

INSTRUCTIONS AND INFORMATION ABOUT THE COMPLAINT PROCESS

INSTRUCTIONS:

The Sex Offender Management Board (SOMB) is statutorily required to approve and list: Treatment Providers, Evaluators, and Polygraph Examiners who provide sex offense specific services to juveniles who have committed sex offenses and convicted adult sex offenders. Thus, the SOMB also ensures that the services being provided comply with the *Standards and Guidelines* that the SOMB was statutorily required to create.

These instructions are intended to assist in filing a complaint with the SOMB against a listed/approved treatment provider, evaluator or polygraph examiner when there is an alleged violation of the Adult or Juvenile *Standards*.

It will be necessary to refer to the most recent published version of the Adult or Juvenile *Standards and Guidelines (2011 Revised)* in order to appropriately fill out the complaint form. The *Standards* and the complaint form are available on the SOMB website at:

http://odvsom/sex_offender

If you do not have access to a computer you can request copies of the document(s) by contacting the Office of Sex Offender Management at 303-239-4526 or 700 Kipling, Suite 3000, Lakewood, CO 80215. If you are an inmate, you can access the Adult or Juvenile *Standards* and the complaint form in the library of your facility.

FILLING OUT THE FORM:

1. **Complainant Name, Address, and Phone Number:**

The name, mailing address, and phone number of the person filing the complaint. This information is required as there will likely be ongoing contact with this person during the complaint process. A complaint cannot be processed or reviewed without this information. In addition, if the

complainant's contact information changes during the complaint process, it is essential to notify the Office of Sex Offender Management. If a complainant does not have a permanent mailing address, an address of a reliable friend or family member can be used. It is important that the contact information provided will enable the complainant to receive contact in a timely manner because some of the procedures are time sensitive.

2. Service Provider, Address, and Phone Number:

The name, address, and phone number of the provider who allegedly violated the *Standards*. An individual provider must be listed, in addition to the name of a program. If there is a complaint against more than one provider, a separate complaint needs to be filed for each provider. If the provider is not yet approved by the SOMB, the provider's clinical supervisor can be listed in this section. (Please refer to Section 4.100, Intent to Apply, in the *Standards* for further details.)

Please note: The SOMB only handles complaints against individual providers, not programs. We are not a Court, per se and do not have purview over statutes. Complaints involving treatment programs as a whole, government agency policies (e.g. such as the Department of Corrections sex offender classification process), or legal issues unrelated to the Standards, are not under the authority of this Board and should be directed elsewhere.

3. Nature of Complaint:

A detailed description of the complaint and what the provider did to allegedly violate the *Standards*. Please attach an extra page if there is not enough room on the complaint form to provide a complete description of what occurred. Also enclose any information and/or documentation that will support or prove the allegations.

4. Standards Violation:

One or more specific *Standard(s)* cited (the actual standard number from the 2008 Revised Adult or Juvenile *Standards*) with a brief explanation of how each Standard was violated. If additional space is needed, please attach an

extra page.

5. Solution:

Your suggestion(s) for a solution. Please keep in mind that there are many options available to the SOMB regarding resolving complaints.

For assistance or questions, or if you require assistance submitting the complaint, please contact our office via telephone at 303-239-4499 , by fax at 303-239-4491, by email at cathy.rodriguez@state.co.us for adult complaints and raechel.alderete@state.co.us for juvenile complaints, or by mail at 700 Kipling Street, Suite 3000, Denver, CO, 80215.

INFORMATION RE: THE COMPLAINT PROCESS:

When the SOMB is notified that a provider has allegedly violated the *Standards* by way of a complaint, the following process begins:

1. The complaint is forwarded to the Department of Regulatory Agencies (DORA) if it involves allegations against a service provider who is a listed and approved treatment provider and/or evaluator. Complaints filed against polygraph examiners are not forwarded to DORA because they do not have purview over polygraphers. DORA regulates licensure and registration of therapists in Colorado.

Grievances can be filed independently through D.O.R.A. They can be sent to: D.O.R.A., Mental Health Section, 1560 Broadway, Suite 880, Denver, CO, 80202. *It should be noted that D.O.R.A. is not affiliated in any way with the SOMB and is a different governmental entity. Please note that it is helpful for the SOMB to receive the complaints initially because D.O.R.A. consults with the SOMB regarding all complaints against SOMB listed/approved treatment providers and evaluators as part of their deliberation process.*

2. The complaint is reviewed by SOMB staff to ensure all required information is included.

3. A letter is mailed to the person who filed the complaint (i.e. complainant) confirming that the complaint was received.
4. The complaint is forwarded to the Vice Chair of the SOMB.
5. The recommendation from the Vice Chair and the complaint in its entirety are reviewed by the Application Review Committee (ARC).
6. The ARC determines if further action is warranted. If this is the case, the provider is contacted and asked to provide a written response to the allegations in the complaint within 20 working days. On the other hand, if no further action is warranted, the complainant is notified that no potential violations exist and the process ceases.
7. The ARC reviews the provider's response to the complaint and determines if an investigation is necessary. If this is the case, the complainant is notified that an investigation has begun. If no further action is warranted, both parties are notified of the results. Investigations are conducted by an independent investigator.
8. After the investigation is completed, the ARC reviews the investigation results and all relevant information, and makes a finding.
9. Both parties are notified in writing of the finding (the person who filed the complaint and the provider who was complained against) and have the right to file an appeal of the ARC finding within 30 days.

Please refer to Appendix F of the *Adult Standards* and Appendix G of the *Juvenile Standards* for more information.