

Investigative Unit Operations Plan

County: Cayuga County

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

The Case Integrity Division (CID) is responsible for investigations into Fraud allegations.

The Unit includes: 1 Supervising Social Services Investigator

3 F/T Social Services Investigators

Referrals are brought to CID through: Fraud Tip line, Referrals from Caseworkers; Walk-Ins; State Matches, etc....

1. The allegation is initially reviewed: to see if an active case exists or existed at time of alleged fraud. WMS, IEDR (case notes) are reviewed.
2. If there is a basis to the alleged fraud – the case is assigned to an investigator.
3. The investigator will prep the case for the investigation – checking IEDR, DMV, SOLQ, UIB, EBT, Child Support, etc... whichever databases are relevant to the case.
4. The investigator will conduct the investigation.
5. If there is a fraud a request for an overgrant is sent to the appropriate unit (SNAP, Public Assistance, MA, Daycare, Heap).
6. The overgrant is returned and based upon the facts and strength of the case and dollar amount of the overgrant the Investigator will determine the path: ADH, DCA, Criminal Case or Recovery only.

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

CID works in conjunction with the District Attorney's Office.

CID staff as indicated above works with the following staff at the DA's office:

Assistant District Attorney, Confidential Investigator and a Grant Program Coordinator.

Per our agreement with the DA's office fraud cases where overgrants exceed \$1,800.00 are forwarded to the DA's office for Criminal Prosecution. *There are always exceptions to this such as: cases where intent is not clear or agency error is involved, etc...There

may also be lower overgrant amount cases referred if there is a history of prior frauds being committed for the same offense.

DCA's for fraudulent cases under \$1,800.00 are sent for review and approval by the DA's office.

ADH's are used for lower dollar amount cases and are used per the Investigator's discretion.

Recovery Only cases are used when there may be no intent or when Agency Error came in to play.

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

The individual units (SNAP, MA, PA, Daycare, or Heap) are responsible for computing the overpayments amounts and establishing the claims. The Resources Unit is responsible for Collection Activities (unless it is an active FS case – and the SNAP unit would handle that).

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?

Once the investigator has conducted the investigation and an ADH is deemed the appropriate action for the case:

The Investigator completes the ADH Packet and it is sent to Albany. Albany (NYS OTDA – ADH Unit) reviews the case and a date is set on the administrative calendar for the hearing of the case. It is required that the client have 30 day advance notice of the Hearing Date. The client is sent a copy of the ADH Packet and the date and time of the Administrative Hearing. The County is notified of the ADH Calendar. The ADH Hearing is then conducted. Subsequently, the State notifies both the client and the County of the Decision. The results are then passed on to the appropriate unit so that disqualifications can be imposed if need be.

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?

At the conclusion of the investigation – based upon dollar amount of the overgrant (being typically over \$1800.00) and the facts of the case – the case will be referred to the DA's office for criminal prosecution.

The criminal packet is completed by the Investigator (including: the Welfare Fraud Summary; Evidence List, Voluntary Affidavits, Information & Complaints, etc...). This is taken to the DA's office. The DA's office will review the case and proceed with the criminal prosecution of the case. The investigator will testify and provide information as required. The DA will notify CID as to the disposition of the case. CID will then notify the appropriate Unit for disqualifications and the Recovery Unit for any recoupment of monies involved.

6. **What are the procedures for offering a Disqualification Consent Agreement?**

In most circumstances the Investigator has met with the client during the course of the investigation. In a majority of those situations, at that time, the overgrant has not yet been computed....the possible scenarios, such as ADH, DCA and Criminal Prosecution are reviewed with the client. Once the overgrant amount is received by CID, the investigator will make the decision based upon that overgrant amount and the facts of the case as to which path to take. If a DCA is decided upon, a "Submitting a Case for DCA Review" Form is written up by the Investigator. It provides a synopsis of the fraud case for the DA's review, as well as the disqualification sought and the amount of the overgrant. This is emailed to the DA's office. Once reviewed and approved for the DCA process, the Assistant District Attorney will sign, date and return the form to CID. This usually occurs within 1-2 business days. The DA's office, specifically, the Grant Program Coordinator, then sends to the client a Cover letter – which request that the client make contact with CID within 30 days and gives the date; also included in the packet is Notice of Consequences of Consenting to the a Disqualification Consent Agreement Form with the appropriate Disqualification checked, as well as a copy of the Disqualification Consent Agreement. This packet is mailed to the client certified mail. Once the client makes contact with CID an appointment is arranged and the client comes in for the meeting. Again the facts of the case are gone over and the DCA process is reviewed, any and all questions are answered to the client's satisfaction. If the client is in agreement to the DCA – the Disqualification Consent Agreement is signed and dated, as well as a Repayment Agreement. The client is provided with copies of all documentation. The investigator will then provide copies of this documentation and request the disqualification to be imposed to the appropriate unit. Resources will also be advised and provided copies as to the recovery of the overgrant monies. If, the client fails to make contact with CID within the 30 days, the investigator will contact the DA's office to see if the packet was indeed signed for. The investigator may attempt to contact the client by telephone (if known) or send an additional letter requesting contact. If again no contact is made by the client, the investigator will then proceed with writing up the full Criminal Case and provide that to the DA's office to move the case through criminally.

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

The Assistant District Attorney mails a copy of the Notice of Disqualification to the defense attorney with the written plea agreement. If a plea does not get mailed, he will hand the Defendant's attorney a copy in open court. They must acknowledge the disqualification on the record orally, and they are given an opportunity to review the same with their defense counsel prior to plea. The Judge will then sign an order entering the ADA's statement for the record in the record. If the Defense Attorney objects, the plea does not go forward. If the Disqualification sought by the People is greater than the statutory minimum, the ADA requires the defendant and attorney to sign it.