

Investigative Unit Operations Plan

County: Essex

Contact Person: Stephanie Snow

Title: Head Social Services Worker

Phone #: (518) 873-3445

E-mail Address: Stephanie.Snow@dfa.state.ny.us

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

Fraud Investigations Unit:

Head Social Services Worker (Unit Supervisor) Stephanie Snow

Social Services Investigator Melissa Stoddard

Social Services Investigator (to be filled, presently vacant due to recent retirement)

Allegations are received via phone, in person, and mail. Requests for anonymity are respected. More recently Essex County received approval for the use of Social Media which has allowed the Investigators to gain access to information previously out of reach. All allegations are documented by the Social Services Workers on an Investigation Referral Form. The form is submitted to the Head Social Services Worker who assigns the investigations to the Fraud Investigators who conduct the investigation and report back to the Workers. The Workers then conference with Investigators and Head Social Services Worker to determine best 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, how allegations are processed

Essex County Assistant District/DSS Attorney:

David Scaglione Esq

Fraud Investigations Unit:

Head Social Services Worker (Unit Supervisor) Stephanie Snow

Social Services Investigator Melissa Stoddard

Social Services Investigator (to be filled, presently vacant due to recent retirement)

Social Services Investigator meets with the Head Social Services Worker re: action to be taken on each case. If necessary, they conference with Senior Social Services Worker and Social Service Worker involved in the case. The Investigator then meets with the Assistant District/DSS Attorney who decides whether to proceed with court action or continue collection efforts in house. If it is determined to be a felony case, the case is sent to the District Attorney who has the final say re: prosecution.

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

The Social Services Workers are responsible for determining any overpayment amounts. CAMS claims are loaded onto the CAMS data base (Head Social Services Worker loads TA, SNAP, Employment, and HEAP; Social Services Workers in the Medicaid Unit load their own.) The Head Social Services Worker and Accounting Department work together on collection activities.

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

Social Services Investigator meets with the Head Social Services Worker re: action to be taken on each case. If necessary, they conference with Senior Social Services Worker and Social Service Worker involved in the case. The Investigator then meets with the Assistant District/DSS Attorney who decides whether to proceed with court action or continue collection efforts in house. All notices are sent by the Fraud Investigations Unit. The ADA and LDSS work closely with the local court. The Judge is very receptive to taking our cases. Essex County has never done an Administrative Hearing.

6. What are your procedures for offering a the DCA?

The suggested protocol presented on 15-INF-07 is basically the procedure with the exception that the Investigator first contacts the client and to set up an informational meeting at which time the client receives the evidence and offers the client and opportunity to ask questions. The client is not required to make any decisions at this meeting. The DCA protocol is then put into place.

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

All required notices are sent by the Social Services Worker and /or Investigators. Cases are reviewed by Senior Social Services Worker or the Head Social Services Worker to verify the notice was sent. Typically a “less technical” informal letter is also sent so that the client has a better understanding of what has happened and why. Also, the Investigators make attempts to set up a face to face meeting with the client to explain everything in person and give an opportunity to the client to ask questions.

Attach a copy of the agreement between your county and the District Attorney’s Office for the prosecution of welfare fraud.

SUGGESTED PROTOCOL FOR DISQUALIFICATION CONSENT INTERVIEWS (2015)

All staff shall use the following protocol, once the District Attorney's office has issued its determination letter offering deferred adjudication and civil resolution of the matter.

- 1) Evidence Packet: Documentation sufficient to support the finding of an Intentional Program Violation shall be provided to the District Attorney's office for mailing to the accused individual with the advance notice provided by the District Attorney in conformity with regulations.
- 2) The investigator will contact the individual, if the individual has not called to schedule an interview within a reasonable time following mailing of the advance notification from the District Attorney's Office.
- 3) An interview, if desired by the individual, will be scheduled no earlier than 13 days from the date of mailing, or no sooner than 10 days from receipt of the packet, as confirmed by the Applicant/Recipient.
- 4) No individual will be asked to waive their right to the 10 days' Notice of Consequences prior to signing the DCA.
- 5) At the interview, the attached INTERVIEW ACKNOWLEDGEMENT FORM will be discussed and reviewed with the individual. If the interview is conducted by telephone, the fraud investigator may record the call, and use the form provided. At the conclusion of the in-person or telephone interview, the fraud investigator will deliver a copy of the completed form to the individual.
- 6) If the Office receives a signed DCA, dated at least 10 days after the date of the District Attorney's advance notification, this Office will send a copy of the Interview Acknowledgement Form by certified mail, return receipt requested, to the last known address, along with a cover letter acknowledging receipt of the signed DCA, but notifying them that we wanted to ensure they understood their rights, and to please contact the Office to go over the attached form. Included in that mailing will be a Self Addressed Stamped Envelope for return of the completed Form to the Office.
- 7) If the individual chooses to present a statement or evidence in support of finding that the allegation was caused by error rather than fraud, the form will be noted, and the investigator will review the information prior to accepting the DCA and imposing the disqualification status.
- 8) No staff member will threaten or imply any consequence beyond the wording incorporated on the attached INTERVIEW ACKNOWLEDGEMENT FORM, and any information or communication which is found to reasonably represent any kind of impermissible threat or coercion will subject the employee to disciplinary action.

READ, UNDERSTOOD AND ACKNOWLEDGED:

Employee Name: Stephane Saw Date: 9/16/15 [DCA Interview Protocol 7/31/15]

AGREEMENT

THIS AGREEMENT, made this 1st day of May, 2015, between

JOHN P. O'NEILL, Commissioner of the Essex County Department of Social Services, with offices at 7551 Court Street, P.O. Box 217, Elizabethtown, New York, hereinafter called "COMMISSIONER"

Party of the First Part

-AND-

KRISTY SPRAGUE, ESQ., District Attorney of the County of Essex, with Offices at 7559 Court Street, P.O. Box 217, Elizabethtown, 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 Essex; and

WHEREAS, the DISTRICT ATTORNEY recognizes the COMMISSIONER maintains the Fraud 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 Essex 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 & band/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 ADA/DSS Attorney assigned to the Department of Social Services Fraud Investigation Unit shall prepare the Accusatory Instrument and evidence package for all welfare fraud cases referred to the DISTRICT ATTORNEY by said Department.

The ADA/DSS Attorney 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.

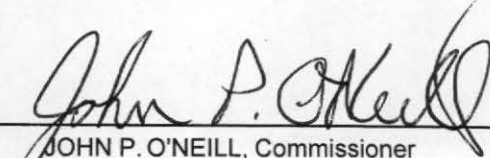
THREE: If, after conferring with the Department of Social Services, the DISTRICT ATTORNEY believes that the administrative procedure is in the best interests of the People of the State of New York, then in that event the Social Services Investigator assigned to the case shall attempt to seek restitution of the overpayment in the appropriate program area by Civil remedy. On overpayments involving the Temporary Assistance and SNAP programs an Administrative Disqualification Hearing transmittal may be filed for the purpose of establishing an Intentional Program Violation in lieu of

criminal prosecution.

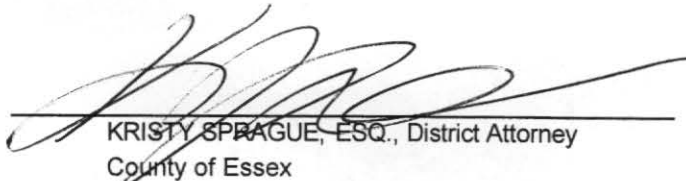
FOUR: The District Attorney authorizes the Department of Social Services to send advance written notification of consequences of signing a Disqualification Consent Agreement to the assistance unit or household, and enter into a Disqualification Consent Agreement, when deferred adjudication is contemplated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

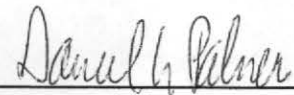
IN WITNESS WHEREOF, the parties hereto have affixed their respective signatures on the day and date first above written.



JOHN P. O'NEILL, Commissioner
Essex County Department of Social Services



KRISTY SPRAGUE, ESQ., District Attorney
County of Essex



DANIEL L. PALMER, County Manager
County of Essex