

Herkimer County Fraud Task Force

Investigative Unit Operations Plan

The Herkimer County Fraud Program is a multi-department Task Force which combines the resources of Department of Social Service, Sheriff's Office and the District Attorney's Office.

Unit Personnel- 9 Positions

DSS- Social Services Investigator

Clerk/Typist

Sheriff Office- (2) Part-time Investigators

(2) Part-time Deputies (FEDS)

Part-time Clerk/Typist

DA Office- Assistant District Attorney

Part-time Clerk/Typist

Process for Handling Allegations:

Fraud complaints are received in the form of inter-office referrals, web fraud referrals and phone referrals. All complaints are given to the Social Services Investigator who reviews the complaint and logs the information. The DSS Investigator completes a WMS inquiry on the individual(s), if known to system a full review is completed for the recipient. If the individual is not known to the system complaint is closed and filed in with all closed investigations.

For individual(s) who are known to system, the DSS Investigator reviews the case information on I/EDR, case comment and WMS. The DSS Investigator completes upfront investigation including but not limited to postal inquiries, employment verifications, school verifications, income verifications and/or residency verifications. Once the DSS Investigator has completed a case review, the compliant and any other necessary information is given to the Sheriff Office Investigator to complete the necessary field investigations. The Social Service Investigator and the Sheriff Office Investigator work jointly is compiling the information and making a determination of whether fraud has occurred. The Sheriff Office Investigator completes all arrests, arraignments and any other duties associated with the prosecution through the DA's office.

The District Attorney's office reviews all evidence submitted by the Sheriff Office and makes a determination whether to criminal prosecute. Once the case is accepted by the DA's office the Disqualification Consent Agreement and Confession of Judgment, if necessary, are sent the

Social Services Investigator. The handling of the disqualification paperwork is handled jointly between the District Attorney's office and the Social Service Investigator. The District Attorney's office completes all necessary prosecutions in the assigned court and when once completed notifies the Social Services Investigator of the outcome.

All fraud cases are processed through the District Attorney's office therefore Administrative Fair Hearing process is not utilized.

Claims-

Social Service Investigator reviews all claims established by Income maintenance to determine the type of claim, Inadvertent Household Error, Agency Error or Intentional Program Violation, and determines whether a fraud investigation is needed.

Claims are monitored by the Social Service Investigator. If necessary, delinquent claims are referred to the DA's office who also attempts collection prior to referring the individual to Small Claims Court. The Social Services Investigator represents Department of Social Services at Small Claims Court giving the clients an opportunity to sign new repayment agreement before a judgment being filed.

Order Entering Statement into Record-

Per the District Attorney's office disqualification provisions are placed on the court record for all cases.

Cooperative Agreement –

Memorandum of Understanding has been established with the District Attorney's Office in accordance to with Department Regulations 18 NYCRR 348.2 (c) and 359.4, and Federal Regulation 7 CFR 273.16 (g)(1).

See Appendix A

COOPERATIVE AGREEMENT

THIS AGREEMENT, by and between the HERKIMER COUNTY DEPARTMENT OF SOCIAL SERVICES (hereinafter referred to as the Department) and the HERKIMER COUNTY DISTRICT ATTORNEY'S OFFICE (hereinafter referred to as the District Attorney) is effective when signed by both parties hereto and approved by an appropriate official of the New York State Department of Social Services.

WITNESSETH:

WHEREAS, Parts 348 and 359 of Title 18 of the Codes, Rules, and Regulations of the State of New York requires that the Department refer to the District Attorney all cases wherein reasonable grounds exist to believe that fraud was committed by an applicant or recipient of any assistance program; and

WHEREAS, Section 700 of the County Law of the State of New York requires the District Attorney to conduct all prosecutions for crimes and offenses cognizable by the courts of the county for which he shall have been elected or appointed; and

WHEREAS, the Department is entitled to apply for state and/or federal reimbursement for all or a portion of its expenses in connection with fraud investigations and prosecutions, and it is appropriate that the parties enter into a written agreement setting forth their respective duties hereunder;

NOW, THEREFORE, IT IS AGREED

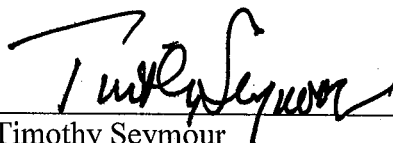
1. The Department shall refer to the District Attorney appropriate cases of alleged applicant or recipient fraud related to any program providing public assistance and care or other benefits.
2. The District Attorney shall accept such referrals from the Department and where appropriate, prosecute or assist in the proper disposition and resolution of same. The District Attorney shall provide the Department with the services of one (1) Assistant District Attorney and one (1) part-time Clerk/Typist.
3. The Department shall provide the District Attorney with all reports, documents, and other information necessary to perform his obligations under this agreement. All information exchanged between the parties is considered confidential, and will be used only for the intended purpose. Measures shall be taken to safeguard the confidentiality of such information to the extent required by applicable state and federal laws and regulations. All records must be retained for a period of six (6) years and shall be made available for audit by the New York State Department of Social Services, New York State Department of Audit and Control, and the Department of Health and Human Services.
4. The Department shall pay the District Attorney for the services provided under this agreement as set forth in the budget. The District Attorney shall bill the Department

monthly with a standard county voucher. The Department agrees that it shall be responsible to pay the District Attorney on a monthly basis, and shall thereafter seek available reimbursement. The parties understand that the prosecution of suspected fraud cases before courts or grand jury, to enforce court decisions in such cases is considered a general government expense, and federal funds may not be used to pay for such trial work. The District Attorney agrees to submit to the Department such documentation as may be necessary, pursuant to state and federal laws and regulations, to support any claim filed by the Department for reimbursement of expenditures incurred by the District Attorney under this agreement.

5. The term of this agreement shall be one (1) year, and shall renew automatically upon the anniversary of such agreement, unless terminated by either party.
6. Either party may terminate this agreement, without cause, upon thirty (30) days written notice to the other party. The Department may terminate this agreement immediately for cause, or if federal or state reimbursement is terminated.
7. The District Attorney agrees to comply with all applicable laws, rules, regulations, and other requirements of the federal government, the Department of Health and Human Services, the United States Department of Agriculture, and the New York State Department of Social Services, including, but not limited to, the provisions of the Civil Rights Act of 1964 as amended by Executive Order 11246; 41 CFR Part 60; Section 504 of the Rehabilitation Act of 1973; and 45 CFR Parts 84 and 85.

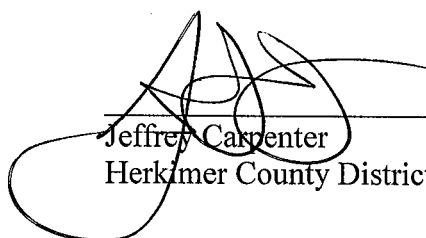
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates appearing opposite their respective signatures.

4/3/14
Date



Timothy Seymour
Herkimer County Department of Social Services

4/2/14
Date



Jeffrey Carpenter
Herkimer County District Attorney