

INVESTIGATIONS UNIT OPERATIONS PLAN

County: Rockland

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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 Special Investigations Unit (DSS SIU) of the Rockland County Department of Social Services (RCDSS) is responsible for the investigation of all allegations of client/recipient fraud. The SIU consists of one (1) Coordinator of Special Investigations, two (2) Senior Social Services Investigators, three (3) Social Services Investigators, one (1) Senior Typist, and two (2) Social Welfare Examiners. All SIU staff members are employees of the RCDSS.

The DSS SIU receives allegations of client/recipient fraud from: 1) within the agency (e.g. from DSS eligibility workers, Child Support Enforcement Investigators, Services Team workers, and the SIU itself through collateral investigations and the Front End Detection System FEDS); and 2) from the general public (e.g. through walk-in, the DSS InfoRock call center, the DSS SIU main telephone number, via email at our report.fraud@dfa email address, by fax, and by postal mail).

All fraud allegations received by the DSS SIU are reviewed by either the Coordinator of Special Investigations or one of the two Senior Social Services Investigators utilizing the Welfare Management System (WMS) computer and IEDR to determine: 1) is the subject of the allegation presently a recipient of assistance and if so, what assistance program(s) are involved?; 2) if not presently a recipient, were they previously a recipient and what assistance program(s) were involved?; and 3) does the allegation pertain to a current eligibility matter that requires prompt attention?

After the initial review, the allegation is given to the Sr. Clerk Typist who enters the client/recipient demographics and basic allegation information into our Law Manager case management computer program (**ATTACHMENT 1**) and creates a hard copy file that is given back to the Coordinator of Special Investigations to assign to an Investigator or SWEX within the SIU.

The Coordinator of Special Investigations utilizes the Law Manager case management computer program and an Excel spreadsheet to track the progress of each case to completion. The assigned investigator also has access to the Law Manager case management computer program.

The assigned investigator documents the dates and substance of all investigative activities (e.g., telephone call summaries, face-to-face interviews, letters sent and received, documentary evidence requested and obtained, etc.) in the Law Manager case management computer system. All documents generated as part of the investigation are ultimately scanned into PDF format and linked to the relevant Law Manager case matter. A written investigation summary report (**ATTACHMENT 2**) is completed for each investigation and is also scanned or saved to the relevant Law Manager case matter.

Based upon the unique circumstances of each case, the investigation report outcome will fall under one of the following designations: **Unsubstantiated** – this determination is used when the alleged information is found to be irrelevant, untrue or was already reported and/or otherwise has no effect on eligibility; **Positive, with overpayment** – this determination is used when the investigation determines that false information exists and results in the client/recipient receiving an overpayment of assistance. The overpayment amount(s), assistance type(s) involved, and time period(s) of overpayment are also noted as are the efforts to recover the overpayment amount(s) and any repayment terms; **Positive, without overpayment** – this determination is used when the investigation determines that false information exists that may or may not affect eligibility but does not result in the client/recipient receiving an overpayment of assistance; and **No Determination** – this determination is used when insufficient information exists to prove or disprove the allegation (e.g., an allegation of absent parent in the household and the client/recipient's case is already closed).

As appropriate, a general referral containing the investigation summary and supporting documents will be provided to the relevant assistance units so that appropriate action may be taken or, on closed cases, an entry may be made onto the relevant IEDR case comments requesting that if the client/recipient reapply for benefits that they be referred the DSS SIU/Front End Detection System (FEDS) prior to authorizing assistance based upon this prior unresolved matter.

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

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

Ultimately, it is the responsibility of the Office of the Rockland County District Attorney (RCDA) to prosecute our client fraud allegations. The RCDA has its own Special Investigations Unit (RCDA SIU) that specializes in investigating and prosecuting “white collar” and financial crimes, such as Welfare Fraud. The RCDA SIU consists of one (1) Executive ADA/Unit Chief, two (2) Senior ADAs, and multiple Detectives.

However, prior to the RCDA SIU’s involvement, the initial investigation is conducted by the DSS SIU.

The DSS SIU investigation will determine on a case by case basis, based upon the relative merits of each case, if evidence of fraud exists, e.g., false application(s), altered document(s), false statement(s), etc.. Regardless of whether or not evidence of fraud exists, the DSS SIU will concurrently also determine if an overpayment was received, the assistance program(s) involved in the overpayment, the time-period(s) of the overpayment(s), and the amount(s) of the overpayment(s).

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

The DSS SIU is responsible for determining the overpayment amount and providing the supporting documentation necessary to establish the claim to our Cash Assistance Management System (CAMS) Unit (**ATTACHMENT 3 & 4**). The DSS SIU handles all voluntary repayments received from clients who have signed repayment papers with the DSS SIU acknowledging their debt to the DSS and who are making their payments. The DSS SIU also handles all repayments made through the Probation Department for court ordered restitution resulting from a guilty plea or conviction related to Welfare Fraud. Our Resource and CAMS Units handle all other collection matters, such as enforcing judgments through wage garnishment.

NOTE: all overpayment cases involving a client/recipient signing a voluntary repayment agreement with the DSS SIU will result in an informational letter referral to the RCDA to advise them of the overpayment received,

overpayment cause, and that acceptable repayment arrangements have been made with the DSS SIU. (ATTACHMENT 5)

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?

The DSS SIU does NOT utilize the administrative hearing process. All cases of suspected Public Cash Assistance and SNAP Benefits fraud are referred to the RCDA for consideration of prosecution. If the RCDA deems there is sufficient evidence to initiate prosecution, the DSS SIU ensures that the RCDA has the appropriate disqualification paperwork to provide to the defendant on the record at the time of arraignment. The DSS SIU works with the RCDA to ensure that the administrative disqualification is obtained as part of the guilty plea or sentencing. If the RCDA does NOT deem there to be sufficient evidence to initiate prosecution, the DSS SIU will only pursue recovery of the overpayment amount.

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?

If the DSS SIU investigation determines, based upon the relative merits of each case, that evidence of fraud exists, e.g., false application(s), altered document(s), false statement(s), etc., the DSS SIU investigator prepares a Referral to the District Attorney packet (ATTACHMENT 6). The packet consists of a cover letter that contains the client's name, address, demographics, overpayment amount(s), overpayment assistance program type(s) and time period(s) involved, a chronology of relevant case facts, an overpayment chart breaking down the overpayment amount(s) and time period(s), and a listing of exhibits. Attached to this cover letter are the relevant evidence and exhibits.

The Coordinator of Special Investigations then forwards the entire packet to the DSS Legal Department for review by either the Director of Legal Services or the Director of Compliance, Integrity, and Resource Recovery. Once the packet is reviewed and approved by the DSS Legal Department, the Coordinator of Special Investigations makes arrangements for the packet to be picked up by a RCDA SIU Detective. In the event that a packet is not approved by the DSS Legal Department for referral to the RCDA, the DSS SIU may still pursue recovery of any overpayment amount(s) deemed to have been received.

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

The DSS SIU does NOT offer the option of a Disqualification Consent Agreement (DCA) in lieu of referral for prosecution. All Public Cash Assistance and SNAP Benefits cases involving suspected fraud will be forwarded to the RCDA for consideration of prosecution utilizing the steps stipulated above.

If the RCDA deems there is sufficient evidence to initiate prosecution, the DSS SIU will ensure that the RCDA has the appropriate disqualification paperwork to provide to the defendant on the record at the time of arraignment. The DSS SIU will work with the RCDA to ensure that the appropriate disqualification is obtained as part of the guilty plea or sentencing. If the RCDA does NOT deem there to be sufficient evidence to initiate prosecution, the DSS SIU will only pursue recovery of the overpayment amount.

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

All clients whose cases warrant an Intentional Program Violation (IPV) penalty are provided with the attached documents by the RCDA either at arraignment or at a time well before plea. The documents advise the clients that their guilty plea may result in the imposition of an administrative IPV penalty or, as has happened in many cases, the RCDA requests and the sentencing Judge imposes the IPV penalty as part of the criminal sentence. **(ATTACHMENTS 7 & 8)**

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

The RCDSS and the RCDA are in the process of updating our existing Memorandum of Understanding (MOU) and will provide same to OTDA A&QI promptly upon completion. Our existing MOU has been attached for your information. **(ATTACHMENT 9)**

ATTACHMENT 9



