

COMMUNITY CONFINEMENT FACILITIES



Auditor Information			
Auditor name: Gerald McCormac			
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Email: J.mccormac@comcast.net			
Telephone number: 267-679-2308			
Date of facility visit: November 16-17, 2015			
Facility Information			
Facility name: Advantage Treatment Centers, Inc.			
Facility physical address: 1221 Highway 61, Sterling CO			
Facility mailing address: (if different from above)			
Facility telephone number:			
The facility is:	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input checked="" type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
Facility type:	<input type="checkbox"/> Community treatment center	<input type="checkbox"/> Community-based confinement facility	<input type="checkbox"/> Other
	<input checked="" type="checkbox"/> Halfway house		
	<input type="checkbox"/> Alcohol or drug rehabilitation center		
Name of facility's Chief Executive Officer: Josh Mayhugh			
Number of staff assigned to the facility in the last 12 months: 26			
Designed facility capacity: 94			
Current population of facility: 88			
Facility security levels/inmate custody levels: Minimum			
Age range of the population: 18-65+			
Name of PREA Compliance Manager: Brian Lynch		Title:	Case Manager/Subcontractor
Email address: brian.lynch@advantage-tx.com		Telephone number:	970-522-7383
Agency Information			
Name of agency: Advantage Treatment Centers, Inc..			
Governing authority or parent agency: (if applicable)			
Physical address: 12221 Highway 61, Sterling CO			
Mailing address: (if different from above)			
Telephone number: 970-522-7383			
Agency Chief Executive Officer			
Name: Doug Carrigan		Title:	President/Owner
Email address: dcarrigan@advantage-tx.com		Telephone number:	303-591-3303
Agency-Wide PREA Coordinator			
Name: Brian Lynch		Title:	See above
Email address: see above		Telephone number:	See above

AUDIT FINDINGS

NARRATIVE

On December 22, 2015, the onsite portion of the PREA audit was conducted at the Advantage Treatment Centers, Inc. (ATC). Advantage Treatment Centers, Inc. is a 94 bed facility currently providing community re-entry services to male clients under state and/or court supervision. Advantage Treatment Centers, Inc. is a private for profit halfway house.

The PREA audit notice was posted by the Advantage Treatment Centers, Inc. Staff on November 23, 2015; six weeks prior to the onsite audit. No communication or correspondence from Advantage Treatment Centers, Inc. residents, staff, visitors, or other third party individuals were received by this auditor related to the Advantage Treatment Centers, Inc. facility and their PREA audit.

The onsite audit commenced shortly after 9:00 am on December 22, 2015. Following a brief entrance meeting, in which the expected audit schedule and format was discussed, a tour of the Advantage Treatment Centers, Inc. was conducted. The tour of the Advantage Treatment Centers, Inc. Facility was conducted in accordance with the PREA audit compliance tool, “*Instruction for PREA Audit Tour*”, with emphasis on resident living quarters, resident shower and bathroom areas, intake area, cafeteria, kitchen, laundry room, recreational area, and other resident accessible areas as it relates to staff’s ability to monitor, supervise and otherwise detect, prevent, and deter incidents of sexual assault and sexual harassment within the Advantage Treatment Centers, Inc. Facility. The Advantage Treatment Centers, Inc. Facility, as will be noted below, has actively worked to minimize, if not completely eliminate, potential blind spots utilizing multiple tools to enhance ATC staff’s ability to prevent, detect, and deter incidents of sexual abuse and sexual harassment within the program. Upon conclusion of the facility tour, random staff and resident interviews commenced.

Random and specialized staff interviews were conducted using the format and protocols for community confinement centers and as available on the National PREA Resource Center’s website. In total, well over 10 of the Advantage Treatment Centers, Inc. staff were interviewed. Additionally, approximately 14 of the Advantage Treatment Centers, Inc. residents were interviewed during the onsite portion of the audit. All resident interviews followed the interview protocols for community confinement centers available on the PREA resource center website with emphasis on ensuring the sample size of residents interviewed included residents from each of the populations served at the Advantage Treatment Centers, Inc., those specifically identified in the resident interviews protocols, and from varying room assignments.

Prior to the onsite audit, and as part of the post audit review, supporting documentation provided by the Advantage Treatment Centers, Inc. Facility was reviewed. These items include but are not limited to: ATC Policies and Procedures, ATC PREA Advisements (staff, resident, contractors, etc.); ATC pre-audit questionnaire; ATC and other documentation referred to in the remainder of this audit report.

FACILITY CHARACTERISTICS

Located at 12221 Highway 61 in Sterling CO, the Advantage Treatment Centers, Inc. is situated directly across from The Colorado Department of Corrections – Sterling prison in a very rural area. The Advantage Treatment Centers, Inc. campus consists of four independent buildings with all residential quarters contained in the large main building. The other three buildings are a mixture of administrative office space, counseling space, and group space.

The Advantage Treatment Centers, Inc. facility has a maximum rated capacity of ninety-four residents with risk factors ranging from minimum to low-medium risk offenders. The average length of stay for ATC residents is approximately one hundred and fifty days.

ATC requires all cross-gendered staff to “announce” their presence when entering an area in which a resident may be in any state of undress.

The Advantage Treatment Centers, Inc. facility is currently equipped with several cameras strategically placed so as to eliminate blind spots and assist staff in detecting, deterring and preventing sexual abuse and sexual harassment.

SUMMARY OF AUDIT FINDINGS

Advantage Treatment Centers, Inc. did not have any PREA related incidents reported in the 12 months prior to the onsite audit. Advantage Treatment Centers, Inc. staff, led by the ATC PREA coordinator, are actively working to achieve compliance with the PREA standards. There are PREA posters posted throughout the facility which contain the telephone number for PREA reporting and additional information related to PREA, the facility's zero tolerance, and contact information for PREA reporting is included in a variety of printed materials though, as will be noted in this report, some revisions are required to capture missing elements.

As conveyed during the random resident interviews, residents of the Advantage Treatment Centers, Inc. were each provided with the facility's resident handbook, PREA pamphlet, and have all received screenings related to assessment of the individuals' potential for victimization and/or abusiveness during the intake process. Residents also relayed that staff generally announce their presence whenever entering a resident's housing area and when entering the bathroom/shower area Advantage Treatment Centers, Inc. Residents were generally aware of the process for reporting PREA related concerns and were also generally aware of community resources available to them.

The Advantage Treatment Centers, Inc. staff are actively working to implement a safe, secure environment for residents and staff alike. The staff are aware of their responsibilities to create a zero tolerance environment, reporting responsibilities, and first responder duties as was conveyed to this auditor during the staff interviews. Staff were knowledgeable about their responsibilities in responding to a recently occurring incident of sexual assault and were able to communicate the steps as outlined in the Advantage Treatment Centers, Inc. coordinated response plan. Staff were also able to confirm receipt of PREA related trainings during their orientation, recent PREA training refresher, and/or review of various PREA requirements during their monthly staff meetings.

It is recommended that staff members responsible for conducting administrative investigations of PREA incidents receive additional training as required by §115.234. As will be noted in this report, there are also suggested revisions/enhancements to the ATC:

- Training curriculum (staff, contractor, volunteer, and intern)
- Policies and Procedures
- Resident educational/information materials

Each of the suggested revisions and/or additions to the materials above will be covered in greater detail in the respective PREA standard audit narratives. It is also recommended, as will be noted later in this report, that ATC implement the staff member PREA re-affirmation/disclosure with this year's annual employee review and incorporate said requirement into their policies and procedures. All corrective actions taken to address the recommendations and suggestions made throughout this report should be forwarded to the auditor for review and audit record retention in accordance with the national PREA standards whether specifically verbalized in the respective audit narratives to follow or not.

A thorough review was performed of the supporting documentation provided by the Advantage Treatment Centers, Inc. facility. The results of the thorough review, along with the information gathered from the tour as well as the interviews, were used to generate this report. Noted throughout this report will be references to the documentation used to support the determinations of compliance, non-compliance, or non-applicable. Overall, the audit findings for the Advantage Treatment Centers, Inc. facility are as follows:

Number of standards exceeded: 0

Number of standards met: 36

Number of standards not met: 0

Number of standards not applicable: 3

115.211- Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Advantage Treatment Centers, Inc., has written policies mandating zero tolerance toward any form of sexual contact and sexual harassment whether consensual or non-consensual. The policy, ATC PREA policy 3-171, falls short of prohibiting “all forms of sexual abuse” to include sexual assault/rape, sexual harassment, sexual contact, and/or sexual misconduct.

Additionally, ATC PREA policy 3-171 outlines the agency’s approach to preventing, detecting and responding to sexual assault, sexual misconduct and/or harassment (to include sexual harassment specifically); however, these policies, as will be described throughout this report, require some revisions to better capture and reflect the collective requirements set forth in the national PREA standards.

Speaking to §115.211(b), Advantage Treatment Centers, Inc. has identified a PREA Coordinator who is subcontracted to implement and oversee all PREA related activities and is also employed in another capacity in the ATC program. As a subcontracted PREA Coordinator, the position is not established as an upper level agency wide position. The current arrangement brings about concerns as to whether the PREA Coordinator/ATC staff member has sufficient time, authority, and empowerment within the position to effectively implement policies and procedures aimed at preventing, detecting, and responding to all incidents of sexual abuses and sexual harassment. While the PREA Coordinator is actively involved to ensure compliance with the ATC "Zero Tolerance" environment, this position does not appear on the ATC organizational chart and the current organizational chart shows the current (subcontracted) PREA coordinator’s ATC staff role as a line staff position.

In order to comply with §115.211(b), ATC will need to ensure the PREA Coordinator is sufficiently empowered, has sufficient time, and has sufficient authority to effectively implement policies and procedures aimed at preventing, detecting, and responding to all incidents of sexual abuses and sexual harassment.

Update: During the corrective action period, Advantage Treatment Centers restructured their organizational chart creating a formal organizational PREA coordinator position which is empowered with sufficient authority to fulfill their assigned duties and responsibilities. The ATC audit team also worked diligently to revise ATC policy in order to incorporate the recommendations above.

Advantage Treatment Center has met the requirements of this standard.

115.212 Contracting with other entities for the confinement of residents

This section does not apply to the Advantage Treatment Centers, Inc. Facility. ATC does not sub-contract with other entities to house offenders.

115.213 Supervision and Monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Advantage Treatment Centers, Inc. has prepared and provided, as part of the supporting documentation accompanying the ATC pre-audit questionnaire, Policy 4.240 (page 78-79 of the *ATC Policies and Procedures Manual*) which speaks to their “*Security Staff Staffing Pattern*” and a corresponding security staff schedule. This policy identifies the minimum number of security staff required on each of their three shifts as well as the annual staffing review requirements for the Case Management department. Also provided was the ATC PREA Policy which speaks to the requirement for an annual review of the staffing plan; however, neither the existing policies nor the supporting documentation provided speaks to how the requirements set forth in §115.213(a)(1-4) were considered in the development of a staffing plan. The items to be considered include:

- The physical layout of each facility
- The composition of the resident population
- The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- Any other relevant factors

To assist ATC in their efforts to better document and memorialize their consideration of the above noted criteria within the development of a staffing plan complaint with §115.213, ATC staff were provided with a staffing plan template developed by the auditor specifically for community confinement centers. Completion of the staffing plan template provided, or other form of documentation demonstrating consideration of the criteria above, is required in order for a determination of compliance with this standard.

Moving forward, the annual staffing plan review should consider the following to determine and document if adjustments to:

- The ATC staffing plan established pursuant to §115.213(a)
- Prevailing staffing patterns
- The facility’s deployment of video monitoring systems and other monitoring technologies
- The resources the facility has available to commit to ensure adequate staffing levels.

Additionally, as is required by 115.213(b), any deviations from the staffing plan developed pursuant to 115.213(a) should be documented along with a justification for any deviations. The template provided to the ATC covers all the requirements set forth in §115.213(a-c).

In order to meet the expectations of §115.213, ATC will need to develop a staffing plan with consideration for all the above identified criteria. Upon completion of the staffing plan, ATC staff should forward said staffing plan to the auditor for review. Additionally, the ATC Zero Tolerance policy and/or the policy amendment, should be revised to include criteria to be reviewed in both the creation of the initial staffing plan and annual staffing plan

reviews respectively.

Update: During the corrective action period, the Advantage Treatment Center staff provide the auditor with a staffing plan that includes consideration of all required elements as noted above. The staffing plan provides for sufficient coverage throughout all shifts with no deviations from this staffing pattern noted.

Advantage Treatment Centers has met the requirements of this standards.

115.215 Limits to cross-gender viewing and searches

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Advantage Treatment Centers, Inc., as outlined in Residential Policy 2.030 (“*Contraband Control/Searches*”, Procedures: 3 (c-e)) prohibit staff from performing cross gender strip searches and/or cross gender visual body cavity searches. ATC employees are also prohibited from performing a search of a resident in order to determine their genital status (Residential Policy 2.030, Procedures: Section C, 8). While strip searches are permitted (Residential Policy 2.030, Procedures: Section E, 1-5), provided the employee is directed to do so by an executive director level and the employees conducting the strip search are both of the same sex as the offender to be strip searched, visual body cavity searches are never permitted (Residential Policy 2.030, Procedures: Section E, 4). Transgender and intersex resident pat down searches would be conducted by a female staff member (if it were to occur). This practice is consistent with PREA expectations as noted on the PRC FAQs. All searches performed are documented in the facility’s computer software program per contractual requirements. All employees are provided trainings on the performance of pat down searches, strip searches, and searches of transgender and intersex residents in a professional, respectful, and the least intrusive manner possible while not compromising the safety and security of the facility.

Advantage Treatment Centers, Inc. has developed and implemented policies and practices which require staff members of the opposite gender to knock and announce their presence when entering an area where residents are likely to be changing, showering, or performing bodily functions (ATC Residential Policy 2.100, Procedure; Section 2). The current placement of cameras does not allow for cross gender staff viewing of a male resident while showering, changing, or performing any other bodily functions. Additionally, Advantage Treatment Centers, Inc. staff of the opposite sex (than the male resident population), in the performance of facility head counts, do not fully enter the residential bathroom; rather, the staff knock and announce their presence prior to opening the bathroom door and then proceed to verbally verify the presence of ATC residents using the lavatory and/or showering. It should be noted, the layout of the ATC facility provides for a shower area and a changing area for the residents which is unable to be seen from the bathroom doorway threshold, and cross gender staff perform head counts verbally.

Advantage Treatment Centers has met the requirements of this standard.

115.216 Residents with disabilities and residents who are limited English proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Advantage Treatment Centers will need to establish an agreement (MOU) with an agency in order to establish a method and mechanism by which their clients have access to interpreters who can impartially, accurately, and effectively communicate via sign language and with limited English proficient individuals.

The Springs Institute for Intercultural Learning, based in Denver, is currently providing such services to many of the Colorado community corrections centers. The Springs Institute offers translation service for many languages to include rare and exotic languages spoken in Asia, Africa, Middle East, Eastern and Western Europe.

Additional auxiliary aids can also be arranged through the facility administrator if needed.

Advantage Treatment Centers, Inc. does not utilize resident interpreters, confirmed via resident and staff interviews, and this is a practice that is prohibited unless delays in communicating with an individual would present immediate danger to the individual's safety, compromise the performance of first responder duties, or the investigation of PREA allegations.

Advantage Treatment Centers, Inc. should also endeavor to ensure "written materials are provided in formats or through methods that ensure effective communication with residents with disabilities, including intellectual disabilities, limited reading skills, or who are blind or have low vision". All the PREA education materials, aside from PREA signage posted throughout the facility, are published in English.

Though not specifically identified in this segment of the PREA standard, when considering the requirements and intent of this standard in concert with the requirements of §115.233, the quoted portion of the standard above would also extend to LEP individuals and/or individuals with disabilities. With that in mind, as was recommended following the on-site audit, educational materials should be made available in formats conducive to communicating with individuals who have limitations communicating in spoken or written English formats in order to bring Advantage Treatment Centers, Inc. into compliance with all of the requirements of this particular standard.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to establish an agreement with the Springs Institute for Intercultural Learning in order to provide assistance with language and/or communication needs. The Springs Institute for Intercultural Learning is a Denver based agency which can provide translator services for several different languages including rare African dialects. With this agreement in place ATC has the ability to begin providing client education materials in English and Spanish as well as many other languages as needed.

The Advantage Treatment Center has met the requirements of this standard.

115.217 Hiring and Promotion Decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

As described throughout the ATC Employee Packet and the ATC policies, ATC establishes zero tolerance for various forms of misconduct including any sexual contact. As has been previously noted, the ATC PREA Policy should be amended to include “all forms of sexual abuse”.

Background checks are conducted on all employees and on contractors, and volunteers having contact with ATC residents (as described, page 25, in Item #48 of ATC Personnel Manual, Screening/Hiring/Orientation/Training: sections D and E). ATC does not hire or promote anyone who may have contact with residents who has engaged in any of the activities notated in 115.217(a) (1-3); however, it is recommended that questions specific to PREA and previous institutional employment should be added to the ATC employment application.

Additionally, ATC should articulate how incidents of sexual harassment are factored in to any offer of employment and/or promotion once hired.

A review of all employee personnel files revealed the facilitation of employee background checks prior to commencement of the employee's employment and performance of an updated employee background check every five years.

ATC, through both policy and practice, and in accordance with governing federal, state, and local laws, engage in the exchange of information, as it relates to substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse, between agencies for both potential employees and former employees respectively ATC PREA Policy 3-171.

Finally, with regards to the requirements of S115.217(f)(h), it is recommended ATC incorporate a mechanism to capture staff’s continuing duty to disclose all incidents described in §115.217(a) in their annual employee evaluation.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor’s recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.218 Upgrades to facilities and technologies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

115.218(a) is not necessarily applicable to the Advantage Treatment Centers, Inc. Facility as there has not been any substantial expansion to the facility nor acquisition of a new facility; however, ATC has taken efforts to upgrade their technology.

Moving forward, Advantage Treatment Centers, Inc. should document consideration of the potential advantages of the enhancement of staff surveillance aids when contemplating upgrades to the facility security monitoring equipment. This can be captured via meeting minutes, emails, requests for equipment upgrades and/or through the ATC staffing plan when developed.

The Advantage Treatment Center has met the requirements of this standard.

115.221 Evidence protocol and forensic medical examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

ATC is responsible for conducting Administrative Investigations of sexual abuse. Sexual abuse investigations that do not appear to be criminal in nature are conducted by the facility's director, the PREA coordinator, and other HR staff. Specialized training is needed for all ATC employees responsible for conducting such investigations. Training curriculum shall be in accordance with §115.234. Following training for conducting sexual abuse investigations in a correctional setting by the staff members responsible for conducting investigations into sexual abuse and/or sexual harassment allegations, ATC should endeavor to develop protocols for the uniform handling, processing of evidence per §115.221(a)(b).

Criminal investigations would be conducted by either the Logan County Sheriff or the Colorado Inspector General depending on the classification of the victim.

ATC has identified Sterling Regional Medical Center as the medical entity responsible for conducting sexual assault forensic exams for ATC resident victims; however, in order to comply with the requirements of §115.221(c) ATC will need to document their efforts to provide SAFE/SANE services at no cost to the victim. Said efforts to secure such services should also take into consideration of the requirements of §115.282 and §115.283 respectively.

Per §115.221(d), ATC will also need to enter into a MOU with a rape crisis advocacy agency to provide ATC resident victims with: support through the forensic exam and investigatory interview process; crisis intervention; emotional support; follow-up services and referrals to other community agencies.

While ATC is not responsible for conducting criminal investigations, per the requirements set forth by §115.221(f), Advantage Treatment Centers is required to request the entity (or entities) responsible for conducting criminal investigations follow a uniform evidence protocol consistent with §115.221(b). Advantage Treatment Centers, Inc. has identified the two agencies (above) who would be responsible for conducting criminal investigations at ATC.

With MOU's, written agreements, written requests for compliance with PREA standards and/or documentation of efforts to secure such (demonstration of "due diligence") with the various entities above in hand, ATC would be compliant with the requirements of this standard.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor's recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.222 Policies to ensure referrals of allegations for investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

As stated in the ATC PREA Policy 3-171, all allegations of sexual abuse and/or a sexual harassment will be investigated either criminally or administratively if there is not a criminal element involved. It is recommended that this policy be revised to reflect either a "full investigation" or a "thorough investigation".

ATC PREA policy 3-171 outline the responsibilities of both ATC internal staff (first responders, investigators, and management staff) as well as the expected responsibilities of some external parties. However, will need to include the notification to mental health professionals.

While ATC is in the process of developing a website, in the meantime, Advantage Treatment Centers, Inc. need to make their policy on the handling of PREA related investigations available to the public.

This can be accomplished by making this policy available to the local board and also ensuring the board meeting

records record the open invitation to view this policy at any time moving forward. Until the website is operational, this technique could be utilized annually to demonstrate compliance through due diligence.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor’s recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.231 Employee Training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Resulting from the reviews and interviews conducted during the pre-audit and onsite audit phases, employee training (both refresher trainings and onboarding trainings) is an area for enhanced attention, focus in the development and delivery of a ATC specific PREA training curriculum. The curriculum can be largely based on the statewide community corrections PREA power point but should also be tailored (where appropriate) to match ATC policy, procedures, etc.

In an effort to assist ATC in the development of and initial delivery of the ATC staff training curriculum, the auditor has offered to co-facilitate an agency wide PREA training.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor’s recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.232 Volunteer and contractor training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Following the onsite audit, ATC was provided with a template to be used to notify and inform all visitor's about ATC's zero tolerance approach to all forms of sexual abuse and/or sexual harassment. This notification is sufficient for notification to random or infrequent visitors. Volunteers and Contractors having unsupervised access/contact with ATC residents should be provided additional training on their duties and responsibilities as it relates to the ATC zero tolerance policies in preventing, detecting, deterring, and responding to incidents of sexual abuse, sexual harassment, and/or sexual misconduct. All contractor and visitor training sessions are documented and retained. Confirmation of said trainings should be provided to the auditor for review and record retention.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor's recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.233 Resident Education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Upon intake, as was confirmed in a review of the facility's supporting documentation and as was communicated through the Advantage Treatment Centers, Inc. resident interview process, all residents receive information educating them on: the agency's zero-tolerance policy regarding sexual abuse and sexual harassment; how to report incidents or suspicions of sexual abuse and sexual harassment; their right to be free from retaliation for reporting

such incidents; and, the agency policies and procedures for responding to such incidents. This information is provided to all residents upon their intake via a PREA pamphlet, PREA advisement, and through a short PREA video all residents watch as part of the intake process.

As noted previously in the auditor's summary for §115.216, ATC will need to establish an agreement with an agency to provide their clients and staff with access to interpreters who can impartially, accurately, and effectively communicate via sign language and with limited English proficient individuals. Additional auxiliary aids can also be arranged through the Facility Director. Staff can also contact colleagues and co-workers at nearby ATC facilities; some of whom are bilingual and can assist as needed. While signs have been posted in both English and Spanish, the educational videos, PREA Advisement, and the PREA pamphlets are only available in English. It is recommended, as is noted in §115.216, that Advantage Treatment Centers, Inc. also make these materials available to all residents including those identified in §115.233(c) in order to comply with the requirements of this standard. This would include Spanish versions of the PREA educational videos offered to clients. Additionally, the resident's attendance in the education sessions (to include the viewing of the ATC PREA video) should be recorded in the client's file. Finally, as was recommended during the onsite audit, ATC should ensure that the PREA information presented to the clients is done so in a manner that the resident can retain it on their person for the duration of their placement.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor's recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.234 Specialized training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Select Advantage Treatment Centers, Inc. staff have been identified and are awaiting training on conducting administrative specialized investigations in community settings. The National Institute of Corrections does provide such trainings. The NIC training curriculum has been previously reviewed and does contain the following elements: techniques for interviewing sexual abuse victims; proper use of Miranda and Garrity warnings; sexual abuse evidence collection, and the criteria and evidence required to substantiate a case for criminal prosecution.

As with the employee training records noted in §115.231, documentation of the selected management staff members responsible for conducting administrative investigations should be retained in the employee's training records along with formal acknowledgment of receipt of the training by the employee.

It should be noted, ATC staff do not conduct criminal investigations and refer sexual abuse and sexual harassment allegations appearing to be of possible criminal nature to either the contract agency, Colorado Department of Corrections Office of the Inspector General, for criminal investigation by law enforcement, or directly to the local Police Department. Upon receipt of specialized training by the identified ATC staff responsible for conducting

administrative investigations related to sexual abuse, the Advantage Treatment Centers would be compliant with the expectations of this standard.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor’s recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.235 Specialized training: Medical and mental health care

Advantage Treatment Centers, Inc. does not have mental health or medical staff who work in the facility regularly or irregularly whether on a fulltime or part-time basis. As such, this standard would not apply to ATC.

115.241 Screening for risk of victimization and abusiveness

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

As outlined in ATC policy 3-171 (section C “*Prevention*”, item vii (2-4), p. 4-5), newly admitted residents are screened upon their admission into the program in order to determine their risk levels for possible victimization and/or possibility of abusiveness. Policy further stipulates the initial assessment must occur within 72 hours of their admission into the facility. All assessments are performed utilizing an objective screening instrument and documented in the client’s electronic case file records as maintained by the Colorado Department of Corrections using a SBV/SVR score (1-5). The assessment tools used at ATC for the CDOC population have been previously reviewed and contain all required elements specified in §115.241(a)(1-10).

As was discussed during the onsite audit, ATC is in the process of refining the process by which all clients are screened within 72 hours of the client’s admission into the program. As the threshold for the determination of compliance with a PREA standard is “substantially compliant”, ATC will need to demonstrate the administering of client PREA screening assessments are being consistently performed with the guidelines and timeframes established for all residents. For the purposes of defining a threshold for “substantially compliant”, in this auditor’s opinion, would be through the demonstration of the administration of such greater than 65% -70% of the time. Additionally, in the refining of the ATC processes and policies, staff should ensure that PREA risk assessments are also conducted:

- Within 30 days of the client’s admission

- Post Incident/allegation
- Upon receipt of a new allegation
- Upon transfer to another confinement facility (regressions)

ATC should forward to the auditor a copy of the revised ATC policy 3-171 showing the inclusion the above missing re-assessment milestones. Additionally, the ATC PREA policy 3-171 should also speak to the control measures to be placed on the information acquired pursuant to §115.241(i) and the limitations on disciplinary action to be taken if a client is less than forthcoming with information they may or may not provide to the ATC staff person during the screening process §115.241(h).

Finally, upon indication from ATC staff that the performance of PREA risk screenings in accordance with both the timeframes and situational drivers dictating the performance of said PREA screenings is believed to be equal to or greater than 65% of the time, the auditor will determine a method for selection and review of said screenings. A copy of the PREA screening/assessment tool being used for the non-DOC ATC population should also be forwarded to the auditor of review and record retention.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor’s recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.242 Use of screening information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

In accordance with §115.242 (b), Advantage Treatment Centers, Inc. has the ability to accommodate individualized showers for their transgender and/or intersex residents. It is recommended the ATC informational PREA Pamphlet provided to each resident be revised to include verbiage informing client that individualized shower accommodations can be made available if needed.

In the course of revisions to the ATC PREA policy 3-171, ATC should endeavor to include the language specific to how ATC staff members are expected to utilize this information for housing and/or program assignments as well as how notification of high risk (victimization or abusiveness) should be communicated and handled. It is recommended that Advantage Treatment Centers, Inc. not only continue to utilize the information gathered during the assessment process but also document the manner and times this information is used in housing or program assignments. This will assist in demonstrating compliance moving forward.

Finally, within the scope of their authority as conveyed via the staff interview process, the Advantage Treatment Centers, Inc. staff consider the safety and health of a transgender or intersex individual in the determination of housing placement. Advantage Treatment Centers, Inc. staff employs due diligence in the determination of which

room (or bed) the individual is placed. With the revisions, recommendations, and examples of “the use of the information in housing and/or program assignments” in hand, ATC would be compliant with this standard.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor’s recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.251 Resident reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Advantage Treatment Centers, Inc. staff informs and provides residents with multiple channels for reporting sexual abuse and sexual harassment, retaliation and other PREA related violations. All residents are provided contact information for the Colorado Department of Corrections Tip Line (1-877-DOC-TIPS), have the contact information for their parole officer and/or CDOC liaison, local law enforcement, and have ability to speak with any ATC staff member at any time to address their needs and/or concerns. That said, ATC will need to establish (by MOU or other written agreement) a third party reporting channel for clients that is not part of the agency nor part of the “criminal justice system”. Organizations such as Blue Bench, based in Denver, is providing such services to many Colorado programs from Denver to Colorado Springs. This may be an option for ATC to utilize. Residents should be provided the contact information for rape crisis counseling through with organization with whom ATC will have identify and formalize such their willingness to provide such services to ATC clients. This information should be posted and readily available in written formats as well as in materials residents are permitted to retain during their placement within the program.

Consistent with the expectations set forth in §115.216 and §115.233 respectively, it is recommended this information also be made available in formats for limited English proficient clients as well as those clients with disabilities, impairments, or otherwise limited communication skills.

ATC accepts all reports of sexual abuse and/or sexual harassment to include anonymous and 3rd party reporting, without weighted differentials for verbal or written reports.

Finally, as is required by 115.253(d), ATC has established several mechanisms for staff to utilize in reporting PREA related concerns privately including a PREA staff line which has been established through the CDOC and available to all employees within the Colorado criminal justice community to utilize in communicating their concerns and/or suspicions as well as all of the same avenues available to ATC clients.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor’s recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.252 Exhaustion of Administrative Remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

ATC Policy 1.140 (11)(a-e) details the agency’s procedures related to resident grievances. The ATC policy does not impose a time restriction for the filing of a grievance related to sexual abuse or sexual harassment. The ATC policy also provides for emergency grievance procedures if the resident alleges he/she is at substantial risk for imminent sexual abuse. The ATC policy also conforms to the deadlines set forth in standard 115.252(d)(f) respectively.

The Advantage Treatment Centers, Inc. PREA Pamphlet provided to ATC residents also articulates that disciplinary action against a resident can only be taken for false allegations. In the course of revisions to the ATC PREA information pamphlet, “false allegations” should be amended to include “bad faith” as only allegations made in “bad faith” are subject to disciplinary actions.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor’s recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.253 Resident access to outside confidential supportive services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

As previously noted, ATC will need to enter into an agreement (MOU, contract, etc.) with an agency to provide emotional supportive services to residents of their program. This agreement can be combined with the requirements set for in §115.221(d), §115.251, and §115.283 often times can be combined with one agency to provide: rape crisis advocacy; hospital accompaniment; support and accompaniment of the victim through the forensic examination process and the investigatory process; crisis intervention services, referrals for follow-up services and/or additional community resources as needed.

The contact information for the agency (agencies) who have agreed to provide such services should be included in the Advantage Treatment Centers, Inc. PREA pamphlet provided to all residents at intake. A signed acknowledgment of the resident's receipt of the PREA information should be retained in the resident's case file.

Speaking specifically to the standard's requirement that the facility "enable reasonable communication between residents and these organizations in as confidential a manner as possible", Advantage Treatment Centers, Inc. residents have access to a plethora of community resources outside the facility. It is recommended that the PREA reporting telephone number be posted by each of the ATC resident phones. Additionally, as Advantage Treatment Centers, Inc. staff inform residents the extent to which their communication with community resources will be monitored and which information will be sought in communication with these external entities via the completion of a release of information form. It is recommended that inclusion of the Colorado Mandatory Reporting Laws as defined in C.R.S. §26-3.1-101 be incorporated into both the ATC PREA pamphlet and the ATC Resident Handbooks.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor's recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.254 Third-party reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Pursuant to the requirements set forth through §115.254(a), ATC should endeavor to publically distributed the multitude of methods through which incidents of sexual abuse and/or sexual harassment can be reported.

As noted in §115.222, this may be accomplished in much the same manner until this ATC website is complete and operational.

Documentation of ATC's public distribution of this information should be forwarded to the auditor for review and record retention.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to

incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor’s recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.261 Staff and agency reporting duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

In review of ATC Personnel Manual (Code of Ethics, Section B, item 41), ATC PREA Policy (section 7(a)(1)), ATC PREA Policy Acknowledgement form as well as the supporting documentation submitted in conjunction with the pre-audit questionnaire and pertaining to standard 115.261, the directives set forth in these documents do not fully meet all of the requirements of the standard 115.261(a-e). Speaking specifically to the requirement of 115.261(a), and keeping in mind the requirements set forth in PREA standard 115.252(b)(2), neither the location of an alleged incident (115.261(a)) nor the time period in which it is alleged to have occurred should impact the ATC staff’s responsibility/obligation to report the allegation in accordance with the ATC coordinated response and the PREA standards. ATC’s PREA policy states, “If staff receives any information, regardless of its source, concerning any suspected prohibited sexual behavior, or has suspicion or knowledge of retaliation against clients or staff for reporting an incident, staff is required to immediately report the incident to his/her supervisor and/or Director”. While in principal, one could certainly conclude, through both the interviews with ATC management personnel, Advantage Treatment Centers, Inc. staff, and random resident interviews conducted, that all reports of sexual abuse and/or sexual harassment would be reported and fully investigated, it is recommended that the aforementioned documents be revised to better capture the full extent and intent of the standard. To that point, articulation and expansion of the current verbiage to reflect not just information received “regardless of source” but also without regard for length of time between the receipt of an allegation and the location and date of the alleged incident of sexual abuse and/or sexual harassment. Additionally, as it pertains to standards 115.271(b) and 115.234(a-c), it is the recommendation of this auditor that use of the word “investigates”, “investigating”, or “investigation”, with the ATC PREA policy and ATC PREA Policy Staff Acknowledgement form, as it pertains to PREA related investigations be done so cautiously as only staff receiving specialized investigation trainings (consistent with 115.234(a-c)) should be “investigating” allegations. Rather, as was noted during the onsite audit debriefing, it would be this auditor’s recommendation that section 7, (a)(6) (a-c) be revised to reflect the difference in “investigating” and “fact finding” or “threshold questioning” (as is referred to the ATC Staff PREA training). Aside from these recommendations, ATC policies capture the remaining components of the standard in that ATC has: placed sufficient levels of control on communication of information received by ATC employees consistent with the requirements of 115.263(b) (ATC PREA Policy, Section 7(a)(6)(d); and outlines the duties and responsibilities of the ATC staff, as mandated reporters within the State of Colorado (ATC PREA Policy Section 6(e) referencing CRS 19-3-304).

115.263(c) would not apply to Advantage Treatment Centers, Inc. as they do not employ medical or mental health care practitioners.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor's recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.262 Agency protection duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Through a thorough review of ATC PREA Policy (Section 7(b)), Advantage Treatment Centers, Inc. Residential Policies as well as information acquired during the staff interviews, Advantage Treatment Centers, Inc. staff, though not faced with a situation in which substantial risk to a ATC resident occurred or is believed to have occurred, has mechanisms in place to immediately ensure the resident's safety.

Staff members interviewed expressed knowledge of the agency coordinated response (specifically their duties as first responders (line staff), management responsibilities for the coordination of external parties, and consideration of resident safety in the facilitation of their respective job duties. In that regard, ATC has the ability to transfer residents to additional housing units within the ATC facility in order to be closer to the posted staff positions.

The Advantage Treatment Center has met the requirements of this standard.

115.263 Reporting to other confinement facilities

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These

recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

ATC PREA policy 3-171, outlines the Agency’s expectation for staff members to communicate information pertaining to allegations of sexual abuse which occurred at another confinement facility to the facility director. The Director, in turn, will consult with the ATC PREA Coordinator. The Facility Director, will make notification to the facility head of the institution at which the alleged sexual abuse/sexual harassment is to have occurred. ATC policy clearly identifies: the 72-hour time frame mandated by PREA standard 115.263(b) (ATC PREA Policy: section 7(c)(2)); said notification is to be formally documented (ATC PREA Policy: Section 7(c)(3)) as required in 115.263(C); and, the expectation that the facility director receiving the allegation ensures the allegation is investigated in accordance with the PREA standards as noted in 115.263(d) (ATC PREA Policy: Section 7(c)(4)).

The Advantage Treatment Center has met the requirements of this standard.

115.264 Staff first responder duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

ATC PREA Policy 3-171 and the ATC coordinated response template provided to ATC cover most of the requirements in PREA standard §115.264(a)(1-4)(b) with overall intent of preserving any evidence and protecting the crime scene. While the ATC PREA policy and the coordinated response template capture some of the requirements of §115.264(a)(1-4); the policies do not differentiate between the job classifications of the first ATC staff member to respond to a sexual abuse incident.

The PREA standard does make that distinction in §115.264(a) and §115.264(b) instructing non-security first responder staff only to request that the alleged victim not take any actions that could destroy evidence and then notify security staff. To that point, §115.264(a) directs “the first security member to respond” to an allegation of sexual abuse to: separate the alleged victim and abuser; preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; if the abuse occurred within a time period that still allows for the collection of physical evidence, request the alleged victim not take any actions that could destroy evidence; and, if the previous conditions are met, ensure the alleged abuser does not take any actions to destroy any evidence.

While in one regard, by training all staff on the requirements and expectations for first responders ATC exceeds the standard in that only security staff are expected to be trained as first responders §115-64(a)(1-4); however, as the PREA standards are very specific, the intent of the PREA standards when taken in context with the requirements set forth §115.265, and as such, non-security staff acting as first responders should defer to the ATC security personnel per §115.264(b).

As each subsection of the PREA standards are mandatory elements unto themselves, ATC, though exceeding the standard by training all staff on first responder duties, need to make the distinction that, though trained, non-security staff must defer full execution of first responder duties to their security staff colleagues. Another approach is the inclusion of language that if the first staff member on the scene is not trained in first responder duties, they will take only limited action and then notify a security staff member trained in first responder duties. With this distinction,

ATC would not only meet the requirement but exceed the requirements of this particular standard.

Additionally, full PREA training for ATC staff to include training staff on first responder duties is needed prior to a determination of compliance.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor's recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.265 Coordinated response

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

ATC was provided a written institutional plan template outlining the coordinated actions taken in response to an incident of sexual abuse (flow chart) as well as in written policy (ATC PREA policy 3-171).

The written plan, while the basis for the plan is a template used by many Colorado community correction facilities, will need to be tailored to reflect to the ATC program specifically. For example, staff could be directed to use specific locations within the facility to separate the alleged victim and abuser and also reflect the ATC specific positions responsible for various actionable steps.

The coordinated plan, per §115.265(a), should also be developed to coordinate actions between first responders, facility management staff and external parties such as those with whom ATC will be establishing a MOU/agreement to provide services for ATC clients who are the victim of sexual abuse.

These parties include, but are not limited to: law enforcement entities; victim advocacy services, and SAFE/SANE services at no cost to the resident victim.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor's recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.266 Preservation of ability to protect residents from contact with abusers

ATC employees are not unionized and no collective bargaining agreement exists. As such, there is nothing prohibiting the management staff of the Advantage Treatment Centers, Inc. facility from removing any alleged staff abusers from contact with any residents. As such, this standard would not be applicable to Advantage Treatment Centers, Inc.

115.267 Agency Protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

In review of ATC PREA Policy, section 3-171, Advantage Treatment Centers, Inc. has established multiple mechanisms to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse and/or sexual harassment investigations from retaliation by other residents or staff. ATC Policy should clearly identify which staff person(s)/department is(are) responsible for retaliation monitoring (client, staff, contractor, visitor, etc.) and the frequency by which the monitor is to occur.

Year to date, Advantage Treatment Centers, Inc. has not had any PREA related reports/allegations, requiring retaliation monitoring; however, upon receipt of such report, per ATC PREA Policy, monitoring will occur for at least 90 days following a report and can extend the monitoring period if circumstances and/or evidence suggest otherwise. Monitoring, per policy and per §115.267(f) would terminate if the allegation was determined to be unfounded.

While Advantage Treatment Centers, Inc. has not had an occasion to conduct monitoring related to §115.267(a-f), ATC as an agency, has identified a standardized monitoring form to be used in such situations. The auditor provided ATC staff with a “Retaliation Monitoring” template which includes all the elements specified in §115.267(d) monitored at pre-determined intervals as will be determined by ATC management staff and articulated in ATC PREA policy 3-171.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor’s recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.271 Criminal and administrative investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

As Advantage Treatment Centers, Inc. has not had a PREA related incident in the past 12 months, a review of established policies and expected practices was used as the primary source for determination of compliance/non-compliance with this particular standard. The same will be true of 115.272, and 115.273 respectively. As outlined in ATC PREA Policy 3-171, ATC has established policies for investigating all PREA related allegations.

ATC staff do not conduct criminal investigations; rather, these are forwarded to local law enforcement or the Colorado Inspector General’s Office depending on the classification of the alleged victim. While the Agency does not conduct criminal investigations of sexual abuse allegations, there is no current mechanism for administrative investigations of sexual abuse related allegations. To that point, and building on the comments for §115.234, Advantage Treatment Centers, Inc. should account for the possibility that external agencies may opt not to investigate allegations of sexual abuse criminally and therefore should have select staff members trained in accordance with §115.234 so that all cases are fully investigated. Additionally, there may be occasions where administrative investigations may occur in conjunction with or in advance of criminal investigations and, therefore, the following should be clearly articulated in ATC policy so as to ensure a proper and thorough investigation is conducted on all PREA related allegations.

Finally, as noted in the §115.221, ATC will need to formally request of these entities compliance with all applicable PREA standards as it relates to the investigation of allegations of sexual abuse and/or sexual harassment.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor’s recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.272 Evidentiary standard for administrative investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Though not having any allegations of sexual abuse or sexual harassment in the previous 12 months, the ATC PREA policy (Procedures, Section 8(b)) is consistent with the intent, expectations and spirit §115.272. ATC utilizes the preponderance of the evidence as the standard in determining whether allegations of sexual abuse and/or sexual harassment are substantiated.

The Advantage Treatment Center has met the requirements of this standard.

115.273 Reporting to residents

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

ATC PREA Policy 3-171 outlines the expectation that resident victims of sexual abuse suffered in facility will be informed of the outcome of an investigation into an allegation. ATC further expresses the expectation that the ATC facility administrator remain informed about an ongoing investigation so as to be able to keep the resident victim informed. Additionally, the facility administrator is responsible for providing notification to the ATC resident victim of the outcome of an investigation.

While the ATC policy covers almost all aspects of the requirements of §115.273, it does not completely capture the specific requirements of §115.273. In that ATC policy identifies four notification milestones (employee no longer employed at the facility, employee no longer employed with the company, ATC learns the staff member was indicted/charged with an offense related to sexual abuse within the facility, and ATC learns the staff member was convicted on said charges), the policy does not account for the possibility of suspension of the employee pending the outcome of an investigation, which is, essentially, the employee being removed from his/her “post” within the resident’s “housing unit” (as specified in the PREA standards). To that end, expansion of the PREA policy to

include this potential intermediate disciplinary measure pending the outcome of an investigation is recommended.

With inclusion of the aforementioned remedial disciplinary action, Advantage Treatment Centers, Inc. would be compliant with the rest of the requirements stipulated in 115.273(a-f).

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor’s recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.276 Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Advantage Treatment Centers, Inc., though the ATC PREA Policy 3-171 and the ATC Employee Handbook clearly identifies prohibited behaviors including various inappropriate comments, behaviors, actions, and/or gestures to include “*any sexual contact or sexual harassment*”; it does not, however, fully capture the full scope of the PREA standards as has been noted in §115.211. §115.211 establishes that “all forms of sexual abuse and sexual harassment” should be the basis for an agency’s “zero tolerance” policy on sexual abuse and/or sexual harassment. Revision of the policy to include language specific to reflect the expansion of “any sexual contact” to also incorporate “all forms of sexual abuse”.

While throughout the ATC Employee Packet, to include both the Standards of Conduct and Code of Ethics, it is clear that violations of or lack of adherence to the identified expectations shall lead to an employee’s termination from employment with ATC. These identified expectations resulting in possible termination include, but are not limited to: providing false information during the hiring practice; showing favoritism; neglect or mistreatment of clients; misuse of agency funds and/or position; and, being convicted of a crime while employed with ATC. That said, with as clear as has been communicated for violations of the Code of Ethics, Standards of Conduct, and/or Employee Packet, the disciplinary process does not fully capture the expectation in §115.276(b) in which “termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse”. As this is clearly articulated in the standard as a requirement of the standard, ATC should articulate the same expectation to their employees in the Employee Packet as well as in the ATC PREA policy.

Similarly, ATC should also verbalize the criteria in §115.276(c) when taking disciplinary action relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse). The criteria established through this subsection of §115.276, are that disciplinary action be: commensurate with the nature and circumstances of the acts committed, the staff member’s disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. Additionally, reporting of staff members terminated, or who would have been terminated if not for their resignation, to relevant licensing agencies is not captured either in policy or in the ATC Personnel Manual.

Again, as Advantage Treatment Centers, Inc. has not had such an occurrence within the facility in the past 12 months, the policies and personnel manual supplied were the primary sources for determination of compliance with this standard. As such, with these aspects not appearing in documented instance of disciplinary action taken against staff members for sexual abuse or sexual harassment acts and also not appearing in stated mandates, compliance with this standard would be achieved through clear articulation of the expected practices if such an occasion were to occur.

Additionally, as was noted during the onsite portion of the audit, in the revision of these policies and/or acknowledgements it is recommended that “guilty” be replaced with “substantiated” as the threshold for determination of one’s “guilt” is higher than is needed to “substantiate” an allegation.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor’s recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.277 Corrective action for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Similar to the concerns noted in the previous standard, while ATC’s PREA does accurately reflect the requirements set forth in PREA standard §115.277(a) and (b), as it pertains to removal of contractor’s and/or volunteer’s from contact with ATC clients if the individual is found “guilty” of having engaged in sexual abuse; it does not, however, speak to:

- The notification to law enforcement for substantiated allegations
- The notification to relevant licensing agencies for substantiated allegations

The required aforementioned action steps are not spelled out in either policy nor in the personnel manual. To expound upon the point in both this standard and in the previous standard, as there are not documented circumstances in which ATC expected practices are captured and memorialized, it is the written directives of expected practices which would drive both employee action and, subsequent compliance with each aspect of the PREA standards. Given that a goal of the PREA standards, is the overriding commitment to fully investigate and hold accountable those who commit acts of sexual abuse and sexual harassment in an attempt to ultimately rid correctional facilities, institutions, and/or programs from such behaviors. To that point, and in order to ensure allegations of sexual abuse and sexual harassment do not fall through the cracks, it is recommended that policy be revised to specifically include the expected practices of ATC staff responsible for compliance with the requirements of §115.277.

Additionally, as was noted during the onsite portion of the audit, in the revision of these policies and/or

acknowledgements it is recommended that “guilty” be replaced with “substantiated” as the threshold for determination of one’s “guilt” is higher than is needed to “substantiate” an allegation.

The Advantage Treatment Center has met the requirements of this standard.

115.278 Disciplinary sanctions for residents

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

ATC Residential Policy 1.110, Procedures, Section 5 (a-f) (page 30 of the ATC Residential Policy Manual) outline the disciplinary sanctions for ATC residents to include Advantage Treatment Centers, Inc. residents. The aforementioned policy accurately captures and mirrors the requirements of 115.278 (a-f) with the notable exception of the requirements identified in 115.278(d) requiring facilities who provide therapy, counseling, etc. to “offer therapy, counseling, or interventions designed to address and correct underlying reasons or motivations for the abuse”.

In that regard, 115.278(d) would not be applicable to Advantage Treatment Centers, Inc. for two reasons. First, ATC does not offer therapy, counseling or other interventions; rather, ATC outsources these services from approved vendors as identified by the contractor. To that point, ATC has mechanisms in place (as referenced in ATC Residential Policy 3.200) to access community resources and continued dialogue with said community resources to help address deviant or prohibited behaviors and/or concerns in advance of any sexual abuse.

Second, it is important to note, as a private contractor providing services to Colorado Department of Corrections, Colorado Division of Criminal Justice (DCJ), et al, ATC would not be permitted to retain a resident accused of sexual abuse; rather, the appropriate legal entities (CDOC, Logan County Sherriff’s Department) would remand the alleged abuser until final disposition. As such, with confirmation of request of these respective law enforcement entities to adhere to the federal PREA standards, as noted in §115.221, would ensure that Advantage Treatment Centers, Inc. specifically, demonstrated due diligence in their efforts to comply with all aspects of the PREA standards.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor’s recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.282 Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The ATC PREA Policy (Procedures, section 10 (a)(1-4)) outlines the Agency’s stated objectives to provide resident victims of sexual abuse with access to emergency medical treatment and crisis intervention services. As has been noted previously, ATC will need to secure or demonstrate attempts to secure agreements with a local hospital to provide SAFE/SANE service and emotional and mental health counseling for ATC resident victims. In said agreements, or attempt to secure agreements provisions for advocacy and emotional supportive services; as well as follow-up medical services as determined by a medical professional without regard as to whether or not an alleged victim cooperates with an investigation into their allegation(s).

Additionally, speaking to 115.282(b), ATC has set forth written directives (as noted in §115.265) to ensure that notification to appropriate law enforcement and medical practitioners occurs upon determination that an incident of sexual abuse has occurred (ATC PREA Policy 3-171); however, the policy does not identify the point at which mental health practitioners are notified and involved in the coordinated response. Additionally, it is recommended that the verbiage in this policy imposes the expectation that the notification to medical and/or mental health practitioners is “immediate” as noted in the latter part of §115.282(b). Revision of the policy to reflect this specified time frame is recommended.

The Coordinated response plan template provided to ATC does include mental health professionals in the agency’s response to a sexual abuse incident; however, as stated in §115.265, the agreed upon service (as established through written agreement) should be incorporated in the Agency’s Coordinated Response Plan.

With these revisions, Advantage Treatment Centers, Inc. would be in compliance with this standard.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to incorporate all the above noted recommendations. The ATC audit team worked to revise policy and implement procedures consistent with the auditor’s recommendation as well as the requirements set forth in the PREA standards.

The Advantage Treatment Center has met the requirements of this standard.

115.283 Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

ATC PREA Policy 3-171 captures each of the applicable elements of PREA standard 115.283(a-h) with the notable exceptions of 115.283(d)(e) which would not be applicable as Advantage Treatment Centers, Inc. is an all-male facility. The remaining portions of the standard (115.283(a)(b)(c)(f)(g) and (h) are fully articulated in the above referenced policy. As has been previously noted, Advantage Treatment Centers, Inc. has not had an occurrence of sexual abuse nor a report of sexual abuse (occurring at another facility while the resident is housed at Advantage Treatment Centers, Inc.) and therefore the PREA policy providing directives to staff of expected practices was the primary source in determination of compliance with this standard.

The Advantage Treatment Center has met the requirements of this standard.

115.286 Sexual abuse incident reviews

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Though Advantage Treatment Centers, Inc. has not had a PREA related occurrence in the twelve months prior to the on-site audit, and therefore a Sexual Abuse Incident Review had not occurred, the auditor reviewed the incident review process with the PREA Coordinator during the staff interviews and spoke with facility management staff as well as other ATC management members who might be participants in an incident review if one were to have cause to be convened.

ATC PREA Policy 3-171 outline the Agency’s expectation on the scope, the participants, responsibilities and areas to be reviewed, and functionality of sexual incident review committee and its quorum.

During the onsite audit, the auditor provided the facility a template for recording the sexual abuse incident review

committee's meeting minutes. The template includes all the criteria identified in §115.286(d)(1-6). As ATC has demonstrated written staff directives and a recording template consistent with the expectation of §115.286(a-e), it is this auditor's determination Advantage Treatment Centers, Inc. is compliant with all aspects of this standard.

The Advantage Treatment Center has met the requirements of this standard.

115.287 Data Collection

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

ATC PREA Policy 3-171 outlines the Agency's expectations on the collection of accurate, uniform data for every allegation of sexual abuse at facilities under its direct control and does so by using a set of definitions.

At the time of this initial report, the data is in need of annualized aggregation, summarization, and publication as will be required in §115.288 for the current year and previous years. The report shall also include an assessment of the progress ATC has made in addressing (preventing, reporting and deterring) sexual abuse. With formal processing of data, review by agency head, review by this auditor for specific compliance with §115.287, §115.288, and §115.289 respectively, and ultimately subsequent publication of said annual report (in whole or redacted as noted in §115.288(d)) on the ATC website (if operational) or as described in §115.222 and §115.253, ATC would be compliant this this aspect of standard 115.287.

As will be noted below in §115.288, the facility and agency's annual reports, based on the data collected in §115.287, will also need to provide a comparison group. In essence, data collected for 2015 (calendar year or fiscal year depending on the agency's calculation preferences) would need to be compared to something whether that "something" reflects a full previous year (calendar or fiscal), a portion of the previous year, or conglomeration of data reflecting the agency's best efforts in calculating a comparison group as per §115.288. ATC would be exempt from the requirements specified in §115.287(e) as they do not contract for the confinement of residents to other facilities. The remaining aspects of §115.287 would apply to Advantage Treatment Centers, Inc.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to created and published an agency annual PREA report incorporating all the above noted recommendations. The ATC audit team worked diligently to incorporate the Annual PREA report onto its' new agency website.

The Advantage Treatment Center has met the requirements of this standard.

115.288 Data review for corrective action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

ATC PREA Policy 3-171 captures all of the required elements set forth in §115.288(a-d); however, as noted above, ATC will need to demonstrate the collection, aggregation, and review of the data collected pursuant to § 115.287 “in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training including:

- (1) Identifying problem areas;
- (2) taking corrective action on an ongoing basis; and,
- (3) preparing an annual report of its findings and corrective actions for the program.

The annual report prepared will need to reference comparisons to previous year’s data and provide an assessment on the agency’s progress in addressing sexual abuse. As such, the corrective action required for this standard is similar to §115.287.

Update: During the corrective action period, the Advantage Treatment Center audit team worked to created and published an agency annual PREA report incorporating all the above noted recommendations. The ATC audit team worked diligently to incorporate the Annual PREA report onto its’ new agency website.

The Advantage Treatment Center has met the requirements of this standard.

115.289 Data storage, publication, and destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

ATC PREA Policy 3-171 captures each of the requirements of PREA standard §115.289; however, as has been noted in the previous two standards, ATC will need to formally aggregate, summarize, and publish data collected

and reviewed in accordance with the expectations set forth in the applicable sections of §115.287 and §115.288 respectively.

Once aggregated, summarized, reviewed by the agency head, the aggregate sexual abuse data (to include the most recent annual report, calendar or fiscal, and the “comparison group” from previous years collected data) can be reviewed for final determination of compliance/non-compliance. Following review, it can be formally published on the ATC website (or other distributed in another manner).

Update: During the corrective action period, the Advantage Treatment Center audit team worked to created and published an agency annual PREA report incorporating all the above noted recommendations. The ATC audit team worked diligently to incorporate the Annual PREA report onto its’ new agency website and has a mechanism in place to retain all data and materials pursuant to §115.289.

The Advantage Treatment Center has met the requirements of this standard.

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.

- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and

- I have not included in the final report any personally identifiable information (PII) about any resident or staff member, except where the names of administrative personnel are specifically requested in the report template.



September 27, 2016

Auditor Signature

Date