



## FINAL AUDITOR'S SUMMARY REPORT

<b>Name of Facility:</b> Rite of Passage: Uta Halee Academy (comprised of Uta Halee Residential Academy, the Rite Way Shelter program, and the Life Tracks Transitional program)	
<b>Physical Address:</b> 10625 Calhoun Road, Omaha, NE 68112	
<b>Date report submitted:</b> January 3, 2018	
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<b>Date of facility visit:</b> August 21, 22, 23, and 24, 2017	
<b>Facility Information</b>	
<b>Facility Mailing Address:</b> SAME AS ABOVE	
<b>Telephone Number:</b> 402-905-9600	
<b>Facility Type:</b>	<ul style="list-style-type: none"><li>• Community residential facility - Juvenile Justice</li><li>• Private for profit</li></ul>
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<b>Agency Information</b>	
<b>Name of Agency:</b> Rite of Passage	
<b>Governing Authority:</b> Rite of Passage	
<b>Physical Address:</b> 10625 Calhoun Road, Omaha, NE 68112	
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## **PROGRAM AND FACILITY DESCRIPTION**

The Uta Halee Academy is operated by a private for-profit agency, the Rite of Passage. The Uta Halee Academy is licensed by the State of Nebraska Department of Juvenile Services and contracts with the Rite of Passage to provide residential services to juvenile justice youth.

The Uta Halee Academy campus serves females between the ages of 13 and 18 years who have a history of risk and delinquent behaviors and mild mental health issues. The campus is a secure residential program comprised of several buildings and located in a wooded community setting in Omaha, Nebraska. The academy sits on a 27-acre campus and consists of three main programs: The Residential Academy, the Rite Way Shelter program, and the Life Tracks Transitional Living program. Each program has a unique treatment focus, but all programs use promising approaches to build skills and confidence in young women. Students are placed in specific programs based on individual needs.

The Uta Halee Academy employs one nurse manager and contracts with a psychiatrist, a part-time extern (part-time), and several therapists from a local behavioral counseling agency. Each youth is assigned a Case Manager (Uta Halee employees) who is responsible for developing and managing each student's treatment plan and ultimately, ensuring each student receives the services they need.

The Uta Halee campus opened in December 2013 although the Rite Way Shelter and Life Tracks programs began in 2016. The campus is comprised of several buildings including a main administration building (which houses staff offices, the receptionist, conference rooms, and the medical clinic), a two-story education building, four living "cottages," and a building that houses the Shelter and Transitional Living programs. There are also several buildings on campus that are currently not being used. Each of the four living "cottages" as part of the Residential Academy have the capacity to serve 12 youth (total of 48 youth). The Rite Way Shelter program has a capacity of 12 while the Life Tracks Transitional Living program's capacity is six. At the time of the onsite visit, the Uta Halee campus had a total of 54 female students residing in one of the three programs (total campus capacity = 66).

The physical layout of each of the four living "cottages" of the Residential Academy differ, although they all have two floors. The cottages have 10 single bedrooms and one bedroom that houses two students. There are several restrooms equipped with individual toilets and showers on each cottage (between three and six depending on the cottage). Each restroom is a single unit with a solid door that is locked from the outside. Each cottage is equipped with a laundry unit. Awake/night staff are responsible for doing laundry on the living cottages and in the shelter program. Students who reside in the transitional living program are responsible for doing their own laundry. Students are always accompanied by staff when doing their laundry and there are surveillance cameras located in the laundry room to better ensure safety of youth and staff.

The physical layout of the Rite Way Shelter program and the Rite Tracks Transitional Living program are unique. Each program is on a single floor and equipped with individual bedrooms and individual toilets and showers.

## AUDIT PROCESS OVERVIEW

The Rite of Passage contracted with Sharon Pette of Effective System Innovations (ESI) in April 2017 to conduct an audit of the Uta Halee Academy program. The contractor is a Certified Department of Justice PREA auditor. Rite of Passage requires all programs to demonstrate full compliance with PREA standards. The purpose of the audit was to determine the degree of compliance with the federal Prison Rape Elimination Act (PREA) standards. This is the second PREA audit of the Uta Halee Academy campus. However, it is important to note that the initial audit conducted in November 2015 did not include the Rite Way Shelter program or the Life Tracks Transitional Living program, as these programs were opened in 2016. In addition, Rite of Passage underwent an Agency PREA Audit in June 2017 (conducted by William Benjamin, Certified DOJ PREA Auditor). The agency audit revealed ROP “exceeded” the standard on two standards and “met” the standard on the remaining seven. Specific information from the agency audit is included in the body of this audit report.

Several weeks in advance of the audit, posters were hung throughout the facility announcing the upcoming audit. These posters explained the purpose of the audit and provided youth and staff with the auditor’s contact information. A total of 32 posters were hung on walls across campus including in all living cottages, the education building, the medical department, the cafeteria, the student store, and by the staff time clock, to name a few. Pictures were sent to the auditor verifying the posters were hung consistent with DOJ auditing expectations. Prior to the onsite audit, the Uta Halee Facility PREA Compliance Manager submitted the Pre-Audit tool and supporting documents to the auditor. A comprehensive evaluation of agency policies, facility procedures, program documents, and other relevant materials was conducted prior to the on-site visit.

The initial on-site portion of the audit spanned a four-day period from August 21 through August 24, 2017. During the onsite review, the auditor conducted an extensive facility tour which involved visual inspection of the administration building, the medical clinic, four living cottages, the building in which the shelter and transitional living programs are housed, and the education building. Throughout the tour the auditor gathered relevant information about programming, supervision, program purpose, and daily operations through conversations with the PREA Compliance Manager, Emily Strauss, and the Regional Improvement PREA Coordinator, Nathan Allen. Information about the Uta Halee Academy as it relates to federal PREA standards is provided in the body of this report.

During the on-site visit, the auditor conducted interviews with agency leadership, direct care staff, and youth. The requisite interviews were conducted consistent with DOJ expectations in content and approach, as well as the method for selecting individuals to be interviewed (i.e. Facility PREA Compliance Manager, specialized staff, random staff, and youth). The auditor also conducted file reviews of current and discharged youth as well as personnel records. On the final day of the site visit, the auditor conducted a one-hour debriefing session with the Uta Halee management team.

Over the course of the four-day site visit a total of 47 interviews were conducted. Consistent with the “PREA Auditor Handbook” released in August 2017, the auditor made certain to interview random youth and staff as well as targeted youth (i.e. youth who identify as LGBTQI, who are English as a Second Language, low cognitive functioning, and/or physically disabled). The auditor

interviewed staff and youth from all six living units (i.e. four residential living cottages, the shelter program, and the transitional living program). The auditor also interviewed day time and overnight staff from both A and B shifts. Therefore, the initial audit process included interviews with:

- ROP Regional Director
- Regional Imbedded Improvement PREA Coordinator (i.e. the Agency PREA Coordinator)
- Uta Halee campus Program Director
- PREA Facility Compliance Manager
- Director of Student Services (oversees all case managers)
- Two staff responsible for conducting investigations
- 17 direct care staff including:
  - Three Case Managers
  - Two Group Leaders
  - One Shift Supervisors
  - Nine Coach Counselors (both A and B shifts)
  - Two Teachers
- The Psychology Extern (responsible for mental health evaluations at intake)
- One mental health therapist
- The Human Resources Director
- 18 students/youth
  - Two youth who identify as LGBTQI
  - One low cognitive functioning youth
  - One hearing impaired youth (deaf)
  - 14 random youth from all six cottages
- The Director of the Women’s Center for Advancement (the local community advocacy organization) – *telephone interview post-onsite audit*
- The SANE Coordinator/Certified SANE from Methodist Hospital

In addition, the audit process included reviewing 29 youth files (paper format), which represents approximately 33% of youth currently in the program (N=54) and 16% of youth discharged from the Uta Halee program discharged in the past 12 months. There were 80 youth discharged from one of the three Uta Halee programs on campus between August 2016 through July 2017. As part of the file review process the auditor also reviewed 18 personnel files (approximately 23%; N=78) to determine if the facility had conducted the requisite criminal background checks and if all staff had completed the PREA training.

There were five allegations of sexual abuse and sexual harassment in the past 12 months. All reports were thoroughly investigated, and investigators concluded that all allegations were either unsubstantiated or unfounded. None of the allegations involved Uta Halee staff members.

At the time of the onsite review the Uta Halee Academy had one volunteer who led weekly church services and a bible study group. The Academy also has several therapists from a local behavioral counseling agency who are considered “volunteers” because they are not financially compensated by Rite of Passage.

On the fourth and final day of the audit, a one-hour debriefing meeting was held with the ROP Regional Director, the Regional Improvement PREA Coordinator, the Uta Halee Program Director, the PREA Compliance Manager, the Director of Student Services, the Human Resources Director and other managers to summarize preliminary audit findings. The auditor provided feedback regarding the Uta Halee Academy strengths and areas for improvement. In addition, required actions to achieve full PREA compliance were discussed.

Throughout the audit review process, as well as in the onsite debriefing meeting, agency and program leadership were made aware of additional PREA requirements and next steps. Conversations included, but was not limited to, describing the purpose of the 180-day corrective action period and explaining the federal requirement that the final PREA audit report must be made publicly available. The Regional Director, Uta Halee Program Director, and the Facility PREA Compliance Manager expressed a sincere commitment to achieving compliance with all PREA standards.

Within thirty days of the on-site portion of the audit, an initial audit findings report was submitted to the ROP Regional Director, the Regional PREA Coordinator, the Uta Halee Program Director, and the Facility PREA Compliance Manager. [At that time, on September 10, 2017, the Uta Halee program entered the six-month corrective action period to address deficiencies in provisions across 10 PREA standards.](#)

## **SUMMARY OF AUDIT FINDINGS**

The initial onsite audit provided significant evidence that the Rite of Passage agency and the Uta Halee Academy have a solid infrastructure that supports effective organizational functioning and promotes youth safety. Numerous policies and legal documents exist that confirm the agency's dedication to zero tolerance and effective crisis response. This includes the agency's Safe Environmental Standards (SES) which specifically addresses each PREA standard. Formal training on these standards is mandatory for all staff. The SES provides valuable information about how to respond to incidents of sexual abuse, the agency grievance process, required youth supervision, and other important PREA related information.

The Rite of Passage infrastructure includes a high-level manager, the Regional Improvement Imbedded PREA (RIIP) Coordinator who is responsible for ensuring agency compliance with all state and federal regulations. The Uta Halee Academy has a full time Facility PREA Compliance Manager who manages the Uta Halee PREA program and its functions. In addition, the infrastructure includes an incident review system that requires agency leadership to review all critical incidents to determine contributing factors and identify steps to mitigate future risk of sexual abuse and assault. This level of review ensures agency leaders are connected to program operations; that issues are addressed immediately and appropriately; and feedback and guidance is provided to programs to prevent future incidents. This process is embedded throughout agency policies.

The success of any initiative depends on a variety of factors and requires support from executive level managers. Interviews with several top leaders in the Rite of Passage organization reveal Rite of Passage is fully committed to keeping youth safe and free from sexual abuse, assault, and

harassment. The Rite of Passage's Regional Director, Mr. Michael Cantrell, spoke of the agency's commitment to keeping youth safe. His commitment to this cause is clearly demonstrated by the fact that across all ROP programs nationwide he has always approved funding for facility modifications aimed at enhancing youth and staff safety. Other agency leaders, including the Regional Imbedded Improvement PREA Coordinator (RIIP), Mr. Nathan Allen, shared similar perspectives on the importance of closely aligning agency and program practices with PREA standards. Each leader provided several examples of how the agency demonstrates this commitment.

Information gathered from program staff and youth provides substantial evidence that there is strong leadership at the Uta Halee Academy. The Program Director, Ms. Kristi Lesley has worked at the program since it opened in 2013. She has extensive experience in the field of social services and working with at-risk youth. She is professional, well respected by staff, and has a positive presence at the program. It was repeatedly demonstrated throughout the four-day on-site visit that Ms. Lesley is respected by youth and staff; that she is committed to keeping youth safe; and she is passionate about helping youth make positive changes in their lives. It was also confirmed through observations and interviews that Ms. Lesley fully supports staff by filling in as direct care staff when a program is short staffed. This includes working overnight shifts when necessary. She is dedicated to identifying ways to improve program operations and services to enhance the lives of youth.

During the onsite visit conducted on August 21, 22, 23, and 24 2017, the Uta Halee Academy had operationalized the overwhelming majority of the PREA standards. As previously mentioned, the Rite of Passage (ROP) has numerous policies, formal trainings, and procedures that ensure all ROP facilities across the nation are aligned with federal PREA expectations. At the time of the visit, the Uta Halee Academy had implemented processes to support agency and federal expectations. For example, the program had several zero tolerance posters; had well documented unannounced rounds conducted by the Shift Supervisors; had implemented a comprehensive PREA training program for all staff; and was using a standardized vulnerability risk assessment to assist in housing/bed decisions. All Uta Halee Academy leadership demonstrate a solid understanding of the federal requirements and have successfully managed to put these principles into practice at the Uta Halee Academy. These fully embedded practices increase the safety of youth in custody and mitigate the risk for sexual abuse and sexual assault.

During the onsite audit, interviews confirmed that all youth understand their right to be free from abuse and harassment and understood how to make a report if they were being abused. However, interviews and observations also revealed there was a need to increase/tighten supervision of youth. During the August visit, youth reported they were able to sneak into one another's bedrooms for extended periods of time outside of staff's awareness. Most of youth reported they felt safe in the program, although some youth stated they were being bullied by other students. The auditor immediately brought these issues to the attention of ROP and Uta Halee leaders. They responded openly and appeared committed to tightening staff supervision and promoting a zero tolerance for bullying immediately.

During the corrective action period, the program launched a month long anti-bullying campaign. The campaign included using a formal curriculum to guide discussion with youth and conduct

activities several times a week. Activities included, but were not limited to, youth pledging to not bully their peers by signing an anti-bullying pledge form; youth creating anti-bullying signs that were posted throughout the facility; having a guest speaker on the topic; and watching a documentary titled, “Bully” (directed by Lee Hirsch, 2011). The auditor commends the program for its commitment to youth safety and for demonstrating its clear dedication to eliminating bullying on its campus.

The onsite audit process and subsequent conversations with the program leadership, has allowed the auditor to conclude that the program infrastructure is solid and supports all PREA standards. The auditor applauds ROP and the Uta Halee Academy for its hard work in developing the measures to ensure youth are safe.

Some of the PREA-related activities embedded in the Uta Halee Academy include:

- Requiring all staff to participate in a comprehensive PREA training prior to working directly with youth.
- Using a formal vulnerability assessment tool at intake to assess the risk to perpetrate or become a victim of sexual abuse or sexual assault.
- Using the vulnerability risk information to guide decisions regarding treatment planning, bed placement, education assignments, and safety and security.
- Securing a Memorandum of Understanding with Methodist Hospital which provides sexual abuse victims with a Sexual Assault Nurse Examiner (SANE).

During the corrective action period, the program submitted additional documents and evidence of compliance with the ten PREA standards that were originally not met. The auditor also conducted a follow-up telephone interview with the Uta Halee Program Director, PREA Compliance Manager, Director of Group Living, and Director of Student Services to determine progress regarding youth supervision. The auditor also gathered information related to the number and types of incidents that occurred since the initial onsite visit; whether additional staff were hired; the status of the MOU with Project Harmony; and other topics relevant to achieving full compliance with PREA standards.

A summary of the degree of compliance with the federal PREA standards is displayed in the chart below. An explanation of the findings related to each standard, as well considerations for enhancement, are provided in the body of this initial audit report.

To better ensure the findings of this report are interpreted correctly it is important to note there are nearly 200 provisions within the 41 PREA standards. For a standard to be successfully met, the program must demonstrate compliance on all provisions of that standard. In other words, if a PREA standard is comprised of 12 subcomponents and the program fails to meet one of these subcomponents, the auditor must issue a finding of “standard not met” for that standard. Therefore, it is critical to interpret the number of standards “not met” with care and caution. The number of standards not in compliance should in no way be interpreted as evidence suggesting the Uta Halee Academy is not aligned with PREA standards or not keeping youth and staff safe.

Category	Initial Report Standards Total	Final Report Standards Total
Number of Standards <b>Exceeded</b>	3	3 (Standards 311, 331, and 373)
Number of Standards <b>Met</b>	27	37
Number of Standards <b>Not Met</b>	10	0
<b>Percent of Compliance with PREA Standards</b>	<b>75%</b>	<b>100%</b>

It is important to note that the intention of this report is to provide the reader with a summary of audit findings and highlight some examples of evidence supporting these findings. The narrative in this report is not an “all inclusive” list of the evidence needed to sufficiently meet PREA standards. However, for each standard that was successfully met, interviews, observations, and review of additional documents during the on-site visit verified that practices employed by the Uta Halee Academy campus are consistent with agency policies and federal PREA expectations.

**§115.311 - 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)

The Rite of Passage has an agency policy that sets forth clear expectations regarding zero tolerance for all forms of sexual abuse and sexual harassment. The agency’s Policy 600.600 titled, “Prison Rape Elimination Act (PREA) Policy Statement” clearly states: *“All students in Rite of Passage programs will be maintained in environments that are healthy and safe. Rite of Passage (ROP) programs will actively implement this policy to prohibit and prevent any staff sexual misconduct, juvenile sexual misconduct, abusive sexual contact or any sexual act regardless of age, sexual orientation and sexual identification.... Rite of Passage has zero tolerance involving employee, contractor and/or volunteer-on-student and student-on-student sexual misconduct and/or abuse. All acts of sexually abusive behavior or intimacy between a student and employee, contractor or volunteer or student and a student are prohibited and the perpetrator shall be subject to administrative and disciplinary actions. Any of the above incidents will be referred to the appropriate law enforcement agency and social service agency for further investigation and prosecution.”* This policy provides specific definitions for gender non-conforming, intersex resident, sexual abuse, sexual harassment, unsubstantiated allegation, and other related terms.

In addition to the policy statement referenced above, the zero-tolerance expectation is further supported and operationalized by the ROP Safe Environmental Standards (SES). This 55-page document explains and addresses each of the 41 PREA standards. All staff participate in a four-hour training on these standards/expectations upon hire. Staff must complete the required SES/PREA training prior to working with youth. Interviews with Uta Halee staff support the facility-



wide understanding of the zero-tolerance policy. The Rite of Passage prohibits all sexual activity between students in their care.

The ROP has a full time PREA Coordinator whose title is Regional Imbedded Improvement PREA Coordinator (RIIP) and who is assigned to the Midwest and southern regions. The RIIP is responsible for overseeing all state and federal compliance activities for ROP programs in his geographical region. These job duties include assisting programs in achieving full compliance with PREA standards through technical support site visits and conference calls.

The Uta Halee Academy has an onsite PREA Facility Compliance Manager who manages the facility's program, functions, and compliance related to these federal standards. Both the agency PREA Coordinator and the Uta Halee PREA Compliance Manager were interviewed and it was determined that they have sufficient time and authority to coordinate the facility's PREA compliance efforts. These two positions appear on the agency and facility organizational charts.

The agency's commitment to keeping students safe is further supported by the contents of the PREA Compliance Manager's job description. Throughout the formal job description document, PREA is repeatedly referenced. For example, the document states, *"Complete one PREA CQI review each month; submits all documents requested by a PREA auditor before, during and after a site PREA audit; completes the required PREA on-line training; and participates as a member of the site's Sexual Abuse Incident Review Team"* to name a few. With the evidence stated above (i.e. leadership commitment, written job description, titles in facility and organizational charts, etc.), the auditor confidently concludes Uta Halee "Exceeds" the minimum threshold for this standard. In further support of this conclusion, the ROP Agency PREA Audit conducted in June 2017, the Certified DOJ PREA Auditor William Benjamin, also determined the agency "Exceeds the Standard" for this standard.

#### **§115.312 - Contracting with other entities for the confinement of 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)

The Uta Halee Academy and its parent agency, Rite of Passage, do not contract with private entities for the confinement of youth. Therefore, this standard is scored as meeting the standard

#### **§115.313 – 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)

The Uta Halee campus is equipped with an extensive surveillance system. Since the first PREA audit (conducted in 2015), the Uta Halee Program Director purchased an enhanced surveillance system to better monitor all programs on campus. The new system includes additional cameras strategically placed throughout the campus buildings as well as the capability to view all cottages remotely via cell phone. The surveillance cameras record video as well as audio. Footage can be saved for up to 30 days. The facility tour during the onsite audit revealed cameras were placed appropriately to maximize video supervision. There were a few blind spots noted in some of the living units, however, management was already aware of these blind spots. They have instructed their staff to place themselves appropriately to ensure adequate supervision.

At the time of the onsite audit, the Uta Halee Academy had 54 youth residing on campus. During the facility tour, the auditor noted that the four living cottages (capacity of each cottage is 12 students) and the Shelter program (capacity of 8 youth) had two staff on during the day and one staff during the overnight shift. The Transitional Living program had two students at the time of the review and had one staff member on duty. Therefore, Uta Halee exceeds the PREA provision which requires a minimum staff-to-youth ratio of 1:8 during waking hours and 1:16 during sleeping hours. Similarly, staff interviews and a review of the Uta Halee staffing plan for each of the three programs (total of six cottages/units) provides additional evidence that the campus is following the staff-to-youth ratio.

It is important to note that at the time of the onsite review, the Uta Halee campus was struggling with a high rate of staff turnover. Consequently, within the past 12 months staff have been working overtime and facility leadership have been covering shifts for direct care staff to maintain the required staff-to-youth ratio. This had negatively impacted supervision of youth, as staff are tired and not as effective or consistent with enforcing the cottage rules. Onsite observations and interviews with youth corroborated that there was a need to provide additional training of staff on staff positioning, communicating with their shift partner, and maintaining “eyes and ears on” supervision. When several youths were asked the question, “What kinds of things can you get away with here at Uta Halee?” all youth responded similarly – that they are able to be in another resident’s room together without staff “catching” them. Youth are not required to ask permission to enter their bedrooms or move to a different physical location/space within the cottage.

As previously mentioned, interviews revealed that some youth did not feel completely safe in the facility. This was mainly due to persistent bullying behaviors from certain youth and staff “missing” incidents of students breaking the rules. The auditor encouraged the Uta Halee campus to broaden the scope of its Zero Tolerance program and launch a marketing campaign for Zero Tolerance for Bullying. During the corrective action period, the program implemented this recommendation and launched an anti-bullying campaign which included using a formal curriculum to guide discussion with youth. Youth participated in a series of related activities throughout the month of October. Activities included, youth signing an anti-bullying pledge form; youth creating anti-bullying signs that were posted throughout the facility; having a guest speaker on the topic; youth wearing blue Bully Awareness bracelets; and watching a documentary film titled, “Bully” (directed by Lee Hirsch, 2011). The auditor commends the program for its commitment to youth safety and for demonstrating its clear dedication to eliminating bullying on its campus. The schedule of activities during anti-bullying month and pictures of the posters created by youth were submitted to the auditor as evidence this recommendation was completed.

Rite of Passage has a formal policy requiring the previously stated staff to youth ratios, an annual review of the facility's staffing plan, and conducting unannounced rounds. These specific requirements are found in the ROP Safe Environmental Standards (SES) and address the provisions in this standard. The auditor reviewed the details of the Annual Staffing Plan Review which was conducted on June 13, 2017. The report from the staffing plan review provided further evidence that the Uta Halee campus complies with several provisions in this standard (i.e. the discussion included issues with video surveillance, staff supervision, unannounced rounds, and solutions to remedy the identified issues). The auditor applauds the program for taking the annual review seriously, for engaging staff in a comprehensive review and discussion of the factors that contribute to keeping youth safe, and for clearly documenting the detailed discussion.

During the onsite review, the auditor reviewed logs indicating that unannounced rounds are conducted and documented by the Shift Supervisors daily. These rounds cover all shifts and appear to be in a "random" pattern, which prevents staff from predicting when these check-ins will occur. Youth and staff interviews confirmed these unannounced rounds occur regularly. In addition, a more formal Vulnerability Assessment of each cottage is conducted each quarter by the PREA Compliance Manager. A standardized form is used to document the potential vulnerability and the specific action that will be taken to address the identified issues. This information is detailed in a formal report (typically two pages in length) and submitted to the Regional PREA Coordinator.

During the onsite visit, Uta Halee had met several provisions of this standard, although supervision was identified as an issue, particularly in the Residential Academy cottages and the Rite Way Shelter program. The program was required to take several actions during the sixth-month corrective action period to address these issues. During this time, the Uta Halee program retrained all staff on ROP Policy 600.150 "Interactive Supervision." This training emphasizes the need to frequently communicate with co-workers and where staff must position themselves to most effectively supervise and interact with youth. Training sign-in sheets were submitted to the auditor as evidence this training was completed. In addition, the Director of Group Living trained all direct care staff on interactive supervision and the "Living Group System" policy. More specifically, the training included proper staff positioning, line of sight, random checks (every 10-15 minutes), the importance of building rapport with youth, and staff communication while on shift. Given that the physical layout of individual UHA cottages are unique, the training was conducted on specific living units to ensure staff clearly understood where they should be positioned during the day and at night when youth are in their rooms. This training was provided to all staff over several weeks with the final training session occurring on November 7, 2017. The auditor applauds the Director of Group Living for his commitment to ensuring staff are clear on what is expected of them; that staff have the tools to effectively supervise youth; and ultimately, for ensuring the safety of youth and staff at UHA.

During a follow-up interview with program leadership, leaders reported the issue of youth being in other resident's bedrooms will continue to be addressed although the issue seemed to have decreased. This reduction is largely due to recent formal trainings on staff supervision as well as assigning six youth to each staff on shift. While all staff supervise youth, staff members are also responsible for knowing where their assigned youths are at during their shift. In addition, the PREA Compliance Manager has implemented a practice of regularly checking video surveillance to help monitor staff positioning and supervision on each cottage. Finally, the importance of

interactive supervision is emphasized during all monthly staff meetings and during unannounced rounds conducted by Shift Supervisors. The program submitted meeting agendas, training rosters, and meeting minutes to verify training completion.

In response to the discussion that occurred during the onsite debriefing, the Uta Halee Program Director contacted a surveillance vendor to inquire about hardware solutions to enhance youth supervision and safety. The Program Director submitted email correspondences to the auditor to verify inquiries about installing door chimes and/or motion detectors that would trigger when a youth left her bedroom. This type of system would allow night staff to instantly know if youth are sneaking into another youth's bedroom in between staff's routine bed checks. The Uta Halee Program Director and the ROP Regional Director are committed to implementing a hardware solution to enhance supervision and safety of youth.

#### **§115.315 – 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)

The Uta Halee Academy does not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners. The Rite of Passage has a policy that specifically prohibits physical searches of any kind. The program does however, conduct self-searches twice per day in which youth are asked to take off their shoes, turn their pockets inside out, lean forward and pull the middle portion of their brassiere forward. Youth always remain fully clothed and there is no physical contact between youth and staff. Only Uta Halee female staff are permitted to give directives to youth during these self-searches.

If staff suspect contraband and determine a strip search is necessary, youth would be taken to the medical clinic and this search would be conducted in private by a licensed Registered Nurse. The Rite of Passage policy clearly states that if a strip search occurs this must be documented in the youth's medical file. To date there have been no strip searches conducted at the Uta Halee Academy. All staff are formally trained on this agency policy during the ROP Safe Environmental Standards (SES) training and on facility procedures during the Uta Halee in-service trainings upon hire. Review of a sample of training records indicate all current staff have been trained on SES. Youth and staff interviews verified this policy is closely followed (i.e. the program does not conduct any pat frisk, strip searches, or cross-gender self-searches). It was also confirmed that youth would never be examined for the sole purpose of determining genital status. Staff interviews revealed they are aware that transgendered youth must be asked by whom they feel most comfortable being "searched" (i.e. given directives as previously described).

To better ensure student's privacy, male staff are trained to announce when they arrive on the residential cottage. Staff and youth interviews revealed that male staff routinely announce, "*male on the unit*" or "*Good morning ladies...Mr. Smith is here*" to ensure the students are aware a member of the opposite sex is on the unit.

Youth residing in all three programs of the Uta Halee campus have privacy when using the bathroom and when changing their clothes. The six living units (Cottages 1 – 4, the Shelter program, and the Transitional Living program) have several solo showers (two to six depending on the unit), allowing youth to shower individually with the door closed. Youth are required to change clothes in the bathroom or in their bedrooms. The doors must be completely closed and youth are not permitted to come out of their rooms unless they are fully clothed. Youth interviews confirmed that youth have privacy when showering, toileting, and changing clothes.

**§115.316 - 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)

The Uta Halee campus takes appropriate steps to ensure that residents with disabilities (i.e. residents who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) or are limited English proficient have an equal opportunity to participate in the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

During the onsite review, the Uta Halee campus had one deaf student, several youths with serious mental health issues, and several who were classified as low-cognitive functioning. The deaf student was provided with interpretive services at intake and therefore has received PREA education. In addition, this student has a sign language interpreter throughout the school day. During the evening hours and on the weekends the youth communicates with staff by writing on paper provided by the staff. The program has recently ordered a tablet so the student may communicate more easily with staff and her peers. In addition, all students are provided written program materials about PREA including a resident handbook which describes the program rules and student rights during the intake process. These processes ensure all Uta Halee students understand the zero-tolerance policy.

Program leadership and direct care staff verified they do not allow residents to interpret for other youth. Prohibiting resident interpreters has been memorialized in agency policy through the SES (115.316 - “Students with disabilities and students who are limited English proficient”). It is the responsibility of the Uta Halee Case Managers to ensure youths obtain the services they need. The onsite visit provided ample evidence that the clinical and physical needs of youth are met while in the program (including providing special accommodations when needed).

**§115.317 – 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)

The Uta Halee Academy does not hire or promote any individuals who have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, or juvenile facility. The Uta Halee Academy also does not hire or promote any individuals who have been convicted of engaging or attempting to engage in sexual activity that was facilitated by force or coercion. This practice is governed by the Rite of Passage policy (115.317 “Hiring requirements and promotion decisions”) and SES requirements, which mirror the requirements listed in the provisions of this PREA standard.

The State of Nebraska contracting regulations dictate background checks must be conducted prior to an individual being hired to work in a social service agency. In addition, the Rite of Passage Uta Halee Academy has “Policy 100.209 - Background Record Clearance” which requires all employees, volunteers, interns, and independent contractors to complete and pass several state and federal background checks prior to having any direct contact with youth. This policy requires fingerprint-based background checks at the state and national levels and includes the child abuse/neglect registry. These background checks are required to be conducted a minimum of every five years, consistent with federal PREA expectations. Review of Uta Halee personnel files (N=18) revealed that current and terminated Uta Halee staff have received the required criminal background checks prior to working with youth. In addition, all staff are required to submit to another background check prior to receiving a promotion. An interview with the Human Resources Director revealed these extensive checks are conducted on all staff every two years.

At the time of the onsite review, the Uta Halee campus had not conducted background checks for the numerous therapists (considered “volunteers”) working with youth or on the individual leading a weekly bible study group. However, during the corrective action period the Uta Halee campus completed these background checks as required by PREA standards. Following the onsite visit, background checks were obtained for 21 volunteers – 14 mental health therapists, three religious volunteers, and three Certified Nursing Assistants (CNAs). The PREA Compliance Manager created a tracking sheet to monitor when the background check was conducted and when the individual received the ROP Safe Environmental Standards (SES) training. This tracking sheet and a sample of background checks were submitted to the auditor as evidence of compliance with this standard.

Currently, the ROP application includes specific questions outlined in provision (a) of this PREA standard requiring staff to disclose any convictions of sexual abuse in a confinement facility or in the community. In addition, the application clearly states, “*Material omissions regarding such misconduct, or the provision of material false information, shall be grounds for termination of employment and or volunteer/contractor services.*” ROP Policy 100.209 also requires staff to attest on an annual basis that they have not been arrested or convicted of any crimes. While Uta Halee leadership considers incidents of substantiated sexual abuse they will need to enhance the current application to satisfy the requirements of provision (b) of this standard. This provision requires the agency to also consider incidents of sexual harassment when determining whether to hire or promote anyone, or to retain a contractor.

Interviews with agency and facility leadership revealed that future employers calling for information about a former Uta Halee employee are permitted to share information specific about the person’s reason for leaving the agency. There are no state regulations that would prevent Uta

Halee from sharing information of substantiated sexual abuse or sexual harassment with future employees in an institutional setting.

Following the onsite visit, the Uta Halee Academy created a PREA Employment Questionnaire to better address provisions outlined in this standard. This questionnaire requires potential employees to answer two additional questions to supplement the existing ROP application questions regarding sexual abuse and sexual force. The new questions related to sexual harassment are: 1) *Have you ever had a substantiated sexual abuse or harassment complaint filed against you?* and 2) *Have you ever resigned during a pending investigation of alleged sexual abuse or sexual harassment?*” The program submitted the updated application to the auditor for verification of compliance with this standard.

#### **§115.318 – Upgrades to facilities and technology**

- 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)

As previously mentioned, the Uta Halee campus has upgraded its surveillance system to include the capability of audio recording and increasing the number of cameras throughout campus. In addition, campus managers now have remote access to all cameras (in real time). Review of detailed Quarterly Vulnerability Assessment reports and the Annual Staffing Plan Review meeting minutes provide sufficient evidence of compliance with this standard. The auditor applauds the Uta Halee Academy for its enhancements to the video monitoring systems and for its dedication to protecting its residents from potential harm.

#### **§115.321 – 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)

The Uta Halee Academy Program Director, Human Resources Director, and PREA Compliance Manager are responsible for conducting administrative/personnel investigations related to any violations of agency policies, including ethical misconduct. The local Sherriff’s department is responsible for conducting criminal investigations for sexual abuse.

Although the Uta Halee Academy is not responsible for conducting criminal investigations, the agency SES ensures all ROP programs follow a uniform protocol for responding to and investigating allegations of sexual abuse. The policy mandates, *“The program shall offer all students who experience sexual abuse access to forensic medical examinations whether on-site or at an outside program, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the*

*examination can be performed by other qualified medical practitioners informed on the protocols listed above. The program shall document its efforts to provide SAFEs or SANEs medical practitioners and place in the student's medical file.”* The agency policy also requires that a victim advocate from a local rape crisis center be made available to the youth to support them through the SANE examination process and to provide follow-up services as needed.

The Uta Halee coordinated response plan includes contacting the local hospital in the event there is an allegation of sexual abuse or sexual assault. Although the Uta Halee Academy employs a Registered Nurse, she is not a qualified Sexual Assault Nurse Examiner (SANE) and therefore, if there is an allegation of sexual abuse she would not conduct these examinations. All youth would be taken to the Methodist Hospital. Staff interviews revealed all staff understand the response protocol, including preserving physical evidence and taking youth to the local hospital.

The Uta Halee Academy has a formal Memorandum of Understanding with Methodist Hospital (effective March 2015). An interview with the SANE Coordinator and review of the hospital's SANE policy revealed that there are 30 SANEs employed by the local hospital. In the event a youth has been sexually abused or assaulted, a SANE nurse is immediately contacted. At the same time, the local advocacy agency, the Women's Center for Advancement (WCA), is contacted. These advocates are permitted to sit through the SANE exam if requested by youth. The WCA would also provide crisis counseling and follow-up mental health services as needed. The policy details the procedure for conducting forensic examinations and is consistent with expectations outline in the DOJ "Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents."

A telephone interview with the WCA Director (conducted post onsite audit) confirmed that WCA provides crisis intervention and advocacy services to victims of sexual assault. However, she also stated that if Methodist Hospital contacted WCA, she would contact someone from another advocacy agency, Project Harmony, since Project Harmony specializes in services for youth. During the corrective action period, the Uta Halee PREA Compliance Manager contacted Project Harmony and was working to establish an Memorandum of Understanding (MOU) with the local advocacy center. A draft MOU was submitted to the auditor for review and feedback. The MOU covers the necessary areas as it relates to the role of Project Harmony (i.e. providing crisis counseling, conducting SANE exams, accompanying youth through investigative interviews, etc.) and specifies that these services will be provided at no cost to the youth victim. This is described in greater detail in section 115.353 of this report.

#### **§115.322 – 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)

The Rite of Passage has a policy to ensure administrative and criminal investigations are completed for all allegations of sexual abuse and sexual harassment. The policy clearly states that sexual abuse or sexual harassment allegations will be referred to the legal authority responsible for



conducting criminal investigations, unless the allegation does not involve potentially criminal behavior. The Uta Halee Program Director and the ROP Corporate Director of Human Resources are responsible for making the determination of whether an allegation involves potentially criminal behavior. In November 2015, the Uta Halee Program Director sent a letter to the Douglas County Sheriff's office requesting to enter a Memorandum of Understanding. The Captain of the Sheriff's Office refused the offer, stating that the office responds to all allegations of sexual assault using a standardized protocol.

In the event a youth alleges sexual abuse, staff members are required to contact their supervisor and the Douglas County Sheriff's office. The program is also required to contact the State of Nebraska Department of Health and Human Services (DHHS) to alert them to the allegations. The NE DHHS has the statutory responsibility to receive and respond to reports of child abuse and neglect in Nebraska. The Douglas County Sheriff's Department would lead the investigation for allegations of sexual abuse. The Uta Halee Academy's website ([www.utahaleeacademy.com](http://www.utahaleeacademy.com)) states all allegations of sexual abuse will be referred for investigation to local law enforcement.

Sexual harassment allegations that do not appear to be criminal in nature (i.e. between residents) are investigated by the Uta Halee Academy Program Director and the Facility PREA Compliance Manager. These individuals received a four-hour training on how to conduct a proper investigation. Interviews revealed they understand their responsibilities and the detailed process to take in the event an administrative review had to be conducted (specifically in the situation of sexual harassment or sexual abuse). While onsite the auditor reviewed investigation reports and the grievance log book. The log book houses all written and verbal grievances submitted by program youth and the program's response to the grievance. Once a decision is made, the program's response to the grievance is reviewed with youth and the youth signs the bottom of the form acknowledging they have been made aware of the outcome of the grievance. An extensive review of the log book while onsite allowed the auditor to verify the program's response to grievances are fair, appropriate, and timely. There were a few grievances (not sexual in nature) that did not have a detailed description of the program's response or a youth's signature. The auditor reminds the program that all grievances including allegations of sexual harassment must be documented and investigated thoroughly.

#### **§115.331 – 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)

The ROP Safe Environmental Standards (SES) require all staff to participate in a four-hour training on SES prior to working directly with youth. In addition to the pre-service training, all staff are required by ROP policy to take a "refresher" training (a shortened version of the SES training) every six months.

This training includes over 80 Power Point slides and addresses all required areas under the federal PREA standards. *Some* of the topics covered include:

- ROP zero-tolerance policy for sexual abuse and sexual harassment;
- How to fulfill staff responsibilities of sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- Right of residents and staff to be free from retaliation for reporting sexual abuse and sexual harassment;
- How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents;
- How to avoid inappropriate relationships with residents;
- How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents;
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities
- Relevant laws regarding the applicable age of consent

Review of the training materials (i.e. lesson plan, PowerPoint slides, etc.) indicate this training is extremely comprehensive and clearly explains all required PREA topics. During pre-service training staff are required to take a written knowledge test (15 questions) to ensure they fully understand the PREA concepts. Staff must score 90% or above to “pass” the test. Once staff pass the exam, they are required to sign a paper form indicating they understand the Uta Halee Academy’s zero tolerance policy. During the onsite visit, review of a sample of staff files revealed that all staff have received the pre-service SES training and had completed signature forms. Interviews verified that all staff understand their reporting responsibilities.

The auditor applauds ROP for recognizing the importance of such training and for ensuring all staff fully understand and are committed to upholding the zero-tolerance policy. The in-depth training received during pre-service training, coupled with the required knowledge test and the six-month refresher training, has allowed the auditor to conclude the Uta Halee Academy “exceeds” the minimal requirement on this PREA standard.

#### **§115.332 – 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)

ROP has a policy that states that all volunteers and contractors will be trained on their responsibilities regarding sexual abuse and sexual harassment prevention, detection, and response. The Uta Halee campus does not currently have any contractors but does have more than twenty therapists who “volunteer” their time to meet with youth each week. In addition, there is a spiritual leader who volunteers each week to lead church services and conduct a bible study group.

At the time of the site review the “volunteer” therapists and the individuals leading religious services had not yet received the PREA education. However, shortly following the onsite visit the

program trained all therapists, the spiritual leaders, and Certified Nursing Assistants (CNAs) educational student instructors on the program's zero tolerance policy; how to report incidents of sexual abuse or sexual harassment at Uta Halee; the requirement that therapists and medical professionals must disclose they are mandatory reporters prior to working youth; and other critical areas related to PREA. To ensure all required areas put forth in this standard are sufficiently covered moving forward, the Uta Halee facility created an additional information fact sheet that includes the PREA information previously described. The PREA Compliance Manager is responsible for reviewing this fact sheet with each of the volunteers and contractors to ensure their understanding of Uta Halee's expectations. Volunteers and contractors are required to initial and sign that they understand the zero-tolerance policy and that they were afforded the opportunity to ask questions, at the bottom of the information sheet. The program submitted a sample of signed PREA Zero-Tolerance Acknowledgment forms and volunteer/contractor training tracking document to demonstrate compliance with this standard.

### **§115.333 – 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)

The Rite of Passage has an agency policy that ensures residents receive PREA information. The Uta Halee Academy provides several avenues by which youth receive zero tolerance materials. On the day a youth arrives to the program, the Education Registrar reviews the "*ROP Safe Environmental Standards: A Student Guide to Rights, Protections, and Reporting of Sexual Abuse*" pamphlet with youth. This pamphlet includes information about the facility's zero tolerance policy, how to report sexual abuse or sexual harassment, that all allegations will be investigated, and other important PREA information. Interviews verified that youth understand zero tolerance and how to report incidents of sexual abuse and/or sexual harassment.

To supplement the written education materials and to account for various learning styles, the Uta Halee Academy adopted a video about zero tolerance and sexual harassment. The video is a Rite of Passage video that has been adapted from a free video created by the Office of Justice and the Idaho State Police. The video includes closed captioning for hearing impaired youth. The video addresses zero tolerance, definitions of sexual abuse and harassment, avenues to report abuse, steps to take if abused, what the investigation process looks like, retaliation, and other critical information as it relates to PREA. Within ten days of intake, all youth view this video and sign the "*ROP SES Student Acknowledgement of Zero Tolerance Policy*" form acknowledging they have watched the video and that they understand the information. These completed forms are housed in the individual youth case files. During the onsite audit file review, the auditor verified all youth (current and discharged; N=29) had viewed the PREA video. Youth interviews revealed that students also review the video monthly in school. During the audit tour, it was noted that several zero tolerance posters were hanging throughout the Uta Halee campus.

As part of the normal intake process, prior to a youth coming to the Uta Halee Academy, the Case Managers works closely with the referring agency/source to understand individual youth needs.

Therefore, if a youth had special needs, the Case Manager and PREA Compliance Manager would ensure translators were available on the day a youth arrived at the program to translate the necessary program information (including PREA education materials).

#### **§115.334 – 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)

The Rite of Passage policy requires staff who lead administrative investigations to complete specialized investigation training. The policy also states that the specialized training will include techniques for interviewing juvenile sexual abuse victims, proper use of Garrity warnings, sexual abuse evidence preservation, criteria for substantiating administrative action, and evidence prompting a law enforcement referral. The ROP Human Resources and/or the Site Trainer are required to maintain documentation verifying the appropriate individuals have completed this specialized administrative investigation training. The auditor applauds ROP for memorializing this expectation into policy as a way of demonstrating its commitment to this practice.

The Uta Halee Academy Director and the PREA Compliance Manager are responsible for conducting administrative investigations in the Uta Halee Academy. Review of training records indicate these individuals successfully completed the specialized training in December 2016. Additionally, interviews support that these investigators are knowledgeable about the administrative investigation process. Review of the training lesson plan and corresponding materials indicate the training provided by ROP is comprehensive. The training includes 164 individual Power Point slides and spans eight-hours. Some of the training topics cover include, but are not limited to:

- How to interact effectively with youth who have experienced trauma
- Evidence collection
- Essential interviewing techniques and what to avoid
- Preponderance of evidence threshold
- Process for notifying the victim of the outcome of the investigation
- Required elements of the investigation summary report (i.e. location, factual observations, victims affect, etc.)
- Building relationships and collaborating with law enforcement

#### **§115.335 – Specialized training: Medical and mental health care**

- 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)

The ROP Safe Environmental Standards (SES) require all staff participate in a four-hour SES training prior to working directly with youth. In addition, medical staff employed by Uta Halee are required to attend a specialized PREA training for medical practitioners every year. This comprehensive training addresses all required areas under the federal PREA standards including: a) How to detect and assess signs of sexual abuse and sexual harassment; b) how to preserve physical evidence of sexual abuse; c) how to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; and d) how and to whom to report allegations or suspicions of sexual abuse and sexual harassment. Review of training records revealed that the Uta Halee Registered Nurse (RN) Manager, the Licensed Practical Nurse (LPN), and the two medical aides completed this specialized training in May 2017.

Although the Uta Halee Academy employs a RN and a LPN, they are not a qualified Sexual Assault Nurse Examiner (SANE). Therefore, in the event of a sexual abuse allegation, the victim would be taken to Methodist Hospital. An interview with the SANE Coordinator from the hospital revealed there are 30 SANE nurses who are available 24 hours a day, 7 days a week. The hospital's SANE policy includes immediately contacting the local Women's Center for Advancement (WCA) for advocacy and crisis counseling services.

At the time of the onsite visit, although all medical staff had received the requisite training, the 14 mental health therapists and four religious volunteers had not received formal training on the four areas cited above. As previously mentioned, shortly following the onsite visit the program facility created an additional information sheet that includes their responsibility to disclose they are mandatory reporters, to whom they should report allegations of sexual abuse and/or sexual harassment, the importance of preserving evidence, and other critical areas related to PREA. Volunteers and medical staff are required to initial and sign that they understand the zero-tolerance policy and that they were afforded the opportunity to ask questions. The program submitted a sample of these signed forms and the tracking spreadsheet (i.e. who was trained, date of training, etc.) as evidence of compliance with this standard.

#### **§115.341 – Obtaining information from 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)

All Uta Halee students are assessed for risk the day they arrive to the program. As part of the intake process and within 24 hours of the youth arriving, a Case Manager conducts an assessment to evaluate a youth's risk to be victimized or to perpetrate sexual assault. This is done using a formal standardized and objective instrument adopted from the "Vulnerability Assessment Instrument" developed by Colorado Division of Youth Corrections. This tool addresses all required areas put forth in provision (c) of this PREA standard (i.e. prior sexual victimization or abusiveness, gender nonconforming behavior, physical size and stature, etc.).

The Rite of Passage has a policy dictating these vulnerability assessments be completed in all its facilities. The policy requires these assessments be completed within 24 hours, which exceeds the

72-hour timeframe required by the federal PREA standards. During the onsite audit, the auditor verified the practice of conducting vulnerability assessment by sampling current and discharged youth files (N=29). The auditor ensured youth files from all three programs were included in the sample. The file review revealed most assessments are completed at intake and all youth received a vulnerability assessment within six days. The Uta Halee Academy ensures sensitive youth information is protected by storing these completed vulnerability assessments in the youth's confidential case file. Youth case files are housed in the case managers offices which are locked, and to which only select staff have access. The auditor applauds Uta Halee and ROP for recognizing the value of gathering this information as soon as possible.

**§115.342 – Placement of residents in housing, bed, program, education, and work assignments**

- 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)

Documentation review and interviews with the Program Director, Case Manager (CMs), and the PREA Compliance Manager, confirmed that the program considers all factors when determining in which bedroom youth are placed. As previously described, during the intake process important information related to risk, youth disabilities, sexual orientation, etc. is gathered by reviewing referral information and by completing the vulnerability risk tool. This information is used to determine the course of treatment and in which bedroom a youth may reside. Each cottage has a floor plan which shows the location of each bedroom, which student reside in each bedroom, and the vulnerability risk level (i.e. low, medium, or high). All Case Managers explained they do not place youth who are high risk for victimization in a bedroom close to another youth who is high risk for violence perpetration. Case Managers explained they make sure these youth rooms are on opposite sides of the residential living unit or on opposite living units. Similarly, since there is one double room on each cottage, Case Managers would not put high and low risk youth together.

Regarding transgendered and intersex youth, ROP policy prohibits placing LGBTQI youth on a housing unit because of their sexual orientation. Interviews indicated that Case Managers were aware that intersex and transgendered youth are not allowed to be placed on a cottage based on their sexual identity. Consistent with ROP policy, all youth are reassessed every six months using the vulnerability risk tool. The program has not had a transgender or intersex youth to date but as previously mentioned, all residents shower separately.

The Uta Halee campus does not use isolation. If there is an incident of resident-on-resident abuse, staff are trained to separate the youth, which may require both youth spending time in their individual bedrooms. The perpetrator would be placed on one-on-one supervision with staff. ROP policy dictates that while on restriction, *“programs shall not deny students daily large-muscle exercise and any legally required educational programming or special education services. Students in isolation shall receive daily visits from a medical or mental health care clinician. Students shall also have access to other programs and work opportunities to the extent possible.”*

Interviews with staff and youth revealed that the Uta Halee Academy adheres to agency policy and all provisions of this PREA standard.

### **§115.351 – 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)

The Uta Halee Academy has multiple avenues by which residents can privately report sexual abuse, sexual harassment, or retaliation. These include, but are not limited to:

- Making a verbal report to a staff member, family member, lawyer, etc.
- Calling the DHHS hotline number found on posters located throughout the campus
- Submitting a written student grievance form (there are grievance boxes located on each living unit)
- Submitting a one-on-one counselor request form
- Submitting a medical request form

The student grievance procedures in the Uta Halee student handbook clearly detail the process for launching a grievance and the required program response to the complaint. A review of investigation reports and the grievance logbook provide evidence that Uta Halee leadership respond to grievances appropriately and in a timely manner. There are locked grievance boxes on each of the six units that are checked by the Case Managers once per day. The standard ROP grievance form asks the student to describe the issue/problem; identify any witnesses; results of the grievance review; and the student’s acknowledgement of the resolution. Staff are not permitted to read the written grievance or ask youth what they have written on the form.

All youth interviewed indicated they are aware of the various ways (listed above) they can report abuse or assault and that these reports may be made anonymously. There were some youth who did not know about the hotline number despite it being listed on the PREA posters. It may be necessary to remind youth about the hotline number and to clarify that if there is an incident of sexual abuse or sexual assault they do not have to wait for the Case Manager to coordinate the call. Staff interviews verified that staff understand they can make anonymous reports and that they are required to take third party reports. ROP uses a standardized form titled, “*Third Party Reporting Form*” to document this information. This form is available to the public on the Uta Halee website ([www.utahaleeacademy.com](http://www.utahaleeacademy.com)).

The Rite of Passage has formal policy supporting the provisions in this standard including accepting third party reports, anonymous reports, and requiring staff to report sexual abuse and sexual harassment allegations immediately to their supervisors.

### **§115.352 – 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)

The ROP has a policy that addresses each of the provisions of this standard, including but not limited to:

- Prohibiting a time limit on when a student may submit a grievance regarding an allegation of sexual abuse;
- Requiring programs to issue a final decision regarding a PREA related grievance within 90 days (and allowing for a 70-day extension if necessary);
- Allowing third parties to assist youth in filing a grievance;
- Not requiring a student to use any informal grievance process or attempt to resolve the grievance with the staff member if it is PREA related;
- Prohibiting discipline for youth who file a grievance related to alleged sexual abuse, unless it was clearly demonstrated that the youth filed the grievance in bad faith.

The grievance log book includes all written grievances filed by youth and the program's response/action to each of these concerns. Review of the log book while onsite provided evidence that Case Managers consider all grievances and respond to these concerns as soon as possible. Most grievances were responded to within 72 hours. Grievances that involved allegations of sexual abuse and/or sexual harassment were resolved within the 90-day time frame required by PREA standards. Reviewing investigation reports provided further evidence of standard compliance. Nearly all grievance forms were signed by the student who filed the grievance, which provides evidence that youth were informed of the resolution. The program furnished documentation that youth were also informed of the outcome of sexual abuse and sexual harassment investigations.

Youth can file a grievance at any time while at the Uta Halee Academy. This understanding was verified through staff and youth interviews who all reported there is no time limit for filing a grievance and that youth were not required to resolve the issue with staff if the issue was PREA related. All youth reported that a family member, a lawyer or another student could file a grievance on their behalf. Staff interviews verified that students would not be disciplined for filing a "good faith" grievance alleging sexual abuse.

### **§115.353 – Resident access to outside confidential support 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)

The Uta Halee Academy provides youth access to outside victim advocates for emotional support services related to sexual abuse. Contact information for Child Protective Services and the



Women's Center for Advancement (WCA) is provided on posters displayed throughout campus. However, interviews with program leadership indicate there is a need to establish a direct relationship with the WCA or another local advocacy agency, such as Project Harmony. Currently, the Uta Halee Academy does not have a Memorandum of Understanding with the WCA. Advocacy services would be accessed if a youth was brought to the Methodist Hospital for a SANE exam (contacting the WCA is part of the hospital's protocol). The program will need to adjust its response coordination protocol to reflect offering youth advocacy services after the allegation is made, in the event the youth does not wish to go to the hospital for a SANE exam. In addition, staff will need to be trained on this new practice.

The ROP Safe Environmental Standards state, *"When students request phone calls of this nature, they will be facilitated by Case Manager or higher position and reasonable privacy measures will be taken, while maintaining visual observation."* However, at the time of the onsite review many staff were not aware that youth who request to call the abuse hotline number must be afforded privacy. Similarly, staff did not know that students are entitled to private communications with their lawyers. The campus practice at the time of the onsite visit was for staff to sit in the staff office with youth on all phone calls.

During the corrective action period, the program took several steps to address the requirements in this standard. These steps included establishing a closer relationship with a local advocacy center which specializes in youth, Project Harmony. A formal letter was drafted to the organization requesting a representative come to the Uta Halee campus twice per year and talk with staff and students about the services they provide. The letter also expressed a desire to enter into a more formal agreement (an MOU) to provide crisis counseling and advocacy services to youth in the event of an allegation of sexual abuse or sexual assault. The PREA Compliance Manager submitted the email and the letter addressed to the Director of Project Harmony as evidence that these efforts were made. Since the onsite audit, Project Harmony has provided a list of trainings they will be able to provide staff and youth and has also invited individuals from the Uta Halee Academy to attend a luncheon to learn more about Project Harmony services. The auditor applauds Uta Halee for engaging their community partners and for building the foundation for a strong relationship with the local advocacy center.

Following the onsite visit, the Uta Halee Academy created a draft Memorandum of Understanding (MOU) with Project Harmony, which was submitted to the auditor for review and feedback. The MOU covers the necessary areas as it relates to the role of Project Harmony (i.e. providing crisis counseling, conducting SANE exams, accompanying youth through investigative interviews, etc.) and specifies these services will be provided to youth at no cost. On November 28, 2017 Uta Halee was successful in executing the formal MOU with Project Harmony. This signed MOU was submitted to the auditor for verification.

To better support compliance with this standard and ensure youth are aware of these local advocacy services, Uta Halee revised its youth manual to include additional contacts for Project Harmony, the Nebraska Department of Health and Human Services, YWCA 24/7 crisis hotline, Women's Center for Advancement, and Child Protective Services. The program submitted a revised Student Handbook as evidence that these changes were made. The auditor applauds Uta Halee for ensuring youth have several options for reporting abuse.

Following the site visit, the program also revised the Coordinated Response protocol to include first responders offering youth advocacy services shortly after the youth discloses sexual abuse or sexual assault. The form now requires staff to “offer presence of outside victim advocate (or qualified staff member) to be present during exam if declines victim advocate” and sign and date this item on the response protocol. Staff are also required to document whether the youth accepted advocacy services, who notified the advocacy center and the date and time the telephone call was made to the advocacy center. All staff were trained on this new protocol and expectation during an all-staff meeting held on October 4, 2017. Uta Halee submitted the revised response protocol, staff meeting minutes, and signed training roster as evidence of compliance with this standard.

During the corrective action period, Uta Halee also changed its practice regarding telephone calls to lawyers and calls to report abuse (i.e. local advocacy centers, Nebraska Department of Health and Human Services, etc.). The program’s previous practice was that staff sat with youth while she made the phone calls. Today Uta Halee’s practice complies with provision (d) of the standard which requires youth to have confidential access to their attorneys and when reporting abuse. The program created a one-page summary detailing how staff will afford privacy to youth when speaking with their lawyer and/or reporting abuse. This one-page document titled, “Confidentiality: Phone calls to legal counsel, hotline, CPS, Advocacy” was reviewed during an all-staff meeting in October 2017. This information will be incorporated into the annual SES training that covers all PREA standards and expectations. A training roster and meeting minutes were submitted to the auditor to verify staff were informed of this change in practice.

To ensure youth were kept abreast of their rights, during the corrective action period the resident handbook was also updated to reflect provisions in this PREA standard. More specifically, the youth handbook now describes the new process staff must employ when youth are making a telephone call to legal counsel, abuse hotline, Child Protective Services, or advocacy group: *“the staff member will dial the call, step out of the room, close the door and keep a visual on youth.”*

#### **§115.354 – 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)

As described in other sections of this report, the Rite of Passage has a policy requiring staff to accept third-party reports. This is included in the SES training which all staff are required to complete. In addition, the Uta Halee Academy has a webpage ([www.utahaleeacademy.com](http://www.utahaleeacademy.com)) that provides information about the program, the agency’s zero tolerance policies, and the process for 3<sup>rd</sup> party reporting. The webpage specifically states, *“Rite of Passage accepts third-party reports of sexual assault or sexual harassment from a friend or family member of a student (§115.354). Third-party reporting forms are available at the front desk of our programs or can be downloaded here. If you suspect sexual abuse you may also call Rite of Passage at (775)267-9411 to report it or report it to the Sheriff or Police Department where the allegations occurred. All reports are taken seriously and investigated.”* The auditor has reviewed the webpage and all the links are in working order.

The ROP Policy 600.402, “Student Grievance Policy” also states that third parties, including fellow students, staff members, family members, attorneys, and outside advocates are permitted to file grievances on behalf of Uta Halee students. Staff interviews verified that staff understand they can make anonymous reports and that they are required to take third party reports.

#### **§115.361 – 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)

The State of Nebraska has a mandatory child abuse reporting law that requires a person working in the social services field to report all cases of suspected child abuse or neglect. In support of this law, the Rite of Passage has a policy that requires, *“all staff to report immediately and according to program policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a program, whether or not it is part of the program; retaliation against students or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation....The program shall also require all staff to comply with any applicable mandatory child abuse reporting laws.”* Onsite interviews verified all staff understand they are mandatory reporters.

ROP policy dictates that following an allegation of sexual abuse the Program Director must report the allegation to the appropriate program offices and to the alleged victim’s parents or legal guardians. In addition, the agency’s Safe Environmental Standards uphold that a formal written incident report must be completed within 24 hours. The ROP Internal PREA Notice form must be completed and submitted to the Regional Imbedded Improvement PREA Coordinator within seven days of the incident. Review of documentation while onsite verified these practices are currently in place.

The Uta Halee campus uses a “Sexual Abuse Incident Checklist” to ensure all steps in the response process are taken, including the required notifications. This checklist includes the Case Manager contacting the parents/legal guardian, placing agency, and therapist. Review of investigation reports and supporting documentation verified that the Uta Halee campus has an established practice of making the proper notifications.

All Uta Halee staff have been trained on the ROP SES. Staff interviews conducted during the onsite visit revealed all direct care staff and medical staff understand that they are mandatory reporters; that they must report ALL allegations immediately to their supervisor (i.e. verbal, third-party, anonymous, etc.); and they are required to keep information related to sexual abuse reports protected.

Although not required, during the corrective action phase the Uta Halee program retrained staff on their first responder duties during an all-staff meeting held on September 6, 2017. The meeting agenda and training roster with staff signatures were submitted to the auditor for verification of compliance.

### **§115.362 – 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)

Interviews revealed staff were formally trained on how to ensure youth are kept safe in the event they are at imminent risk for sexual abuse. This process involves taking immediate action to separate the alleged perpetrator and victim. Separating the perpetrator and victim is listed on the Uta Halee on the Sexual Abuse Incident Checklist. In addition, the Coordinated Response flowchart directs first responders to maintain line of sight of youth (victim and perpetrator); do not question youth; and to call the shift supervisor.

Staff interviews confirmed all staff clearly understand the coordinated response plan, including separating the alleged perpetrator and victim and preserving evidence. In addition, Uta Halee and ROP leadership reported that if a youth was at imminent risk, youth would be moved to another cottage/unit to ensure youth are kept safe from harm. Review of investigation reports indicate that youth involved in a sexual harassment or sexual abuse allegation are often separated to ensure youth safety. There is sufficient evidence supporting that Uta Halee staff respond immediately to all allegations related to sexual abuse, assault, and harassment.

### **§115.363 – 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)

The Uta Halee Academy has not had an incident in which a youth disclosed they were sexually abused while in a prior placement/facility. Interviews with the Program Director indicated that if this were to happen, a report would be made to the appropriate parties, consistent with the Uta Halee Academy's coordinated response plan. The Rite of Passage has a policy that requires the Program Director to notify the appropriate law enforcement agency and any social services agencies within 72 hours, which meets the federal PREA standard. The ROP policy also specifies that these notifications must be documented in the youth's case file. The date and time that these notifications are made and by whom are also clearly documented on the Sexual Abuse Incident Checklist. Uta Halee managers confirmed they understand their responsibilities related to the federal notification requirements.

### **§115.364 – 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)

As described earlier in this report, the Rite of Passage policy provides specific details on how first responders are required to respond when a youth alleges sexual abuse. This is mapped out in detail during the SES training and supported by the Uta Halee coordinated response flowchart. This flowchart details the specific responsibilities of witnesses/first responders, Shift Supervisors/Case Managers, the Director of Student Services, and the Program Director. The coordinated response plan also includes a “Sexual Abuse Incident Checklist” which requires staff to initial and provide the date and time they completed each activity. The plan and checklist include separating the victim and perpetrator and ensuring the alleged victim and abuser do not take any actions that could destroy physical evidence (i.e. washing, brushing teeth, changing clothes, eating, or using the bathroom). Interviews revealed staff are knowledgeable about their first responder duties, including how to best preserve physical evidence.

There have been no allegations of sexual abuse that involved penetration at the Uta Halee Academy. The auditor concludes that in the event a youth disclosed sexual abuse, staff would adhere to agency policy, and therefore is compliant with this PREA standard.

#### **§115.365 – 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)

As previously described, the Uta Halee Academy has a coordinated response plan that outlines the responsibilities of all involved parties (see description in standard 115.364 of this audit findings report). All staff have been formally trained on their responsibilities. Onsite interviews verified all staff understand specific steps first responders must take when an allegation of sexual abuse is made and that they are fully aware of the “Sexual Abuse Incident Checklist” which would guide their response activities.

At the time of the onsite visit, the Uta Halee campus had a coordinated response flowchart and an Sexual Abuse Incident Checklist. However, interviews revealed there was confusion among staff members as to some of the steps in the response process. In addition, there were actions required by PREA standards that were missing from the response checklist. The program was required to take specific actions steps to achieve compliance with this standard. One of the most significant adjustments to the response practice is the PREA Compliance Manager is now notified sooner following a PREA-related allegation. This new process will allow the PREA Compliance Manger to assist in determining if the allegation meets the PREA definitions of sexual abuse or sexual harassment. If the allegation does not meet PREA definitions, the PREA Compliance Manager will now document why the allegation does not qualify as a PREA incident and will provide suggested actions to ensure the issue is properly addressed. This information will be communicated to all staff as a way of helping staff better understand the nuances of federal PREA standards. This change in practice was verified during interviews conducted in the corrective action period with the PREA Compliance Manager and Uta Halee Program Director (on November 8, 2017).

Additional enhancements made to the coordinated response plan during the corrective action period include revising the SES coordinated response protocol to reflect staff offering youth counseling services and recording the date/time the advocacy center was contacted. Staff are now required to initial, date, and mark the time to indicate that these items were completed. Staff were trained on this new document during two all-staff meetings held on September 6<sup>th</sup> and October 4<sup>th</sup>, 2017. Meeting agendas, meeting minutes, and training rosters with staff signatures were submitted to the auditor for verification of compliance with this standard.

PREA standards uphold that if a youth discloses that if the alleged abuse or assault occurred in another facility, Uta Halee must inform the facility head at the institution in which the alleged abuse occurred within 72 hours. During the corrective action period, Uta Halee created a document to accompany the Vulnerability Risk tool that includes questions to ensure this notification takes place. The document/form says, *“Ask the student if the sexual victimization or perpetration they reported during the UHA intake process occurred at another facility/institution...Name of Institution...If yes, the screener must immediately inform UHA Program Director Kristina Lesley so notifications to the identified facility can be completed within 72 hours.”* This revised document was submitted to the auditor for review. Since the onsite review, the program has not had a situation in which a youth disclosed abuse occurred at another institution and therefore, the auditor was not able to review a sample of these completed forms.

All Uta Halee staff were trained on the new coordination plan that now includes offering counseling services as soon as possible if a youth alleges sexual abuse or sexual assault. This training was conducted on October 4, 2017 and meeting minutes and a signed training roster were submitted to the auditor for verification of compliance.

#### **§115.366 – Preservation of ability to protect residents from contact with 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)

Nebraska is a “right to work” state and therefore, the Uta Halee Academy does not have a collective bargaining agreement. Rite of Passage policy allows the removal of staff who have been alleged to have sexually abused a resident while awaiting the outcome of an investigation or while waiting for a determination of the extent of the discipline. The agency PREA audit conducted in June 2017 determined the Uta Halee campus meets this PREA standard.

#### **§115.367 – 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)

The ROP “Policy 600.402 - Student Grievance Policy” clearly outlines agency expectations stating, “*students who choose to file a grievance shall not be subject to any disciplinary sanction or adverse action pertaining to the filing of a grievance.*” As mentioned earlier in this report, interviews with Uta Halee leadership indicate that victims of sexual abuse, harassment, and retaliation will be protected from future harm. Interviews revealed that when there are safety concerns students are put on one-on-one staff supervision or transferred to another residential living unit.

The Rite of Passage has formal policy protecting youth against retaliation for filing a grievance or for reporting sexual abuse, sexual assault, and sexual harassment. Agency policy holds the Program Director or designee responsible for monitoring retaliation. During onsite interviews, it was unclear as to who is responsible at the Uta Halee campus for monitoring retaliation. Some staff reported it was the Shift Supervisor while other staff stated it was the Case Managers responsibility. While it is true that everyone is responsible for making sure youth are safe and free from retaliation, it is critical that the program have a structure for monitoring retaliation including who is primarily responsible for monitoring activities, for how long (a minimum of 90 days), what this monitoring process will look like (to include periodic check-ins), and how these check-ins will be clearly documented (i.e. in a tracking log, on a follow-up form post investigation, etc.).

During the corrective action period, to address the identified issues related to this standard, the program established a clearer structure for monitoring retaliation. The program developed two forms for this purpose – one for staff members to report retaliation and another for reporting retaliation when the victim is a student. The forms clarify that the Director of Student Services (DSS) is responsible for monitoring retaliation against students while Human Resources and the Uta Halee Program Director are responsible for monitoring staff who may be experiencing retaliation. Uta Halee’s new practice requires a formal review of retaliation during the monthly Multi-Disciplinary Team (MDT) meeting. This information is documented on the retaliation questionnaire by the DSS and kept in the youth’s confidential folder. These formal MDT reviews of retaliation supplement the regular check-ins with youth that are conducted by therapists (often several times a week) and the PREA Compliance Manager.

Examples of questions on the retaliation questionnaire are:

- *Any bullying or intimidating behavior from other students (physical, verbal, or otherwise)?*
- *Any unjust sudden increases in staff issued consequences or redirections?*
- *Any unjustified withholding or delaying of student status progression?*
- *Any increase in student grievances, request for 1 on 1, or attempting isolation from the group?*
- *Any uncharacteristic acting out or withdrawn behavior since reporting of allegation?*
- *Any unauthorized changes of room assignments, education classes, or vocational programs?*
- *Excessive negative marking and comments in DPN/FFA?*

The program submitted the revised Retaliation Questionnaires to the auditor as evidence of compliance with provisions in this standard. Interviews with the Program Director and the PREA Compliance Manager during the corrective action period confirmed this questionnaire has been

implemented (beginning in mid-October 2017). In addition, staff were trained on this new retaliation protocol during an all-staff meeting held on October 26, 2017. A signed training roster was submitted to the auditor as evidence that all staff were informed of this change in practice.

#### **§115.368 – Post-allegation protective custody**

- 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)

As stated earlier in this audit report, the Uta Halee Academy does not use isolation. Interviews revealed that in the event a youth alleges sexual abuse or assault, neither youth would be placed in isolation. The program’s leadership team would meet to discuss how best to ensure youth safety. This may include providing one-on-one staff supervision, switching a youth’s room, moving youth to a different residential cottage, or transferring the youth to another facility. If the program had to separate a youth from the larger group (not isolation), the ROP policy and interviews verified that youth would continue to receive educational programming, large daily muscle exercise, and visits from medical and mental health professionals. The auditor concludes that the Uta Halee Academy is following this PREA standard.

#### **§115.371 – Criminal and administrative agency 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)

Agency policy states ROP facilities do not conduct criminal investigations of sexual abuse or sexual harassment. Local law enforcement, the Douglas County Sherriff Department, is responsible for conducting criminal investigations. As previously mentioned in this report, the Uta Halee Academy attempted to establish a Memorandum of Understanding (MOU) with the local law enforcement agency. The Douglas County Sherriff’s Department denied the opportunity.

The Uta Halee Academy Program Director and PREA Compliance Manager are responsible for conducting administrative investigations. Interviews with Uta Halee leadership revealed that if there is evidence during an administrative investigation that the sexual abuse allegation may be substantiated, the case is referred to legal counsel for possible criminal prosecution. This process is the same whether the alleged sexual abuse has occurred between staff and youth or between two Uta Halee Academy residents.

The Uta Halee Academy Program Director and PREA Compliance Manager serve as the investigators for the campus. Review of training records indicate these individuals as well as the two Shift Supervisors, have received specialized training on how to conduct investigations. The



specialized investigation training is very comprehensive and includes 164 Power Point slides addressing the topics listed under Standard 115.334 of this report (i.e. how to gather direct and circumstantial evidence, preponderance of evidence standard, report writing, etc.). In addition, language in the ROP policy dictates expectations regarding administrative investigations. By way of example, the ROP policy upholds:

- All investigations will be timely, thorough, and objective
- Allegations from third party and anonymous reports will be investigated
- Direct and circumstantial evidence will be collected
- Alleged victims, suspected perpetrators and witnesses will be interviewed
- Any prior complaints will also be reviewed involving the suspected perpetrator
- ROP will not terminate an investigation solely because the source of the allegation recants the allegation
- A youth who alleges sexual abuse will not have to undergo a polygraph examination
- Efforts to determine if staff actions or failures to act contributed to the abuse or harassment will be taken.
- Written documentation of the information gathered via the investigation will be maintained at least five years after the employment of the abuser or harasser has ended
- Departure of the alleged abuser or victim from employment or control of the facility or ROP will not provide a basis for terminating an investigation

Within the past 12 months there were a total of five allegations made by Uta Halee students that met PREA definitions: Four sexual harassment allegations and one sexual abuse allegation. None of the allegations involved staff members but rather, involved alleged sexual activity or sexual harassment between Uta Halee residents. Review of detailed investigation reports provided sufficient evidence that thorough investigations are conducted and include interviews with the victim, alleged perpetrator, and witnesses. The investigation team also reviews video footage captured by the campus' surveillance system. Once an investigation is completed, information is summarized in a written report that contains a thorough description of physical, testimonial, and documentary evidence. ROP uses a standardized report template to capture the necessary information in the investigation report. This template requires investigators to provide detailed information in seven categories: 1) Introduction and summary of allegations; 2) List of interviews; 3) Documents reviewed; 4) Interview synopses; 5) Definitions and standards used; 6) Conclusions; and 7) Finding of administrative review (i.e. substantiated, unsubstantiated, or unfounded).

Interviews with investigators verified that in the event a staff member was the alleged perpetrator, there would be significant effort on behalf of investigators to determine whether staff actions or failures to act contributed to abuse. Investigators reported that in the event a youth recants the allegation, or the alleged abuser leaves the facility (i.e. youth is discharged, or staff is terminated), the investigation would continue to completion. In addition, since local law enforcement investigates sexual abuse allegations that appear criminal in nature, both investigators reported that they would stay abreast of the progress of the investigation by contacting the Sheriff's office every three to four weeks.

The ROP has an established system of documents to assist in guiding the investigation and notification process. In the event an allegation of sexual abuse, sexual assault, or sexual harassment is made, the PREA Compliance Manager or Uta Halee Academy Director is required to submit an “Internal Notice of Potential PREA Incident” form to the Regional Imbedded Improvement PREA Coordinator within 48 hours. Review of investigation reports indicate that investigations begin immediately following the allegation and that investigations are completed within 90 days (often within four to six weeks). ROP policy requires all facilities to retain all written reports and investigative records related to sexual abuse if the alleged abuse is incarcerated or employed by the agency, plus five years.

The auditor concludes the Uta Halee’s method for conducting investigations of sexual abuse or sexual harassment meet federal requirements put forth in this PREA standard (i.e. preponderance of evidence standard, thoroughly documenting youth and staff interviews, record retention requirements, prohibiting polygraph testing, referring for criminal prosecution if evidence indicates, etc.).

#### **§115.372 – Evidentiary standards 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)

ROP has a formal policy which states, “*the agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.*” In support of this policy and as mentioned earlier in this report, the ROP specialized investigation training includes specific information about the preponderance of evidence standard. Interviews with the Uta Halee Academy Program Director and the PREA Compliance Manager verified they use this standard when conducting a PREA-related investigation.

#### **§115.373 – 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)

The ROP has an official agency policy requiring notification of investigation outcomes (internal and external) to the student victim in all cases – i.e. substantiated, unsubstantiated, or unfounded. Uta Halee uses the “Post Investigation Student Notification” form to document the alleged victim has been notified of the investigation results. Uta Halee’s practice is to inform the alleged victim of the outcome of all investigations, including sexual harassment. This “exceeds” the PREA standard which only requires a program to make notifications regarding sexual abuse. While onsite, the auditor reviewed the completed “Sexual Abuse Incident Checklists” and the “Post Investigation Student Notification” form for each of the five sexual allegations investigated. The

student victim is required to sign and date the document indicating the results of the investigation have been verbally shared with them. All records the auditor reviewed on site were signed by the alleged victim, except one. It was explained that the student victim was transferred to another facility prior to the conclusion of the investigation and therefore, the program could not obtain a signature. The auditor applauds Uta Halee for its commitment to ensuring victims are informed of the outcome of their grievance and/or allegation.

In situations in which a staff member was the perpetrator, the ROP policy requires the Program Director to inform the youth victim whenever: 1) The staff member is no longer posted within the resident's living unit; 2) the staff member is no longer employed at the facility by ROP; 3) the Program Director learns that the staff member has been indicted on a charge related to sexual abuse within the program; or 4) the Program Director learns that the staff member has been convicted on a charge related to sexual abuse within the Uta Halee Academy. In circumstances in which an Uta Halee resident sexually abused or sexually assaulted by another resident, the ROP policy requires the alleged victim be informed when the program learns that the alleged abuser has been indicted OR convicted on a charge related to sexual abuse within the program.

Since the Douglas County Sherriff Department is responsible for conducting sexual abuse investigations alleged to have occurred at the Uta Halee Academy, it is important that the Uta Halee Academy be kept informed of progress with these investigations. The Uta Halee PREA Compliance Manger reported that it is her responsibility to contact local law enforcement for updates on the progress of sexual abuse investigations. The auditor concludes Uta Halee staff understand their specific responsibilities and the process related to victim notifications.

Since Uta Halee has a standardized "PREA Post Investigation Notification" form used to document student notifications coupled with the fact that the program notifies victims in all cases – sexual harassment and those investigations that have concluded the allegations are unfounded - the auditor has determined Uta Halee "exceeds" the minimum threshold for compliance with this PREA standard.

#### **§115.376 – 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)

As previously described in this report, the Rite of Passage has several policies supporting zero tolerance. The agency also has a policy specifically addressing staff discipline. The policy states:

- *Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.*
- *Disciplinary sanctions for violations of program policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall 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.*

- *All terminations for violations of program sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement and social services agencies.”*

This agency policy addresses all the provisions in this federal PREA standard. Although the Uta Halee Academy has not had a staff member alleged to have sexually abused or sexually harassed youth in the program, interviews with the individuals responsible for conducting administrative investigations at the Uta Halee Academy (i.e. Program Director, Human Resources Director, and PREA Compliance Manager) indicate in such circumstances, all related ROP policies would be closely followed. In addition, if a staff member is terminated for reasons of sexual abuse or sexual harassment, there is a flag placed next to their name in the ROP human resources database. This database can be accessed by all ROP Human Resources staff throughout the United States. ROP policy prohibits those individuals who have a flag in the database from being hired at any ROP facility. The auditor concludes that agency policies and existing practices support compliance with this PREA standard.

#### **§115.377 – 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)

All contractors and volunteers are subject to agency policies and protocols related to sexual abuse and sexual harassment. Information derived from interviews and additional evidence described in Standard 115.376 of this report, support compliance with this PREA standard. There have been no volunteers, interns, or contractors working at the Uta Halee Academy who have violated these policies to date. Interviews with program leaders confirmed they are aligned with this PREA standard.

#### **§115.378 – 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)

ROP ensures a safe environment with established rules that are designed to protect the residents and staff. The youth resident handbook explains the program rules as well as the consequences for not meeting them. The Rite of Passage Safe Environmental Standards and the ROP “Code of Conduct” policy (Policy 600.121) provides details of the consistent and fair disciplinary process. The policy clearly states disciplinary sanctions for youth will result from a resident-on-resident sexual abuse only if there is an administrative or criminal finding that the abuse occurred. Additionally, formal policy explains that youth will be disciplined for having sexual contact with

staff only if there is a finding that the staff did not consent to such contact. The policy addresses all other provisions required by this PREA standard. Review of investigation reports and youth case files verified that youth are not disciplined for making a report in “good faith.”

All youth reported they are prohibited from physically contacting other residents. In the past 12 months, there were four allegations of sexual harassment and one of sexual abuse. All allegations were resident-on-resident and following a thorough investigation four of the allegations were unsubstantiated and one was unfounded. Therefore, there have been no criminal or administrative findings of guilt for resident-on-resident sexual abuse at the Uta Halee Academy.

However, staff interviews revealed that if there was resident-on-resident sexual abuse or sexual assault this would be treated as a significant lapse in treatment. The perpetrator would be transferred to another unit, placed on restriction with one-on-one staff supervision (not placed in isolation), or transferred to another residential program. If the youth remained in the program, the Uta Halee Case Manager would work with other Uta Halee staff members to develop an individualized treatment plan to address the youth needs and issues. Staff reported that this revised treatment plan would likely involve intensive treatment sessions (duration and frequency). As part of the treatment planning process, interviews revealed that Case Managers would consider a variety of factors when developing these plans, including but not limited to, youth’s cognitive functioning/capacity, response to previous treatment modalities, and motivation for sexual offending.

Agency policies, staff interviews, and detailed reviews of youth files, provide sufficient evidence to determine the Uta Halee Academy complies with the provisions put forth in this PREA standard.

#### **§115.381 – Medical and mental health screenings; history of sexual abuse**

- 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)

All youth who are accepted into the Uta Halee Academy are assessed for risk by a Case Manager the day they arrive. This formal assessment was adapted from the assessment instrument developed by the Colorado Division of Youth Services Vulnerability Risk Assessment. At the time of the onsite visit, review of youth files (current and discharged; N=29) indicated that the program did not currently have a consistent process for following-up with youth who disclosed at intake a previous history of sexual victimization or sexual perpetration. Since Uta Halee does not employ mental health staff and currently only has one Psychology Extern who conducts assessments, there was a backlog of youth who currently need psychosocial assessments and who need mental health counseling. This was confirmed during youth and staff interviews where it was revealed that some youth had been in the program for two months and had not yet had their initial mental health evaluation. The auditor required Uta Halee to establish a process for ensuring youth who disclose previous sexual victimization or sexual perpetration are referred to a mental health professional youth within 14 days, as dictated by federal PREA standards.

Shortly following the onsite review, the program created a document to supplement the questions on the vulnerability assessment and to ensure the required referrals are made within 14 days. This document asks:

- Did youth disclose history of sexual victimization or perpetration?
- If yes, did you offer the student expedited counseling services within 14 days following Vulnerability Assessment?
- Did youth accept counseling services?
- Actions Taken/Next Steps (i.e. “Sent email to UHA Control and Director of Student Services requesting youth be connected with a therapist and undergo a mental health screen within 14 days of intake process and vulnerability assessment”)
- “During the vulnerability assessment, I was offered expedited counseling services within 14 days of this assessment and I have decided to decline this offering and receive standard services”

The new form requires youth to print and sign their names as well as indicate the date they declined the services. In addition, the Screener and Supervisor must also sign this form. All Case Managers and other staff responsible for conducting these assessments were informed of this new form during an all-staff meeting. Interviews with program leaders during the corrective action phase verified staff are aware of this form and will use it during the intake process as warranted.

Information from the vulnerability risk assessment is restricted to Case Managers and Uta Halee leadership. These completed assessments are locked in the Case Managers office. Although all youth residing on the Uta Halee campus are under the age of 18, interviews with the Psychology Extern and a volunteer therapist verified that they both would obtain consent from individuals who were 18 years old before reporting information about prior sexual victimization that did not occur in an institutional setting.

To better ensure all youth receive needed mental health services after intake, during the corrective action period the program on-boarded an additional doctoral student to work 5-7 hours per week. This individual will conduct mental health assessments; meet with youth who disclose prior history of victimization or perpetration within 14 days of the youth’s disclosure; and provide crisis intervention services to youth as needed (i.e. youth who have alleged sexual abuse/assault and are awaiting transport to the hospital). The auditor applauds the program for its efforts to ensure youth needs are adequately met.

**§115.382 – 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)

The Rite of Passage has a policy that ensures victims of sexual abuse receive timely unimpeded access to emergency medical treatment and crisis intervention services. This policy requires victims of abuse be offered timely access to emergency contraception and sexually transmitted

infections (STI) prophylaxis. These services are to be provided at no cost to the victim regardless if the victim names the abuser.

The Uta Halee Academy has a process in place to ensure the ROP policy is upheld. Interviews with UTA HALEE management staff, reveal that victims of recent sexual abuse would be transported to the Methodist Hospital. Certified Sexual Assault Nurse Examiners (SANEs) would provide the forensic evaluation and provide all other necessary medical services. The Methodist Hospital has a “Sexual Assault Emergency Care” policy and procedure that supports the provisions in this PREA standard. An interview with the hospital’s SANE Coordinator verified STI testing and emergency contraception are part of the standard SANE protocol. As previously mentioned, the Uta Halee Academy has a formal MOU with the hospital which further ensures provisions of this standard are successfully met. Interviews with Uta Halee staff verify they understand the program’s coordination protocol, which includes contacting the local hospital who would then contact the Women’s Center for Advancement to access advocacy and crisis intervention services.

**§115.383 – 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)

The Rite of Passage Safe Environmental Standards and corresponding policies support the provisions in this PREA standard. Agency policy dictates:

- The program must offer follow-up medical and mental health services and evaluations for victims of sexual abuse for the duration the youth is in the program
- The program must make referrals for continued care if a youth is transferred to or placed in another facility
- Female victims of sexual abuse will be offered pregnancy tests at no cost to the victim. The Program Director will be responsible for notifying the parent/guardian of test results in accordance with state and local laws.
- Student victims of sexual abuse while in the program will be offered tests for sexually transmitted infections at no cost to the victim. The Program Director will be responsible for notifying parent/guardian of test results in accordance with state and local laws.

In addition, the agency policy dictates that if the alleged abuser remains in a ROP program then a mental health evaluation must be completed within 60 days of the alleged sexual abuse incident. Interviews with the Uta Halee Case Managers revealed that if a youth was victimized by sexual abuse while in their care, they would immediately refer these youth to the Psychology Extern or a therapist for follow-up counseling services. Despite the backlog of students who have not been formally evaluated by the Psychological Extern, Case Managers stated victims of sexual abuse would be prioritized and connecting them to the Extern would be expedited. Case Manager interviews also revealed that as part of their routine practice, 30 days prior to a youth being released from the Uta Halee Academy, the Case Managers determine if services are needed when a youth is released into the community.

As previously mentioned, the Methodist Hospital’s “Sexual Assault Emergency Care” policy requires sexual assault victims are offered pregnancy tests and sexually transmitted infections testing at no cost to the victim.

#### **§115.386 – 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)

The Rite of Passage has a policy detailing the process for conducting sexual incident reviews. The policy requires after all sexual abuse investigations, a committee must convene to review the details of the incident and the investigation process and outcomes. This committee consists of the site management team (at a minimum, the Uta Halee Academy Program Director and the facility PREA Compliance Manager) and the agency Regional Imbedded Improvement PREA Coordinator (RIIP). The agency has created standardized forms to support this practice including the “SES Administrative and Response Review.” This form gathers information regarding whether program rules and assignments were followed – i.e. staffing ratios, policies, staff positioning, and youth room assignments, to name a few. The ROP policy also dictates specific topics be discussed as part of the incident review committee process. For example: If the incident or allegation was motivated by race, ethnicity, gender identity (i.e. lesbian, gay, bisexual, transgender, intersex identification, status or perceived status), gang affiliation, or resulted from other group dynamics at the facility. The discussion must also include whether staff levels were adequate, whether monitoring technology should be considered or augmented to supplement staff supervision, and other areas required by the provisions set forth in this standard. While onsite the auditor reviewed the five investigation reports, each which had completed “SES Administrative and Response Review” forms.

As part of the incident review process, ROP requires a second form be submitted to the RIIP within 30 days of the conclusion of the investigation. This form, titled “Post-PREA Investigation Recommendation and Implementation” summarizes the results of the incident review committee. More specifically, the form requires a description of the system issue or policy violation and detailed steps that will be taken to address the issue. All investigation reports reviewed also included these completed post-investigation reports.

At the time of the onsite visit, the Uta Halee Sexual Abuse Incident Review Committee consisted of the Program Director, the PREA Compliance Manager, and the Regional PREA Coordinator. Interviews revealed that there was no formal process in place for obtaining information from shift supervisors and line staff. During the corrective action phase, the program expanded the committee’s membership to include a Shift Supervisor and the Human Resources Manager. The “PREA Administrative and Response Review” form used during the incident review to document the discussion now includes areas in which each committee member must sign to demonstrate they participated in the discussion. This revised form was submitted to the auditor as evidence the required action was implemented. There have been no incidents of sexual abuse since the onsite audit and therefore, the auditor could not verify compliance by reviewing completed forms. The



auditor applauds the program for expanding the membership of this committee to include new members, as they play a key role in ensuring staff adhere to program policies and expected practices.

Provision (b) of this standard requires the Sexual Abuse Incident Review Committee to occur within 30 days of the conclusion of the investigation. Review of investigation reports and supporting documents revealed that most of Sexual Abuse Incident Review Committee were convened outside of the 30-day requirement. Three of the five committee meetings were conducted within 60 days of conclusion of the investigation.

#### **§115.387 – 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)

The ROP has formal policy dictating accurate and uniform data be collected and maintained for every allegation of sexual abuse. The policy requires the PREA Compliance Manager to maintain, review, and collect data consistent with data variables required by the Department of Justice. Documents must be maintained including reports, investigation files, and sexual incident reviews. In addition, The RIIP is required to aggregate incident-based sexual abuse data at least annually. Review of investigation reports and supplemental documents (i.e. completed DOJ surveys) revealed Uta Halee has an established practice verifying compliance with this PREA standard. In addition, the Agency PREA audit conducted in June 2017 allows the auditor to conclude the agency is following the requirements put forth in this standard.

#### **§115.388 – 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)

The ROP has a formal policy requiring all facilities to collect incident data to assess and improve the program's ability to prevent and detect sexual abuse incidents. As described earlier in this report, if the sexual abuse incident committee determines areas which may have contributed to an incident, the program is required to submit a corrective action plan to the agency's RIIP.

The Uta Halee Academy has developed an annual report related to PREA. However, the 2016 annual report did not include comparison data from previous years (as required in provision (b) of this standard). At the time of the onsite review the agency's PREA progress report was not posted on the agency's website. However, the Uta Halee annual PREA report and the 2015 PREA audit report were posted to the facility's website - <http://utahaleeacademy.com>.

During the corrective action period, the Rite of Passage created a template for future annual agency PREA reports. The ROP Agency PREA Coordinator submitted a draft of the agency's 2017 annual

report to verify the report will include comparison data from previous years as required by PREA standards. The report template also provides details of actions the agency has taken to achieve and sustain compliance with PREA standards. The auditor verified the link to the 2016 report is in working order - <https://riteofpassage.com/safe-environmental-standards/>. A call with the ROP Agency PREA Coordinator verified that the 2017 report will be completed and posted to the website by January 31, 2018.

**§115.389 – 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)

The ROP has a policy which dictates all programs will make aggregated sexual abuse data available at least annually and remove all personal identifiers. In addition, the policy requires the ROP Human Resources Department to retain sexual abuse data for at least 10 years after the date of its initial collection. This is consistent with the federal PREA requirements detailed in Standard 115.387. Onsite interviews with Uta Halee Academy leadership and the Rite of Passage Regional Director confirmed they understand this federal requirement. In addition, the Agency PREA Audit conducted in June 2017 confirmed the agency is in compliance with this PREA standard.

**§115.401 - Frequency and scope of audits; §115.402 – Auditor qualifications; §115.403 – Audit content and findings; and §115.404 – Audit corrective action plan**

The following information is provided as a way of demonstrating compliance with federal PREA Standards 115.401 through 115.405. This audit represents the second PREA audit for the Uta Halee Academy (the initial was conducted in 2015). Therefore, the Rite of Passage agency is compliant with Standard 115.401 (a) and (b) which requires facilities that house juvenile justice youth to undergo a PREA audit by August 2016.

The auditor is a federal PREA auditor certified by the Department of Justice. She has not received any financial compensation from the agency being audited. There are no other conflicts of interest, as defined by Standard 115.402 and 115.403, between the auditor and the Uta Halee or the Rite of Passage agency.

The audit was conducted consistent with Department of Justice PREA expectations. Some of the highlights demonstrating compliance in this area include conducting extensive review of program materials, protocols, agency policies, staff records, youth files, various internal/external reports and licensing reports, and conducting a facility tour. The process also included interviews with several staff, volunteers, and youth as well as a conversation with the local victim advocacy group.

Throughout the audit review process, as well as during the onsite debriefing meeting, the agency and program leaders were made aware of additional PREA requirements and next steps. The conversation included, but was not limited to, describing the purpose of the 180-day corrective action period and explaining the requirement of making the audit report available to the public.

**AUDITOR CERTIFICATION:**

**Program:** Rite of Passage: Uta Halee Academy (comprised of Uta Halee Residential Academy, the Rite Way Shelter program, and the Life Tracks Transitional program)

**Date of On-Site Review:** August 21, 22, 23, and 24, 2017

The auditor certifies that the contents of the report are accurate to the best of his/her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.



**Sharon Pette, MSC, GBSS  
Certified DOJ PREA Auditor**

**Date:** 1/03/2018