Investigative Unit Operations Plan
Revised October 2015

County: Oswego
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Purpose: To maintain and enhance an investigative unit designed to identify and investigate all reports or allegations of potential fraudulent receipt of benefits from Social Services. This includes the program areas of Temporary Assistance, SNAP, Medicaid, HEAP and Child Care.

1. The Investigative Unit of Oswego County Dept of Social Services is responsible for the investigation of client fraud allegations. The unit includes:
   - 1 Supervisor (Resource Coordinator)
   - 5 Social Services Fraud Investigators
   - 1 Community Service Worker

Collections Unit Responsible for calculation of Overpayments due to Fraud, IHE or AE
   - 1 Sr. Social Welfare Examiner
   - 1 Social Welfare Examiner
   - (2) Pending SWE Positions

Process:
All allegations of potential fraudulent receipt of benefits from Social Services are referred to the appropriate Assistance Program (AP) Examiner to determine if the reported allegation is known to the agency and is part of the case record. The agency takes the following steps to resolve the issue:

- Information/Allegation is known to the agency
  - The AP examiner notifies the Investigative Unit via referral (attachment A) that an investigation is not necessary.
  - Investigative Unit records reply for statistical information but does not open an investigation file.

- Information/Allegation is unknown to the agency
  - The AP examiner notifies the Investigative Unit via referral (attachment A) that an investigation is necessary as information is not part of the case record
  - Investigative Unit records reply for statistical information and proceeds to open a file for investigation
  - Investigation file is assigned to an investigator based on geographical location
  - Investigator conducts investigation and documents all information. If the allegation is unsubstantiated the investigator notifies the AP examiner of the findings via the Investigative Unit Case Closing
Summary (attachment B) and closes the investigative case
If the allegation is substantiated the case is forwarded to the Collections Unit examiner to determine a potential overpayment.

If an overpayment exists the Investigator makes a determination to refer the case for ADH or District Attorney to process for a disqualification or to pursue collections only.

2. The Investigative Unit of Oswego County Department of Social Services is responsible for the referral for prosecution of client fraud allegations. The Oswego County District Attorney’s Office is responsible for the prosecution of client fraud allegations.

3. The Collections Unit and/or Accounting Unit are responsible for determining the overpayment amount, establishing the claim, and collection activities. The Collections Unit & Accounting Unit responsibilities are:
   - Determining overpayment amounts on fraud and non-fraud cases
   - Monitoring collections on all overpayments (fraud and non fraud), including corrections of all CAMs error reports
   - Filing judgments. The Investigators serve civil summons generated by the Collections Unit
   - Record maintenance
   - Monitor and report monthly on SNAP and PA recoupments
   - Cash Recovery monthly reports
   - Income executions from Sheriff’s Department
   - Monitoring all cases under recoupments to apply appropriate credit to probation cases
   - DSS 3214 SNAP program status of claims against households
   - Process disqualifications, including notification to clients and OTDA
   - Attend ADH’s and Court proceedings as witnesses when required

4. Procedure for the referral of fraud cases to Administrative Hearings:
   Investigator prepares file for ADH which includes:
   - Cover page – identifies ADH case
   - Transmittal request DSS-4422
   - Postal request – verifies client’s current address
   - Electronic Disqualified Recipient System (eDRS) report – shows previous disqualifications
   - Reviewing the Evidence statement – notifies clients who to contact to see original evidence and Legal Aid
   - Overview of ADH – client demographics, explains offense and gives a brief summary
   - IPV Request/Case Summary – details of the investigation in chronological order of events and circumstances outlining agencies contention of fraud
   - List of Exhibits
   - Case Record Materials – i.e.:- applications, notices, overpayment information
   - Agency Witnesses – contact information for agency witnesses

Case is sent to OTDA Office of Administrative Hearings.
Agency and Client are notified by OAH of when hearings will be at least 30 days in advance of hearing date.
Investigator presents case at the hearing
Upon notification of hearing results case is closed out and appropriate notices are generated.
5. Procedure for the referral of fraud cases to District Attorney:
   - See Inter-Agency Agreement for Services between DSS and District Attorney’s office (attachment C)
   - Investigator prepares file for prosecution which includes:
     o Cover page – identifies prosecution case
     o Welfare Summary to the DA – explains offense, charges, and defendant’s demographics.
     o LDSS-4906 Notice to Advise Individuals on a Court Record of Disqualification Provisions (attachment D)
     o Order Entering Statement into Record (attachment E)
     o Case summary – details of the investigation in chronological orders of events and circumstances outlining agencies contention of fraud
     o Case Record Materials – i.e.: applications and recertifications
     o Investigative Information – documentation of investigation such as evidence to support the claim along with voluntary statements obtained from clients or collateral witnesses
     o Overpayment Information
     o Agency Witnesses – contact information for agency witnesses.
     o Sworn Statements/ Certification of Business Records – Sworn statements from Investigators, DSS employees, client’s employer(s), banks, etc…
     o Accusatory Instruments – outline criminal charges against the defendants based on penal law statues.
   - Case is presented to DA or an ADA in a face to face meeting
   - Notification of case disposition is received from DA or Mexico Town Court
   - Certificates of Disposition are requested from Mexico Town Court
   - Cases are referred to Collections Examiners and Accounting for updating CAMs and processing for disqualification if necessary (see #3)
   - Resolved cases are recorded for statistical purposes and closed or monitored through the collections system

6. Procedure for offering a Disqualification Consent Agreement.
   - See Inter-Agency Agreement for Services between DSS and District Attorney’s office (attachment C)
   - Investigator prepares file for prosecution which includes:
     o Cover page – identifies prosecution case
     o Welfare Summary to the DA – explains offense, charges, and defendant’s demographics.
     o LDSS-4906 Notice to Advise Individuals on a Court Record of Disqualification Provisions (attachment D)
     o Order Entering Statement into Record (attachment E)
     o Case summary – details of the investigation in chronological orders of events and circumstances outlining agencies contention of fraud
     o Case Record Materials – i.e.: applications and recertifications
     o Investigative Information – documentation of investigation such as evidence to support the claim along with voluntary statements obtained from clients or collateral witnesses
     o Overpayment Information
     o Agency Witnesses – contact information for agency witnesses.
     Sworn Statements/ Certification of Business Records – Sworn statements from Investigators, DSS employees, client’s employer(s), banks, etc…
     o Accusatory Instruments – outline criminal charges against the defendants based on penal law statues.
   - Case is presented to DA or an ADA in a face to face meeting
• Signed documentation from DA or ADA is obtained verifying his review of case and acceptance for prosecution is obtained.
• Determination to pursue DCA in lieu of prosecution is made
• Investigator may act as the District Attorney Representative and assist with obtaining signatures on DCA.
• Investigator will send interview appointment letter along with LDSS-4904 and LDSS-4903 (attachments F & G) to the client at least 10 days prior to the scheduled meeting to discuss signing the DCA
• If signatures are obtained, case is referred to Collections Unit for processing of disqualification and updating overpayment status in CAMs
• If no signatures are obtained case is referred back to DA’s office for prosecution.

7. Attachments VII-A (Statement for the Record) and VII-B (Order Entering Statement) as provided in 93 ADM 8 are included in the Prosecution file and utilized to assure an individual was advised on the record of the Temporary Assistance disqualifications penalties.
Inter-Agency Agreement for Services  
By and Between

The Oswego County Department of Social Services located at PO Box 1320, 100 Spring Street, Mexico, New York 13114, hereinafter called “DSS” and the Oswego County District Attorney’s Office, located at 39 Churchill Road, Oswego, New York 13126, hereinafter called the “DA”.

WHEREAS 18 NYCRR 359.4 requires DSS 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 Public Assistance and/or Supplemental Nutrition Assistance intentional program violations are alleged, and

It is the intention of the Oswego County Department of Social Services to enter into a cooperative agreement with the personnel and subsequent successors of the Oswego County District Attorney’s Office and the Judicial Magistrates of Oswego County.

The following procedure has been prepared as a guideline for all parties to this Agreement:

1. DSS will enter into an agreement with the DA’s Office of the County of Oswego in accordance with New York State Department of Social Services Regulation 18 NYCRR 348.2(c).

2. DSS Investigative Unit will refer to the DA any and all cases (Temporary Assistance, Supplemental Nutrition Assistance, Medicaid, Home Energy Assistance and Child Care) in which DSS has facts that would support a potential criminal charge being filed. The DA and DSS agree that the monetary threshold of overpayment due to Fraud that is required for referral for prosecution is $1,000. All cases referred to the DA will be accompanied by documentary evidence, which would support the filing of an accusatory instrument commencing a criminal action.

3. Upon DA receipt of a specific case and recommendation from DSS, the DA will review same to determine whether or not the individual(s) identified may be considered for Disqualification Consent Agreement (DCA).

Disqualification Consent Agreements in Lieu of Prosecution

1. DSS recommends to DA that he offer a Disqualification Consent Agreement as part of settlement. Upon DA’s consent, DSS sends advance written notice to the recipients to make them aware of the consequences of signing such an agreement. Notices LDSS 4903 and LDSS 4904 (Attachments 1 and 2) must be sent at least ten days in advance of the proposed date for signing the DCA.

2. When the individual agrees to sign the DCA:
   a. The individual acknowledges that he/she understands the consequences of signing the DCA.
   b. The individual duly executes the DCA in the presence of DSS staff, or in the presence of the Defense Attorney, who will sign as a witness to the signature.
   c. The Disqualification Consent Agreement is made part of the Court Record. Copy is provided to DSS within ten days as verification for case file, allowing timely processing of the individual’s disqualification for benefits.
   d. DSS initiates a period of disqualification per 97 ADM 23.
3. When the individual does not agree to sign the DCA:
   a. DSS refers the case back to the DA.
   b. DA refers the case, along with all documentary evidence to the Oswego County Sheriff’s Department to make an arrest.

Cases Proceeding to Prosecution:

1. DA and DSS agree to collaborate, where needed, to properly develop reliable facts that would support a potential criminal prosecution. DSS will obtain any all sworn depositions necessary to support the filing of a criminal accusatory instrument.

2. When a case requires a court appearance on the part of DSS employee(s):
   a. DA will notify DSS upon receipt of the date of scheduled court appearance, and
   b. At least one week prior to the date of scheduled court appearance, the DA or ADA will review the case in question with the DSS Investigator, as well as with any other DSS employee(s) (past or present) that will be called to testify.

3. DA will provide a Certificate of Disposition to DSS within ten days of disposition of the case, allowing DSS the opportunity to complete timely processing of the defendant(s)’ disqualification for benefits.

THEREFORE, the Department of Social Services and the District Attorney do agree to enter into this agreement.

GREGG HEFFNER
Commissioner
Oswego County Department of Social Services

Date: 10/5/15

GREG OAKES
District Attorney
Oswego County District Attorney’s Office

Date: 9/20/15