

Fraud Investigations Unit Plan
Clinton County, New York State
Department of Social Services

The Clinton County Department of Social Services Fraud Investigations Unit consists of a Unit Supervisor/Social Service Investigator and a Fraud Specialist, at the present time.

The Unit Supervisor has the overall supervisory responsibility for the functioning of the Fraud Investigation Unit and its personnel. All complaints, fraud referrals and verifications are routed through the Unit Supervisor, who then reviews the information, and does a preliminary investigation. If further action is warranted, the Unit Supervisor will then assign the investigations equally amongst him/herself and the Fraud Specialist(s).

After an investigation is completed, the Unit Supervisor reviews the documented investigation, and appropriate action is taken. If a fraudulent activity is found, a court file is compiled. This file contains all evidence for a fraud trial. The file may be sent to the Clinton County Department of Social Services Attorney for review to determine if information is acceptable for a court of law, and may be produced as evidence. After the file has received approval, it is sent to the District Attorney's office. The District Attorney will review the case and determine if prosecution is warranted.

If the decision is made by the District Attorney to prosecute, the District Attorney will approve the case, and return the file to the Fraud Unit. The Investigator or Specialist assigned, and working the fraud case, will take the information before a local Justice, and sign documents on behalf of the Clinton County Department of Social Services as the Complainant. The Judge will then issue a warrant or summons based on the information filed by the Fraud Unit.

On Home Relief -Intentional Program Violation (HR-IPV) or Family Assistance-Intentional Program Violation (FA-IPV) fraud cases, the District Attorney will provide the defendant's attorney with the statement for the record. This is used to advise individuals on the record of disqualification provisions contained in SSL Section 145-C and regulations at 18 NYCRR 359.9.

The defendant's attorney will be responsible for providing this statement to the defendant. Both the defendant and attorney's signatures are required on this document.

During the court proceeding and prior to the entry of the plea, the Judge will advise the defendant on record of the disqualification provisions. In addition, the Judge will sign an order entering the statement into record.

The Clinton County Department of Social Services Fraud Investigations Unit will use a Disqualification Consent Agreement (DCA) if the District Attorney chooses to settle a case when the accused individual is found to have committed an IPV.

The District Attorney has signed a cooperative agreement with the DSS Commissioner that gives the Fraud Investigations Unit approval to send the Notification of Consequences form in advance to clients to make them aware of the consequences of signing such an agreement. Clients will be given the appropriate ten (10) days before any case action is taken.

DCAs for FA and HR cases will receive court confirmation.

In the event the case does not warrant criminal prosecution and is recommended for civil action, the Unit Supervisor will make the decision to have him/herself, or the Fraud Specialist(s), obtain a Repayment Agreement and Confession of Judgment.

02/08/2016

CLINTON COUNTY DEPARTMENT OF SOCIAL SERVICES
and
CLINTON COUNTY DISTRICT ATTORNEY

Memorandum of Understanding

This cooperative agreement between the Clinton County Department of Social Services (the DEPARTMENT), and the Clinton County District Attorney (the DISTRICT ATTORNEY), is entered into between the above-mentioned parties.

WITNESSETH:

Whereas, 18 NYCRR 359.4 requires the DEPARTMENT to enter into a written agreement with the DISTRICT ATTORNEY with regard to advance written notification of the consequences of signing a disqualification consent where intentional violations of the Food Stamp and Cash Assistance Programs are alleged;

NOW, THEREFORE, the DISTRICT ATTORNEY agrees that in all cases referred to his office where: (1) an intentional violation of the Food Stamp and Cash Assistance Programs are alleged, and (2) where the case is to be settled upon a basis of a deferred adjudication (e.g. adjournment in contemplation of dismissal), and (3) where a disqualification consent agreement is part of such settlement or order, the DISTRICT ATTORNEY will notify the DEPARTMENT prior to such settlement for the purpose of permitting the DEPARTMENT to send advance written notice to the defendant of the consequences of signing a disqualification consent agreement.

This agreement is for the time period January 1, 2009 through December 31, 2009.

Dated: 12/11/08


Jay T. LePage, Commissioner
Clinton County DSS

Dated:


Andrew J. Wylie, District Attorney
Clinton County