

Investigative Unit Operations Plan

County: Saratoga

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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.

Special Investigation Unit (SIU): 5 staff
1 Senior Social Service Investigator
3 Social Service Investigators
1 Senior Account Clerk Typist

Allegations are logged into master log and assigned to investigators – when investigation is complete it gets closed out of master log and logged into quarterly log.

- 2. What unit is responsible for the prosecution of client fraud allegations?**
Please provide the name of the unit, # of position, titles of positions, and how Allegations are process.

Special Investigation Unit (SIU): 4 Staff
1 Senior Social Service Investigator
3 Social Service Investigators

When the SIU determines there is sufficient evidence of fraud committed on a case, a criminal packet is prepared and first referred to the County Attorney for review. When approved by the County Attorney the packet is then sent to the District Attorney's Office for review and criminal prosecution if appropriate.

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

The eligibility unit that referred the case for investigation determines the overpayment after the Special Investigations Unit completes the investigation. For Client/Vendor errors, the eligibility program that is affected handles the claim paperwork and forwards it to the accounting unit to be established. If it is an Intentional Program Violation

(IPV) the Special Investigations Unit handles the claim paperwork for collection activities.

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?

Once the SIU determines there is sufficient evidence, a criminal packet is prepared and first referred to the County Attorney for review, and then, to the District Attorney's Office for approval of criminal prosecution.

If the District Attorney's office and the SIU do not feel a case is strong enough for criminal prosecution and falls into the FA/SN – the case will be referred to OAH to determine if an IPV is appropriate. The SIU send OAH the fraud packet requesting approval for such hearing. OAH is in charge of issuing notices and the timing depends on them.

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?

When the SIU determines there is sufficient evidence that fraud was committed on a case, a criminal packet is prepared and first sent to the County Attorney for review. When approved by the County Attorney the packet is then sent to the District Attorney's Office for review if criminal prosecution is appropriate.

In some cases, the District Attorney will defer prosecution if the client enters into a Disqualification Consent Agreement (DCA). A letter will be sent to the client outlining the investigation and disposition offered by the District Attorney's Office. Included in this letter will be the Notice of Consequences of Consenting to a DCA and a proposed date for signing the DCA. Deferment is only used for the SNAP program.

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

Once the District Attorney's office approves a Disqualification Consent Agreement (DCA) a cover sheet is sent to the SIU with this recommendation. A letter will be sent by the SIU outlining the investigation and disposition offered by the District Attorney's Office. Included in this letter will be the DCA paperwork and Notice of Consequences of Consenting to a DCA. Client will be requested to contact the office within ten (10) days to set up a proposed interview date to discuss the DCA paperwork sent to them. The investigators will follow Attachment 2- Suggested Protocol for Disqualification Consent Interviews when conducting interviews with each client. Attachment 3- DCS Interview Acknowledgement Form is reviewed with each client at the time of the interview and their signature is requested. Deferment is only used for the SNAP program.

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

If the case goes to court, a copy of the fraud packet (including the DCA paperwork) is provided to the ADA and to the court. At the court hearing the client/defendant is asked if he/she understands the penalties that will be imposed if entering plea and client's response/statement are entered on the court record.

AGREEMENT TO PROSECUTE

Response to 15-INF-07

When an investigation is complete and the Special Investigation Unit determines there is sufficient evidence, a fraud criminal packet is prepared and first referred to the County Attorney for review, and then, to the District Attorney's Office for approval of criminal prosecution. There is no threshold to prosecute criminal cases. In some cases, the District Attorney will defer prosecution if the client enters into a Disqualification Consent Agreement (SNAP only), and or will refer case to the Administrative Hearing Process for TA & CC cases (see attached).

If case goes to court, the investigator handling case will be present at every court proceeding to represent the agency. The case is handled with the Milton Town Court. If the disposition in court includes a disqualification, the individual who pleads guilty will be advised on the record of the disqualification terms.

18 NYCRR 359.4 requires prior to prosecution for a SNAP violation, a written agreement between the Saratoga County DSS and the Saratoga County DA's office regarding written notification to households of the consequences of entering into a Disqualification Consent Agreement. This agreement, if signed by the accused individual, admits committing and Intentional Program Violation and its consequences. The signing of this agreement will satisfy the advance notice requirement of the SNAP Disqualification Process.

Saratoga County Department of Social Services

By: 

Tina Potter, Commissioner

Saratoga County District Attorney's Office

By: 