

Investigative Unit Operations Plan

County: Oneida

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

Please provide the name of the unit, # of positions, titles of positions, and how allegations are processed.

The Resource Department is responsible for the investigation of fraud. The Unit consists of the Resource Consultant, 2 Senior Social Service Investigators and 6 Social Service Investigators.

Allegations are processed as follows:

When a fraud allegation is made, a WMS inquiry is run to insure that the complaint pertains to an individual that is or has been a recipient of Assistance in our county. If so, the allegation is written up and submitted to the Resource Consultant where it is reviewed, logged in and assigned to a Social Service Investigator.

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

The Oneida County District Attorneys Office

Please provide the name of the unit, # of positions, titles of positions, and how allegations are processed.

There is not one unit totally dedicated to the investigation and prosecution of IPV's

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

The Resource Department is responsible for determining the overpayment amount.

The claim is established by the Claims Control Unit (CCU). The CCU is part of the Temporary Assistance and SNAP Unit. They establish and maintain records for all overpayments for both programs.

The Claims Control Unit monitors recoupment on all active cases and the Resource Department monitors all cash payments.

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?

Oneida County does not use the Administrative Hearing process

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?

An investigation is conducted to determine if there is evidence of a possible fraud. If so, a fraud packet is prepared and again submitted the Resource Consultant for review. It is then reviewed by a panel of three individuals, the Resource Consultant, a Senior Social Services Investigator, and an attorney from the Oneida County Department of Social Services Legal Department to determine whether it should be referred over to the Oneida County District Attorney's Office for possible prosecution.

Once it is determined that there is a belief that an intentional IPV may have been committed it is then the fraud packet is sent over for review to the Oneida County District Attorney's Office for possible prosecution.

Should there be a determination by the panel that there are insufficient allegations to support a belief that an intentional IPV may have occurred, then it will be coded and processed as an agency or inadvertent household error.

If a determination is made to proceed with criminal charges, the Oneida County District Attorney's Office begins a prosecution of the alleged crime. If that Office prosecutes the matter and there is a resulting IPV, the DCA is executed in Court on the record

Should the Oneida County District Attorney's decide not to prosecute then the matter is referred back to the agency which will be coded as agency error or inadvertent household error.

If there is a decision to defer prosecution (please see response to #6 below) and if the client decides NOT to sign the IPV the case is returned to the DA's Office.

Should the client decide to sign the IPV, the signature is witnessed by the Social Service Investigator and the case is processed. The individual has a right to have counsel present at the time of the execution of the DCA. **(The Notification of Consequences and proper ten days is afforded the client).**

If at any time the client fails to abide by the terms of the Disqualification Consent Agreement for which prosecution was deferred, the case is returned to the District Attorney's Office to pursue prosecution.

6. What are your procedures for offering a Disqualification Consent Agreement (DCA)?

A DCA will be offered by the Oneida County DSS Social Service Investigator once communication is received from the District Attorney's Office that they have agreed to "defer prosecution". This agency will be notified by the District Attorney's office in writing of such action should this agency receive that communication, and then a DCA will be offered in accordance with the regulations and Attachments 2 and 3 of OTDA 15-INF-07. **The Notification of Consequences shall be provided and the proper ten days shall be afforded to the recipient.**

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

Should the client be successfully prosecuted, in addition to the sentence prescribed by the court, the Statement of Consequences and the Disqualification Consent Agreement are read into the court record.

Attach a copy of the agreement between your social services district and the District Attorney's Office for the prosecution of welfare fraud.