

# Sex Offender Management Board Application Review Committee Outcome of Received Complaints, 2015-2017

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## SUMMARY OF ARC DECISIONS

- In the three-year period of 2015 – 2017, 59 complaints were filed.
  - 76% (45 cases) fell under the SOMB purview, (e.g. a *Standard* was violated)
    - Of these, five cases were founded (11%)
      - In four cases, the subject of the complaint voluntarily removed themselves from approved provider list
      - One case resulted in de-listment



## OVERVIEW OF APPLICATION REVIEW COMMITTEE (ARC)

### 1. Organization

- ARC meets twice per month on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month to:
  - Review applications
  - Review complaints, and
  - Discuss issues pertaining to providers under the purview of the Sex Offender Management Board (SOMB)
- Consists of six SOMB members and 2 SOMB Staff members
  - Voting members
    - Carl Blake – Chair, Juvenile/Developmental or Intellectual Disability Treatment Provider, and Supervisor
    - Missy Gursky – Juvenile/Adult/Developmental or Intellectual Disability Treatment Provider, Evaluator, and Supervisor
    - Rick May – Juvenile/Adult Treatment Provider, Evaluator, and Supervisor
    - Kandy Moore – Adult Treatment Provider, and Supervisor
    - Jeff Jenks – Juvenile/Adult Polygraph Examiner
    - Angel Weant – Probation
  - Non-voting members
    - Raechel Alderete – SOMB Staff, Juvenile Standards Coordinator
    - Michelle Geng – SOMB Staff, Adult Standards Coordinator

### 2. Application Review Process

- Materials are reviewed prior to meeting to ensure all required documents are present
- Application materials are provided to each ARC member at meeting
- Applications are reviewed and discussed by ARC members
- Final decision is made:
  - Approve provider
  - Request additional information
  - Approve provider with guidance for improvement
  - Deny provider (provider may appeal to SOMB)

### 3. Complaints

- Materials are reviewed to ensure all required documents are present
- Copy of complaint is sent to the Department of Regulatory Agencies (DORA) when the complaint involves a treatment provider
- Complaint materials are reviewed by ARC members to verify that:
  - The SOMB has purview
  - Specific violations of the *Standards and Guidelines* can be identified
- Letter is sent to the provider requesting a response to the complaint
  - Investigations are conducted as needed by an outside investigator, hired by the SOMB
- Complaint materials and response materials are reviewed by ARC members
  - Deliberations occur to determine decision

- Final decision is made:
  - Dismiss complaint as unfounded
  - Resolve through mutual agreement of both parties
  - Complaint is founded and sanction is issued

## COMPLAINT ANALYSIS

### 1. Purpose

- The purpose of this analysis was to examine the number of founded and unfounded complaints, actions taken by ARC, and the reasons for various outcomes.

### 2. Methods

- Complaints filed between 2015 and 2017
- Data collected from:
  - Provider Files
  - Provider Database
  - Meeting Minutes
- 59 total complaints
  - 76% (45) Under SOMB Purview
    - Not under SOMB purview includes cases where the complainant or subject of the complaint is not subject to SOMB *Standards*, or where there was no associated *Standard* with the behavior, among others.
    - Some findings are not issued until after a DORA disposition.<sup>1</sup>

### 3. Results:

#### a. All Cases, n=59 (Including Cases not under SOMB purview)

- Complaint filed against
  - Treatment provider: 88% (52)
  - Polygraph examiner: 12% (7)
- Complaint filed by
  - Offender: 56% (33)
  - Provider: 5% (3)
  - Offender Family Member: 3% (2)
  - ARC: 3% (2)
  - DORA: 3% (2)
  - Other<sup>2</sup>: 22% (13)
  - Anonymous: 7% (4)
- DORA
  - Reported to DORA
    - 51% (30) of cases reported to DORA by the SOMB
    - 41% (24) of cases reported to the SOMB by DORA

<sup>1</sup> This is frequently because no violation of the *Standards* exists at the time of the complaint, however, if DORA issues a finding or a sanction, the provider is considered “not in good standing” which is a *Standards* violation.

<sup>2</sup> Other includes: former employees, non-family member advocates, victim, etc.

- 5% (3) of cases not applicable to report to DORA<sup>3</sup>
    - 3% (2) missing data
  - DORA investigation conducted
    - 83% (49) of cases investigated by DORA (that is, DORA requested response from provider regarding allegations)
  - DORA resolution
    - Insufficient grounds: 42% (25)
    - Letter of admonition: 5% (3)
    - Stipulation<sup>4</sup>: 5% (3)
    - Open complaint/Not yet resolved: 3% (2)
    - Dismissed<sup>5</sup>: 36% (21)
    - Not applicable<sup>6</sup>: 9% (5)
- ARC
  - Additional information requested after response received
    - Yes: 54% (32)
    - No<sup>7</sup>: 37% (22)
    - Not Applicable<sup>8</sup>: 9% (5)
  - Finding
    - 81% (48) of cases were deemed unfounded; 5 of these cases deemed unfounded after DORA resolution reached
    - 9% (5) of cases were deemed founded; 1 of these cases deemed founded after DORA resolution reached
    - 10% (6) of cases were not applicable<sup>9</sup>
  - Finding determination
    - 39% (23) of cases provided supporting documents or collateral information which disproved the complaint
    - 17% (10) of cases based on incorrect or outdated information
    - 19% (11) of cases had no associated standard
    - 9% (5) of cases were anonymous or incomplete complaints
    - 17% (10) of cases were not applicable<sup>10</sup>
  - Appeals
    - One case appealed after ARC deemed complaint founded and issued sanction of delisting

<sup>3</sup> Polygraph examiners are not subject to DORA regulations.

<sup>4</sup> Stipulations include any terms or instructions with which a provider needs to abide in order to remain compliant with DORA.

<sup>5</sup> Cases were dismissed if requirements were fulfilled and therefore nullifying the complaint, if the complaint was being withdrawn prior to an official resolution being issued, or if the complaint did not move forward.

<sup>6</sup> Not applicable cases included complaints against polygraph examiners which were reported to DORA (see footnote 3)

<sup>7</sup> Additional information not requested from provider if information was already available from DORA.

<sup>8</sup> Not Applicable included anonymous complaints and those not under SOMB purview.

<sup>9</sup> Not Applicable included anonymous complaints, those not under SOMB purview, or provider voluntarily relinquished status.

<sup>10</sup> Not Applicable included complaints that were not under SOMB purview and complaints not yet resolved.

- Finding and sanction were upheld by the SOMB

b. SOMB Purview Only, n=45<sup>11</sup>

- Complaint filed against
  - Treatment provider: 87% (39)
  - Polygraph examiner: 13% (6)
- Complaint filed by
  - Offender: 71% (32)
  - Provider: 2% (1)
  - Offender family member: 4% (2)
  - ARC: 4% (2)
  - DORA: 2% (1)
  - Other<sup>12</sup>: 11% (5)
  - Anonymous: 4% (2)
- DORA
  - Reported to DORA
    - 67% (30) of cases reported to DORA by the SOMB
    - 22% (10) of cases reported to the SOMB by DORA
    - 11% (5) of cases not applicable to report to DORA<sup>13</sup>
  - DORA investigation conducted
    - 78% (35) of cases investigated by DORA (requested response from provider regarding allegations)
  - DORA resolution
    - Insufficient grounds: 33% (15)
    - Letter of admonition: 7% (3)
    - Stipulation<sup>14</sup>: 4% (2)
    - Open complaint/Not yet resolved: 2% (1)
    - Dismissed<sup>15</sup>: 42% (19)
    - Not applicable<sup>16</sup>: 11% (5)
- ARC
  - Additional information requested after response received
    - Yes: 71% (32)
    - No<sup>17</sup>: 24% (11)
    - Not Applicable<sup>18</sup>: 4% (2)
  - Finding

<sup>11</sup> Out of the original 59 cases.

<sup>12</sup> Other includes former employees, non-family member advocates, victim, etc.

<sup>13</sup> Polygraph examiners are not subject to DORA regulations.

<sup>14</sup> Stipulations include any terms or instructions with which a provider needs to abide in order to remain compliant with DORA.

<sup>15</sup> Cases were dismissed if requirements were fulfilled and therefore nullifying the complaint if the complaint was being withdrawn prior to an official resolution being issued or if the complaint did not move forward.

<sup>16</sup> Not applicable cases included complaints against polygraph examiners which were reported to DORA.

<sup>17</sup> Additional information not requested from provider if information was already available from DORA.

<sup>18</sup> Not Applicable included anonymous complaints and incomplete complaints.

- 87% (39) of cases were deemed unfounded; 5 were deemed unfounded after DORA resolution was reached
  - 11% (5) of cases were deemed founded; one of these was deemed founded after DORA resolution was reached
  - 2% (1) of cases were not applicable<sup>19</sup>
- Complaint resolution
  - 87% (39) of cases resulted in no standards violations being found
  - 2% (1) of cases were required to comply with a DORA stipulation
  - 9% (4) of cases voluntarily removed themselves as providers (inactive)
  - 2% (1) case resulted in de-listment
- Finding determination
  - 51% (23) of cases provided supporting documents or collateral information which disproved the complaint
  - 22% (10) of cases based on incorrect or outdated information
  - 4% (2) of cases had no associated standard
  - 7% (3) of cases were anonymous or had incomplete complaints
  - 16% (7) of cases were not applicable<sup>20</sup>
- Appeals
  - One case appealed after ARC deemed complaint founded and issued sanction of delisting
    - Finding and sanction were upheld by the SOMB

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<sup>19</sup> Not Applicable included incomplete complaints.

<sup>20</sup> Not Applicable included complaints that were not yet resolved or founded complaints.

