



ANDREW M. CUOMO
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Justice Center for the
Protection of People
with Special Needs

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EXECUTIVE CORRESPONDENCE

JUN 5 2017

OFFICE OF THE STATE COMPTROLLER
THOMAS P. DINAPOLI
COMPTROLLER

May 31, 2017

Mr. Thomas P. DiNapoli
New York State Comptroller
110 State Street
Albany, NY 12236-0001

Re: Response to March 6, 2017 Audit Report (2015-S-61)

Dear Mr. DiNapoli:

As required by Executive Law § 170, the Justice Center submits this response to OSC's final audit report, which was issued on March 6, 2017. The final audit report makes three recommendations for corrective actions. However, these recommendations are based on obsolete facts and practices and are not reflective of how the agency presently runs.

Response to Recommendations 1 and 2:

The Justice Center disagrees with OSC's first and second recommendations. OSC recommended that the Justice Center (1) develop and implement controls to ensure all subjects with substantiated Category One offenses are promptly added to the SEL; and (2) develop and implement procedures to provide reasonable assurance that data contained in the Vulnerable Persons' Central Register (VPCR) database is accurate, including procedures to periodically review and analyze the accuracy of the data and correct any inaccuracies discovered.

The Justice Center was surprised to see both these recommendations in the final audit report, as it highlights the extent to which OSC based these recommendations on obsolete, and therefore irrelevant, data points. The Justice Center informed OSC numerous times during the audit process that these issues have already been addressed. For example, as noted in the Justice Center's August 26, 2016 response to the draft audit report, during its first three years, the Justice Center implemented seven major upgrades to the VPCR to improve the quality of the data, upgrade the original programming of the system, and eliminate opportunities for data entry errors to occur. As a result, many of the VPCR data issues identified in the audit report have already been resolved, and are thus irrelevant to the Justice Center's current operations.

Specifically, in April 2016, the Justice Center upgraded the VPCR to ensure that subjects with substantiated Category One findings are placed on the Justice Center's Staff Exclusion List (SEL). This system change prevents the Justice Center from closing an abuse or neglect investigation in which a subject has been found responsible for a Category One finding unless the subject has been placed on the SEL. In addition, the Justice Center has verified that all subjects with Category One findings made prior to April 2016 have been placed on the SEL.

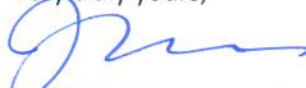
More generally, the Justice Center runs numerous "exception reports," some on a daily and/or weekly basis, to identify what appear to be anomalies in the VPCR database, and to allow it to correct any human or system-created errors that are detected in those reports. As a result, the Justice Center has corrected many errors or omissions in older cases, including such things as: the entry of substantiated offense findings without the proper category (e.g., Category One, Two or Three); entry of unsubstantiated offense findings that mistakenly contain a category determination; and the existence of multiple contact records for subjects on the SEL. In addition, the Justice Center is continually working to merge duplicate contact records, especially for subjects with substantiated Category One and Two findings.

Accordingly, the Justice Center has already implemented the recommended controls and procedures to safeguard the integrity of the data in the VPCR. The Justice Center has not only added electronic tools and controls to ensure the integrity of the data in the VPCR, but we are also constantly monitoring and reviewing the data to detect and correct any anomalies.

Response to Recommendation 3:

The Justice Center also fundamentally disagrees with OSC's third recommendation that the Justice Center correct previously published data and reports to the extent practicable. However, OSC fails to recognize that these data reports reflect "point in time" data. As a result, any attempt to modify those reports risks creating additional errors. For example, a prior report for a particular period of time might reflect that a certain number of reported cases of abuse or neglect resulted in Category Two findings. If that same report for that same period of time were run today, the numbers would be different, not because of inaccuracies in the initial report but because of changes in categories that are made to reflect different outcomes caused by the administrative appeals process. To correct and/or explain the scope and magnitude of those differences, or to run a report that attempts to account for those changes, runs the risk of creating additional confusion, with what is likely to be very little value added. Therefore, the Justice Center has determined that it is not practicable to publish "corrected" reports.

Very truly yours,



Jay Kiyonaga
Executive Deputy Director

cc: Governor Andrew M. Cuomo
Lt. Governor Kathy C. Hochul
Senator John J. Flanagan
Senator Andrea Stewart-Cousins
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Assembly Member Brian M. Kolb
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