

# **New York City Administration for Children's Services**

## **New York City Department of Youth and Community Development**

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### **Identifying, Reporting, and Providing Services for Youth at Risk of Sexual Human Trafficking in New York City**

**Report 2021-N-2 | June 2022**

**OFFICE OF THE NEW YORK STATE COMPTROLLER  
Thomas P. DiNapoli, State Comptroller**

**Division of State Government Accountability**



# Audit Highlights

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## Objective

To determine if the New York City Administration for Children's Services and the New York City Department of Youth and Community Development identify, report on, and provide services for victims of child sex trafficking and those at risk of child sex trafficking. The audit covered the period from January 2017 through January 2022 for ACS and from January 2017 through September 2021 for DYCD.

## About the Program

Children and youth<sup>1</sup> are among society's most valuable resources. However, because of psychological, economic, and/or social factors, they could become victims of sexual exploitation. Reliable data on the commercial sexual exploitation of children (CSEC) does not exist because of the underground (in-the-shadows) nature of this crime. However, a 2016 white paper by The Field Center for Children's Policy, Practice and Research – University of Pennsylvania estimated that between 100,000 and 500,000 children are sexually exploited or at risk of sexual exploitation annually in the United States. New York City (NYC) reported an average of just 2,249 such children each year for the 4-year period of January 2017 through December 2020.

In September 2008, the Safe Harbour for Exploited Children Act (Safe Harbour) was signed into law in New York State. It became effective in 2010, making New York the first state in the nation to recognize sexually exploited minors as victims and not perpetrators of crimes.

In 2014, the U.S. Congress enacted the Preventing Sex Trafficking and Strengthening Families Act, which requires the screening of children within the child welfare system for potential sex trafficking and the timely reporting of sex trafficking incidents to law enforcement. It also requires data collection on sex-trafficked and at-risk youth. In 2015, the Office of Children and Family Services (OCFS) issued Administrative Directive 15-OCFS-ADM-16: Requirements to Identify, Document, Report and Provide Services to Child Sex Trafficking Victims. This Administrative Directive assists Local Departments of Social Services, including the NYC Administration for Children Services (ACS) – which is overseen by OCFS – and voluntary agencies, on how to identify, report on, and provide services to exploited children.

In 2013, OCFS began allocating Safe Harbour funds annually to certain counties – \$1.6 million in 2013, \$1.7 million in 2014, and \$3 million in 2015 to 2020 – to leverage and strengthen existing systems and to create a more effective and efficient response to youth who have experienced or are vulnerable to commercial sexual exploitation or trafficking. The annual funding was reduced to \$2 million in 2021. ACS was selected to plan and distribute these funds in NYC, and until 2020 provided some of the funds

CSEC refers to the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a minor for the purpose of a commercial sex act. Offenders of this crime, commonly referred to as traffickers or pimps, target vulnerable children and gain control over them using a variety of manipulative methods. Victims frequently fall prey to traffickers, who lure them in with an offer of food, clothes, attention, friendship, love, and a seemingly safe place to sleep. After cultivating a relationship with the child and engendering a false sense of trust, the trafficker will begin engaging the child in prostitution, and use physical, emotional, and psychological abuse to keep the child trapped in a life of prostitution. Victims are heavily conditioned to remain loyal to the trafficker and to distrust law enforcement. No child is immune to becoming a victim of sex trafficking regardless of race, age, socioeconomic status, or location, and every child involved in this form of commercial sexual exploitation is a victim.

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<sup>1</sup> An individual younger than 18 years is considered a child; an individual younger than 24 years is considered a youth.

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to the NYC Department of Youth and Community Development (DYCD) for developing and providing services to sexually exploited youth. DYCD contracts with community-based organizations (providers) to provide various youth welfare services, such as after-school and employment programs, school-based community centers, and runaway and homeless youth services.

Local Law 41 (LL41) of 2016 requires DYCD and ACS to submit an annual report to the Speaker of the NYC Council documenting the number of youth in contact with DYCD and ACS who are referred as, who self-report as, or who DYCD or ACS later determines to be sexually exploited children.

## Key Findings

- ACS officials failed to support that they ensured staff and providers screened children to identify sex-trafficked victims or at-risk youth. Consequently, ACS staff and/or providers failed to support that they had completed 473,675 (or 69%) of 685,126 required screenings from February 15, 2017 through December 31, 2020.
- We found that DYCD does not have procedures requiring its providers to screen youth for indicators of trafficking.
- We found deficiencies in both agencies' oversight of their staff's and providers' completion of mandatory training topics. According to documentation provided by both agencies, approximately 80% of ACS staff did not complete the training on sex trafficking within the required timeframes. In addition, DYCD officials did not ensure that all funded staff at its contracted providers completed recommended training on Sexual Exploitation Awareness.
- ACS and DYCD officials did not provide support for the total number of sex-trafficked victims or at-risk youth reported under LL41 between January 1, 2017 and December 31, 2020.
- ACS and DYCD officials did not provide records to show that the sex-trafficked and at-risk youth they identified had received adequate services, such as safe housing and medical, mental health, legal, educational, and/or vocational assistance.

## Key Recommendations

### To ACS:

- Enforce ACS' child screening policies and procedures, thereby ensuring staff and providers screen youth under its supervision, as required.
- Document and enforce procedures to ensure staff and providers comply with Administrative Directive 15-OCFS-ADM-16 and are adequately trained to identify, report on, and provide services to sex-trafficked and at-risk youth.
- Work with OCFS, DYCD, and other stakeholders to conduct a needs assessment to determine if strategies and resources are being used effectively and efficiently to identify and mitigate the impact of child sexual exploitation in NYC.

### To DYCD:

- Develop and enforce written policies and procedures to ensure staff and providers are adequately

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trained to identify, report on, and provide services to sex-trafficked victims. Periodically review training materials to ensure required topics meet DYCD's standards. Document outcomes of DYCD's reviews.

- Establish and enforce written procedures for providers to screen youth for indicators of trafficking.
- Collaborate with ACS and other stakeholders to reassess the process for gathering data and completing the LL41 annual reports. Make changes to improve the clarity and accuracy of the reports, as appropriate.



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**Office of the New York State Comptroller**  
**Division of State Government Accountability**

June 6, 2022

Jess Dannhauser  
Commissioner  
Administration for Children's Services  
150 William Street  
New York, NY 10038

Bill Chong  
Commissioner  
Department of Youth and Community Development  
2 Lafayette Street, 19th Floor  
New York, NY 10007

Dear Commissioners Dannhauser and Chong:

The Office of the State Comptroller is committed to helping State agencies, public authorities, and local government agencies manage government resources efficiently and effectively. By so doing, it provides accountability for the tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of State agencies, public authorities, and local government agencies, as well as their compliance with relevant statutes and their observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations. Audits can also identify strategies for reducing costs and strengthening controls that are intended to safeguard assets.

Following is a report of our audit of the New York City Administration for Children Services and the New York City Department of Youth and Community Development entitled *Identifying, Reporting, and Providing Services for Youth at Risk of Sexual Human Trafficking in New York City*. This audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article III of the General Municipal Law.

This audit's results and recommendations are resources for you to use in effectively managing your operations and in meeting the expectations of taxpayers. If you have any questions about this report, please feel free to contact us.

Respectfully submitted,

*Division of State Government Accountability*

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# Glossary of Terms

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Term	Description	Identifier
ACS	New York City Administration for Children's Services	Auditee
CSEC	Commercial sexual exploitation of children	<i>Key Term</i>
CTDB	Child Trafficking Database	<i>System</i>
DCJS	Division of Criminal Justice Services	<i>Agency</i>
2015 Directive	15-OCFS-ADM-16: Requirements to Identify, Document, Report, and Provide Services to Child Sex Trafficking Victims	<i>Policy</i>
2019 Directive	19-OCFS-ADM-11: Sex Trafficking Allegation	<i>Policy</i>
DOE	New York City Department of Education	<i>Agency</i>
DYCD	New York City Department of Youth and Community Development	Auditee
Field Center	The Field Center for Children's Policy, Practice and Research – University of Pennsylvania	<i>Key Term</i>
LDSS	Local Department of Social Services	<i>Local Office</i>
LL41	New York City Local Law 41, which requires annual reporting on human trafficking victims and services	<i>Report</i>
OCFS	Office of Children and Family Services	<i>Agency</i>
OTDA	Office of Temporary and Disability Assistance	<i>Agency</i>
Outreach	Homeless outreach services	<i>Key Term</i>
PM	Program Manager (DYCD)	<i>Key Term</i>
Provider	Community-based organization providing services	<i>Key Term</i>
RHY	Runaway and homeless youth services	<i>Program</i>
Safe Harbour	New York State Safe Harbour for Exploited Children Act	<i>Law</i>
SCR	New York Statewide Central Register of Child Abuse and Maltreatment	<i>Key Term</i>
Youth	Children or young adults (24 years or younger) residing in New York City, including runaway and/or homeless persons	<i>Key Term</i>

# Background

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Children and youth<sup>2</sup> are among society's most valuable resources. However, because of psychological, economic, and/or social issues, they could become victims of sexual exploitation. Reliable data on the commercial sexual exploitation of children (CSEC) does not exist because of the underground (in-the-shadows) nature of the crime. However, a 2016 white paper by The Field Center for Children's Policy, Practice and Research – University of Pennsylvania (Field Center) estimated that between 100,000 and 500,000 children are sexually exploited or at risk of sexual exploitation annually in the United States. New York City (NYC) reported an average of just 2,249 such children each year for the 4-year period of January 2017 through December 2020.

Human trafficking involves controlling a person through force, fraud, or coercion for the purpose of forced labor, commercial sex, or both. Child sex trafficking, or CSEC, involves inducing a child under the age of 18 to perform a commercial sex act in exchange for anything of value. Child sex trafficking is increasingly recognized as a compelling legal and societal problem.

In 2005, the New York State Assembly's Committee on Children and Families convened a hearing where several young people testified about their harrowing experiences as victims of sexual exploitation in NYC when they were as young as 12 or 13 years old. On June 6, 2007, the State enacted an Anti-Trafficking Law and established an Interagency Task Force on Human Trafficking to target sex and labor trafficking and to support the victims of those crimes (see Exhibit A). In September 2008, the Safe Harbour for Exploited Children Act (Safe Harbour) was signed into law in New York State. It became effective in 2010, making New York the first state in the nation to recognize sexually exploited minors as victims and not perpetrators of crimes.

In 2014, the U.S. Congress enacted the Preventing Sex Trafficking and Strengthening Families Act, which requires screening of children within the child welfare system for potential sex trafficking and the timely reporting to law enforcement of any child determined to be sex trafficked. It also required data collection on sex-trafficked and at-risk youth. In 2015, the Office of Children and Family Services (OCFS) issued Administrative Directive 15-OCFS-ADM-16: Requirements to Identify, Document, Report and Provide Services to Child Sex Trafficking Victims (2015 Directive). The 2015 Administrative Directive assists Local Departments of Social Services (LDSSs), including the NYC Administration for Children Services (ACS) – which is overseen by OCFS – and voluntary agencies, on how to identify, report on, and provide services to exploited children. ACS protects

CSEC refers to the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a minor for the purpose of a commercial sex act. Offenders of this crime, commonly referred to as traffickers or pimps, target vulnerable children and gain control over them using a variety of manipulative methods. Victims frequently fall prey to traffickers, who lure them in with an offer of food, clothes, attention, friendship, love, and a seemingly safe place to sleep. After cultivating a relationship with the child and engendering a false sense of trust, the trafficker will begin engaging the child in prostitution, and use physical, emotional, and psychological abuse to keep the child trapped in a life of prostitution. Victims are heavily conditioned to remain loyal to the trafficker and to distrust law enforcement. No child is immune to becoming a victim of sex trafficking regardless of race, age, socioeconomic status, or location, and every child involved in this form of commercial sexual exploitation is a victim.

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<sup>2</sup> An individual younger than 18 years is considered a child; an individual younger than 24 years is considered a youth.

and promotes the safety and well-being of NYC's children and families by providing child welfare, juvenile justice, and early-care and education services.

In 2015, ACS became the first NYC public agency to dedicate full-time resources to child trafficking by creating the Office of Child Trafficking and Prevention and Policy unit. This unit provides a list of services including training and resource information for other jurisdictions and organizations in need of information and expertise. It also provides free tattoo removal referrals to licensed medical professionals for trafficked and gang youth involved with the NYC child welfare system. Each year ACS' Division of Child Protection conducts more than 50,000 investigations of suspected child abuse or neglect (see Exhibit B).



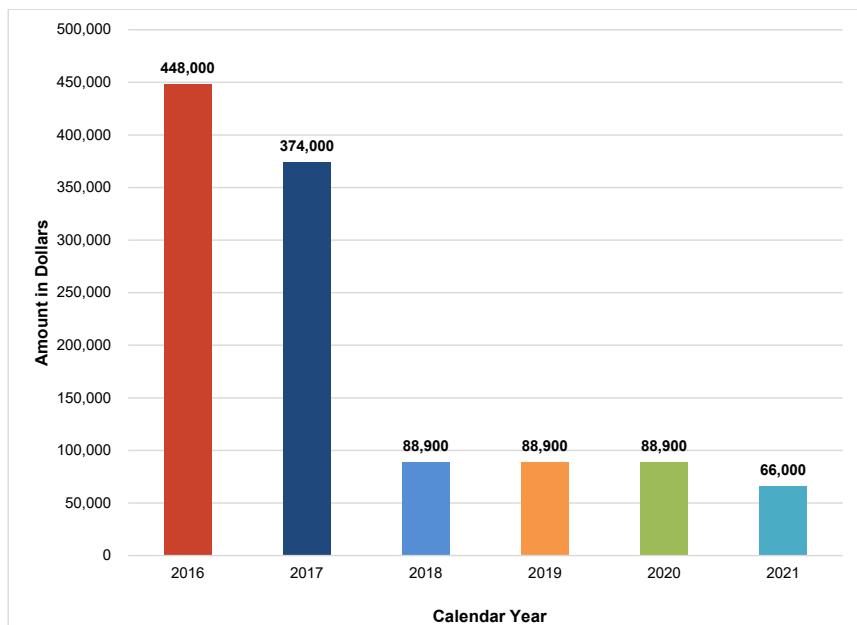
ACS Trafficking Campaign

In 2013, OCFS began allocating Safe Harbour funds annually to certain counties – \$1.6 million in 2013, \$1.7 million in 2014, and \$3 million in 2015 to 2020 – to leverage and strengthen existing systems and to create a more effective and efficient response to youth who have experienced or are vulnerable to commercial sexual exploitation or trafficking. The goal was to bring counties up to a functioning level and provide programmatic support that would allow the counties time to integrate policies and procedures into practice and to be able to continue serving the youth once the funding is reduced. The annual funding was reduced to \$2 million in 2021. ACS was selected to plan and distribute these funds in NYC. Beginning in 2017, the annual allocation to ACS was incrementally reduced (see Figure 1).

Until 2020, ACS provided some of the funds to the NYC Department of Youth and Community Development (DYCD) for developing and providing services to sexually exploited youth. DYCD contracts with community-based organizations (providers) to provide various youth welfare services, such as after-school and employment programs, school-based community centers, and runaway and homeless youth (RHY) services. DYCD's RHY program includes Crisis Services, Drop-In Centers, Street Outreach, Transitional Independent Living, and Referral services.

As part of their reporting requirements under Local Law 41 of 2016 (LL41), both DYCD and ACS are required to submit an annual report to the Speaker of the NYC Council documenting the number of youth in contact with DYCD and ACS who are

**Figure 1 – OCFS' Safe Harbour Funds Allocated to ACS for the Period 2016 Through 2021\***



\* OCFS did not provide auditors with data for 2013, 2014, and 2015.

referred as, who self-report as, or who DYCD or ACS later determines to be sexually exploited children.

According to OCFS, no child is immune from becoming a victim of child sex trafficking, regardless of age, race, gender, socioeconomic status, or location. However, research shows that certain populations are at a greater risk of becoming victims of sex trafficking. These populations include runaway and homeless youth involved in the child welfare system. Field Center researchers conducted multi-city interviews of 270 children/youth and reported their findings in a 2018 report titled "Human Trafficking Prevalence and Child Welfare Risk Factors Among Homeless Youth: A Multi-City Study."<sup>3</sup> Their interviews with runaway and homeless youth revealed many shared experiences among them:

***On the same night that she ran away from her mother's house, a 10-year-old met a man on the street who became her trafficker. He kept her hidden and out of school and forced her to have sex with adult men for a year before police found her.***

***Another respondent, who left foster care after being sexually abused for several years, began trading sex with those who offered love, money, food, and a sense of safety.***

Annually, the Federal Bureau of Investigation, the NYC Police Department, the State Police, the Offices of the five NYC District Attorneys, as well as the Offices of the U.S. Attorneys for the Eastern and Southern Districts of New York arrest, indict, and/or obtain convictions of individuals who are involved in the sexual trafficking of children.

***From about August 2016 through May 2017, the defendant recruited two minor victims, who were living in foster care facilities or homes in NYC, to engage in commercial sex acts. The defendant took lewd photographs of the two victims and posted them on Backpage – a social media forum used for the advertising of adult content – advertising them for commercial sex. Consequently, the two victims saw as many as 10 to 15 customers each day. The defendant, who took all the proceeds from the acts thus forcing the victims to rely on him for food and clothing, was sentenced to 25 years in prison.***

– As reported by the [Department of Justice, U.S. Attorney's Office, Southern District of New York, June 24, 2021](#)

<sup>3</sup> Wolfe, DS, Greeson, JKP, Wasch, S, & Treglia, D. (2018). *Human Trafficking Prevalence and Child Welfare Risk Factors Among Homeless Youth: A Multi-City Study*. The Field Center for Children's Policy, Practice & Research, University of Pennsylvania.

# Audit Findings and Recommendations

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ACS and DYCD have developed, promoted, implemented, and funded initiatives and programs to improve the safety and well-being of NYC children and to mitigate the sexual exploitation of children. These initiatives and programs include the provision of crisis services, participation on task forces, engaging and funding organizations with expertise in dealing with youth, conducting training, providing shelter, administering jobs and internships for youth, and providing homeless outreach services (outreach), among other services. However, both ACS and DYCD need to do more to identify, report on, and provide services to child sex trafficking victims and those at risk.

We found ACS' staff and providers failed to support that they completed 473,675 (69%) of 685,126 sex-trafficking screenings for the period February 15, 2017 through December 31, 2020. These mandatory screenings are required to identify sex-trafficked or at-risk youth. In addition, despite our several requests, ACS and DYCD did not provide support for the sex-trafficking numbers in their LL41 reports for calendar years 2017 through 2020; therefore, we have no assurance that the reported data accurately reflects the number of trafficked youth and youth at risk of being trafficked. We also found that both agencies did not adequately monitor staff and/or providers to ensure mandatory trainings and/or training topics were completed or completed timely. Moreover, neither agency provided documentation to support that sex-trafficked or at-risk youth received adequate services.

According to NYC's Internal Control and Accountability Directives, internal control must be an integral part of agency management in satisfying the agency's overall responsibility for successfully achieving its assigned mission and ensuring full accountability for resources. We found significant deficiencies in both ACS' and DYCD's control environment, control activities, and monitoring activities that hindered their efforts to substantiate that their staff and/or providers identify, report on, and provide services to sex-trafficked and at-risk youth.

Without proper training, outreach, screening procedures, and record keeping, neither agency can ensure that staff and/or providers are effectively using available resources and guidance to identify, report on, and provide services to sex-trafficked and at-risk youth. Moreover, unreliable data can lead to false insights and misconceptions, which may impact anti-trafficking efforts including quality and quantity of services available for victims, anti-trafficking legislation and policy, and public perception regarding the severity of child sex trafficking. Inaccurate reporting of ACS' or DYCD's efforts could also influence federal, State, and local government decisions when allocating resources to agencies serving NYC residents.

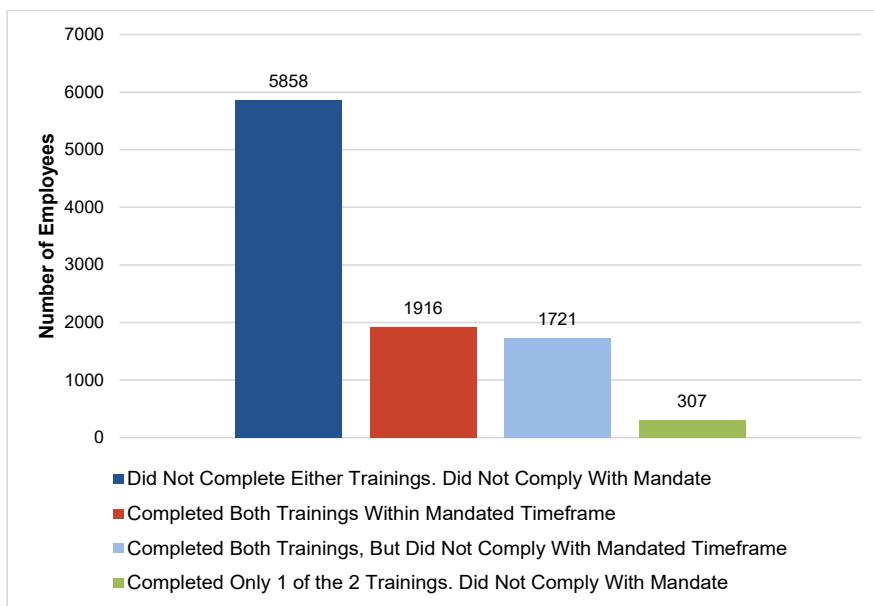
## Training

On September 1, 2015, OCFS issued its 2015 Directive, which, among other things, mandated that current foster care, child protective and preventive staff, and new hires complete two courses: "Human Trafficking/Commercially Sexually Exploited Children (CSEC); An Overview" and "Child Welfare Requirements for Identifying and Working with Sex Trafficking Victims." Staff hired through September 28, 2016

were to complete the training before October 2016. Staff hired after September 28, 2016 were required to complete the two courses within 6 months (180 days) of their start date. OCFS emphasized that sex trafficking is a very complicated issue, and assisting children who are victims or who are at risk requires a high level of knowledge and sensitivity to the issue. The 2015 Directive strongly encouraged staff and service providers to complete additional training on human trafficking.

We reviewed a total of 9,802 training records for staff who worked at ACS between January 1, 2017 and December 31, 2020 to determine if they completed the trainings in accordance with the 2015 Directive. As of October 21, 2021, we found that approximately 80% of staff had not completed the training within the required timeframes. Other findings related to the mandatory trainings are noted in Figure 2.

**Figure 2 – Analysis of ACS’ Compliance With OCFS Directive Training Requirements**



In response to our preliminary audit findings, ACS officials stated that they offer staff and providers extensive specialty and advanced training on an ongoing basis, thus providing them with experiential knowledge on sex trafficking. However, OCFS officials advised that additional training offered by ACS cannot substitute for the mandated training.

Although OCFS identified in its directive that runaway and homeless youth are vulnerable to being trafficked, there are no specific State regulations that require DYCD or its providers to complete sex-trafficking training. However, DYCD requires providers to complete annual Sexual Exploitation Awareness training. DYCD officials asserted that they require this training because they recognized that their programs serve communities (such as homeless youth) who are inherently at risk of being trafficked.

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However, the content of the training is not prescribed by DYCD, and providers are offered flexibility to determine and implement training that is most relevant to their staff's qualifications and the young people they serve. According to DYCD officials, they review the topics of the training completed by providers' staff, and can intervene and suggest alternative training if the content or delivery is deemed not to be valuable for the purposes of working in an RHY program. However, DYCD officials could not provide evidence that they reviewed or are aware of the content of the Sexual Exploitation Awareness training. In addition, the providers we interviewed confirmed that DYCD does not review the content of their Sexual Exploitation Awareness training. Therefore, DYCD cannot be assured that the providers' trainings meet DYCD's requirement.

Nevertheless, DYCD explained that, as part of its process to monitor its programs, officials visit each provider three times each fiscal year (i.e., between July and June) to conduct Administrative Reviews. During these reviews, officials examine the provider's personnel files for compliance with DYCD's requirements – such as records documenting the provider's completion of required training. Moreover, DYCD's Program Managers (PMs) are expected to review 100% of personnel files for providers' DYCD-funded program staff during each site visit to determine if such staff completed the mandated training by the time of the Administrative Review. Once the review is completed, PMs submit the evaluation to DYCD's Deputy Director for further review.

To determine if DYCD monitored its providers' completion of this training, we requested all the completed Administrative Reviews conducted for each provider during the audit scope. However, DYCD could only provide an Excel spreadsheet showing excerpts of 307 Administrative Review results for periods between March 20, 2018 and August 26, 2021 and a self-selected sample of 10 Administrative Review forms, which officials assert support staff's administrative reviews of selected providers. Based our review, we determined that DYCD's PMs reviewed just 25% to 50% of personnel files during eight of the 10 visits; we could not determine how many files were reviewed by the PMs for the other two visits. In addition, four of the 10 Administrative Review forms indicated compliance with DYCD's training requirement, even though the PMs did not review 100% of the providers' personnel files.

Without ensuring its staff and/or providers complete mandatory trainings and topics, ACS and DYCD officials have no assurance that staff and contractors are adequately equipped to identify (screen) and provide services to sex-trafficked and at-risk children. These deficiencies hinder NYC's efforts to identify, report on, and provide services to trafficked and at-risk children, as various local, State, and federal agencies rely on reports from these agencies and providers for coordinating and funding child sex-trafficking services.

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## Screenings

OCFS' Administrative Directive also required ACS to use specific tools to screen children and youth whom the State or ACS has responsibility for placement, care, or supervision and where there is reasonable cause to believe the child or youth is a sex-trafficking victim or at risk of being a sex-trafficking victim. The two screening tools required under the directive are the Rapid Indicator Tool (OCFS-3921) and the Child Sex Trafficking Indicators Tool (OCFS-3920). According to ACS, due to the volume of cases within ACS and its contract agencies and detention facilities, large-scale paper screenings did not permit a concise, longitudinal history of a trafficked child or accurate and timely data tracking. On February 15, 2017, ACS launched the Child Trafficking Database (CTDB or system), which integrated OCFS' mandated screening tools into the system. Screenings in CTDB remain active for 30 days before they are automatically designated as "completed by the system" even if the screener did not enter any information or only partially completed the screening. Moreover, the CTDB also allows screeners to deactivate a screening for specific reasons, such as if the screener was not assigned to complete the screening in CONNECTIONS<sup>4</sup> or the case was reassigned in CONNECTIONS. According to ACS, when a screener deactivates a screening, he/she must obtain supervisory approval and document within the CTDB the reason for deactivation.

We requested screening data for the four calendar years ended December 31, 2020 to determine if ACS employees conducted mandatory screenings, as required by OCFS. ACS officials did not provide paper screening records dated prior to February 15, 2017; thus, we have no assurance that screenings were conducted between January 1, 2017 and February 14, 2017. ACS officials provided spreadsheets detailing the status of assigned screenings conducted between February 15, 2017 and December 31, 2020, and data showing 685,126 screening records for the same period. However, ACS omitted at least 7,822 of the screening records conducted during this period. Despite our repeated requests, ACS did not provide an explanation for this omission. In addition, we were unable to test the reliability of this data due to COVID-19 restrictions.

We reviewed the 685,126 screening records provided and found that:

- 473,675 (69%) were automatically designated as completed by the CTDB system;
- 140,899 screenings were completed by ACS and/or its providers;
- 57,670 were pending review;
- 10,874 were still active as of January 26, 2022; and
- 2,008 were deactivated.

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<sup>4</sup> CONNECTIONS is OCFS' system that allows for documentation of the delivery of child welfare services to families and children.

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In response to our preliminary findings, ACS officials still did not provide an explanation for the missing records. They stated that CONNECTIONS would not permit ACS to finalize a child welfare case if the screening result is not documented in CONNECTIONS. However, CONNECTIONS does not have a mechanism to complete screenings; thus, we question how officials could enter the results of alleged screenings without the source documentation to support the results entered in CONNECTIONS. Also, ACS did not provide records showing supervisory approval for the deactivated screenings, even though its policies require screeners to obtain and document such supervisory approval in the CTDB.

Screening of vulnerable youth for signs of trafficking has been identified by federal, State, and various other organizations as an effective way of identifying trafficking victims. However, DYCD is not required by law or directive to develop procedures for screening youth in their programs for trafficking indicators. We found DYCD relies on the youth to voluntarily disclose to providers that they have experienced sexual trafficking, even though DYCD officials have acknowledged that runaway and homeless youth are at an extremely high risk of being trafficked and that this vulnerable population is reluctant to disclose that they have been or are being trafficked or may not even understand that they are being trafficked.

Nevertheless, pursuant to OCFS' Administrative Directive 19-OCFS-ADM-11 (2019 Directive), mandated reporters, including DYCD's providers, are required to report incidents to the Statewide Central Register of Child Abuse and Maltreatment (SCR) when there is a reasonable cause to suspect a child is being trafficked by or with the knowledge of a parent or guardian (see Exhibit C). Included in this directive is a list of questions that mandated reporters could use to determine if there is reasonable cause to make such SCR reports. Despite our inquiry, DYCD officials could not show it ensured its providers assessed program participants to comply with the 2019 Directive.

## Local Law 41 Reporting

LL41 requires DYCD and ACS to submit an annual report to the Speaker of the NYC Council documenting the number of youth in contact with DYCD and ACS who are referred as, who self-report, or who DYCD or ACS later determines to be sexually exploited children. In addition, the law requires the two agencies to determine and report the number of such children who received services from them or their providers. The report must also contain a description of the services provided, including, but not limited to, the number of beds designated for such children and the types of mental health and health services. Further, the law requires the two agencies to document their methods for collecting data regarding this population.

During a part of the audit scope (January 2017–December 2020), DYCD and ACS issued joint annual reports indicating they and/or their providers served a total of 8,994 youth – an average of just 2,249 each year, as follows:

- 3,099 youth served only by DYCD's RHY providers;

- 
- 2,987 youth served by an unknown agency;
  - 1,445 youth who received services from ACS and/or DYCD's RHY providers;
  - 1,349 youth served only by ACS or its providers; and
  - 114 youth served by preventive/family advocates.<sup>5</sup>

We requested documents from ACS and DYCD to support the number of youth served. ACS only provided email correspondence from the Office of Temporary and Disability Assistance (OTDA) confirming that 115 NYC youth were trafficked in 2019. However, we have no assurance those 115 youth had received services from ACS or its service providers. DYCD officials provided summary spreadsheets and certain other records to support their totals in the annual reports. However, they did not provide supporting records for their 2020 report and only provided partial records for their 2019 report. We identified other deficiencies with the LL41 reports, such as both agencies not reporting the total number of sexually exploited children who received services from DYCD and ACS, as required. Instead, both agencies only reported the number of sex-trafficked and/or at-risk youth who were newly identified during each specific reporting year.

In addition, we identified inconsistencies in the reporting. LL41 requires both agencies to report the number of youth in contact with them who are referred as, who self-report, or who DYCD or ACS later determines to be sex trafficked. Although ACS reported all three categories, DYCD only reported the number of youth who self-reported as having been exploited (sex trafficked). In response to our preliminary audit findings, neither agency explained their decision to not report on the total number of sex-trafficked youth served. During various meetings with ACS, including the closing conference, officials asserted that some of the information we requested may be confidential; consequently, no information was provided. In a subsequent meeting, OCFS advised that ACS would not provide any information without a confidentiality agreement. On May 11, 2021, we commenced discussions with ACS on the contents of a proposed confidentiality agreement and shared multiple drafts with them. Although an agreement was finally signed on January 6 and January 11, 2022, respectively, by ACS and the Office of the State Comptroller, none of the requested information has been provided by ACS.

Without supporting records, the auditors as well as readers of this audit report have no assurance that the information is reliable. As previously stated, unreliable and/or inaccurate data can lead to false insights and misconceptions, which may impact anti-trafficking efforts.

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<sup>5</sup> According to ACS' and DYCD's LL41 reports, preventive/family advocates served 114 youth in calendar year 2019 and 89 youth in calendar year 2020. However, ACS and DYCD excluded the 89 served by preventive/family advocates in calendar year 2020 from their total count of trafficked youth served.

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## Service Provision

OCFS' 2015 Directive requires LDSSs, including ACS, to determine appropriate services for any child who is identified as a sex-trafficking victim or as at risk. According to the directive, LDSSs can use available resources to provide appropriate services such as safe housing and medical, mental health, legal assistance, educational, and/or vocational assistance that meets the child's needs; such services and/or referrals should be documented. LL41 requires a description of the services provided, including, but not limited to, the number of beds designated for such children as well as the types of mental and other health services. If a social service provider determines that a youth's condition meets the federal definition of a trafficked victim, the case should be referred to OTDA or the Division of Criminal Justice Services (DCJS) for confirmation. Upon OTDA's and DCJS' investigation, OTDA issues confirmation letters to sex-trafficked victims. These letters permit individuals to receive services, such as vacating certain criminal charges; serve as proof when applying for services from the Office of Victim Services; and serve as proof for youth who cannot return to their parents' home but need to obtain services on their own.

ACS stated that its staff and providers addressed the needs of sex-trafficking victims by providing services or referrals to appropriate services. However, despite several requests, as of January 20, 2022, ACS had not provided any records of the services its officials and/or providers delivered to sex-trafficked youth. DYCD provided us with computer-generated records summarizing the aggregate count of reportedly exploited youth who received mental health counseling or mental health referrals from DYCD providers. However, some of the information in these records was crossed out and/or manually altered in pen, without an explanation or an indication of who made the changes. Furthermore, DYCD did not provide documentation to support the aggregate numbers claimed.

Trafficking results in long- and short-term physical, emotional, psychological, and economic hardships for victims. Without the records, we have no assurance that ACS and DYCD ensured their staff and providers identified and delivered appropriate, timely, and sufficient services to sex-trafficked and at-risk youth. Failure to sufficiently recognize and timely respond to victims' needs may lead to further victimization.

## Coordination With Other Agencies

Combating CSEC requires a multi-agency approach. Although only ACS and DYCD are the subject of this audit, they both emphasized the need to involve other major NYC agencies such as the Department of Education (DOE) in addressing CSEC. Schools can and should be safe places for students. Moreover, with appropriate training, schools are in a unique position to intervene early and reduce students' risk of becoming trafficking victims. DOE, the largest school district in the nation, reportedly serves approximately 1 million students, the majority of whom are less than 18 years old, in more than 1,500 public schools.

***During our audit, we read of a convicted female trafficker who repeatedly trafficked three of her sisters as well as a 13-year-old girl who lived in a Bronx homeless shelter. When not being trafficked, the girl attended 8th grade at a NYC public school. It was alleged that the school nurse became aware of the issue when the girl reportedly visited the nurse's office weekly to request sexually transmitted disease and pregnancy tests.***

On June 15, 2021, we met with DOE officials to determine if they were aware of this and other CSEC incidents in its school population, if policies and practices were in place to educate staff and students on sex trafficking, and whether brochures and other materials were displayed and/or handed out at school fairs, open house events, and student-parent-teacher conferences. DOE officials told us they have no current guidelines for serving child sex-trafficking victims but may develop some through its ongoing work group with ACS. DOE advised that, upon request, ACS may provide schools with human trafficking training, but such training is not currently mandatory for school staff. ACS advised us that DOE only recently began developing an initiative to address trafficking within its school system. According to ACS, DOE requires its staff and consultants to report suspicions of child abuse to the SCR.

On October 8, 2020, the U.S. Department of Health and Human Services, Administration for Children and Families – Office of Trafficking in Persons awarded approximately \$4.3 million in grants to eight school districts. No awards were made to DOE, and DOE officials did not state if they had applied for a grant. These grants are awarded, upon application, under the Frederick Douglas Act of 2018, and are designed to educate teachers and other school staff to recognize and respond to signs of human traffic and to provide age-appropriate information to students on how to avoid victimization.

## **Impact of the COVID-19 Pandemic**

Beginning in March 2020, NYC schools instituted hybrid (in-person and/or online) instruction to mitigate the impact of the COVID-19 pandemic. Consequently, many children had increased access to computers and the Internet. Simultaneously, many families were dealing with increased socioeconomic issues such as job loss, balancing work with the increased presence of their children at home, and an increase in the number of unsupervised hours their children spent online. According to the U.S. Department of Justice, during the COVID-19 pandemic, children have been online more than ever. This increased online presence puts them at greater risk of exploitation as the increase in time potentially creates a target-rich environment for child predators, who use various online methods to sexually exploit children. Further, the NYC Mayor's Management Report for 2021 indicated a substantial reduction in reports from school staff and other mandated reporters on child abuse and neglect.

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## Recommendations

### To ACS:

1. Enforce ACS' child screening policies and procedures, thereby ensuring staff and providers screen youth under its supervision as required.
2. Document and enforce procedures to ensure staff and providers comply with Administrative Directive 15-OCFS-ADM-16, and are adequately trained to identify, report on, and provide services to sex-trafficked and at-risk youth.
3. Develop procedures for reviewing the accuracy and consistency of ACS' sex trafficking reporting.
4. Work with OCFS, DYCD, and other stakeholders to conduct a needs assessment to determine if strategies and resources are being used effectively and efficiently to identify and mitigate the impact of child sexual exploitation in NYC.

### To DYCD:

5. Develop and enforce written policies and procedures to ensure staff and providers are adequately trained to identify, report on, and provide services to sex-trafficked victims. Periodically review training materials to ensure required topics meet DYCD's standards. Document outcomes of DYCD's reviews.
6. Develop procedures for reviewing the accuracy and consistency of DYCD's sex trafficking reporting.
7. Establish and enforce written procedures for providers to screen youth for indicators of trafficking.
8. Actively participate in procedures for reporting on sex-trafficked and at-risk youth to NYC governance.
9. Collaborate with ACS and other stakeholders to reassess the process for gathering data and completing the LL41 annual reports. Make changes to improve the clarity and accuracy of the reports, as appropriate.

# Audit Scope, Objective, and Methodology

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The objective of this audit was to determine whether ACS and DYCD identify, report on, and provide services for victims of child sex trafficking and those at risk of child sex trafficking. The audit covered the period from January 2017 through January 2022 for ACS and from January 2017 through September 2021 for DYCD.

To accomplish our objective and assess ACS' and DYCD's relevant internal controls, we interviewed ACS and DYCD officials. We also met with officials from several State agencies – OCFS, OTDA, and DCJS – as well as NYC agencies – the Mayor's Office to End Gender Based Violence, the Human Resources Administration, the NYC Police Department's Human Trafficking Squad, and DOE – to understand their relationships with ACS and DYCD and their roles in identifying, reporting on, and/or providing services to youth identified as being sex trafficked or at risk of being sex trafficked. We also met with several community-based organizations, such as Safe Horizon,<sup>6</sup> Girls Educational and Mentoring Services, and Covenant House, that receive some funding from ACS and DYCD to combat sex trafficking to determine what strategies are in place to identify and serve at-risk youth. We also reviewed relevant federal, State, and local laws as well as any written policies ACS, DYCD, and other State and NYC agencies have issued pertaining to human trafficking.

We requested for review records showing both agencies' monitoring of staff's and providers' training on identifying, reporting on, and providing services to sex-trafficked or at-risk youth. We also requested and reviewed training records for 11,125 ACS employees who worked for ACS between January 1, 2017 through December 31, 2020 (excluding provider staff and ACS staff not required to take the training). We determined 9,802 of the 11,125 employees worked for ACS during the period of January 1, 2017 through December 31, 2020 and/or worked at least 180 days. Based on the requirements of the 2015 Directive, we determined the number of employees who complied with OCFS' directive. In response to our request for training records, DYCD provided a spreadsheet showing excerpts of 307 Administrative Review results for periods between March 20, 2018 and August 26, 2021. We determined that these excerpts did not contain sufficient information to determine training compliance. Consequently, DYCD provided the audit team with a self-selected sample of 10 Administrative Review forms, which officials asserted support DYCD staff's review of providers' training completion. We reviewed these records and found that DYCD's PMs reviewed just 25% to 50% of the evaluated providers' staff records during eight of the 10 visits; we could not determine how many records were reviewed by the PMs during the other two visits. These samples were not designed to have their results projected to the population.

We also requested ACS', DYCD's, and providers' records of the sex-trafficked youth identified during the audit scope. Neither ACS nor DYCD provided complete records showing that staff or providers assessed youth within their programs for signs of

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<sup>6</sup> On January 26, 2022, audit staff accompanied Safe Horizon staff on one of their late-night outreach initiatives to Washington Square Park and the Port Authority Bus Terminal in Manhattan. We observed staff interacting with homeless youth and adults. Sleeping bags, toiletries, and snacks, as well as guidance and information on the services offered by Safe Horizon, were provided to each youth and adult.

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trafficking. Although ACS indicated there should be at least 692,948 child screening records, officials provided just 685,126. ACS also did not provide screening records that were not recorded in CTDB. Our conclusions are based solely on the records ACS provided. According to DYCD, it does not require providers to screen for sex-trafficked youth. Instead, DYCD officials expect providers to inform them of any self-reported incidents of sex trafficking. Despite the information in the LL41 annual reports, ACS and DYCD could not demonstrate they adequately identified and addressed the needs of sex-trafficked victims.

# Statutory Requirements

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## Authority

The audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article III of the General Municipal Law.

We conducted our audit in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained during our audit provides a reasonable basis for our findings and conclusions based on our audit objective.

As is our practice, we notify agency officials at the outset of each audit that we will be requesting a representation letter in which agency management provides assurances, to the best of their knowledge, concerning the relevance, accuracy, and competence of the evidence provided to the auditors during the audit. The representation letter is intended to confirm oral representations made to the auditors and to reduce the likelihood of misunderstandings. Agency officials normally use the representation letter to assert that, to the best of their knowledge, all relevant financial and programmatic records and related data have been provided to the auditors. They affirm either that the agency has complied with all laws, rules, and regulations applicable to its operations that would have a significant effect on the operating practices being audited, or that any exceptions have been disclosed to the auditors. However, officials at the NYC Mayor's Office of Operations informed us that, as a matter of policy, mayoral agency officials do not provide representation letters in connection with our audits. As a result, we lack assurance from ACS and DYCD officials that all relevant information was provided to us during the audit.

## Reporting Requirements

A draft copy of this report was provided to ACS and DYCD officials for their review and formal comment. Their comments were considered in preparing this final report and are attached in their entirety at the end of it. ACS and DYCD officials generally agreed with the report's recommendations and indicated actions they have taken or will take to implement them. We address certain of their remarks in our State Comptroller's Comments, which are embedded within each of their responses. ACS also included its "8 Years of Progress 2014-2021" report as an attachment to its response. This attachment has not been reproduced within our report but has been retained on file at the Office of the New York State Comptroller.

Within 180 days of the final release of this report, we request that the Commissioners of the Administration for Children's Services and the Department of Youth and Community Development report to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and if the recommendations were not implemented, the reasons why.

# Exhibit A

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## Members of the Interagency Task Force on Human Trafficking

### 10 State Agencies:

- Division of Criminal Justice Services (co-chair)
- Office of Temporary and Disability Assistance (co-chair)
- Department of Health
- Office of Mental Health
- Department of Labor
- Office of Children and Family Services
- Office of Addiction Services and Supports<sup>7</sup>
- Office of Victim Services
- Office for the Prevention of Domestic Violence
- Division of State Police

### Seven Other Members:

- Four representatives recommended by the Legislature (two by the Senate President and two by the Assembly Speaker)
- Two representatives recommended by the New York not-for-profit organization that receives the largest share of State funds for providing services to victims of human trafficking
- One representative recommended by the President of the New York State Bar Association

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<sup>7</sup> Previously known as the Office of Alcoholism and Substance Abuse Services (OASAS).

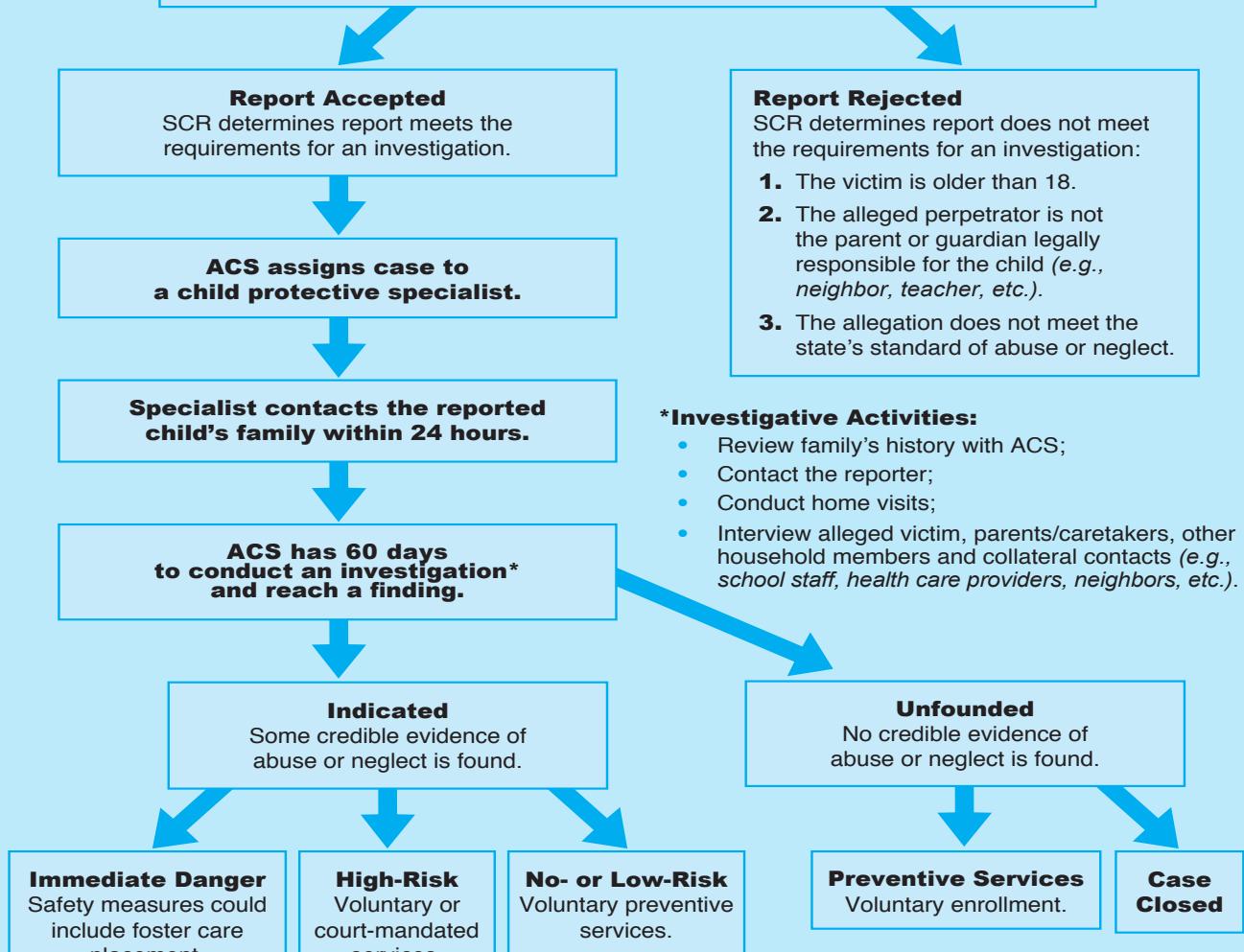
# Exhibit B

## ACS' Child Protective Investigation Flowchart

### What Happens When a Suspected Case of Child Abuse or Neglect Is Reported?

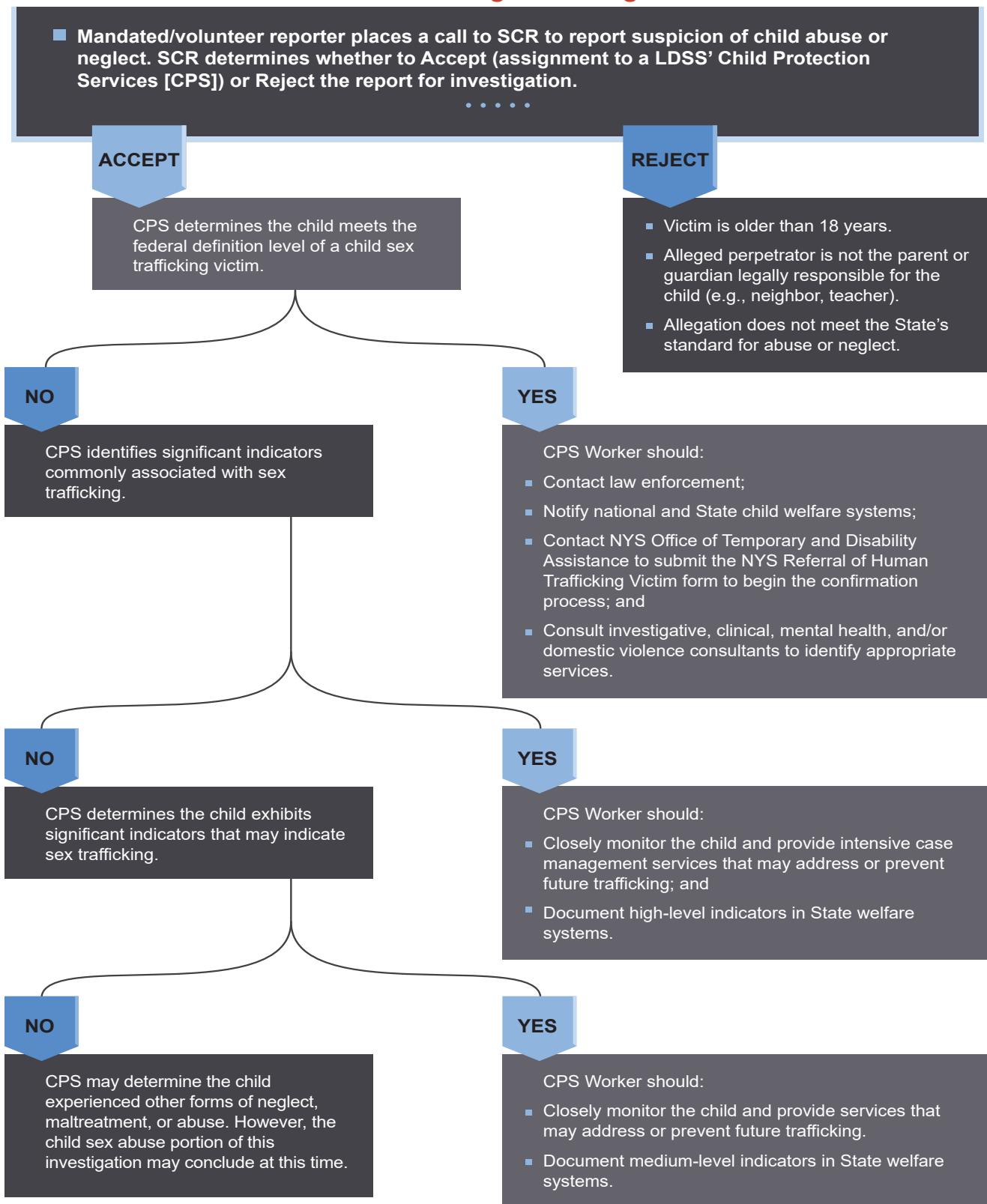
#### New York City Administration for Children's Services Child Protective Investigation

Call is placed to the State Central Register (SCR) for Abuse and Maltreatment  
1-800-342-3720 for Public,  
1-800-635-1522 for Mandated Reporter or 311



# Exhibit C

## Child Sex-Trafficking Screening Flowchart



# Agency Comments - ACS and State Comptroller's Comments

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March 23, 2022

Kenrick Sifontes, Audit Director  
Office of the State Comptroller  
Division of State Government Accountability  
59 Maiden Lane - 21<sup>st</sup> Floor  
New York, NY 10038

**Jess Dannhauser**  
Commissioner  
  
**Eden Hauslaib**  
Chief Accountability Officer

**Jennifer Fiellman**  
Assistant Commissioner

150 William Street  
7th Floor  
New York, NY 10038

**Re: State Comptroller's Draft Audit Report 2021-N-2**

Dear Mr. Sifontes,

Thank you for the opportunity to respond to the Office of the State Comptroller draft audit report “Identifying, Reporting and Providing Services for Youth at Risk of Sexual Human Trafficking in New York City Report 2021-N-2.” This correspondence constitutes the Administration for Children’s Services’ response.

The New York City Administration for Children’s Services (ACS) is fully committed to working with trafficked children and youth survivors in order to obtain services and achieve safety as well as assisting youth who are at-risk. Indeed, ACS has been at the forefront for this global issue. In 2015, ACS was the very first NYC public agency to dedicate full-time resources to child trafficking, when it established a dedicated unit, the Office of Child Trafficking Prevention & Policy (OCTPP) to provide expertise and guidance for this critical work. OCTPP provides best practice guidance and works collaboratively with stakeholders across the child welfare system to provide a wide range of services to identify and prevent trafficking and meet the needs of at-risk youth and trafficking survivors. OCTPP also provides training and resource information for other jurisdictions and organizations in need of information and expertise through its administration of NYC’s Safe Harbour Program. In FY2021, ACS received \$66,000 in funding from the New York State Office of Children and Family Services to support our Safe Harbour programs.

ACS’ Office of Child Trafficking Prevention & Policy:

- Works to develop best practice and policy for the NYC child welfare system;
- Provides expert case consultations and technical assistance;
- Works with law enforcement, including NYPD, FBI and District Attorney offices;
- Developed an innovative electronic system (Child Trafficking Database) to administer the State’s manual, paper screening tools;
- Develops and facilitates therapeutic group work services and individual counseling for youth;
- Develops, produces and provides innovative trainings and educational forums including the annual NYC Child Trafficking

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Prevention Conference for “January is National Human Trafficking Prevention Month” which includes attendees from across the United States. OCTPP trained over 6,300 professionals, community members and youth in 2021 and continually presents original workshops at national and international conferences;

- Develops resources for trafficking identification and prevention, including [Child Trafficking and What YOU Can Do About It](#), a 40-page guide to understand and recognize child trafficking, including practice tips and resources, which is currently being developed into a free downloadable app;
- Developed “Movin’ On”: The NYC Child Tattoo Eradication Project, a tattoo removal referral program to connect youth involved with the NYC child welfare system with licensed medical professionals for free tattoo removals;
- Developed “Here For You”: The NYC Trafficked Youth Credible Messenger Program, wherein (adult) former youth/trafficking survivors engage with child welfare involved youth to develop trafficking recruitment awareness and provide support and mentoring;
- Responds to seven e-mailboxes, including the Child Trafficking Mailbox for case notifications and the CTDB Mailbox for screening guidance and troubleshooting;
- Participates in task forces and workgroups with other agencies and entities including DOE and the NYPD;
- In collaboration with DYCD, prepares the Local Law 41 Annual Report. The 2020 report is available on the ACS website: <https://www1.nyc.gov/assets/acs/pdf/data-analysis/2020/LocalLaw41.pdf>

#### Findings

#### **Training**

ACS disagrees with the report’s discussion and conclusions regarding training.

As discussed during the audit, ACS’ Office of Child Trafficking Prevention and Policy offers innovative and best practice training, including child development, trafficking recruitment, interviewing tips for vulnerable youth, safety planning with youth, understanding the impact of media on youth exploitation, ACS’ trafficking policy and how to complete the state mandated sex trafficking screenings in ACS’ Child Trafficking Database. OCTPP also provides trafficking awareness trainings for children and youth in schools, residential, group homes and other settings. OCTPP provided training seats in the thousands across the audit timeframe:

- 2016: 1,862
- 2017: 1,937 (including purchased training)
- 2018: 2,605 (including purchased training)
- 2019: 3,635
- 2020: 3,300 (925 in person and 2,375 virtually)

Additionally, in 2021, OCTPP provided 6,324 virtual training seats including the 14 workshop NYC 2021 Child Sex Trafficking Conference.

**State Comptroller’s Comment – ACS’ narrative is misleading. Providing seats for training is not synonymous with attendance. During our audit fieldwork, we requested records for ACS’ and providers’ staff who attended and completed the listed training. However, ACS was unable to provide the records.**

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As noted in the audit, the New York State Office of Children and Families (OCFS) Administrative Directive 15-OCFS-ADM-16 requires new child welfare staff in all State local districts to complete two e-classes “Human Trafficking/Commercially Sexually Exploited Children (CSEC): An Overview” and “Child Welfare Requirements for Identifying and Working with Sex Trafficking Victims.” The audit report specifies that in reviewing records for the period January 1, 2017 and December 31, 2020, approximately 80% of staff had not completed both trainings.

This is a misleading presentation. As discussed extensively with the audit team, there were limitations to the data available. For example, the audit team used staff roster data in its analysis which included all ACS staff including staff in areas and positions unrelated to child welfare work who were not expected to participate in such training. Identifying staff who were no longer employed by ACS at a given point in time also presented a challenge. Thus, the audit team’s data match approach and audit findings were not accurate.

**State Comptroller’s Comment – We stand by our conclusion. We removed staff who were no longer working for ACS or were not yet required to take the mandatory training before analyzing the data.**

In fact, ACS takes its training responsibilities in this area very seriously. ACS registers all new Child Protective Specialists (CPS) staff within the Division of Child Protection, ACS’ core division which handles the investigation of child abuse and neglect reports for the required trainings. The State training system uploads registration which can be utilized for one year. ACS then follows up with CPS staff who have not completed the training.

**State Comptroller’s Comment – ACS did not provide documentation. Therefore, we have no assurance that ACS followed up with CPS staff who did not complete the training.**

ACS’ overall work with children and families is supported by state-of-the-art training and professional development opportunities, including through ACS’ Office of Training and Workforce Development (OTWD.) Indeed, ACS has a comprehensive, best practice training program for all new Child Protective Specialist (CPS) staff. The Child Protective Specialist Practice Core (Core), a 41-Day training, includes both classroom and experiential, on-the-job components. The Core course focuses on critical case practice, child safety, assessment, trauma, engagement and other elements of child welfare, including a module on child trafficking.

ACS staff are thoroughly trained, prepared, and supervised to meet their child welfare responsibilities. They also have continual access to the expert guidance available through the Office of Child Trafficking Prevention and Policy.

**State Comptroller’s Comment – ACS did not provide records to show it ensured all applicable staff completed the 41-day training. Further, OCFS officials advised us that the additional training offered by ACS, such as this 41-day training, cannot substitute for OCFS’ mandated training. Despite ACS’ assertion of thorough training, preparation, and supervision, ACS staff have not always met their child welfare responsibilities, as our audit demonstrates.**

### **Screenings**

ACS disagrees with the report’s discussion and conclusions regarding screening.

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As discussed with the audit team, the State Office of Children and Family Services requires screening of children involved in the child welfare system and issued paper screening tools: The Rapid Indicator Tool (OCFS-3921) and the Child Sex Trafficking Indicator Tool (OCFS-3920). To better manage the State paper screening process, ACS developed the electronic Child Trafficking Database (CTDB). The CTDB was intended to provide a mechanism for simplified screening as well as, in later phases, capture service referrals and provide report functionality. These reports provide historical screening information (Child Screening History Report) and assist supervisors with tracking timely screening completion compliance (Area Compliance Report), thereby reformatting the OCFS paper tools into a database. Indeed, no other county/local district in New York State has an electronic system; all other New York State counties/local districts screenings use the OCFS paper tools. There is no other electronic system elsewhere with the ability to capture and manage the OCFS paper tool screening information other than ACS' CTDB.

ACS disagrees with the audit's suggestions that ACS did not explain gaps in data. ACS explained to the auditors the CTDB's history, usage and even provided a demonstration.

**State Comptroller's Comment –** While ACS officials discussed CTDB's history and usage and provided a demonstration, they were unable to explain why they could not provide 7,822 missing screening records.

CTDB Phase I, implemented in 2017 provided electronic screening capability. ACS continued to work to expand CTDB's capability to include screening report functionality and services referral capture. CTDB Phase II, which included reporting functionality was launched on March 12, 2020 –at the beginning of the COVID-19 lockdown. Besides the obvious difficulties during the COVID-19 emergency and remote work for more than one year, there were also understandable “learning curves” for staff as they attended OCTPP's training developed to complement CTDB usage and develop staff proficiency.

In the early years of CTDB, some staff did utilize the State's paper screening tools. However, not until ACS' policy, released on September 29, 2020 (near the end of the audit timeframe), was the use of the CTDB mandated for all sex trafficking screenings (except for Advocates Prevention Only and Family Assessment Program cases). As discussed with the auditors, all screening information must be entered into the State's child welfare system—the case system of record—CONNECTIONS. Information obtained during screening (whether in the CTDB or with the paper tools) must be entered into CONNECTIONS, in the Sex Trafficking Screening window. The State developed this feature in conjunction with the State's issuance of the ADM and paper screening tools for structured recording of information and constitutes the official information document for all of New York State.

**State Comptroller's Comment –** This narrative is misleading. Despite repeated requests, ACS officials could not provide records showing they ensured that their staff and those of the providers had completed the required paper screenings when the CTDB was not used. Further, ACS failed to provide paper screenings conducted prior to the launch of the CTDB. Additionally, while we are aware that ACS implemented a policy mandating agency-wide usage of the CTDB in September 2020, an ACS official told us they instructed ACS staff and providers to conduct screenings (except Advocate cases) using the CTDB beginning in 2017. ACS' December 27, 2017 Progress Notes to its 2014 Strategic Plan confirms this instruction. Moreover, as indicated in our audit report, approximately 80% of screenings during the period we reviewed were automatically

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designated as completed by the system. Further, while OCFS instructs LDSS to document the results of completed screenings within CONNECTIONS, there is no indication that ACS ensured the screenings were performed correctly or at all.

**Local Law 41 Reporting**

ACS disagrees with the audit's conclusion that there was no assurance that the information reported pursuant to Local Law 41 was reliable.

The City Council Local Law 41 (formerly Local Law 23) Report, which has evolved across the years, reflects the New York City Council's vision and focus on the critical issue of trafficking and trafficking risk for children and youth. ACS and DYCD collaborate on this work, issuing joint annual reports. The report is robust and great care is taken to present important contextual information and considerations, including a detailed methodology.

**State Comptroller's Comment –** DYCD officials informed us they could not attest to the accuracy of the information received from their providers and ultimately included in the annual reports prepared by ACS. Specifically, they also informed us that they submit information to ACS on program types as well as on the number of runaway and homeless youth who indicated they were trafficked. LL41 requires the methodology used by both ACS and DYCD to "collect data regarding this population" be included in the report. However, from January 2017 through December 2020 (our audit scope period), the Local Law reports did not include DYCD's methodology.

ACS and DYCD met with the audit team on multiple occasions to discuss the history of the report, changes over the years, the process and the collaborative steps required for production of the reports to the New York City Council each year. In addition, analysis of the numbers and explanations of the data review protocol was discussed extensively with the audit team. Indeed, ACS has a structured process for maintaining data and preparation of the report.

**State Comptroller's Comment –** We disagree. During a meeting with ACS officials, auditors were told that compiling information for the LL41 reports is completed by an ACS official. This official later told us she "counts on her fingers and toes" to ensure the numbers are accurate. Furthermore, ACS' inability to produce the records to support the numbers in the LL41 reports indicates that ACS does not keep these records in a structured, accessible manner.

Moreover, should the City Council seek additional information or clarification, such information or clarification would of course be provided.

ACS discussed with the audit team that ACS could not produce for audit review the extensive back-up documentation for the thousands of individuals served during the 2017-2020 period requested. ACS explained that due to strict State confidentiality limitations as well as workload issues (pulling/reviewing/redacting hard copy and electronic documents) it was impossible to provide the identifying information sought by the auditors for the entire four-year period. ACS did share specifically requested data from the New York State Office for Temporary and Disability Assistance as this external data did not reflect any names or other confidential information. The auditors declined to identify any sample period within the four-year scope for their review.

**State Comptroller's Comment –** ACS officials repeatedly contended that the data used to compile the LL41 reports is sent to ACS anonymously with no identifying information for the youth. They cited the anonymity of the records as the reason why they were unable to

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identify duplicates in the data. Therefore, confidentiality limitations should not have delayed or prevented ACS from sharing the data. Further, Office of Temporary and Disability Assistance data provided by ACS pertained to just 1 year rather than 4 years and did not contain confidential information. Moreover, we did not decline ACS' request to identify a sample period.

#### **Service Provision**

ACS also disagrees with the report's discussion of our service provision to sex-trafficked and at-risk youth.

Since the outset of this audit, ACS explained that certain child-specific records of ACS to which the Comptroller sought access contain information which may be deemed protected as confidential pursuant to various provisions of law and required a Confidentiality Agreement signed by the State Comptroller and our oversight, the New York State Office of Children and Family Services, permitting the sharing of some confidential information. A Confidentiality Agreement was finalized on January 11, 2022—at the time of the State Comptroller's Audit Exit Conference. The subsequent case information request made by the auditors was voluminous and in addition, would necessitate review and redaction of thousands of pages of documentation. Given the brief period provided, the request could not be fulfilled.

**State Comptroller's Comment –** This statement is inaccurate. We initiated discussions with ACS on the need for a Confidentiality Agreement on April 28, 2021. However, we were unable to finalize an agreement until January 11, 2022. Despite this agreement, ACS still has not provided us with all the information we requested.

ACS' mission is to ensure the safety and well-being of children and support families. Services—including medical, therapeutic, mental health, educational, family support, preventive services and others—are a fundamental part of ACS' work. As noted in the response and discussed with the audit team, trafficking is not a stand-alone issue. ACS services are holistic and based on a child's service needs. Service assessment, service planning and service provision are all detailed in the child's CONNECTIONS record throughout the period of the case. For children placed in foster care, additional service review occurs through Family Court oversight.

ACS' work, programs and initiatives are described in detail in ACS' report "[Eight Years of Progress 2014-2021](#)" which we are attaching to this response.

#### Response to Recommendations to ACS:

**Recommendation 1:** Enforce ACS' child screening policies and procedures, thereby ensuring staff and providers screen youth under its supervision as required.

#### **ACS Response to Recommendation 1**

ACS is working to strengthen the use of the CTDB reporting functionality, which was launched in March 2020.

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**Recommendation 2:** Document and enforce procedures to ensure staff and providers comply with Administrative Directive 15-OCFS-ADM-16 and are adequately trained to identify, report on, and provide services to sex trafficked and at-risk youth.

**ACS Response to Recommendation 2**

ACS staff are thoroughly trained, prepared, and supervised to meet their child welfare responsibilities. ACS will continue to work to ensure that those direct services staff who have not yet otherwise taken the training will complete the two State OCFS mandated trainings “Human Trafficking/Commercially Sexually Exploited Children (CSEC): An Overview” and “Child Welfare Requirements for Identifying and Working with Sex Trafficking Victims.” In addition, ACS will increase notification to provider agencies about the required OCFS trainings as well as reminders of the ACS OCTPP trainings.

**Recommendation 3:** Develop procedures for reviewing the accuracy and consistency of ACS’ sex trafficking reporting.

**ACS Response to Recommendation 3**

ACS has a structured process for maintaining data and preparation of the annual Local Law 41 report to the City Council.

**Recommendation 4:** Work with OCFS, DYCD and other stakeholders to conduct a needs assessment to determine if strategies and resources are being used to identify and mitigate the impact of child sexual exploitation in NYC.

**ACS Response to Recommendation 4**

ACS participates in multiple task forces and work groups and provides expert consultation to service providers and stakeholders. It must be remembered that ACS’ mandate is to serve children involved in the child welfare system. ACS will continue to collaborate with our city and state partners.

We would like to reiterate ACS’s innovative and best-case practice work in the area of child trafficking. ACS is committed to protecting and supporting all the children we serve.

Thank you for your support of ACS’ work with NYC children and families.

Sincerely yours,



Jennifer Fiellman  
Assistant Commissioner

Enclosure

# Agency Comments - DYCD and State Comptroller's Comments

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Department of  
Youth & Community  
Development

BILL CHONG  
Commissioner

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New York, NY 10007  
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March 23, 2022

## VIA E-MAIL

Kenrick Sifontes  
Audit Director  
Office of the State Comptroller  
Division of State Government Accountability  
59 Maiden Lane – 21<sup>st</sup> Floor  
New York, New York 10038

**Re: State Comptroller's Draft Audit Report 2021-N-2 of the New York City Administration for Children's Service (ACS) and New York City Department of Youth and Community Development (DYCD) – Identifying, Reporting, and Providing Services for Youth at Risk of Sexual Human Trafficking in New York City: DYCD's Response**

Dear Mr. Sifontes:

The Department of Youth and Community Development (DYCD) appreciates this opportunity to review and provide the attached response to the Draft Report and requests that its response be included in the Final Report.

DYCD welcomes suggestions in its ongoing efforts to provide quality services for youth in New York City. If you have questions regarding the response or wish to discuss the audit further, please do not hesitate to contact me.

Sincerely,

Anthony Ng  
Acting Chief of Staff

c: Florim Ardolli, Associate Director for Audit, Mayor's Office of Operations  
Jennifer Fiellman, Assistant Commissioner, Administration for Children's Services  
Susan Haskell, Deputy Commissioner- Youth Services, DYCD  
Caroline Press, General Counsel, DYCD  
Jagdeep Phanor, Associate Commissioner-CFO, DYCD  
Nevita Bailey, Assistant Commissioner-Deputy CFO, DYCD  
William Kamen, Senior Director of Internal Review, DYCD

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**New York City Department of Youth and Community Development  
(DYCD) Response to  
The Office of the State Comptroller (OSC) Draft Report 2021-N-2  
February 2022**

DYCD offers the following response to the Office of the State Comptroller Draft Report. DYCD is only addressing items applicable to DYCD. New York City Administration for Children's Services (ACS) will be providing a separate response. DYCD has addressed the relevant Findings, Key Recommendations and Recommendations below and requests that this document be attached as part of the Final Report.

#### **BACKGROUND**

DYCD funds residential services for Runaway and Homeless Youth (RHY) to meet the specialized needs of this population, including youth who are at high risk for having experienced sexual exploitation and trafficking. DYCD seeks providers with expertise in the areas of support reflected in the population of Runaway and Homeless Youth in New York City, for example, lesbian, gay, bisexual, transgender, queer, questioning and intersex youth (LGBTQI) youth; pregnant and parenting youth; and sexually and commercially exploited youth. Since at least 2007, when it funded the first residential program specifically for commercially sexually exploited runaway and homeless youth at Girls Educational and Mentoring Services (GEMS), DYCD has committed support to youth who are sexually exploited and trafficked. As discussed with the OSC auditors, a youth's sexual abuse does not necessarily define them, and many young people will not immediately or ever disclose their abuse because of fear and shame. However, relationship and trust-building by DYCD's contracted Runaway and Homeless Youth (RHY) providers can result in disclosures of different types of trauma, including sexual exploitation or trafficking. DYCD-funded programs work to meet RHY individualized needs by establishing a system of supports, including Housing, Education, Employment, Health and Mental Health, and Life Skills. A youth's decision to use any of the RHY services is voluntary: neither DYCD nor RHY providers have legal custody of youth accessing DYCD funded RHY services.

DYCD does not directly serve youth but contracts with qualified organizations. DYCD mandates that provider staff attend training in sexual exploitation and trafficking at least once per year and DYCD staff monitor training compliance throughout the year. To assess the scale of sexual exploitation and trafficking among youth in DYCD-funded RHY programs, DYCD requires its providers to complete the online Commercially Sexually Exploited Children (CSEC) Report in DYCD's Participant Tracking System (PTS). This is where DYCD derives its data to report to ACS for the preparation of the annual Local Law 41 of 2016 report. For DYCD, the Local Law 41 reporting is limited to Runaway and Homeless Youth.

#### **KEY FINDINGS APPLICABLE TO DYCD**

- *We found that DYCD does not have procedures requiring its providers to screen youth for indicators of trafficking.*

**DYCD Response:** At the point of intake, DYCD-funded RHY providers determine the needs of a young person, including what experiences may have led them to their current situation. Providers inquire whether a youth has experienced trafficking or sexual abuse and exploitation and if so, will report this in DYCD's data collection system. Providers work together with the youth to establish goals and an individualized service plan. DYCD does not require providers to use a specific screening tool and will consider requiring providers to use one or more screening tools in either the next RHY Request For Proposals or in connection with an earlier contract action (e.g. renewals).

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**State Comptroller's Comment –** This statement contradicts what we were told. During the audit, DYCD officials explained that the providers are instructed not to inquire of the youth whether they have been sex trafficked and instead rely on the youth to self-disclose, at which point it would be reported as such in DYCD's data collection system. This was corroborated by one of the DYCD providers, who stated they do not ask the youth they encounter whether they have been sex trafficked. Further, on January 26, 2022, when we accompanied this provider's staff during their street outreach efforts, we observed that staff did not ask the youth they encountered this question.

- *We found deficiencies in both agencies' oversight of their staff's and providers' completion of mandatory training topics. DYCD officials did not ensure that all funded staff and its contracted providers completed recommended training on Sexual Exploitation Awareness.*

**DYCD Response:** Training on sex trafficking is not a NYS State-mandated training for DYCD staff nor DYCD's RHY contracted providers. However, DYCD includes it as a mandated training for its RHY providers and monitors for participation in this training topic. Monitoring consists of DYCD Program Managers visiting providers to review personnel files for evidence of participation in training requirements. This type of monitoring is part of DYCD's Administrative Review and is performed three times during each fiscal year. In cases where the provider needs to address staff training, providers are notified as part of the evaluation monitoring tool. Furthermore, DYCD RHY staff on a voluntary basis have and will continue to attend training involving Sexual Exploitation Awareness.

**State Comptroller's Comment –** We stand by our comments in the report. DYCD officials did not ensure that all funded staff and providers completed recommended training on Sexual Exploitation Awareness.

- *DYCD officials did not provide sufficient documentation ID support the total number of sex-trafficked victims or at-risk youth reported under LL41 between January 1, 2017 and December 31, 2020.*

**DYCD Response:** DYCD acknowledges and had previously disclosed to OSC that it was not able to locate all the back-up correspondence from its RHY Providers from several years ago prior to DYCD's implementation in July 2019 of its electronic Participant Tracking System (PTS) that is designed to include CSEC reporting. With the RHY providers now able to directly input CSEC identified youth into this electronic reporting system, DYCD anticipates all the CSEC youth identified by the RHY providers will be included in the LL 41 Reports.

- *DYCD officials did not provide records to show that sex-trafficked and at-risk youth they identified had received adequate services, such as safe housing and medical, mental health, legal, education, and/or vocational assistance.*

**DYCD Response:**

OSC did not request records showing service delivery to sex-trafficked and at-risk youth.

**State Comptroller's Comment –** This statement is inaccurate. Throughout audit, we repeatedly requested records from DYCD officials supporting their claims that they provided services to address the needs of trafficked youth. Moreover, even after signing a confidentiality agreement with DYCD, we still have not been provided with the necessary records.

Service records for youth, including youth who are sex-trafficked and at-risk, are found in a youth's case file. Case management is a central part of provider service delivery and DYCD's monitoring procedures are designed to review the adequacy of services provided to all participants, including sex-trafficking victims, through case file review. Case records are maintained only at the provider site and

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OSC visited a DYCD-funded RHY site to learn more about how service delivery happens at the program level. DYCD RHY programs provide a supportive environment for youth to pursue their comprehensive needs, including in the five main life goal areas of Housing, Education, Employment, Health and Mental Health, and Life Skills. This comprehensive approach to service delivery, funded by DYCD, allows providers to ensure that if a participant has disclosed that they have experienced sex-trafficking, they will be connected to all needed services.

## **RECOMMENDATIONS TO DYCD**

***Recommendation #5 (Key Recommendation): Develop and enforce written policies and procedures to ensure staff and providers are adequately trained to identify, report on, and provide services to sex-trafficked victims. Periodically review training materials to ensure required topics meet DYCD's standards. Document outcomes of DYCD's reviews.***

**DYCD Response:** DYCD will review its existing policies and procedures to ensure that its staff and contracted providers are adequately trained to identify, report on, and provide services to sexually exploited youth. DYCD does and will continue to periodically review materials to ensure that required topics meet DYCD's standards and will document outcomes of DYCD's reviews. DYCD will continue to monitor its provider staff training on sexual exploitation, including training on reporting incidents of sexual exploitation and services provided to sex trafficked youth. DYCD's contracted provider staff are required by State law to report cases of suspected child abuse directly to the State Central Registry and DYCD's contracts and policies reinforce that requirement.

***Recommendation #6. Develop procedures for reviewing the accuracy and consistency of DYCD's sex trafficking reporting.***

**DYCD Response:** DYCD will review its existing policies and procedures for reviewing the accuracy and consistency of DYCD's reports for sexually exploited children.

***Recommendation #7 (Key Recommendation): Establish and enforce written procedures for providers to screen youth for indicators of trafficking.***

**DYCD Response:** At the point of intake, DYCD-funded RHY providers determine the needs of a young person, including what experiences may have led them to their current situation. Providers inquire whether a youth has experienced trafficking or sexual abuse and exploitation and if so, will identify this in our data collection system. Providers work together with the youth to establish goals and an individualized service plan. DYCD does not require providers to use a specific screening tool and will consider requiring providers to use one or more screening tools in either the next RHY Request For Proposals or in connection with an earlier contract action (e.g. renewals).

DYCD will connect RHY providers to a refresher training in 2022 regarding screening indicators for sexual exploitation and trafficking. All providers will be represented.

***Recommendation #8: Actively participate in procedures for reporting on sex-trafficked and at-risk youth to NYC governance.***

**DYCD Response:** DYCD has and will actively participate in procedures for reporting on sexually exploited children as required under Local Law 41 of 2016 and as may be required by any other governmental oversight or by law.

***Recommendation #9 (Key Recommendation): Collaborate with ACS and other stakeholders to***

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*reassess the process for gathering data and completing the LL41 annual reports. Make changes to improve the clarity and accuracy of the reports, as appropriate*

**DYCD Response:** DYCD will continue to collaborate with ACS and other stakeholders to reassess the process for gathering data and ensuring the accuracy of the reports.

# Contributors to Report

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