

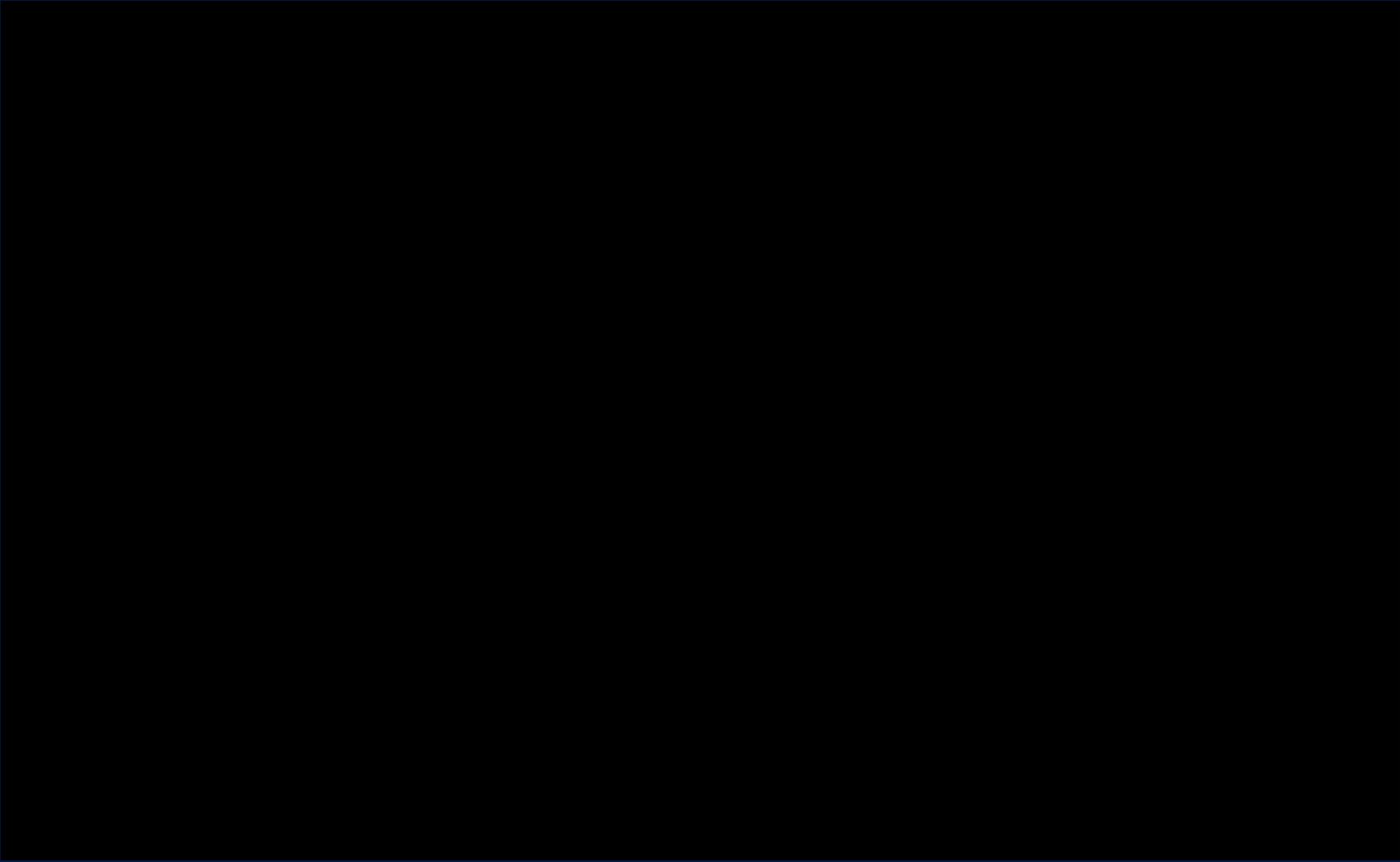


**PAC** Prosecuting  
Attorneys'  
Council of Georgia

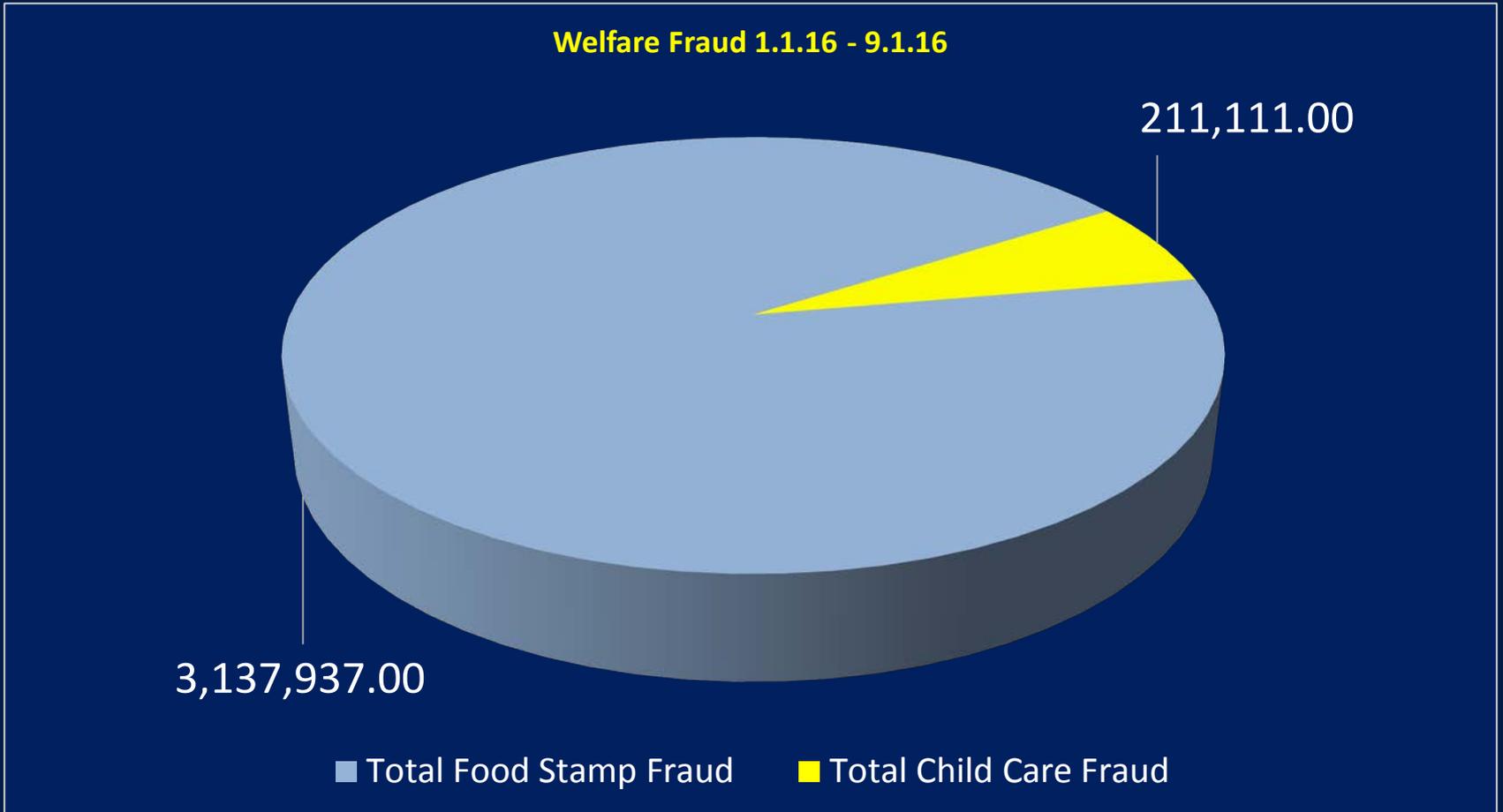
# WELFARE FRAUD PROSECUTION

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Austin Waldo, Prosecuting Attorneys' Council of Georgia



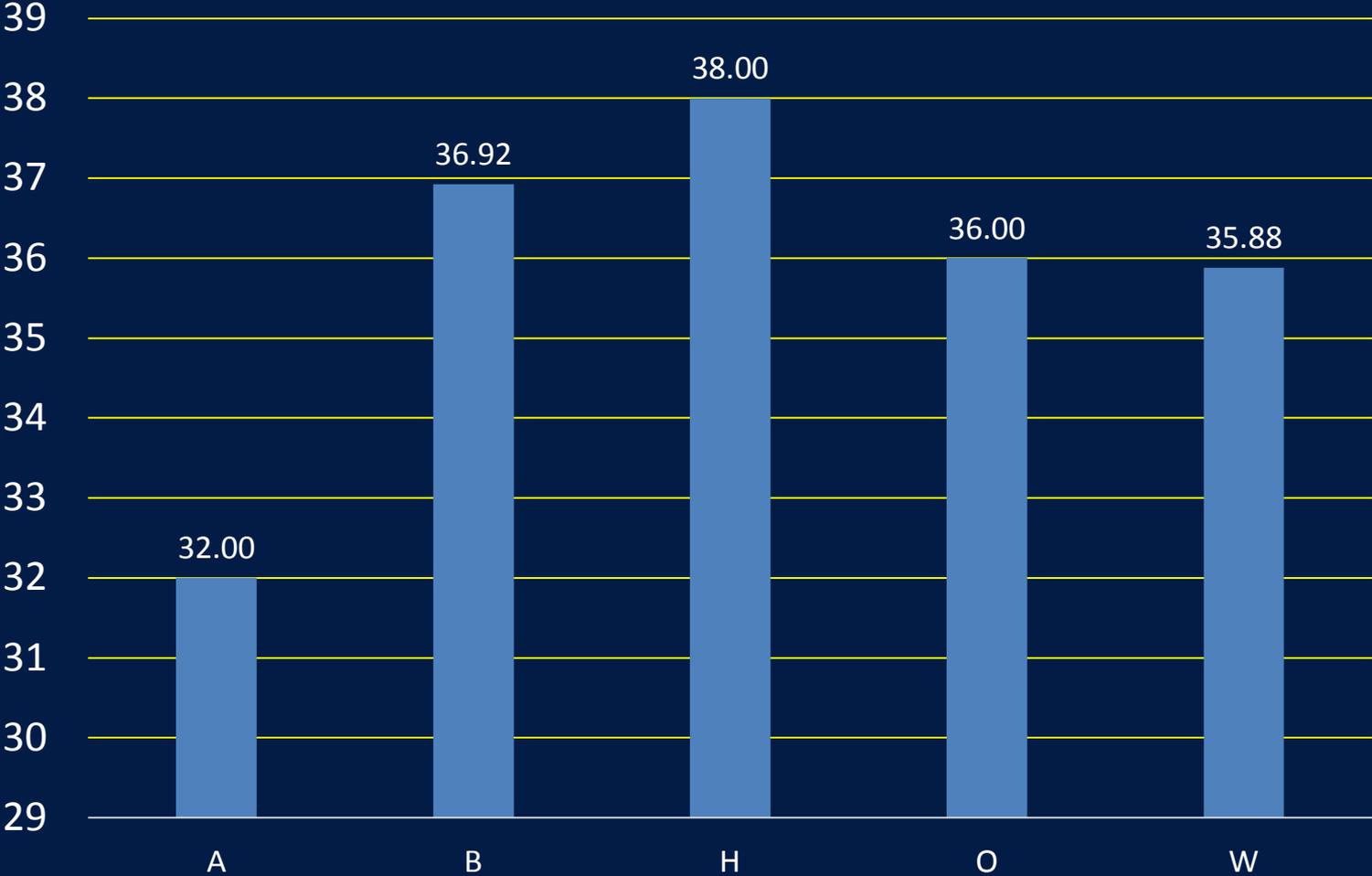
# 2016 Statistics



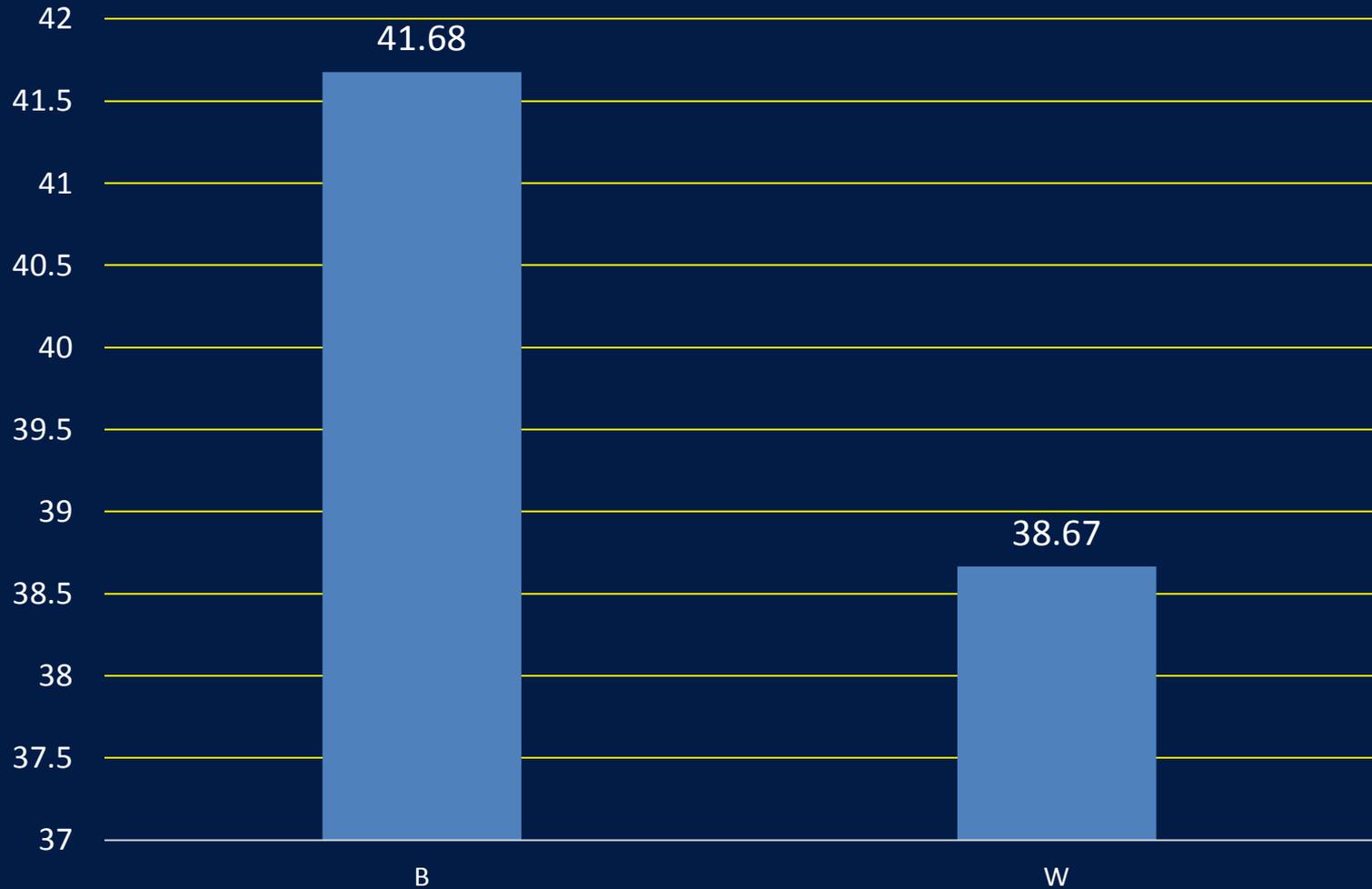
# TOTAL FRAUD

3,349,048.00

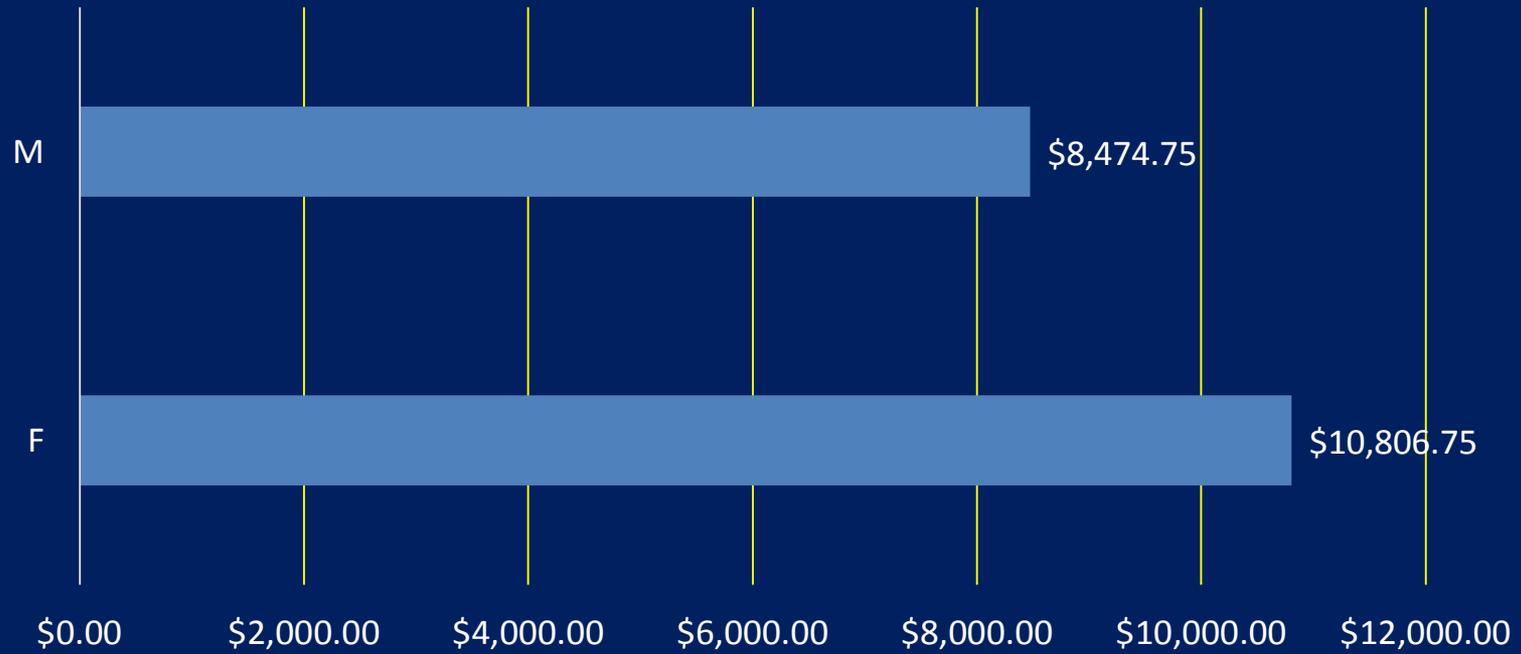
# AVERAGE AGE - FEMALE



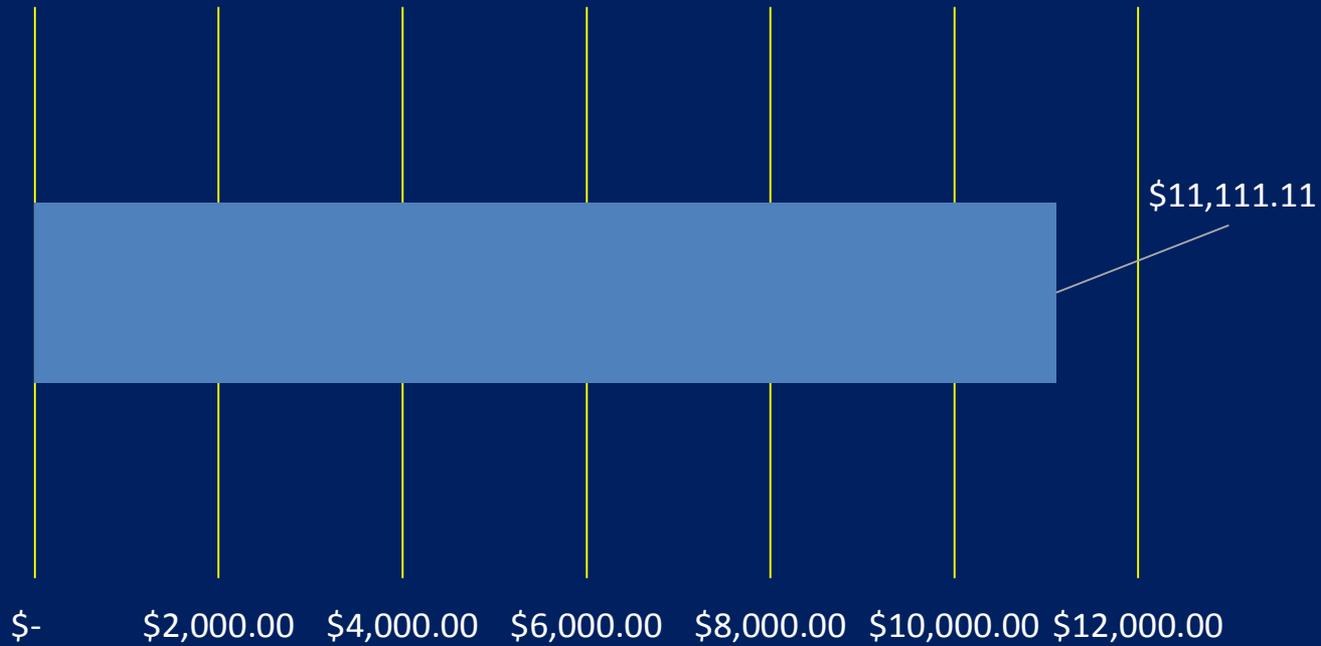
# AVERAGE AGE - MALE



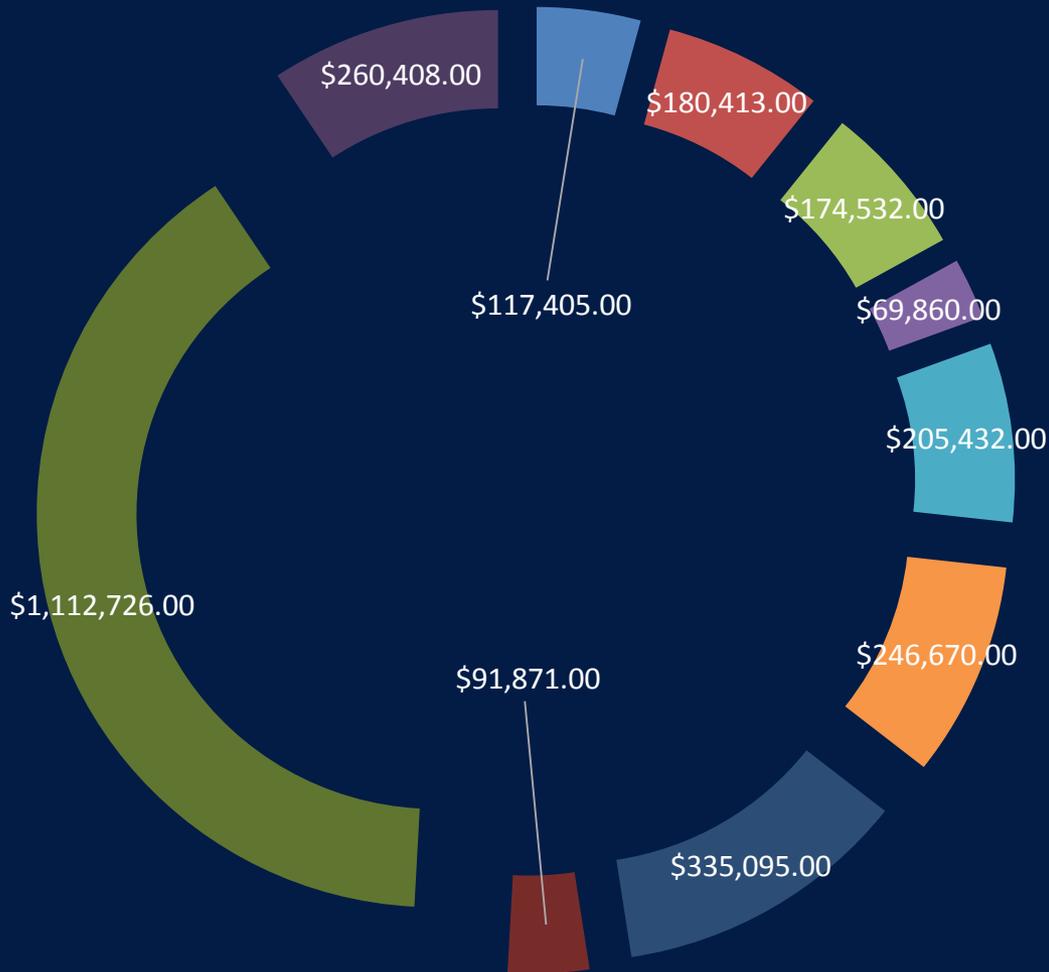
Average Food Stamp Fraud Amount Based on Sex



## Average Child Care Fraud



# MOST COMMON ACCUSATIONS



- Collecting Food Stamps in Another State
- False Statements - Disqualification by Drug Felony
- False Statements - Failure to Report Recipient's Income
- False Statements - Recipient's Address and Out of State EBT Use
- False Statements Regarding Household Composition
- Omission of Income Generating Adult in Recipient's Home and False Statements
- Omission of Income Generating Adult in Recipient's Home and False Statements - (Father of Child)
- Omission of Income Generating Adult in Recipient's Home and False Statements - (Mother of Child)
- Omission of Income Generating Adult in Recipient's Home and False Statements - (Spouse)
- Under Reported Income and False Statements

# Welfare Fraud Prosecution

## The new system

1. DHS investigators develop a case of suspected welfare fraud and forward the file to PAC electronically. The files will contain all of the necessary supporting documents at the time of transmission.
2. PAC makes predicate determination of “fitness for prosecution” and notifies DHS of the decision within 10 days of receipt of the file. If PAC does not recommend prosecution, the case will be routed to OSAH for administrative handling.
3. Once a case is determined to be prosecutable, the file is then electronically forwarded to the appropriate jurisdiction via laserfiche.
4. The local prosecuting authority will handle the file in the usual course of business; all decisions on charges, disposition, negotiations, scheduling etc., will be handled locally.
5. For certain designated actions on a file, the local prosecuting authority will bill DHS through PAC for their services.

# How to Use Tracker for Welfare Fraud Cases



# Designating the file as Welfare Fraud

TRACKER  
PROSECUTING ATTORNEYS' COUNCIL OF GEORGIA

Tasks People Debug Admin

Defendant	DA#	Status	Status Note	Court#	Case Type
(none)		Intake			Unknown

Open a new case

Select a County...  
County Test

Case Status

Status*	Pending Charges	Paper file loc*	Jay Harrell	Opened*	06/09/2015
Status Note	SNAP	Closed/Inactive			

Legal Numbers

OCA#	2014-A-209045	Case Type*	WF: Welfare Fraud	Off. Date 1	
Crimelab#		Program		Off. Date 2	
Court #		Court	Superior	Off. Time	
File #		Judge	Select a Judge...	<input type="checkbox"/> Jail Case?	<input checked="" type="checkbox"/> Searchable?
Forfeiture	Est\$: Actual\$:	Priority	50	<input type="checkbox"/> Demand?	<input type="checkbox"/> Opt In?

Statistics Flags

Drugs?  Gangs?  Violence?  Weapons?  Domestic?  Alcohol?  Theft?  Sex?

Create New Case | Cancel

docket:new

# Adding Relevant Parties

The screenshot displays the TRACKER web application interface for the Prosecuting Attorneys' Council of Georgia. The main header includes the application name and navigation tabs for Tasks, People, Debug, and Admin. The current view shows details for a defendant with the following information:

Defendant	DA#	Status	Status Note	Court#	Case Type
(none)	15TST00002	PndChg	SNAP		Welfare Fraud

Below this, the 'Add Party' form is visible, featuring several input fields and a search button. The 'Case Role' is set to 'Defendant'. The 'Last Name or Company' field contains 'White', and the 'First' field contains a redacted name. The 'Search' button is highlighted with a red box.

The search results section, titled 'Search Results: Add As Defendant', shows a table with one entry:

Info	Name	R/S	DOB	SSN	SID	Address
<a href="#">Add to Case</a>	Close [Redacted] White (Individual)			[Redacted]	X	[Redacted]

Additional details for the search result include SSN, Race, Gender, and History. A 'Cases' table below shows a list of cases:

Role	DA #	Type	Status	Note
Defendant	15ATL00032	Welfare Fraud	Intake	DHS Referral - SNAP

The 'Add to Case' button in the search results is also highlighted with a red box. The 'Back to Case' link is visible on the left side of the interface.

# Adding the Charges to Tracker

The screenshot shows the Tracker web application interface. The browser address bar displays <https://tracker.pacga.org/charges/new/2169205>. The application header includes the Tracker logo and the text "PROSECUTING ATTORNEYS' COUNCIL OF GEORGIA". Navigation tabs for "Tasks", "People", "Debug", and "Admin" are visible.

The main content area displays case information:

Defendant	DA#	Status	Status Note	Court#	Case Type
White	15TST00002	PndChg	SNAP		Welfare Fraud

Below the case information is the "Add New Charge" form:

- Category\*: Referred
- Count\*: 1
- Defendant\*: Defendant: White, [Redacted]
- Warrant Num: [Empty]
- GCIC OTN: [Empty]
- GCIC CTN: [Empty]
- Offense Dates: 1: [Empty] 2: [Empty]
- Note: [Empty]
- Charge: public assistance (highlighted with a red box)

A dropdown menu is open for the Charge field, showing the following options:

- Public Assistance Fraud (O.C.G.A. § 49-4-15) Felony
- Public Assistance Fraud (O.C.G.A. § 49-4-15) Misdemeanor
- Cancel

At the bottom of the form, there are links for "Back to Case" and "Edit Charges". The footer of the application displays "charges:new".

# Adding Events to Tracker

The screenshot displays the Tracker web application interface for the Prosecuting Attorneys' Council of Georgia. The main header includes the application name and navigation links for Tasks, People, Debug, and Admin. The current case information shows Defendant: White, DA#: 15ST00002, Status: PndChg, Status Note: SNAP, Court#: [redacted], and Case Type: Welfare Fraud. A navigation bar contains tabs for Detailed, Calendar, Casefile, Action, Welfare (highlighted with a red box), Civil, Appeal, Quick Add, and Instant Add. Below this, the 'Add A Welfare Fraud Billable Event' form is visible, with a dropdown menu open for 'Event\*'. The dropdown menu lists various event types, with 'Select an Event...' highlighted. The 'Save Event' and 'Cancel' buttons are located below the form fields. At the bottom, an 'Events' table shows '(No Events for this case)'. The browser address bar shows the URL: https://tracker.pacga.org/events/new/2169205.

Tracker  
PROSECUTING ATTORNEYS' COUNCIL OF GEORGIA

Defendant: White, DA#: 15ST00002, Status: PndChg, Status Note: SNAP, Court#: [redacted], Case Type: Welfare Fraud

Welfare

Add A Welfare Fraud Billable Event

Date\*, Event\*, Assigned Staff, Subject Person, Short Note, Event Result, Result Date

Save Event | Cancel

Events

(No Events for this case)

- Select an Event...
- Select an Event...
- Arraignment
- Calendar Call
- DA File Created
- Grand Jury
- Motion Calendar
- Motion Hearing
- Motion/Status Hearing
- Review
- Trial- Bench
- Trial- Jury
- Welfare Fraud- Consent Mtg
- Welfare Fraud- Draft Chgs
- Welfare Fraud- Notice Letters
- Welfare Fraud- Subpoenas

# Actions to be documented in tracker

1. Open file
2. Review file
3. Investigate / Determine charges
4. Prepare accusation
5. Prepare / file discovery
6. Court – arraignment
7. Court – motions hearing
8. Court – trial calendar call
9. Court – pre trial conference
10. Court – trial
11. File Administration – Trial Preparation – Witness Interviews –  
Close File

# Approximate time values for events

- Opening file .25 hours (15 minutes)
- Review file – 2/4 hours
- Investigate charges – varies greatly
- Draft accusation/indictment - .5 hours
- Draft notice letters - .25
- Draft consent agreement - .25
- Present to grand jury - .5
- Arraignment - 1 hour
- Pretrial Conference - .5
- Prepare Discovery - .5
- Motions – 1 hour
- Calendar Call - 1 hour
- Consent agreement meeting - .5
- Trial Prep – 4/6 hours
- Bench Trial – 3/5 hours
- Jury Trial - varies greatly

# After the Case is Opened Tracker



# Diversion

## Consent Agreement

- Primary tool for restitution and judicial economy.
- Incentivizes violators to continue work and provide for dependents without going to trial.
- Flexible payment options available but most payment plans over 5 years while violator(s) suspended by the program.
- Prosecutor funds – vital expenditure support. (see PAC policies and procedures 4.5)

# Diversion

- Use the notice letters to set up the meeting with the *individual* respondent(s).
- You may use the DHS investigator to help with filling out the agreement.
- The DHS investigator's participation in the meeting should be minimal.
- At the meeting, discuss the consent agreement with the respondent.
- Do not coerce the respondent into signing the agreement.
- If the consent agreement is signed, you can close the case with a court order.
- You must discuss disqualification.
- If the consent agreement is not signed, you may proceed with an accusation.

# Do Not Coerce into Signing

Want today's wifi password?

1. Make your beds

2. Vacuum downstairs

3. Walk the dog



# Do Not Use Threats



# Signed Agreement Steps

- Have a Judge sign the Court Order.
- Have the clerk assign a case number.
- Mark the agreement and the order as “consent agreement not a criminal charge.”
- File agreement and the order.
- Email copies of the filed documents to:  
MetroATL@dhs.ga.gov

# Prosecution

- O.C.G.A. 49-4-15(e)(4)
- Charges may be brought by accusation. O.C.G.A. 49-4-15(d)
- You must get an arrest warrant for the individual.
- If you proceed by accusation, you must have an affidavit to secure the warrant.
- Welfare fraud cases follow your circuit's normal case route.
- All case events must be put into tracker.
- Restitution **MUST** be a part of any disposition.
- Consent Agreements may be used even after the accusation.

# How Do You Get Paid

- PAC runs a tracker report each month.
- All events for the month are given time values.
- \$52.50 per hour for time spent on the case.

# Fraud Fund Expenditures

PAC policies and procedures 4.5

## Approved Purchases

- Office Equipment
- Automobiles (any vehicle related expenditure)
- Travel in furtherance of prosecution
- Training (any related expenditure)

**YOU MUST KEEP THE RECEIPTS**

# Fraud Fund Expenditures

PAC policies and procedures 4.5

Inappropriate Expenditures

- Salaries
- Alcoholic Beverages
- Items Specifically Prohibited by DHS Contract
- Donations or Contributions for political or charitable purposes

# Welfare Fraud Prosecution

## QUESTIONS?

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