

Investigative Unit Operations Plan

County: Chemung County
Contact Person: Jan Bliss
Title: Supervising Social Services Investigator
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1 & 4. What unit is responsible for the investigation and prosecution of client fraud allegations? (name of the unit, # of positions, titles of positions, how are allegations processed)

The Chemung County Department of Social Services Special Investigations Unit (SIU) is responsible for the investigation and prosecution referral of client fraud allegations. Our Investigation team consists of the following staff:

- 1 Full-Time Supervising Social Services Investigator
- 1 Full-Time Social Services Investigator
- 1 Part-Time Social Services Investigator
- 1 Full-Time Police Fraud Investigator
- 1 Full-Time Senior Social Welfare Examiner

Client fraud referrals are received from a variety of sources including the public, other governmental agencies, and the Department of Social Services workers. All client fraud referral information is entered into an automated SIU computer program by various Chemung County employees or members of the SIU. The SIU computer program is a network based program and allows various Chemung County employees to send fraud referrals to the SIU from their desktops. The fraud referral intake process provides for the entry of the client's demographic information, the type of fraud, and a narrative of the alleged fraud. A Fraud Referral Cover Sheet identifies the referral by client name and assigns a specific Fraud referral number for tracking purposes. The SIU staff or designee prepares a file and completes a preliminary case review and forwards the referral to the investigative team.

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

The Senior Social Welfare Examiner, in SIU, is responsible for determining the overpayment amount based upon eligibility rules for each program area. The SIU's Resource Recovery Unit consists of one Sr. Resource Clerk who is responsible for establishing claims on the Cash Management System (CAMS) and pursuing collection activities. The Sr. Resource Clerk position is under the direction of the Supervisor of Fiscal Services.

3 & 5. What are the procedures for the referral of fraud cases to your District Attorney and Administrative Hearings?

When a fraud has been detected, the Supervising Social Services Investigator or Police Fraud Investigator gathers and prepares an evidence package to support the allegations of the fraud. The evidence package includes documentary evidence (i.e. sworn statements, applications, recertification's, budgets, over grant summary, defendant statement, etc.) to support the allegation of fraud. The Police Fraud Investigator is responsible for preparing the Accusatory Instrument for the unit and for filing the complaint together with the evidence package with the District Attorney's Office. On cases where the District Attorney declines to criminally prosecute, the Social Services Investigator may pursue a disqualification consent agreement resulting in an Intentional Program Violation upon the District Attorney's approval.

6. What are your procedures regarding the DCA?

When the Chemung County District Attorney's Office declines to criminally prosecute a case prepared by the Chemung County Special Investigation's Unit, a Disqualification Consent Agreement can be presented as an option upon approval of the District Attorney's Office. SIU Investigators as well as the supervising Investigator meet with the District Attorney's Office weekly to review the cases that are approved by them for the DCA process. A contact letter is sent to the client. The client makes an appointment to come in and speak to the Investigator. During the interview with the client the "Notice of Consequence" and the "Disqualification Consent Agreement" are read to the client explaining each bullet and answering any questions the client may have. The client is given in writing the address and phone number for both the Chemung County Neighborhood Legal Services Office and the Public Defender's Office. Before the client leaves the interview, they are given an appointment to return to SIU no earlier than 10 days from that date. They leave the SIU Unit with both the "Notice of Consequence" and the "Disqualification Consent Agreement". When the client comes to SIU for the follow up appointment with an Investigator, they either present a statement or give a statement at that time. The Client then signs the DCA and is given a copy for their records. Clients are also given a "Client notice" generated from the SIU system in regards to the IPV for TA and/or FS. If applicable the client then signs a repayment agreement and is also given a copy. The case is then forwarded to the Senior Social Welfare Examiner to complete client notices, adjust the budget, and to forward to Resource Recovery to establish a claim and pursue collection.

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

The Statement for the Record document is included with each evidence package sent to the District Attorney, Criminal Court, and the Defendant. The Elmira City Court forwards a copy of the Statement for the Record along with the court order disposition to the SIU.

8. Please see attachment.

AGREEMENT

THIS AGREEMENT, made this 30th day of March, 20 10, between

LINDA HUFFNER, Commissioner of the Chemung County Department of Social Services, with offices at 425 Pennsylvania Ave. Elmira, New York, hereinafter called "COMMISSIONER"

Party of the First Part

- AND -

WEEDON WETMORE, ESQ, District Attorney of the County of Chemung, with Offices at 226 Lake St. Elmira, New York, hereinafter called "DISTRICT ATTORNEY"

Party of the Second Part

WHEREAS, the COMMISSIONER recognizes that it is the statutory responsibility of the DISTRICT ATTORNEY to prosecute crimes committed in the County of Chemung,

WHEREAS, the DISTRICT ATTORNEY recognizes the COMMISSIONER maintains the Special Investigations Unit with the responsibility to investigate allegations of Welfare Fraud in all program areas operated within the Department of Social Services and to recover overpayments of assistance that occur as the result of fraudulent activity, and

WHEREAS, the DISTRICT ATTORNEY recognizes the COMMISSIONER is required by the New York State Office of Temporary & Disability Assistance and the New York State Department of Health to make appropriate referrals to the DISTRICT ATTORNEY to prosecute cases of fraud committed against the Chemung County Department of Social Services, and

WHEREAS, the parties are desirous of instituting procedures in the referral of fraud Cases for criminal prosecution as accepted by the DISTRICT ATTORNEY, and for cases not

accepted for criminal prosecution , which are to be dealt with by the COMMISSIONER administratively pursuant to procedures set forth.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, it is hereby agreed by and between the parties as follows:

ONE: The COMMISSIONER shall refer cases of Suspected Welfare Fraud to the DISTRICT ATTORNEY on activity involving a) concealment of a material fact (i.e. unreported income, unreported resources, etc.) resulting in an overpayment of assistance b) the filing of a false instrument or false statement c) any combination of a & b and/or d) Criminal use of Public Benefit cards or any other fraudulent activity as recommended by the DISTRICT ATTORNEY. The acceptance of the case for criminal prosecution based upon the evidence presented shall be at the discretion of the DISTRICT ATTORNEY.

TWO: The DISTRICT ATTORNEY recognizes that the Police Fraud Investigator assigned to the Department of Social Services Special Investigation Unit shall prepare the Accusatory Instrument and evidence package for all welfare fraud cases referred to the DISTRICT ATTORNEY by said Department and said Police Fraud Investigator may proceed directly to arrest in accordance with Police procedures under the New York State Criminal Procedure Law. The Police Fraud Investigator shall file an original copy of the Accusatory Instrument together with a complete evidence package with the DISTRICT ATTORNEY. The evidence package shall include a Statement for the Record identifying Temporary Assistance Disqualification penalties to be entered in the court record by the DISTRICT ATTORNEY.

THREE: If, after conferring with the Department of Social Services, the DISTRICT ATTORNEY believes that the administrative procedure is in the best interests of the People of the State of New York, then in that event the Social Services Investigator assigned to the case

shall attempt to seek restitution of the overpayment in the appropriate program area by Civil remedy. On overpayments involving the Public Assistance and Food Stamp programs an Administrative Disqualification Hearing transmittal may be filed for the purpose of establishing an Intentional Program Violation in lieu of criminal prosecution.

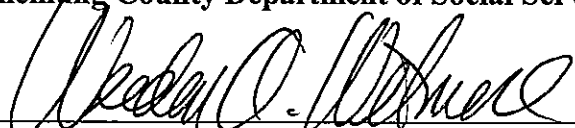
FOUR: The District Attorney authorizes the Department of Social Services to send advance written notification of consequences of signing a Disqualification Consent Agreement to the assistance unit or household, and enter into a Disqualification Consent Agreement, when deferred adjudication is contemplated on Intentional Program Violations (IPVs) resulting from a false statement with no overpayments of Public Assistance and/or Food Stamps or as directed by the Chemung County District Attorney.

FIVE: This Agreement may be terminated by either party upon thirty days written notice to the other party, which notice shall either be mailed by first class mail or delivered in person to the other party at the address for said party as shown on the first page of this Agreement.

IN WITNESS WHEREOF, the parties hereto have affixed their respective signatures on the day and date first above written.



Linda Huffner, Commissioner
Chemung County Department of Social Services



Weedon Wetmore, Esq., District Attorney
County of Chemung