

Investigative Unit Operations Plan

County: Westchester

Contact Person: Eugene Cialini

Title: Manager I

Phone #: 914-995-4814

E-mail Address: ecc6@westchestergov.com

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.)

Westchester County's Fraud Investigations Unit is responsible for the investigation of recipient fraud allegations. The unit is currently staffed by the following:

- 1 Supervising Eligibility Examiner (SEE)
- 1 Assistant Supervising Eligibility Examiner (ASEE)
 - 4 Eligibility Examiners (EE)
 - 1 Office Assistant (OA).

The unit also works closely with two Detectives from the Westchester County Department of Public Safety (WCDPS). One Detective works primarily with the Fraud Investigations unit assisting with both prosecution referrals and referrals for general assistance with investigations. The other works chiefly on referrals from the OMIG.

Allegations are received from a variety of sources; a local fraud hot-line, a web based fraud referral linked from the County website, case workers in the LDSS district offices, letters from the public, audit results, as well as referrals from the OMIG, OWIG and OTDA (RFMS).

Allegations received by the Fraud Investigations Unit are initially screened by the ASEE to determine if the allegation warrants further investigation or should be dismissed as unfounded. If the ASEE determines that the allegation warrants further investigation, an assignment is made to one of the four EEs. The EE may determine during the course of their investigation that a referral ought to be made to the Detective assigned to the investigations unit. Input and contributions from the Detective may include such things as surveillance, depositions, and collateral contacts which the EE may not be able to obtain on their own.

Once the investigation is completed, a resolution of the allegation is recommended by the EE and the case is submitted to the Supervisor for review and approval.

The Supervisor bears the responsibility for responding to the referring agent as needed, as well as notifying the LDSS case worker of any necessary case action. The Supervisor would also refer cases to the Detective for potential legal action or OTDA in the event a program disqualification is in order.

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.)

Once an allegation is deemed appropriate for prosecution by the Fraud Investigations Unit, it is referred to the WCDPS Detective. There are currently 2 WCDPS Detectives assigned to Westchester County Department of Social Services (WCDSS) Office of Program Integrity (OPI). One assists with investigations and prosecution of TA, SNAP and Child Care cases. The other specifically works on the investigation and prosecution of Medicaid and prescription fraud allegations. Both of these Detectives take allegations referred to them for prosecution by the Fraud Investigations Unit. They then meet with the Supervisor to review the allegation and the evidence compiled and will determine whether or not the case is appropriate for submission to the District Attorney's (DA) Office for prosecution. If they feel more evidence is needed they will either return the case to the Fraud Investigations Unit or compile the necessary evidence to complete the investigation.

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

The Fraud Investigations Unit is responsible for calculating any TA, SNAP, Child Care or Medicaid overpayments that result from completed investigations. If the case is closed, the Fraud investigator is responsible for posting the TA overpayment on the ABEL budget, sending a notice using the Client Notification System (CNS) and referring the TA and SNAP overpayments to our Fiscal Operations Unit for entry into Cash Accounting Management System (CAMS). TA overpayments on active cases that do not involve IPV or prosecution are referred to the LDSS case worker to which the case is assigned who will then post the TA overpayment to the budget and send out the CNS notice. The case worker will also enter codes on 3209 and budget for IPV's on open cases.

Fiscal Operations is responsible for monitoring, maintaining and initiating all SNAP claims. They are also responsible for collections through CAMS and/or recoupment. The Revenue Accounting Unit bears the responsibility for posting all TA/SNAP payments received to each individual CAMS account.

For closed cases involving prosecution, assignment of restitution is made by the court to the Department of Probation if the court rules that the individual be placed under Probation's supervision. Payments made in conjunction with the probation supervision are collected by Probation and forwarded to DSS Revenue Accounting for deposit and posting to CAMS. If the court rules that no probation supervision is warranted on the case and makes only a monetary judgment, the Fraud Investigations Unit would then be responsible for collection of the restitution.

Child Care and Medicaid cases in need of collection are collected by the Fraud Investigations Unit, unless there is a corresponding closed TA or SNAP case involving an overpayment. In those instances, the collections are submitted to Fiscal Operations for CAMS entry (if applicable for effected case type) and collections monitoring.

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?

If, at the conclusion of an investigation, an investigator believes the allegation is appropriate for an Administrative Hearing and not for prosecution by the DA, the Fraud investigator submits an evidentiary packet with a request for an administrative hearing to OTDA Office of Administrative Hearings.

The evidentiary packet is assembled according to guidelines delineated in the TA Source Book for each appropriate program type. If an overpayment is also indicated, the establishment and collection of such claim is processed as outlined in the above section.

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, at the conclusion of an investigation, the LDSS believes that there is sufficient evidence to support the prosecution of a particular case or individual, the investigation and evidence is then referred to the WCDPS Detective assigned to the Fraud investigation Unit. The WCDPS Detective reviews the case with the Supervisor and determines whether or not the evidence is present to support the prosecution. If sufficient evidence is not present the detective will then either refer the case back to the Fraud Unit or attempt to procure the evidence that is necessary. If a case is referred back to the Fraud Unit, the investigator in conjunction with the Supervisor will determine the next best course of action. Once all evidence is in place and the case is deemed appropriate for prosecution, the WCDPS Detective meets with the Chief of the Local Courts and Grand Jury Division and submits the case for their evaluation. Once approved by the DA for prosecution, the case is sent to the local ADA in the jurisdiction deemed appropriate by the DA. The ADA then proceeds with either a prosecution or if, in conjunction with the LDSS, it is determined that a Disqualification Consent Agreement (DCA) is the more suitable course, pursues the DCA.

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

It is the DA who would provide notification to the customer pursuant to the regulations and legislation. The Fraud Investigator prepares forms LDSS-4903 and LDSS-4904 and includes them in the record to be submitted to the DA with each prosecution referral. If the DA, in conjunction with the LDSS, feels that a DCA might be more appropriate in a specific case they will send the above noted DCA forms to the recipient. These customers will be notified at least 10 days in advance of the execution of the DCA. Customers willing to enter into this agreement will be required to sign both the Disqualification Consent Agreement (LDSS-4903) and Notice of Consequences of Consenting to a Disqualification Consent Agreement (LDSS-4904). If the customer fails to contact the District Attorney by the date specified, then the DA has the option to proceed with the prosecution.

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

The Assistant District Attorney assigned to prosecute the case notifies the LDSS of the sentencing and indicates that the recipient was advised on the court record of their disqualification.

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

This INTERDEPARTMENTAL AGREEMENT made on the
17th day of January, 2007, by and between
the Westchester County Department of Social Services, (hereinafter
referred to as "DSS"), and the Westchester District Attorney's Office,
(hereinafter referred to as the "District Attorney")

WHEREAS, the Social Services Law of the State of New York requires certain
guidelines be followed for the prosecution welfare fraud cases; and

WHEREAS, in order to implement these guidelines it is necessary for DSS and
the District Attorney to establish a protocol regarding prosecution of welfare fraud cases.

NOW THEREFORE, it is agreed as follows:

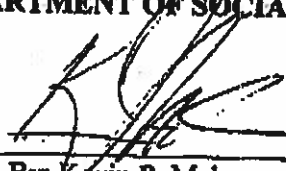
1. The District Attorney will determine on a case by case basis whether to commence a felony prosecution for a welfare fraud case. The Chief of the Local Courts and Grand Jury Division will evaluate the evidence gathered during the investigation with the purpose of determining whether or not there exists legally sufficient evidence to support a conviction on an indictment after trial. The age of the case and the criminal history of the defendant will also be weighed in the determination. In welfare fraud cases wherein the theft of monies provides reasonable cause to believe a felony has been committed, the circumstances as to the valuation of the actual amount of the monies allegedly stolen will be a crucial factor in the decision to commence the prosecution.
2. In accordance with NYCRR §359.4, a DSS customer whose case has been accepted for prosecution may be offered by DSS, in conjunction with the District Attorney, to enter into a Disqualification Consent Agreement in lieu of prosecution. A copy of the Disqualification Consent Agreement, prepared by DSS and provided to the District Attorney, together with notification of the consequences of signing the Disqualification Consent Agreement, must be provided by the District Attorney to the accused individual, and his/her attorney, at least ten (10) days prior to the execution of the Disqualification Consent Agreement. Customers willing to enter into this arrangement will be required to sign a Notice of Consequences of Consenting to a Disqualification Consent Agreement and the Disqualification Consent Agreement. The District Attorney will notify DSS of the outcome.
3. DSS will supply the District Attorney with civil compromise forms noted in number 2 above in the event such forms become necessary.

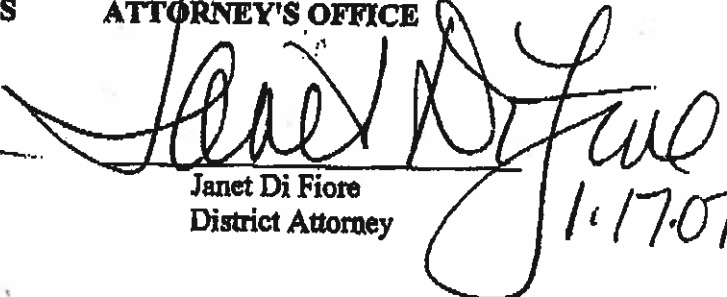


4. If a customer, or member of his/her household, enters a plea of guilty or is convicted of making a false or misleading statement or committing an act intended to mislead, misrepresent, conceal or withhold facts concerning eligibility for Public Assistance and/or Food Stamps Assistance programs, then the customer will be advised on the record of his/her disqualification of welfare benefits. A Statement for the Record advising the individual of the disqualification provisions contained in Section 145-c of the Social Services Law and the Regulations at NYCRR 359.9 and an Order Entering the Statement into the Record will be prepared by the District Attorney.
5. The District Attorney's office will notify DSS, Bureau of Case Review, when the Court has signed the Order entering the Statement into the Record.
6. This Interdepartmental Agreement will remain in effect until terminated. DSS and the District Attorney agree to review this arrangement annually and update the terms hereof as necessary. This Agreement may be terminated, in whole or in part, by either party upon thirty (30) days written notice to the other party.
7. The parties shall perform the duties and responsibilities specified herein, in an accurate and thorough manner, and shall coordinate their efforts in carrying out the terms hereof.

**WESTCHESTER COUNTY
DEPARTMENT OF SOCIAL SERVICES**

**WESTCHESTER DISTRICT
ATTORNEY'S OFFICE**

By: 
By: Kevin P. Mahon
Commissioner


Janet Di Fiore
District Attorney
1.17.07

