

2016

Investigative Unit Operations Plan

County: Wayne County DSS

Contact Person: Mary L. Lippert

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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, how allegations are processed)

Wayne County's DSS Fraud Unit, Director Mary L. Lippert and Deborah Hubright, Social Welfare Examiner; and the Wayne County Sheriff's Welfare Fraud Unit, consisting of Sergeant Investigator Tammy Ryndock and Deputy Andrea Knapp.

Allegations are processed in many ways. Complaints are taken by phone at DSS, through Web Fraud allegations, PARIS Matches or via the Wayne County Sheriff's Department. Complaints coming into DSS are reviewed by the Director who determines if they are valid complaints, then are referred to Investigator Ryndock and/or Deputy Knapp, or to the appropriate Examiner if it is not fraud related.

2. What unit is responsible for the prosecution of client fraud allegations?
(Please provide the name of the unit, # of positions, titles of positions, and how allegations are processed)

The Wayne County Sheriff's Office Welfare Fraud Unit in conjunction with the District Attorney's Office.

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

The DSS Fraud unit is responsible for the calculation of all overpayments, establishing the claim and 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?

When a determination has been made to forego criminal prosecution, DSS fraud unit prepares a packet following the Office of Administrative Hearings guidelines. Three copies of the packet are then mailed to that office, once they have approved the packet; OAH schedules the hearing and mails the packet to the client.

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 such notices?

Once a determination of fraud has been made, the case is referred to the Wayne County Sheriff's Fraud Unit for arrest. Once an arrest has been made, the District Attorney's office determines whether or not to prosecute in criminal court. Cases are then prosecuted in Lyons Town Court, or in the township where the criminal occurred.

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

An informational packet will be referred to the Investigators at the Wayne County Sheriff's Department for review. Upon agreement between the Department of Social Services and the Wayne County Sheriff's office, if an Intentional Program Violation has occurred, the Investigator will defer to the Wayne County District Attorney's office for either criminal prosecution or approval from them to initiate the Disqualification Consent Agreement process. If approved by the District Attorney's office, the responsibility of implementing the appropriate DCA paperwork and disqualification lays with DSS staff. Wayne County will follow the Protocol for Disqualification Consent Interviews as outlined in 15-INF-7 (Attachment 1 and 1a)

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

Wayne County DSS completes the Statement For the Record and makes sure the District Attorney and Court Clerk have the form on hand so it is signed during the court proceedings upon conviction.

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

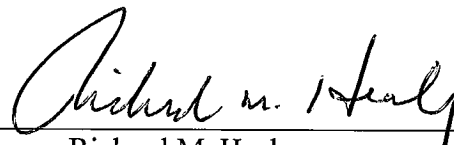
Pursuant to 18 NYCRR 348.2, the Wayne County District Attorney enters into the following agreement with the Wayne County Department of Social Services:

Upon an investigation of the Wayne County Department of Social Services of suspected welfare fraud perpetrated by a client and based upon a find that there is sufficient evidence to withstand criminal charges; the Wayne County District Attorney's Office may agree to prosecute such cases of suspected fraud. The determination of the sufficiency of the evidence will be made by the District Attorney's Office as well as local Police agencies. The dollar amount alleged in the fraud will be considered in determining whether or not a case will be prosecuted.

In certain situations, the local Police agencies, with the approval of the Wayne County Department of Social Services, will have the authority to refer cases directly to the District Attorney's office with a formal request for a Disqualification Consent Agreement in lieu of pursuing criminal charges. Disqualifications for Temporary Assistance must be signed by a judge.

When criminal charges have been brought, all defendants will be advised prior to entering a guilty plea of the disqualification provisions contained in Social Services Law Section 145-C and regulations at 18 NYCRR 359.9 by either the Assistant District Attorney handling the matter or the presiding Judge. The advisement will be done by means of Attachment VII-A of the NYS Department of Social Services Administration Directive Transmittal 93 ADM-9, which will be read to each defendant.

Date October 7, 2015



Richard M. Healy
Wayne County District Attorney