

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: April 5-6, 2017			
Facility Information			
Facility name: Advantage Treatment Centers, Inc. - Montrose			
Facility physical address: 1200 North Grand Avenue, Suite 1, Montrose CO 81401			
Facility mailing address: (if different from above)			
Facility telephonenumber: 970-964-2777			
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: Tyson Berry			
Number of staff assigned to the facility in the last 12 months: 15			
Designed facility capacity: 64			
Current population of facility: 59			
Facility security levels/inmate custody levels: Minimum			
Age range of the population: 18-65+			
Name of PREA Compliance Manager:		Title:	
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:	Asst Program Director
Email address: brian.lynch@advantage-tx.com		Telephone number:	970-522-7383

AUDIT FINDINGS

NARRATIVE

On April 5, 2017, the onsite portion of the PREA audit was conducted at the Advantage Treatment Centers, Inc. (ATC). Advantage Treatment Centers, Inc. is a 64 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 February 28, 2017; 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 April 5, 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 12 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 within the city of Montrose, Co. The Advantage Treatment Centers, Inc. campus consists of one building which contains the client’s residential quarters a mixture of administrative office space, counseling space, and group space.

The Advantage Treatment Centers, Inc. facility has a maximum rated capacity of sixty-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 all ATC Montrose provide the following documentation to establish compliance with the PREA standards deemed to not be in compliance with the stated requirements of the national PREA standards. Those standards and related documents are:

- 115.216: MOU for interpreter services
- 115.221: MOU for SAFE/SANE services
- 115. 231: ATC staff members receipt of training
- 115.251: MOU for third-party reporting that is not part of the criminal justice system
- 115.253: MOU for emotional supportive services for clients who are the victim of sexual abuse
- 115.264: ATC staff member training on first responder training
- 115.265: Inclusion of expected functions of agencies roles with whom ATC Montrose establishes MOU's for PREA standard related services.
- 115.282: MOU for access to emergency medical and mental health services
- 115.283: MOU for ongoing medical and mental health services for sexual abuse victims
- 118.287: Collection of PREA related allegations and confirmation of to be used in the generation of and public posting of an agency annual report.
- 115.288: Demonstration of a review of the information collected under 115.287 with specific attention to the assessment of and identification of problem areas and corrective action to be taken in the form of a publically available agency annual report.
- 115.289: Retention of the data collected, analyzed, and reported in 115.288 and 115.287 respectively

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.

UPDATE: All pertinent and applicable documentation was provided by Advantage Treatment Centers to address items noted as not meeting expectations in the initial auditor summary report. Advantage Treatment Center used the full corrective action period to bring each of the standards into compliance with the national PREA standards.

A thorough review was performed of the supporting documentation provided by the Advantage Treatment Centers, Inc. facility during the initial evaluation period as well as the full corrective action period. The results of these thorough reviews, 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 final determinations of compliance as well as identifying the

PREA Audit Report

items needed to bring non-compliant standards into compliance. Also noted are the non-applicable standards along with a rationale for this determination. . Overall, the audit findings for the Advantage Treatment Centers, Inc. facility are as follows:

Number of standards exceeded: 1

Number of standards met: 35

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, prohibits “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).

Speaking to §115.211(b), Advantage Treatment Centers, Inc. has identified a PREA Coordinator who is responsible for implementation and oversight all PREA related activities and is also employed as ATC upper management staff member. The PREA Coordinator is actively involved to ensure compliance with the ATC "Zero Tolerance" environment and this position appears on the ATC organizational chart.

In compliance with §115.211(b), the ATC 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.

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. ATC Montrose also provided the ATC staffing plan document created for their sister facility (ATC – Sterling) neither the existing policies which speaks to the requirements set forth in §115.213(a)(1-4). 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

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).

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. ATC has also posted signs throughout the facility to inform clients they are being recorded under ATC’s video surveillance system.

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 including ATC-Sterling. 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. ATC-Montrose should explore the possibility of extending this MOU to their Montrose facility; however, this may be difficult as it is quite a distance from Denver, CO.

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.

UPDATE: All pertinent and applicable documentation was provided by Advantage Treatment Centers to address items noted as not meeting expectations in the initial auditor summary report. Advantage Treatment Center used the full corrective action period to bring each of the standards into compliance with the national PREA standards.

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 clearly prohibits “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) and questions specific to PREA and previous institutional employment are included in the ATC employment application. Additionally, ATC has articulated 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), ATC has incorporated a mechanism to capture staff’s continuing duty to disclose all incidents described in §115.217(a) in their annual employee evaluation.

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 has been provided, and documented, for all ATC employees responsible for conducting such investigations. Training curriculum for these employees is in accordance with §115.234. ATC has developed protocols for the uniform handling, processing of evidence per §115.221(a)(b) and criminal investigations would be conducted by either the Montrose Police Department to whom ATC-Montrose has sent a formal request for their

adherence to the PREA standards.

ATC Montrose will need to identify the medical entity responsible for conducting sexual assault forensic exams for ATC resident victims and, in order to comply with the requirements of §115.221(c) ATC-Montrose 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.

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: All pertinent and applicable documentation was provided by Advantage Treatment Centers to address items noted as not meeting expectations in the initial auditor summary report. Advantage Treatment Center used the full corrective action period to bring each of the standards into compliance with the national 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. ATC PREA policy 3-171 outlines the responsibilities of both ATC internal staff (first responders, investigators, and management staff) as well as the expected responsibilities of some external parties to include the notification to mental health professionals. ATC has posted the required information online in a format that can be accessed and read by the general public.

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 that will require all employees to attend an ATC specific PREA training class. The ATC curriculum is largely based on the statewide community corrections PREA power point but is also tailored (where appropriate) to match ATC policy, procedures, etc.

ATC should forward the auditor all training documentation for ATC employees once the training session has been provided.

UPDATE: All pertinent and applicable documentation was provided by Advantage Treatment Centers to address items noted as not meeting expectations in the initial auditor summary report. Advantage Treatment Center used the full corrective action period to bring each of the standards into compliance with the national 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.

ATC is actively using a system 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 have been 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.

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 formally 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. Signs have been posted in both English and Spanish as are: the educational videos, PREA Advisement, and the PREA pamphlets. Finally, ATC ensures 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.

The Advantage Treatment Center has not 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 have received training on conducting administrative specialized investigations in community settings. ATC used the National Institute of Corrections to provide these employees with 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 has been 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.

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 reviewed and contain all required elements specified in §115.241(a)(1-10).

As was discussed during the onsite audit, ATC has developed a 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 has demonstrated 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, ATC processes and policies require staff to conduct PREA risk assessments at the following milestones:

- 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 has provided the auditor a copy of the ATC policy 3-171 showing the inclusion the above re-assessment milestones and documentation demonstrating compliance with these aspects of the PREA standard. Additionally, the ATC PREA policy 3-171 also speaks 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).

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. The ATC informational PREA Pamphlet provided to each resident includes verbiage informing client that individualized shower accommodations can be made available if needed.

The ATC PREA policy 3-171 also includes 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 continued compliance with the requirements of this standard 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.

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 Montrose. Once the MOU is attained, ATC residents should be provided the contact information for rape crisis counseling through with external organization.

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: All pertinent and applicable documentation was provided by Advantage Treatment Centers to address items noted as not meeting expectations in the initial auditor summary report. Advantage Treatment Center used the full corrective action period to bring each of the standards into compliance with the national 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 made in “bad faith”. The ATC PREA information pamphlet clearly states that only allegations made in “bad faith” are subject to disciplinary actions.

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. . 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.

UPDATE: All pertinent and applicable documentation was provided by Advantage Treatment Centers to address items noted as not meeting expectations in the initial auditor summary report. Advantage Treatment Center used the full corrective action period to bring each of the standards into compliance with the national 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 utilizes their agency website to publically distributed the multitude of methods through which incidents of sexual abuse and/or sexual harassment can be reported. This information can be found at:

<http://www.advantage-tx.com/prea-2/>

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 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 impact the ATC staff’s responsibility/obligation to report the allegation in accordance with the ATC coordinated response and the PREA standards.

Additionally, 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.

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. 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. The ATC PREA policy and the coordinated response template appropriately capture all of the requirements of §115.264(a)(1-4) and the ATC policies adequately differentiate between the job classifications of the first ATC staff member to respond to a sexual abuse incident.

The PREA standard does make a 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.

Whereas 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) while the ATC policy instructs staff members who have not been trained as first responders to defer to the ATC security personnel per §115.264(b) thereby exceed the requirements of this particular standard.

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

UPDATE: All pertinent and applicable documentation was provided by Advantage Treatment Centers to address items noted as not meeting expectations in the initial auditor summary report. Advantage Treatment Center used the full corrective action period to bring each of the standards into compliance with the national PREA standards.

The Advantage Treatment Center has EXCEEDED 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 has 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 another ATC community correction facility, has been tailored to reflect to the ATC-Montrose program specifically.

The coordinated plan, per §115.265(a), has been developed to coordinate actions between first responders, facility management staff and external parties. To complete the requirements of this standard, which is dependent upon demonstrating compliance with other standards (115.251, 115.281), ATC should endeavor to include the expected roles and function for the agencies with whom they 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, victim advocacy services and SAFE/SANE services at no cost to the resident victim.

UPDATE: All pertinent and applicable documentation was provided by Advantage Treatment Centers to address items noted as not meeting expectations in the initial auditor summary report. Advantage Treatment Center used the full corrective action period to bring each of the standards into compliance with the national 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 clearly identifies 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, the Advantage Treatment Centers, Inc. Montrose facility 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 previously 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.

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 a prescribed process 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 ATC has identified select staff members who have been 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 the ATC policy has been constructed so as to ensure a proper and thorough investigation is conducted on all PREA related allegations.

Finally, as noted in the §115.221, ATC has formally requested, of these the Montrose Police Department, their compliance with all applicable PREA standards as it relates to the investigation of allegations of sexual abuse and/or sexual harassment.

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. The ATC policy 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.

The ATC policy covers all aspects of the requirements of §115.273. To that point, the ATC policy identifies four notification milestones:

- Employee has been removed from post
- Employee is 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 ATC policy also accurately captures the reporting requirements for client notifications for client on client PREA related offenses. Those being:

- ATC learns the client was indicted/charged with an offense related to sexual abuse within the facility, and
- ATC learns the client was convicted on said charges

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 “all forms of sexual abuse and sexual harassment” as the basis for an agency’s “zero tolerance” policy on sexual abuse and/or sexual harassment. .

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. Furthermore, the ATC policies speaks to the PREA expectation that “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 has articulated the same expectation to their employees in the Employee Packet as well as in the ATC PREA policy.

Similarly, ATC has verbalized 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.

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.

The ATC’s PREA accurately reflects 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 to have engaged in sexual abuse. The ATC policy requires:

- Notification to law enforcement for substantiated allegations
- Notification to relevant licensing agencies for substantiated allegations

The required aforementioned action steps are spelled out in ATC policy and provide adequate direction for staff when addressing substantiated allegations for ATC contractors and/or volunteers.

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 Policy 1.110, Procedures, Section 5 (a-f) (page 30 of the ATC Residential Policy Manual) outline the disciplinary sanctions for ATC residents. This 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”.

§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 (Montrose Police Department) would remand the alleged abuser until final disposition. As Advantage Treatment Centers, Inc. has provided the auditor with confirmation of ATC’s request to the Montrose Police Department for their adherence to the federal PREA standards, as noted in §115.221, ATC has demonstrated due diligence in their efforts to comply with all aspects of 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). The policy also identifies the point at which mental health practitioners are notified and involved in the coordinated response. Additionally, ATC has included verbiage in this policy which creates the expectation that the notification to medical and/or mental health practitioners is “immediate” as noted in the latter part of §115.282(b).

UPDATE: All pertinent and applicable documentation was provided by Advantage Treatment Centers to address items noted as not meeting expectations in the initial auditor summary report. Advantage Treatment Center used the full corrective action period to bring each of the standards into compliance with the national 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). 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 a prior audit of an ATC facility, this 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: All pertinent and applicable documentation was provided by Advantage Treatment Centers to address items noted as not meeting expectations in the initial auditor summary report. Advantage Treatment Center used the full corrective action period to bring each of the standards into compliance with the national PREA standards.

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: All pertinent and applicable documentation was provided by Advantage Treatment Centers to address items noted as not meeting expectations in the initial auditor summary report. Advantage Treatment Center used the full corrective action period to bring each of the standards into compliance with the national PREA standards.

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: All pertinent and applicable documentation was provided by Advantage Treatment Centers to address items noted as not meeting expectations in the initial auditor summary report. Advantage Treatment Center used the full corrective action period to bring each of the standards into compliance with the national PREA standards.

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.

_____ 

_____ December 16, 2017

Auditor Signature

Date