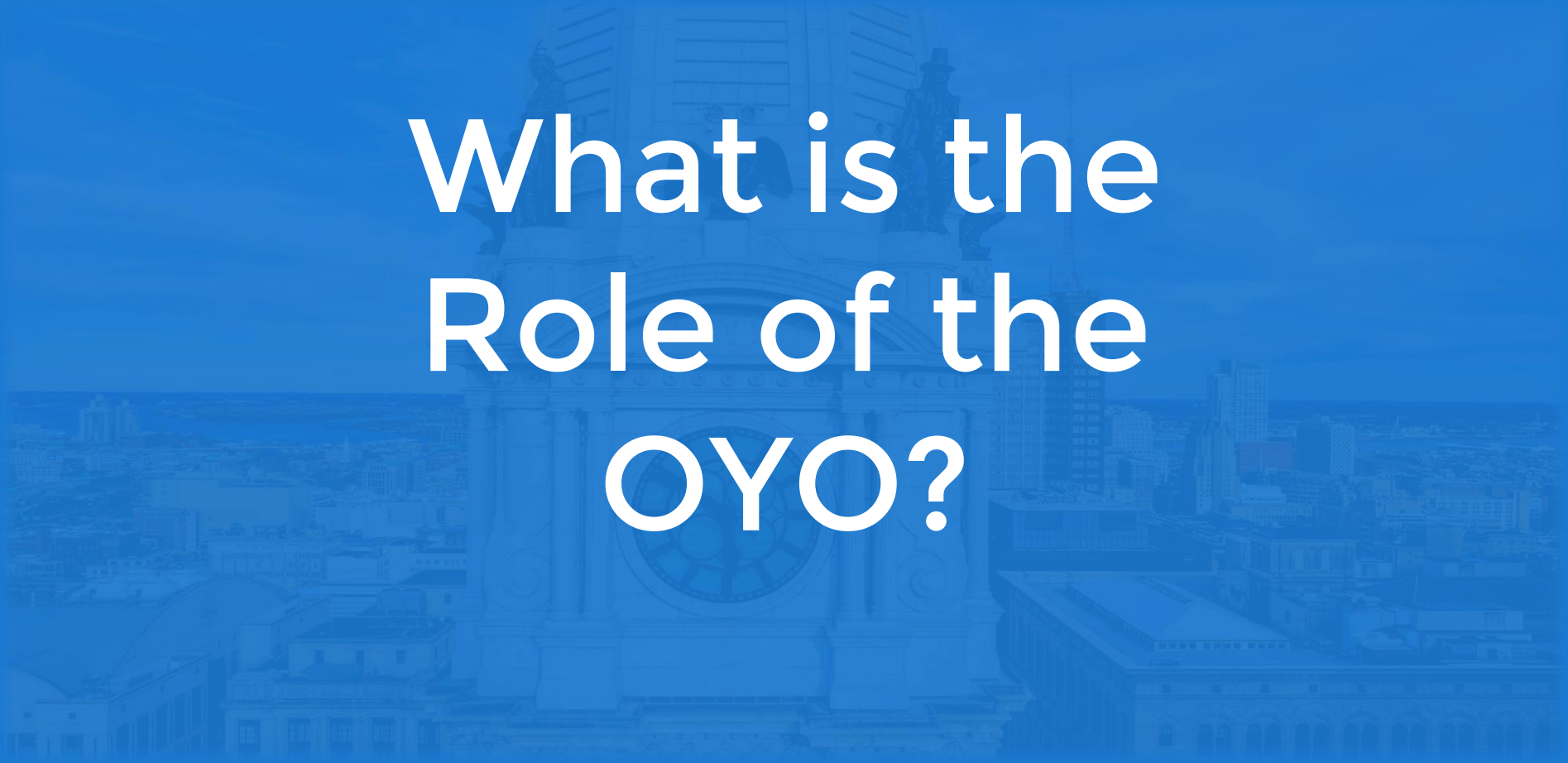
Ombudsman = "representative" in Swedish

The City of Philadelphia uses the term "Ombudsperson" or "Ombuds" interchangeably as a gender-neutral alternative to the original term.





What is the Role of the OYO?





What is the Role of the OYO?

1. *Independently oversee investigations* regarding complaints about juvenile detention facilities
2. *Conduct Know Your Rights trainings* for youth in juvenile detention facilities
3. *Administer surveys* to youth in juvenile detention facilities to determine service complaints
4. *Collect and analyze data* on demographic disparities

Our office is completely independent from DHS and DBHIDS.



GUIDE TO OYO'S SCOPE

When we receive a complaint or grievance, we ask the following questions to figure out if the issue is something we can look into. Take a look at our checklist to determining scope!

OYO CHECKLIST

- Is there a youth safety or wellbeing issue/concern?
- Is the youth from Philadelphia?
- Is the youth in a congregate care facility?
- Does that facility receive funding from the City?

What happens in an investigation?

1

COMPLAINT RECEIVED



2

ASSESSMENT



3

OVERSEE & MONITOR



4

EVALUATE PROCESS



5

RECOMMENDATIONS



Steps of an Investigation



COMPLAINT RECEIVED



After the OYO receives a complaint about an issue/concern at a congregate care facility, we promptly follow up with the complainant. We conduct an official interview with the complainant and begin gathering evidence, a list of witnesses, and more to understand the full extent of the complaint. We also begin storing and tracking the complaint in our secure case management system.

ASSESSMENT



To assess the scope, we confirm that there is a wellbeing or safety issue concerning a youth in a congregate care/placement facility that contracts with the City of Philadelphia. Once the scope is established, we begin working with the appropriate agency to initiate an investigation. We review facility policies, City contracts with the facility, state licenses and inspections, and more. We also identify any violations of local, state, or federal laws, statutes, and regulations.



3

OVERSEE & MONITOR



OYO oversees & monitors the City agency's investigative steps. We review the city agencies' investigatory protocols, emergency responses, e.g.: reviewing policies & protocols, observing meetings, visiting facility, interviewing with staff and youth in facilities, reviewing personnel records, facility data, and reviewing City policies, procedures, practices, and performance tools.

4

EVALUATE PROCESS



OYO evaluates corrective actions taken by City agencies to ensure facility compliance and make enforcement recommendations.



RECOMMENDATIONS

5

OYO compiles investigatory assessments in a comprehensive investigation report. We review observations with City leaders and share evaluations of agency protocols, as well as engage in ongoing monitoring if necessary.



YOUTH BILL OF RIGHTS



A right is something already mine by legal protections of the law and DHS/CBH rules. Starting from day one here, I have rights that are in this guide.

A few items in this guide are not legally protected. When I see words "should," or "I can ask," it means that DHS or CBH think that the idea is respectful and encourage the facility to do it, but it is not a right.

I do not have to earn my rights or get them as a reward, especially communicating with family.

I must not lose my rights for any reason. This means I cannot lose my rights as a punishment, especially communicating with my family. The court may make limits on this depending on my situation.



What Do You Think are Some of Your Rights?

In general? In a juvenile detention facility?



GAME: True & False Scenarios

You have the right to...

1. ...get three meals and one snack a day, but ONLY if you have very good behavior.
2. ...know why you're at your facility and how long you can expect to be there.
3. ...academic lessons and work that match your skill and are right for your age.
4. ...always eat dessert after dinner.
5. ...practice the religion or faith of your choice, if you want to.

SAFE.
RESPECTED.
SUPPORTED.





Overview of Your Rights in Juvenile Detention Facilities





As a young person in a placement facility,

I HAVE THE RIGHT TO...

1 BE INFORMED

To ask questions, keep documents with me, and get updates about my case. To talk with my lawyer in private. To know why, how and when my belongings get searched.

2 KNOW HOW TO MAKE A COMPLAINT

To speak up and make a confidential grievance at my facility in private, and no one can punish or threaten me. To ask for help from people outside my facility.

3 BE TREATED FAIRLY & RESPECTFULLY

To not be abused or harassed by anyone, including physical, sexual or emotional abuse.

4 HAVE A PLAN

To know why I'm in placement, how long to expect to be there, and take part in my discharge or transition plan.

5 GO TO SCHOOL

To share my opinion in making decisions about my education, have access to information about school, grades. To participate in fun activities, get learning support, and learn at my skill level.



6 STAY CONNECTED & PRIVACY

To select who can visit me, visit with family in-person at least once every two weeks. To communicate with family or attorney or clergy in private. Have my medical history kept private.

9 HAVE PERSONAL NEEDS MET

To practice my religion if I want, have clean/comfortable clothes, personal care/hygiene items, at least three meals, and snacks a day, with respect to dietary/religious preferences. Have my clothes/bedding washed at least once a week.

7 KEEP MY MONEY & THINGS SAFE

To keep all money I earn, know how much money is put in and taken out of my account, kept separate from facility money, get my money back when I leave, have a chance to get a job/internship/career prep. Be informed of why, how and when, my room or personal items are searched. Be able to work with a case manager to get needed docs.

10 BE SAFE IN CRISIS

To calm myself first before staff use "restrictive procedure" to protect me from harming myself or others. If required, then used in a safe way for the shortest time possible.

8 RECIEVE HEALTH SERVICES

To have my health history sent to my facility, request medical professionals assess my health within 24 hrs of arrival, have a safety plan in place, agree to mental health treatment w/o approval from a parent, guardian, or agency. To medical; dental; mental; behavioral health services. Get tested and treated for STDs or pregnancy.





GAME: Is This A Rights Violation?

Listen to the following scenarios and determine if it's a potential rights violation:



Is This A Rights Violation?

#1.

A youth in a juvenile detention facility has an Individualized Education Program (IEP). However, staff tell them that they don't have a way to provide special education services and so the youth will not receive any help with their learning.

ANSWER:

Yes!

You have the right to get the supports you need to learn and work towards graduating. If you have an IEP, you must get the services and help listed in your IEP.



**GOING TO
SCHOOL**

Is This A Rights Violation?

ANSWER:

No!

You have the right to get appropriate medical, dental, mental and behavioral health services to help you stay healthy.



#2.

A youth in a juvenile detention facility is experiencing an emergency medical issue. Staff determine that they can't treat the issue on site, so they bring the youth to an outside facility for treatment.

Is This A Rights Violation?

#3

A youth in a juvenile detention facility requests to speak with their lawyer. Staff tell them that they can speak to their lawyer, but that a staff member will be in the room with them during the conversation.

ANSWER:

Yes!

You have the right to talk, communicate, and share items with your attorney in private.



**STAYING CONNECTED
AND HAVING MY PRIVACY**





**Did you know that the staff at your
juvenile detention facility has certain
responsibilities?**

They must...



Allow you to meet with our office to:

1. Access this training
2. Take our survey
3. Participate in interviews with the CYO team

Clearly provide easily accessible info about:

1. Our office
2. Your rights
3. How to file a complaint/grievance

Keep everything completely confidential, including any information shared in interviews and meetings with us

NOT retaliate against any employee or youth for:

1. Cooperating with our office
2. Asking to speak to us
3. Filing a complaint

Promptly inform us about any complaint or grievance that you file with them about your rights and safety in your placement, and provide all relevant documentation


Allow our office to visit facilities to:

1. Evaluate conditions
2. Review records
3. Visit on-ground programming (ex. medical/educational facilities)

**Now that you know
what the provider
responsibilities are...**

*How can you use this
knowledge to hold your
provider accountable?*

Q What if staff isn't doing this?

- 1 Write OYO a letter
- 2 Give OYO a call
- 3 Ask staff to record it
in your file 
- 4 Write it in your journal
- 5 Reach out for help

Who else can you reach out to for help?

<p>I have a problem. <i>Example: My clothes are starting to get too tight.</i></p>	<p>I don't feel safe telling anyone at my facility or the problem got bigger. <i>Example: I have not gotten bigger clothes.</i></p>	<p>My problem got worse and I don't know what to do. <i>Example: I have no clothes left that fit me.</i></p>	<p>My rights have been taken away or broken. <i>Example: The facility tells me I must earn talking time with family.</i></p>	<p>I am being hurt, abused, neglected (not cared for) or feels unsafe in any way.</p>
<p>Who to ask for help:</p>				
<ul style="list-style-type: none"> » Staff I trust at the facility if I feel safe. 	<p><i>If I am in the child welfare system:</i></p> <ul style="list-style-type: none"> » My DHS or CUA case manager; then their supervisor if they don't answer. <p><i>or</i></p> <p><i>If I don't have a DHS or CUA case manager:</i></p> <ul style="list-style-type: none"> » Community Behavioral Health Member Services 1-888-545-2600 » My juvenile probation officer (JPO) <p><i>and</i></p> <ul style="list-style-type: none"> » My lawyer 	<p><i>If I am in the child welfare system:</i></p> <ul style="list-style-type: none"> » The Philadelphia Department of Human Services Commissioner's Action Response Office (CARO) (215)-683-6000 or dhscaro@phila.gov <p><i>or</i></p> <p><i>If I don't have a DHS or CUA case manager:</i></p> <ul style="list-style-type: none"> » Community Behavioral Health Member Services 1-888-545-2600 » My juvenile probation officer (JPO) <p><i>and</i></p> <ul style="list-style-type: none"> » My lawyer and child advocate. 	<ul style="list-style-type: none"> » Staff I trust at the facility if I feel safe. <p><i>and</i></p> <p><i>If I am in the child welfare system:</i></p> <ul style="list-style-type: none"> » My DHS or CUA case manager; then their supervisor if they don't answer » The Philadelphia Department of Human Services Commissioner's Action Response Office (CARO) (215)-683-6000 or dhscaro@phila.gov <p><i>If I don't have a DHS or CUA case manager:</i></p> <ul style="list-style-type: none"> » Community Behavioral Health Member Services: 1-888-545-2600 » My juvenile probation officer (JPO) <p><i>and</i></p> <ul style="list-style-type: none"> » My lawyer and child advocate. 	<ul style="list-style-type: none"> » The Pennsylvania Child Abuse Hotline, ChildLine at 1-800-932-0313 <p><i>Childline takes calls 24/7 and will move to get more help based on the level of immediate risk to me. Action could be right away for abuse claims, to a few days for other concerns.</i></p> <ul style="list-style-type: none"> » The local police department <p><i>and</i></p> <ul style="list-style-type: none"> » Anyone on my team I trust a lot. They can tell the right people for help.

How Can You Make a Complaint to OYO?



601 Walnut St.
Suite 300 East
Philadelphia, PA
19106



OYO@phila.gov



(215) 685-6061



OYO Complaint
Form

A large, faded blue-tinted image of a cityscape, likely New York City, featuring a prominent classical building facade with a large circular window and statues on top. The word "Questions?" is overlaid in white text.

Questions?

Survey

Purpose: To *collect information about service complaints* in juvenile detention facilities, *hear directly from youth* in juvenile detention facilities about their experiences, and *ensure that youth rights are being maintained* in juvenile detention facilities

Important Notes:

- Participation is ***optional***
- Name is ***optional***
- If rights violations are reported, we ***must*** inform the city agency in charge of the juvenile detention facility
- If abuse/neglect is reported, we ***must*** make a Childline Report
- Juvenile detention facilities ***ARE NOT*** allowed to retaliate against youth who file a complaint or grievance. If any staff were to retaliate, an investigation would be immediately opened into the facility



Questions about the survey?



Resources

- ❖ **This Know Your Rights presentation was based on The City of Philadelphia's Youth Rights Guide** at <https://www.phila.gov/media/20210805123956/Full-Youth-Rights-Guide-%E2%80%93-Single-page-%E2%80%93-English.pdf>

 - ❖ **There is also a Family Rights Guide** at <https://www.phila.gov/media/20210805123947/Family-Rights-Guide-%E2%80%93-Single-page-%E2%80%93-English.pdf>

 - ❖ **For more information, see:**
 - 55 Pa. Code Chapter 3800 at https://www.pacodeandbulletin.gov/secure/pacode/data/055/chapter3800/055_3800.pdf
 - Regulatory Compliance Guide on 55 Pa. Code Chapter 3800 at https://www.dhs.pa.gov/providers/Clearances-and-Licensing/Documents/Child%20Youth%20Residential%20Licensing/p_023326.pdf
 - Guidance on Minors' Access to Confidential Health Care in Pennsylvania at <https://www.aclupa.org/en/reference-card-minors-access-confidential-health-care-pennsylvania>
 - OMHSAS Bulletin - 18-01 "Consent to mental health treatment for minor children" June 29, 2018 at <https://tinyurl.com/mentalhealthconsent1801>
 - Child and Adolescent Inpatient Performance Standards at <https://dbhids.org/wp-content/uploads/1970/01/CAIP-PS-FINAL-for-PROVIDERS.pdf>
 - Philadelphia Department of Human Services Congregate Care Scope at <https://www.phila.gov/media/20201112150033/Congregate-Care-Scope.pdf>
 - JLC Court Cards at <https://jlc.org/resources/youth-empowerment-card-youth-rights-pa-courts>
 - JLC Know Your Rights Guide at <https://jlc.org/resources/know-your-rights-guide-introduction>
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