



**California Sex Offender Management Board**  
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## **CASOMB Complaint Procedure**

The California Sex Offender Management Board (CASOMB) is charged with overseeing compliance with provider agency and provider certification guidelines (Penal Code, 290.09). If someone believes a certified treatment provider or provider agency is not operating ethically or in compliance with a Provider Agency or Treatment Provider Certification Requirement, the person may submit a complaint form in writing to CASOMB with any available documentation or evidence. The complaint form is found on the CASOMB web site. The form must be legible, signed by the complainant, and submitted, identifying the specific requirement(s) that has been violated. Complaints can be accepted electronically or through the mail. Complaints regarding alleged criminal and/or unethical behavior may be investigated and/or referred to the appropriate licensing board or agency. CASOMB will protect the identity of the complainant, when possible.

Providing sex offense specific treatment and evaluation requires specialized knowledge and training. CASOMB supports compliance across treatment provider and treatment provider agencies and helps correct those not in compliance.

### **Complaints**

Complaints are addressed in the following manner.

1. All complaints are subject to an initial administrative review by CASOMB staff.
  - A. This review determines if the complaint process has been followed using the proper forms available on the CASOMB web site. Insufficient or improper filings may not proceed for review and CASOMB staff will provide written notification of the problem to the complainant. Complainants may then resubmit a properly completed form.
  - B. The complaint must allege a specific violation of the Provider Agency or Treatment Provider Certification Requirements. If a specific violation is not alleged the complainant will be notified in writing that the complaint does not fall under the jurisdiction of CASOMB. This determination is final and not subject to appeal.
  - C. When a complaint alleges an ethics or certification requirement violation, the complaint is forwarded to the Complaints Committee. The complainant is notified in writing of the receipt of the properly filed complaint.

2. The CASOMB Consulting Psychologist/Board Coordinator will draft a letter notifying the subject of the complaint of the alleged violations.
3. The subject(s) of the complaint may submit to the Complaints Committee a written response to the allegation(s), within 30 days of notification of the complaint. Use of email or certified mail is encouraged.
4. The Complaints Committee may:
  - A. In collaboration with the CASOMB Consulting Psychologist/Board Coordinator, initiate an investigation of the complaint.
  - B. Ask another Board member, staff member, outside consultant, investigator or expert to assist with the investigation.
  - C. Request clarifying information from the complainant and/or provider or provider agency.
  - D. The subject of the complaint may have legal representation present during interviews.
5. The Complaints Committee determines the facts of the case.
  - A. The Complaints Committee may dismiss the complaint as unfounded. The complainant and the subject of the complaint will be notified of the finding.
  - B. If the complaint is founded, the Complaints Committee will provide a Preliminary Findings Report and the investigation files to the subject of the complaint. Any information associated to the whistleblower act will be withheld for the protection of the whistleblower.
6. The subject of the complaint may submit a written response and any supporting document in response to the receipt of the Complaint Committee's Preliminary Findings within 30 days.
7. The Complaints Committee uses the clear and convincing evidence standard in making a final determination regarding the findings and the facts of the case.
  - A. The Complaints Committee may find the complaint founded and submit a report to the CASOMB Certification Committee.
  - B. The Complaint Committee notifies the subject of the complaint of the findings, and the opportunity to provide the Certification Committee with a written response for consideration.
8. The subject of the complaint may provide a written statement to the Certification Committee for consideration when the committee is determining the action to be taken. The written statement must be submitted within 30 days of the date the finding is issued.
9. During the complaint process the subject(s) of the complaint:
  - A. May consult with an attorney when responding to the Complaints Committee or Certification Committee.

- B. Provide documents to the Complaints Committee that support their claim.
  - C. Are encouraged to use email or certified mail for correspondence.
10. The Certification Committee will review the findings of the Complaints Committee.
- A. At least two (2) Certification Committee members will review the findings of the Complaint Committee and determine what, if any sanction will be imposed.
  - B. In the event of a conflict of interest of a member of the Certification Committee, additional persons will be assigned as necessary to make an informed determination.
11. The Certification Committee may take the following actions after receiving the report from the Complaints Committee.
- A. The Certification Committee may request clarification or additional documents to help determine an appropriate action.
  - B. The Certification Committee may determine that the provider agency or treatment providers is not in good standing and consider the following possible consequences:
    - a. Send a letter of admonition to the provider or provider agency, who/which may submit a written response within 30 days from the date the letter of admonition was mailed. Any written response may be taken into consideration when the subject of the complaint is reviewed for recertification.
    - b. Resolve the complaint through mutual agreement between the Certification Committee and the provider or provider agency, with notice of the resolution to the complainant. The resolution may include case specific requirements.
    - c. Place the agency/provider on probation for up to two (2) years.
      - i) Case specific requirements for remedy will be provided to the agency/provider.
      - ii) Ongoing monitoring for compliance will be conducted by CASOMB staff.
      - iii) An agency or provider may request early termination from probation if they have maintained ongoing compliance for a minimum of one (1) year.
    - d. Suspend, the agency or treatment provider's certification, until compliance with CASOMB's requirements are restored. The suspension may result in certification termination if compliance with requirements are not restored in a timely manner.
    - e. CASOMB may decertify the provider or provider agency for failure to comply with certification requirements.
  - B. The Certification Committee may direct CASOMB staff to notify the appropriate licensing board, collaborative stakeholders, including supervising agencies, about decisions made.
  - C. The Certification Committee may initiate investigations on providers or provider agencies associated with the complaint who were not under investigation.

12. The subject of the complaint may request a meeting with the Certification Committee.
  - A. The meeting is not open to the public.
  - B. The request must be made in writing, and must be received within 30 days of the findings report. If a meeting is requested it will take place prior to any consequences potentially being imposed.
  - C. The meeting or teleconference call will be scheduled by CASOMB staff.
  - D. The meeting will be no longer than 45 minutes; the subject of the complaint may have one representative with them, and will have 15 minutes for verbal presentation.
  - E. Only information directly related to the findings or potential outcomes of the findings may be addressed.
13. The findings of the Complaints Committee and the recommendations of the Certification Committee may be submitted to the Board for ratification.
14. All decisions of the Board are final.
15. CASOMB staff provides the complainant and the subject(s) of the complaint with a summarized written notice of the findings and if action is required to restore good standing.
16. As key members of the containment team responsible for community safety and the management of the sexual offenders, probation offices and parole agencies who work with the treatment provider/agency will be notified if the complaint is founded and actions or sanctions associated with the findings are required to restore good standing. If an agency is decertified or placed on suspension probation departments and/or parole agencies impacted by the agency or provider's change in status will be notified by CASOMB, when the change in status is determined.
17. After formal resolution of the complaint, information regarding certification status will be provided to third parties (which may include patients of the provider, other treatment programs, attorneys or the general public), including if the agency/provider is on probation or suspension. CASOMB's website listing of certified programs will include if a program is currently on probation or suspended.
18. CASOMB retains the rights to initiate a complaint on its own accord.
19. Respondent providers or provider agencies may not discriminate or retaliate against complainants who filed a complaint in good faith.
20. CASOMB maintains all documentation related to the complaint in the provider's or provider agency's file.