

**Investigative Unit Operations Plan**

**County:** Broome  
**Contact Person:** David A. Smith  
**Title:** Supervising Fraud Investigator  
**Phone #:** 607-778-2519  
**E-mail Address:** [DSmith3@co.broome.ny.us](mailto:DSmith3@co.broome.ny.us)

1. What unit is responsible for the investigation of client fraud allegations?

Please provide the name of the unit, # of positions, titles of positions, and how allegations are processed.

Unit Responsible for Investigating Client Fraud Allegations: Broome County Department of Public Works, Security Division Case Integrity Unit (hereinafter "CIU"), through Cooperative Agreement with Broome County Department of Social Services (hereinafter "DSS").

Number & Title of Positions: (12.5 full time equivalent positions (FTE's))

- (1) Part-time Supervising Fraud Investigator
- (1) Full-time Senior Security Services Investigator
- (5) Full-time Security Services Investigators
- (4) Part-time Security Services Investigators
- (2) Full-time Senior Social Services Examiners
- (1) Full-time Social Services Examiner
- (1) Full-time Keyboard Specialist

Allegation Processing:

Upon receiving written, internet hotline complaint, or any other relevant communication which provides reasonable cause to believe an investigation may be appropriate, CIU staff creates investigation file. All necessary documentation is contained in CIU's investigation file, including investigative notes. File is entered and maintained in CIU's database. As directed by Supervising Fraud Investigator, appropriate personnel are assigned to conduct needed actions. DSS data (Welfare Management System/WMS) and relevant documents are reviewed. Witnesses, including subject, are interviewed. Witness statements, necessary employment/financial, and other relevant records are obtained.

If investigative evidence does not determine intent to defraud proper referrals within DSS may be made, and case is closed.

If investigative evidence determines intent to defraud, CIU Supervising Investigator and staff meet with; District Attorney's Office representative (hereinafter "DA"), Deputy County DSS Attorney, and DSS Administration. All cases of intentional fraud are prior reviewed, before prosecution or offer of voluntary disqualification consent agreement, to determine appropriate course of action.

2. What unit is responsible for the prosecution of client fraud allegations?

Please provide the name of the unit, # of positions, titles of positions, and how allegations are processed.

CIU is responsible for prosecution of client fraud allegations, in close cooperation with DA. CIU Investigators are NYS designated peace officers.

12.5 FTE's, with following titles:

- (1) Part-time Supervising Fraud Investigator
- (1) Full-time Senior Security Services Investigator
- (5) Full-time Security Services Investigators
- (4) Part-time Security Services Investigators
- (2) Full-time Senior Social Services Examiners
- (1) Full-time Social Services Examiner
- (1) Full-time Keyboard Specialist

As referenced above, recipient fraud investigations are intaked and initiated by CIU. An Investigator will interview witnesses, obtain supporting depositions, secure relevant documents, and prepare Investigative Report.

In cases warranting criminal prosecution, CIU Investigator prepares appropriate accusatory instrument(s) and files instrument(s), supporting depositions, 18 NYCRR Part 359 Statement and proposed Order with the Court. As may be appropriate, defendant is issued appearance ticket, criminal summons or warrant is obtained. Arrangements are made to have defendant processed and fingerprinted by City of Binghamton Police Department.

CIU Investigative Report, with necessary prosecution evidentiary materials, are sent to DA. Misdemeanor charge investigation materials are sent to DA's Binghamton City Court Office. Felony charge investigation materials are sent to DA's main office.

Recipient fraud cases are assigned by District Attorney to Assistant DA specializing in welfare fraud cases.

3. What unit is responsible for determining the overpayment amount, establishing the claim, and collection activities?

Determining Overpayment - CIU Senior Social Services Examiner. Overpayment calculations are reviewed by DSS Administration, in above-referenced CIU review meeting with DA's Office, and Deputy County Attorney.

Establishing Claim – DSS Accounting Unit (NYS OTDA Cash Asset Management System/CAMS).

Collection Activities – Criminal restitution by Broome County Probation. Civil collections by DSS Legal Unit. All collections CAMS monitored by DSS Accounting Claims Division. Temporary Assistance (TA) recoupment by DSS TA Division.

4. What are the step by step procedures for the referral of fraud cases for administrative hearings, including the notices provided and the timing of providing such notices?

Broome County works closely with its DA's Office. As referenced above, all CIU cases are pre-reviewed and approved for DCA or prosecution by DA's Office, Deputy County Attorney, and DSS administration. All Investigators are NYS designated peace officers. There is no need for Administrative Disqualification Hearings.

5. What are the step by step procedures for the referral of fraud cases to your District Attorney, including the notices provided and the timing of providing such notices?

All substantiated welfare fraud cases are presented to Assistant DA for preliminary review and approval (first review). Upon completion of DA review and approval, Supervising Fraud Investigator is directed to initiate either criminal or DCA action. To assure all welfare fraud cases are compliant with applicable DSS statutory, regulatory and other State administrative requirements, all case referrals to DA's Office are then, again, reviewed in face-to-face meeting of CIU Staff, DSS Administration, Deputy County DSS Attorney, and Assistant DA (who has already preliminarily reviewed & approved case) (second review). In rare instances when consensus not achieved, Deputy County DSS Attorney with agreement of Assistant DA, determines how case should proceed.

6. What are your procedures for offering a Disqualification Consent Agreement (DCA)?

In accordance with 18 NYCRR Part 359, after above-detailed approval by Supervising Fraud Investigator, DA's Office, DSS Administration and Deputy County DSS Attorney, Investigator contacts subject client. Investigator discusses results of case. Investigator provides subject copies of written notice of proposed voluntary disqualification consent agreement (DCA) Parts I (notice) and II (proposed voluntary agreement), for subject's 10 day review.

Notice and proposed voluntary agreement provides subject notice of right to attorney, and how subject may obtain free legal services.

Proposed voluntary agreement details for subject their alleged violation, program area(s) affected, length of disqualification, and any over issuance of benefits. In accordance with 18 NYCRR Part 359 subject may not enter into agreement prior to 10 day waiting period.

On follow-up appointment Investigator will meet with subject. If subject has retained attorney or obtained free legal services, subject's attorney may also be present. If subject's attorney requests further documents to verify subject's intent to defraud or other issues subject's attorney may want to develop, appropriate documents are provided attorney. If subject's attorney requests 10 day meeting be rescheduled, meeting is rescheduled. When meeting occurs, proposed voluntary agreement and its consequences are again reviewed. Subject is again presented with Disqualification Consent Agreement, Part II. Clients' attorneys may readily accept their clients' voluntary disqualification, or may advocate for different outcome. Subject chooses whether or not to sign voluntary agreement.

As referenced above, voluntary agreement details violation, program(s) affected, length of disqualification, and repayment of benefits (if applicable). Upon completion of agreement investigative case is closed. Subjects choosing to not enter into voluntary agreement may be referred back to DA's Office for criminal prosecution.

7. How is it proven that an individual has been advised on the court record of the Public Assistance disqualification penalties?

Each Accusatory Instrument contains required *Statement For the Record* and proposed *Order Entering Statement For The Record On The Record*. These documents detail disqualification provisions. Defendant is provided copies of these documents. Defendant is advised by court of contents at arraignment. Resultant court orders reflect court's adherence to process.

Attach a copy of the agreement between your social services district and the District Attorney's Office for the prosecution of welfare fraud.

**Broome County Department of Social Services**

Barbara J. Flala, Broome County Executive . Arthur R. Johnson, LMSW, Commissioner



**Legal Unit**

36-42 Main Street . Binghamton, New York 13905  
(607) 778-8850 . Website: [www.gobroomecounty.com](http://www.gobroomecounty.com)

(607) 778-2686

October 10, 2005

Gerald Mollen, District Attorney  
Broome County District Attorney's Office  
Press Building  
19 Chenango Street, 7<sup>th</sup> Floor  
Binghamton, NY 13901

**RE: DSS & District Attorney's Office Cooperative Agreement  
Welfare Fraud Screening & Prosecution/2006 Renewal  
Our File: 750-21-3; CA 13-596-1**

Dear Mr. Mollen:

The terms of our above-referenced Cooperative Agreement for the period January 1, 2005, through December 31, 2005, for welfare fraud screening and prosecution services, is due to expire on December 31, 2005.

Please regard this letter as a renewal of our Agreement for an additional one year period, from January 1, 2006, through December 31, 2006, at a cost not to exceed 50% of monetary collections related to welfare fraud referrals, whether through criminal restitution payments or disqualification consent agreements. All other terms and conditions of our original Agreement for calendar year 2004 shall remain in full force and effect.

Sincerely,


A handwritten signature in black ink, appearing to read "Arthur R. Johnson".

Arthur R. Johnson, LMSW  
Commissioner

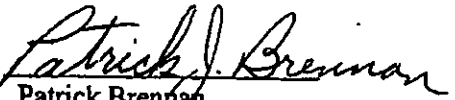
djd  
Enclosure

DSS & District Attorney's Office Cooperative Agreement  
1/1/06 - 12/31/06

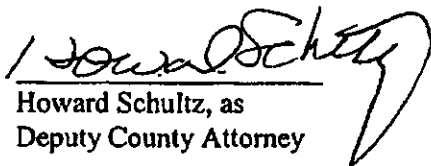
ACCEPTED:  
BROOME COUNTY DISTRICT ATTORNEY

by:   
Gerald Mollen  
District Attorney  
11/10/05  
Date


ACCEPTED:  
BROOME COUNTY

by:   
Patrick Brennan  
Deputy County Executive  
11/16/05  
Date

Approved as to Form:

  
Howard Schultz, as  
Deputy County Attorney

Approved as to Fiscal Terms:

  
Theodore Fedorchak  
Deputy Commissioner for  
Administration



**COOPERATIVE AGREEMENT BETWEEN BROOME COUNTY'S  
DEPARTMENT OF SOCIAL SERVICES  
&  
DISTRICT ATTORNEY'S OFFICE  
(WELFARE FRAUD SCREENING & PROSECUTION)**

CA 13-\_\_\_\_\_

This Agreement made this 3<sup>rd</sup> day of January, 2005, by and between the Broome County Department of Social Services (hereinafter "BCDSS") with offices at 36-42 Main Street, Binghamton, New York 13905, and the Broome County District Attorney's Office (hereinafter "DA") with offices at Press Building, 19 Chenango Street, 7<sup>th</sup> Floor, Binghamton, New York 13901.

**WITNESSETH:**

**WHEREAS**, BCDSS is responsible for establishing procedures to investigate and refer for prosecution acts of fraud involving programs administered by BCDSS; and

**WHEREAS**, Broome County's District Attorney is an independent elected official, responsible for screening and prosecuting criminal matters in accordance with State law, within the County of Broome; and

**WHEREAS**, BCDSS requires sufficient available prosecution services, to assure potential welfare fraud cases are properly screened and prosecuted; and

**WHEREAS**, BCDSS and DA are desirous of entering into this agreement, to assure DA's Office is able to retain sufficient staff to independently review and prosecute welfare fraud cases;

**NOW, THEREFORE**, the parties hereto mutually agree as follows:

1. DA shall provide available staff, which shall minimally be equal to the equivalent of one full-time Assistant District Attorney and such additional supervisory staff as may be necessary. DA staff shall screen and prosecute all cases of suspected welfare fraud as may be referred by BCDSS, or such other governmental entity that may perform such responsibilities on behalf of BCDSS. DA's proper screening and prosecution shall be in accordance with independent professional guidelines established by DA. DA's Office shall make staff available to meet with BCDSS and such other governmental entity that may perform welfare fraud related responsibilities on behalf of BCDSS, to assure proper and effective implementation of procedures involving criminal investigation and referral for prosecution of suspected welfare fraud.

2. BCDSS will provide DA's office any records, reports, documents, or other information to enable DA to perform its duties under this Agreement.





prepare a journal entry, allocating fifty percent of identified funds received regarding welfare fraud cases from the relevant BCDSS revenue ledgers, to the appropriate DA revenue ledger. Upon completion of journal entry revenue allocation, BCDSS shall forward relevant journal entries, with documentation, to DA's Office. If approved by DA's Office, DA's office shall then forward journal entry, with such documentation as may be appropriate, to Broome County's Finance Department for processing.


Dated: 1/8/05, 2004

BROOME COUNTY DISTRICT  
ATTORNEY'S OFFICE

  
Gerald Mollen, District Attorney

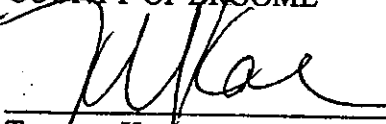
Dated: \_\_\_\_\_, 2004

BROOME COUNTY DEPARTMENT  
OF SOCIAL SERVICES


  
Arthur R. Johnson, as Commissioner

Dated: 12/28/04, 2004

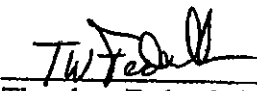
COUNTY OF BROOME

  
Terrence Kane, as  
Deputy County Executive

Approved as to Form:

  
Howard Schultz, as  
Deputy County Attorney

Approved as to Fiscal Terms:

  
Theodore Fedorchak,  
Deputy Commissioner for Administration

