

## Investigative Unit Operations Plan

**County:** Orleans

**Contact Person:** Thomas D. Kuryla

**Title:** Commissioner

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

**(name of the unit, number of positions, titles of positions, how allegations are processed)**

Orleans County Department of Social Services employs two Welfare Fraud Investigators. Both Investigators report to the Commissioner.

One investigator is responsible for fraud referrals and hotline calls, and their subsequent investigations through to the criminal court proceedings. This investigator is also responsible for completing the monthly FEDS (Front End Detection System) reports, quarterly investigative reports, and IPV reporting.

The second investigator is responsible for Safety Net Front End Detection interviews, Legally Exempt Referrals (daycare), and clients that have been sanctioned beyond duration.

The investigators work jointly on many of the investigations, along with the District Attorney's office, the Major Felony Crime Task Force, and law enforcement. They will attend fraud seminars and trainings, at least annually if not more frequently. They will cover the other investigator's caseload in the absence of the other.

Once a case has been investigated and the case has been reviewed, criminal charges are filed with the District Attorney's office and law enforcement. The case is also referred to the Supervising Examiner to place recoupments into the case.

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

The overpayment amount is established by the Senior Examiners in the temporary assistance and SNAP units. The overpayment amount of Daycare Assistance is established by the Senior Social Welfare Examiner in the Daycare Assistance unit. The Supervising Examiner reviews the case and places the recoupment into the case if applicable.

The amount of repayment and claims are set by the Court. If paying in full, the defendant can pay the Orleans County Accounting Department. If the full amount has not been paid by sentencing, the defendant will be ordered to pay court-ordered restitution through the Orleans County Probation Department.

**3. What are the step by step procedures for the referral of fraud cases to your District Attorney?**

When a case is to be referred for prosecution, a referral packet is reviewed by the Department of Social Services Supervising Examiner and the Legal Department. Once approved the Fraud Unit then sends it to the District Attorney's office. The referral packet contains a summary of the case, a list of the evidence, the complaint, and all evidence and notes pertaining to the case. Copies are then given to the law enforcement agency that will be making the arrest. Law enforcement reviews the criminal charges with the defendant and issues an appearance ticket for Town Court.

The District Attorney's Office presents the case to the court.

**4. What are the procedures for referral of fraud cases for administrative hearings and for offering a Disqualification Consent Agreement (DCA)?**

Orleans County does not refer cases for administrative hearings or offer DCAs.

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

The IPV (Intentional Program Violation) form is completed by the Judge. A copy is given to the defendant and his/her attorney for review. Once the defendant signs the form, it is given back to the Judge for his signature. Two signed copies are then made, one is given to the defendant on the record, and the other is placed in the defendant's file at the District. The original is filed with the Court.

**Attached is a copy of the agreement between this county's Department of Social Services and the District Attorney's Office for the prosecution of welfare fraud.**

**WELFARE FRAUD INVESTIGATION  
AND PROSECUTION AGREEMENT**

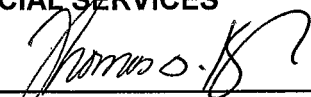
In order to define the respective responsibilities in the investigation and prosecution of alleged welfare fraud cases, the Orleans County Department of Social Services and the Orleans County District Attorney's Office may agree as follows:

1. *The Orleans County Department of Social Services shall:*
  - a. Refer to the Orleans County District Attorney's Office all cases it believes warrant civil or criminal prosecution due to alleged welfare fraud activities.
  - b. Include with the referred case a complete package of all documentary evidence, investigation summary, complaint, and any mitigating facts or circumstances known to the Department.
  - c. Prepare all forms required by the New York State Department of Social Services in conjunction with the prosecution of referred cases, and assist the District Attorney's Office in the prosecution as requested.
  
2. *The Orleans County District Attorney's Office shall:*
  - a. Review all cases of alleged welfare fraud referred by the Department of Social Services.
  - b. Accept for prosecution, decline to prosecute, or settle referred cases in a reasonable amount of time.
  - c. Submit to the court of jurisdiction for entry on the record any and all New York State Department of Social Services forms, prepared by the Orleans County Department of Social Services, as mandated by the New York State Department of Social Services.

The parties involved have signed this Agreement on the day and year appearing opposite their respective signatures.

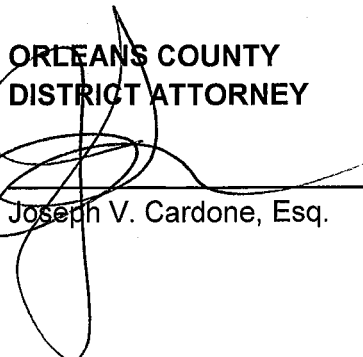
Dated: 12/14/15

**ORLEANS COUNTY DEPARTMENT  
OF SOCIAL SERVICES**

  
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Thomas D. Kuryla, Commissioner

Dated: 12/14/15

**ORLEANS COUNTY  
DISTRICT ATTORNEY**

  
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Joseph V. Cardone, Esq.