



City of New York

OFFICE OF THE COMPTROLLER

Scott M. Stringer
COMPTROLLER



AUDITS & SPECIAL REPORTS

Marjorie Landa

Deputy Comptroller for Audit

Audit Report on the New York City Department of Citywide Administrative Services' Compliance with Local Law 57 for Baseball Games and Practices Played at City Leased Baseball Fields

SZ17-133A

June 28, 2018

<http://comptroller.nyc.gov>



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

June 28, 2018

To the Residents of the City of New York:

My office has conducted an audit to determine whether the New York City Department of Citywide Administrative Services (DCAS) is in compliance with the requirements of Local Law 57 related to its responsibilities for the distribution of AED units and AED training courses to its tenants operating youth baseball leagues at baseball fields from DCAS. We audit City agencies such as DCAS to ensure they are complying with applicable laws and regulations and providing critical public safety services.

The audit found that DCAS generally complied with Local Law 57 in discharging its responsibilities for the distribution of AED units and providing training courses to the youth baseball leagues that play and practice on the baseball fields leased from DCAS at 11 sites. However, our review indicated that the youth baseball league that uses the one remaining DCAS-managed ballfield that is also currently in use did not receive an AED device from DCAS.

The audit recommended that DCAS should determine whether South Shore Little League is utilizing baseball fields leased from DCAS. If DCAS determines that South Shore Little League is, in fact, utilizing the baseball field, DCAS should determine whether the Little League already has AEDs or whether City-owned AEDs should be supplied to it. In addition, DCAS should determine whether South Shore Little League is utilizing the baseball fields leased from DCAS and requires AED training to meet the league's and DCAS' obligations under Local Law 57.

The results of the audit have been discussed with DCAS officials, and their comments have been considered in preparing this report. DCAS' complete written response is attached to this report.

If you have any questions concerning this report, please e-mail my Audit Bureau at audit@comptroller.nyc.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott M. Stringer".

Scott M. Stringer

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THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER AUDITS & SPECIAL REPORTS

Audit Report on the New York City Department of Citywide Administrative Services' Compliance with Local Law 57 for Baseball Games and Practices Played at City Leased Baseball Fields

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EXECUTIVE SUMMARY

Commotio cordis, a potentially lethal disruption of heart rhythm that occurs as a result of a blow to the area directly over the heart, is the second-highest cause of death in athletes younger than 14, according to the American Academy of Pediatrics. It typically involves young, predominantly male, athletes who experience sudden blunt trauma to the chest and often results in cardiac arrest and/or sudden death. Baseball is the most common sport in which this condition occurs, and nearly all incidents are caused by direct baseball strikes to the left chest wall. The American Academy of Pediatrics indicates that children 5 to 14 years old are vulnerable to this type of blunt chest impact because their chest walls are relatively elastic and easily compressed. Early treatment CPR and the increased availability and use of automated external defibrillators (AEDs) result in a decrease of fatalities.

In 2016, the City enacted Local Law 57 in an effort to make AEDs and adults trained to operate them available at all youth league baseball games and practices on City-owned baseball fields, to the extent allowed by the appropriation of sufficient City funds.

This audit was conducted to determine whether the Department of Citywide Administrative Services (DCAS) is in compliance with Local Law 57 related to its responsibilities for the distribution of AED units to youth leagues playing at the ballfields that DCAS leases to the youth leagues and City-funded AED training courses, free of charge, to the designated youth league representatives.

Audit Findings and Conclusions

We found that DCAS generally complied with Local Law 57 in discharging its responsibilities for the distribution of AED units and providing training courses to the youth baseball leagues that play and practice on the baseball fields leased from DCAS at 11 sites. However, our review indicated that the youth baseball league that uses the one remaining DCAS-managed site believed to be currently in use for youth baseball did not receive an AED device or training in its use from or through DCAS.

Audit Recommendations

The audit recommended that DCAS determine whether that league is utilizing one or more baseball fields leased from DCAS, and if DCAS determines that the league is, in fact, utilizing a DCAS-leased ballfield, DCAS should determine whether the league already has AEDs or whether City-owned AEDs should be supplied to it, and whether the league requires AED training to meet the league's and DCAS' obligations under Local Law 57.

Agency Response

In its response, dated June 13, 2108, DCAS stated, "South Shore Little League (SSLL) is using the baseball fields pursuant to a license agreement with the Department of Youth and Community Development (DYCD) and not under a DCAS lease." DCAS further stated that it "is not obligated under Local Law 57 to provide AED training and AEDs to SSLL. However, training and AEDs will be provided to SSLL and SSLL has been contacted in this regard."

After failing to respond for many months to our multiple requests for information regarding the applicability of Local Law 57 to the site used by the South Shore Little League, DCAS first revealed critical new information—that another City agency not named in the statute licenses the site to the league—only after the audit was completed. Moreover, DCAS now claims that, based on that new information, it has no obligation to take the steps required by Local Law 57 for the protection of the children who play baseball there, although, fortunately, it also reports, that those steps *will* be taken—apparently tardily, in that it also states that the league "is using" the field, i.e., currently.

DCAS was given ample opportunity throughout the 17-month period in which the audit was conducted to inform us of the relevant facts and provide supporting documentation, starting with the DYCD license agreement that DCAS now references but has not forwarded to us. The site in question is listed in a City database as being under DCAS' jurisdiction, and it appeared on a list of DCAS-leased ballfields that DCAS itself provided to us in January 2017. It was then omitted—without explanation—from an updated list that DCAS provided about six months later. Since then, despite our repeated inquiries during the intervening 11 months, DCAS provided *no* further information regarding the applicability of Local Law 57 to the site.

AUDIT REPORT

Background

Each year, according to the American Heart Association's Sudden Cardiac Arrest Foundation, approximately 326,200 people in the United States experience out-of-hospital, non-traumatic sudden cardiac arrest (SCA), and 9 out of 10 victims die. However, SCA victims have a greater likelihood of survival if they receive immediate cardiopulmonary resuscitation (CPR) and are treated with an automated external defibrillator (AED). While fatal sport-related injuries can result from head and spine injuries, most sudden deaths in athletes are cardiac-related. The American Academy of Pediatrics indicates that children 5 to 14 years old are vulnerable to this type of blunt chest impact because their chest walls are more elastic and easily compressed. *Commotio cordis*, a potentially lethal disruption of heart rhythm that occurs as a result of a blow to the area directly over the heart, is the second-highest cause of death in athletes younger than 14. It typically involves young, predominantly male, athletes who experience sudden blunt trauma to the chest and often results in cardiac arrest and/or sudden death. Baseball is the most common sport in which this condition occurs, and nearly all incidents are caused by direct baseball strikes to the left chest wall. Early treatment CPR and the increased availability and use of AEDs result in a decrease of fatalities.

An AED is a portable medical device approved by the U.S. Food and Drug Administration that can be used to check the victim's heart rhythm and send an electric shock to the heart to try to restore a normal rhythm. Under New York State Public Health Law §3000-b, no person may operate an AED unless the person has successfully completed a training course in its operation.

Local Laws 57 and 104

In 2016, the City enacted Local Laws 57 and 104, codified at § 18-146 and § 4-209 of the Administrative Code of the City of New York (Administrative Code), to make AEDs and adults trained to operate them available at all youth league baseball games and practices on City-owned baseball fields, to the extent allowed by the appropriation of sufficient City funds. Specifically, Administrative Code § 18-146 applies to City ballfields under Parks' jurisdiction, and Administrative Code § 4-209 applies to City ballfields that the Department of Citywide Administrative Services (DCAS) leases to the youth leagues. Both sections became effective as of January 1, 2017.

Administrative Code § 4-209 requires the youth leagues that lease ballfields from DCAS to have available at every baseball game and practice in which any of their teams participate: (1) an AED; and (2) where practicable, at least one coach, umpire or other qualified adult who has successfully completed an approved AED-training course within the preceding 24 months. Under the statute, DCAS "shall provide to youth leagues . . . a sufficient number of [AED's] and training courses at no cost to such leagues."¹

¹ The statute defines youth league as "baseball leagues with participants who are all 17 years old or younger, but includes grade school through high school athletic programs regardless of the age of the participants, other than the public school leagues, including school leagues, little leagues, community based organization leagues, and unaffiliated leagues."

To ensure compliance, Administrative Code § 4-209 prohibits DCAS from leasing a City ballfield to the youth baseball league unless the league has explicitly agreed on the lease that it will comply with its above-described obligations. To that effect, DCAS added a lease rider with the specific clause which informs the current tenants, which are leagues and teams that play baseball on DCAS ballfield:

The City of New York requires that all youth baseball leagues playing in ballfields leased by DCAS must have an AED device and a trained responder made available at every league game and practice. Youth baseball leagues found to be in violation of this practice will be subject to warnings and fines.

DCAS manages 13 properties with City baseball fields. In 2017, DCAS executed the lease rider with youth-baseball-league tenants at 11 of them and distributed a total of 21 AED units to the youth baseball leagues that use those fields. (See Appendix for a list of the DCAS-managed ballfields.) Of the two additional DCAS baseball fields, one in Brooklyn, leased to the Big Apple Liberty League, is not being used because it is currently under renovation, and the second, in Staten Island, is used by the South Shore Little League. DCAS did not provide any information regarding the AED-related activities on that baseball field.

Objective

The objective of this audit was to determine whether DCAS is in compliance with Local Law 57 related to its responsibilities for the distribution of AED units and AED training courses to its tenants operating youth baseball leagues at baseball fields leased from DCAS.

Scope and Methodology Statement

We conducted this performance audit in accordance with generally accepted government auditing standards. Those 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 provides a reasonable basis for our findings and conclusions based on our audit objective. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope period for this audit was from January 1, 2017, the effective date of Local Law 57, to May 11, 2018, the last date of our fieldwork.

Discussion of Audit Results

The matters covered in this report were discussed with officials from DCAS during and at the conclusion of this audit. DCAS officials were also notified of our findings during the course of the audit and agreed that there was no need to have an exit conference. On May 30, 2018, we submitted a draft report to DCAS with a request for comments. We received a written response from DCAS on June 13, 2018. In its written response, DCAS stated that “South Shore Little League (SSLL) is using the baseball fields pursuant to a license agreement with the Department of Youth and Community Development (DYCD) and not under a DCAS lease.” DCAS further stated that it “is not obligated under Local Law 57 to provide AED training and AEDs to SSLL.

However, training and AEDs will be provided to SSSL and SSSL has been contacted in this regard.”

Our comments regarding DCAS’ written response to the draft report are stated in the “Agency Response” section of the Executive Summary, above.

The full text of DCAS’ comments is included as an addendum to this report.

FINDINGS AND RECOMMENDATIONS

We found that DCAS generally complied with Local Law 57 in discharging its responsibilities for the distribution of AED units and providing training courses to the youth baseball leagues that play and practice on the baseball fields leased from DCAS at 11 sites. However, our review indicated that the youth baseball league that uses² the one remaining DCAS-managed ballfield currently in use did not receive an AED device from DCAS.

DCAS Generally Complied with Local Law 57

Since Local Law 57 went into effect in 2017, DCAS distributed a total of 21 AED units and provided training in the use of the AED at no cost to the tenants operating youth baseball leagues at 11 DCAS ballfields. DCAS developed policies and procedures detailing the process for the agency to comply with Local Law 57 and maintained records identifying the AED recipients and the individuals who received the free training courses. Additionally, DCAS executed a lease rider with 11 youth baseball leagues to ensure that they were informed of DCAS' responsibilities and the youth leagues' obligations under Local Law 57.

Distribution of AED Units

Local Law 57 requires DCAS to provide a sufficient number of AEDs to the youth baseball leagues at no cost to them. Our audit found that DCAS was generally in compliance with that requirement. Prior to the beginning of the youth baseball league season in 2017, DCAS distributed a total of 21 AED units to the youth baseball leagues operating at 11 City properties with ballfields under DCAS' management. DCAS maintained the signed receipt from each tenant that identified the number of AEDs distributed and the make, model, and the serial number of each such AED. According to DCAS policy and procedures, tenants with one ballfield would receive one AED and tenants with two or more ballfields would receive two AEDs. Based on the satellite images obtained from Google Maps, we were able to identify the number of ballfields at each location and confirmed that the number of AED units DCAS distributed to the 11 City properties was consistent with its established guideline.

Although our audit found that DCAS generally complied with the Local Law 57 in distributing the AEDs to the 11 youth baseball leagues, it appears that DCAS took no steps—prior to this audit—to provide AED devices to one youth baseball league that plays and practices baseball on City-owned ballfields as intended by the law. We found that that the South Shore Little League used City properties along Bedell Avenue, Page Avenue, and Hylan Boulevard in Staten Island. The City's Integrated Property Information System (IPIS) indicates that these properties are under the jurisdiction of DCAS and are described as "STADIUM, RACE TRACK, BASEBALL FLDS."³ Furthermore, we found that South Shore Little League is an active participant in youth league events, games and practices at the City ballfields. However, throughout the audit, DCAS did not

² Statements in the draft report that the site in question was leased from DCAS have been revised to reflect the new information DCAS provided in its response to the draft report—that the league in question uses the site under an agreement with another City agency and not under a DCAS lease.

³ IPIS is a web-based database found in "NYC Open Data" portal. It is a listing of the City-owned and Leased Properties that includes geographic information as well as the type of use, agency and other related information.

submit any information regarding the activities of the South Shore Little League, or why that league was not provided with AED devices.

Recommendations

1. DCAS should determine whether South Shore Little League is utilizing baseball fields leased from DCAS.

DCAS Response: DCAS provided a single response to all three recommendations. Relevant excerpts are set forth in response to Recommendation # 3 below.

2. If DCAS determines that South Shore Little League is, in fact, utilizing the baseball field, DCAS should determine whether the Little League already has AEDs or whether City-owned AEDs should be supplied to it.

DCAS Response: DCAS provided a single response to all three recommendations. Relevant excerpts are set forth in response to Recommendation # 3 below.

AED Training Courses

Local Law 57 requires DCAS to provide training courses to the youth league representatives in the use of AEDs at no cost to the leagues. Our audit found that DCAS was generally in compliance with that provision of the law. Prior to the beginning of the youth baseball league season in 2017, DCAS executed a lease rider to provide the tenants of the leased ballfields necessary information about the AED training course and the required recertification classes. DCAS maintained a list of trained responders that identified the individuals who had already completed an approved AED training course and those who had received the free training from DCAS.⁴ In addition, DCAS retained copies of the AED certifications of individuals who had successfully completed the training and recertification classes. As of January 2018, a total of 83 individuals were trained in the operation of AED at 11 DCAS leased properties.

However, we found that DCAS did not provide the South Shore Little League with AED devices or training. If that league has not been provided with or otherwise acquired the requisite equipment, training and written information, such as the lease rider provided to other organizations that play and practice youth baseball on City fields, there may be a risk that the league would potentially be unable to administer proper lifesaving procedures in the event a player suffered an SCA.

Recommendation

3. DCAS should determine whether South Shore Little League is utilizing the baseball fields leased from DCAS and requires AED training to meet the league's and DCAS' obligations under Local Law 57.

DCAS Response: DCAS' response to the three recommendations states that "South Shore Little League (SSLL) is using the baseball fields pursuant to a license agreement with the Department of Youth and Community Development (DYCD) and not under a DCAS lease. Accordingly, DCAS is not obligated under Local Law 57 to provide AED

⁴ The free training courses are provided by DCAS and its vendor, Life Savers, Inc.

training and AEDs to SSLL. However, training and AEDs will be provided to SSLL and SSLL has been contacted in this regard.”

Auditor Comment: After failing to respond for many months to our multiple requests for information regarding the applicability of Local Law 57 to the site used by the South Shore Little League, DCAS first revealed critical new information—that another City agency not named in the statute licenses the site to the league—only after the audit was completed. Moreover, DCAS now claims that, based on that new information, it has no obligation to take the steps required by Local Law 57 for the protection of the children who play baseball there, although, fortunately, it also reports, that those steps *will* be taken—apparently tardily, in that it also states that the league “is using” the field, i.e., currently.

DCAS was given ample opportunity throughout the 17-month period in which the audit was conducted to inform us of the relevant facts and provide supporting documentation, starting with the DYCD license agreement that DCAS now references but has not forwarded to us. The site in question is listed in a City database as being under DCAS’ jurisdiction, and it appeared on a list of DCAS-leased ballfields that DCAS itself provided to us in January 2017. It was then omitted—without explanation—from an updated list that DCAS provided about six months later. Since then, despite our repeated inquiries during the intervening 11 months, DCAS provided *no* further information regarding the applicability of Local Law 57 to the site. Nevertheless, DCAS, in its response, has agreed to provide AED training and AEDs to the South Shore Little League.

DETAILED SCOPE AND METHODOLOGY

We conducted this performance audit in accordance with generally accepted government auditing standards. Those 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 objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

We reviewed Local Law 57, Local Law 104, and other pertinent documents and interviewed DCAS officials.

To achieve our objective, we performed the following:

- Reviewed Local Law 57 and Local Law 104;
- Reviewed New York State Public Health Law §3000-b;
- Reviewed DCAS' policies and procedures on defibrillators at DCAS-leased baseball fields;
- Reviewed the list of all City baseball fields leased to youth baseball leagues;
- Verified the location of the baseball fields to IPIS and confirmed that the properties are under DCAS jurisdiction;
- Reviewed and analyzed the list of AEDs distributed to youth baseball leagues;
- Cross-referenced the "list of AEDs distributed to youth baseball leagues" to "list of DCAS leased baseball fields", and identified the youth leagues that did not receive the AED from DCAS;
- Utilized the internet search engines to confirm whether the youth leagues are actively engaged in baseball while leasing the baseball fields from DCAS;
- Reviewed the executed lease riders with tenants at the 11 DCAS leased-sites with ballfields;
- Reviewed the signed receipts from the youth leagues for the AEDs;
- Searched location of the City properties on Google Maps to identify the number of ballfields at each premise; and
- Reviewed DCAS' lists of AED-trained responders and copies of AED certification cards for the trained responders.

APPENDIX

List of DCAS-Managed Properties Where Youth Baseball Leagues Play

	Borough	Location of Ballfield(s)	Tenant Name	Number of AEDs Distributed
1	Bronx	3300 Harding Avenue Harding Avenue and Throgs Neck Blvd.	Throgs Neck Little League	2
2	Brooklyn	2040 53 rd Street 53 Street, East of 20 th Avenue	St. Athanasius Youth Program	2
3	Brooklyn	102 Gravesend Neck Road Gravesend Neck Road and West Street	Gravesend Athletic Association	2
4	Brooklyn	2298 Knapp Street Knapp Street and Avenue V	Amity Youth Council Inc.	2
5	Brooklyn	128 Avenue X Avenue X and West 8 th Street	Big Apple Liberty League	0 <small>Note: Under renovation. Did not issue AED.</small>
6	Queens	88 Fleet Street Fleet Street and Alderton Avenue	Forest Hills Little League Inc.	2
7	Queens	Woodhaven Blvd. Woodhaven Blvd. and Union Turnpike	Ridgewood Glendale Little League	2
8	Queens	Crossbay Blvd. Crossbay Blvd. and Union Turnpike	Broad Channel Athletic Club	1
9	Staten Island	Brielle Avenue Brielle Avenue and Seimoff Lane	Verrazano Babe Ruth League	2
10	Staten Island	798 Travis Avenue Travis Avenue and Chelsea Street	Richmond County Youth Complex, Inc.	2
11	Staten Island	80 Lyman Avenue Lyman Avenue and Dennis Torricelli Street	East Shore Little League	2
12	Staten Island	685 Page Avenue Page Avenue and Hylan Blvd.	South Shore Babe Ruth League	2
13	Staten Island	540 Page Avenue Hylan Blvd. and Bedell Avenue	South Shore Little League	0 <small>Note: No AED was issued but no explanation was provided.</small>
Total number of AEDs distributed by DCAS				21



Lisette Camilo
Commissioner

June 13, 2018

Ms. Marjorie Landa
Deputy Comptroller for Audit
Office of the New York City Comptroller
1 Centre Street, RM 1100
New York, NY 10007

RE: Audit Report on the New York Department of Citywide Administrative Services' Compliance with Local Law 57 for Baseball Games and Practices Played at City-Leased Baseball Fields.

Dear Deputy Comptroller Landa:

I am writing in response to the referenced audit report.

We are pleased that you found that DCAS generally complied with Local Law 57. Below is our response to the three recommendations made by the auditors:

Comptroller's Recommendations:

1. DCAS should determine whether South Shore Little League is utilizing one or more baseball fields leased from DCAS.
2. If DCAS determines that South Shore Little League is, in fact, utilizing one or more such baseball fields, DCAS should determine whether the Little League already has AEDs or whether City-owned AEDs should be supplied.
3. DCAS should determine whether South Shore Little League is utilizing one or more baseball fields leased from DCAS and requires AED training to meet the league's and DCAS' obligations under Local Law 57.

DCAS Response:

South Shore Little League (SSLL) is using the baseball fields pursuant to a license agreement with the Department of Youth and Community Development (DYCD) and not under a DCAS lease. Accordingly, DCAS is not obligated under Local Law 57 to provide AED training and AEDs to SSLL. However, training and AEDs will be provided to SSLL and SSLL has been contacted in this regard.

DCAS is committed to public safety and will make every effort to ensure continued compliance with Local Law 57.

Respectfully,

A handwritten signature in black ink, appearing to read "Lisette Camilo".

Lisette Camilo

The David N. Dinkins Municipal Building
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